

Settler-state ambitions and bureaucratic ritual at the frontiers of the labour market: Indigenous Australians and remote employment services 2011–2017

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Declaration

This thesis contains no material which has been accepted for the award of any other degree or diploma in any university. To the best of the author's knowledge, it contains no material previously published or written by another person, except where due reference is made in the text.

A handwritten signature in dark ink, appearing to read 'Lisa Fowkes', is centered within a faint, light-colored rectangular box.

Lisa Fowkes

June 2018

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Abstract

This thesis explores how policy is enacted – in this case, the Australian Government's labour market program for remote unemployed people, initially known as the Remote Jobs and Communities Program (RJCP) and then the Community Development Programme (CDP). It outlines the development and delivery of the program from 2011, when the then Labor Government identified the need for a specific remote employment program, placing the employment participation of remote Indigenous people (who made up over 80% of the remote unemployed) at centre stage. It examines the changes that occurred to the program following the 2013 election of a Coalition Government, including the introduction of 'continuous' Work for the Dole.

The focus of the thesis is on how patterns of practice have emerged in these programs, in particular: how providers have responded; how frontline workers navigate their roles; and how 'Work for the Dole' actually operates. What emerges is a gulf between bureaucratic and political ambitions for these programs and the ways in which participants and frontline workers view and enact them. This is more than a problem of poor implementation or the subversions of street-level bureaucrats and clients. There is evidence of a more fundamental failure of technologies of settler-state government as they are applied to remote Indigenous peoples. On the remote, intercultural frontiers of the labour market, the limits of centralised attempts at 'reform' become clear. Practices intended to tutor Indigenous people in the ways of the labour market are emptied of meaning. The Indigenous people who are the targets of governing efforts fail to conform with desired behaviours of 'self-governing' citizens, even in the face of escalating penalties. As a result, government ambitions to transform the behaviours and subjectivities of Indigenous people are reduced to bureaucratic rituals, represented in numbers and graphs on computer screens in Canberra.

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Abbreviations and acronyms

ACTU	Australian Council of Trade Unions
AEDP	Aboriginal Employment Development Policy
ANAO	Australian National Audit Office
APONT	Aboriginal Peak Organisations of the Northern Territory
ATSIC	Aboriginal and Torres Strait Islander Commission
CAEPR	Centre for Aboriginal Economic Policy Research, Australian National University
CAP	Community Action Plan
CCA	Comprehensive Compliance Assessment
CDEP	Community Development Employment Projects
CDF	Community Development Fund
CDP	Community Development Programme
DAA	Commonwealth Department of Aboriginal Affairs
DoE	Commonwealth Department of Employment
DEEWR	Commonwealth Department of Education, Employment and Workplace Relations
DHS	Commonwealth Department of Human Services (also known as Centrelink)
DSS	Commonwealth Department of Social Security (to 1998)/Department of Social Services (from 2013)
EOI	Expression of Interest
ESAt	Employment Services Assessment
ESS	IT system used by employment services providers
FaHCSIA	Commonwealth Department of Families, Housing, Community Services and Indigenous Affairs
IEP	Indigenous Employment Program
JSA	Job Services Australia
JSCI	Job Seeker Classification Instrument
KPI	Key Performance Indicator
NESA	National Employment Services Association
NPM	New Public Management
NTER	Northern Territory Emergency Response (or NT Intervention)
PM&C	Commonwealth Department of Prime Minister and Cabinet
PMF	Programme Management Framework
PPR	Provider Performance Review
PPS	Post placement support
RAE	Remote Area Exemption
RJCP	Remote Jobs and Communities Program(me)
TAFE	(Institute of) Technical and Further Education
WDS	Workforce Development Strategy

Chapter 1

Research problem, Relevant Literature and Approach

In July 2013 Australia's Commonwealth Government established a new labour market program for the remote parts of the country. This was not the first time a specific employment program had been established for remote areas, but it was the most far-reaching and comprehensive. It brought a series of welfare state adaptations to the circumstances of remote living Indigenous people – including the long running Community Development Employment Projects (CDEP) scheme – to an end. From 1 July 2013, all unemployment benefit recipients in remote areas, over 80% of whom were Indigenous Australians, were included in a single 'activation' based employment scheme under the continuous surveillance of service providers and, through them, government officials.

This thesis describes and analyses the processes of designing and delivering these remote employment services. It traces the competing ideas and interests that accompanied the design of what was initially the Remote Jobs and Communities Program (RJCP), later re-designed and renamed to become the Community Development Program (CDP). It uses surveys, interviews, observations, and program material to describe how the program operated on a day to day basis – how it was experienced by managers and frontline workers in organisations that delivered it, and by those who were its intended targets. Its purpose is to document and analyse the unfolding of the program, and, in doing so, to uncover the ways in which the program structured relations between the Indigenous people who were its intended targets and the settler-state.

Some of this story is familiar. The remote program marked, in many respects, the extension of activation strategies already well established across the country to those few thousand people in remote areas who had so far escaped their rigours. There is an extensive existing literature which analyses these strategies and their effects. As this thesis will show, deployment of these strategies in remote communities intensifies some of these effects. Lack of jobs in many remote areas means that, more than elsewhere, 'employment assistance' becomes focussed on the attitudes and behaviour of the unemployed, rather their access to work (Dean 1998). Lack of services and skills in remote communities exacerbate already existing tendencies to standardisation, and the provision of superficial assistance (Considine et al 2015).

But the decision to separate remote employment services from the ‘mainstream’ systems of labour market assistance also changed the character of the policy ‘project’. Indigenous people made up over 80% of the target group in the new scheme. Many lived in discrete Indigenous communities on or near their traditional lands. In the new remote employment program, the question of by whom, in what way and to what end Indigenous peoples should be governed became central. Remote employment services sat, not just at the frontiers of the labour market, but at an intercultural frontier at which the legitimacy of the government’s insistence on paid employment as a critical obligation of citizenship was contested. In this way, the story of remote employment services is different from other accounts of ‘welfare-to-work’ in Australia. It highlights the cultural specificity of the moral imperative to work, and the limits of settler-state power over the behaviour and dispositions of Indigenous people.

This introductory chapter sets the scene for the thesis’ exploration of the development and practices of remote employment services. It starts with a brief statement about the use of key terms and some contextual information about the circumstances of remote-living Australian Indigenous peoples – the latter intended particularly for readers unfamiliar with the Australian context. This overview is followed by a summary of two relevant bodies of Australian research: the first, about the design and operation of Australian employment services; the second about the Indigenous employment scheme, CDEP, which – because of its institutional significance in remote communities –informed both the development and the delivery of the new remote program. This is followed by a brief description of the ideas of ‘neoliberal governmentalities’ and their link to paternalism, which are recurring themes in the thesis. The chapter goes on to describe the central questions addressed in the thesis, the analytical approach, the research design and methods used, and the thesis structure.

Area and peoples covered by remote employment services

Indigeneity

For the most part, this thesis refers to people as Indigenous or non-Indigenous. For most statistical purposes, including in employment services data, Indigeneity in Australia is based on voluntary self-identification¹. This simple Indigenous/non-Indigenous binary says little about the

¹ The Commonwealth Government applies the following definition: 'An Aboriginal or Torres Strait Islander is a person of Aboriginal and Torres Strait Islander descent who identifies as an Aboriginal or Torres Strait Islander and is accepted as such by the community in which he or she lives'.

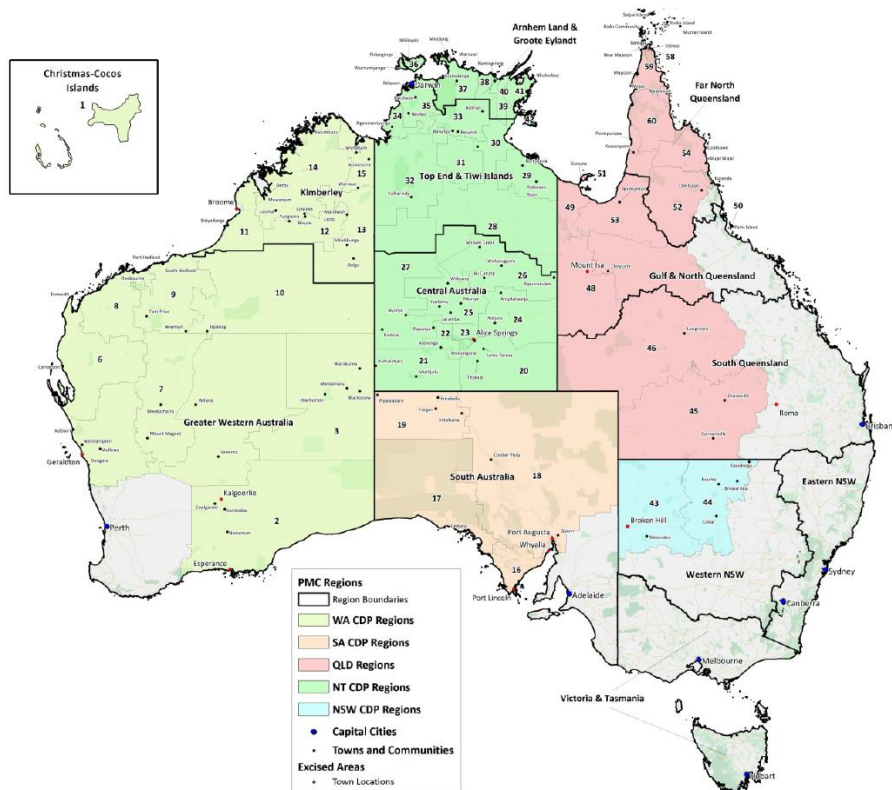
identities of people within these groups. There were more than 250 Aboriginal language groups across the Australian continent at the time of European settlement, constituting around 500 individual 'nations', along with Torres Strait Islander people who have their own distinct history, languages and culture (Walter & Anderson 2013, p.38). Many people identify themselves as part of a nation, a language or cultural group rather than as 'Indigenous' (refer Appendix A for map of Indigenous Australia). Indigenous (and non-Indigenous) identities have also been radically affected by processes of dispossession, child removal and/or adoption and intermarriage. Despite the problems in the use of 'Indigeneity' as a way of describing diverse people and 'peoples', the recognition of the ongoing importance of Indigenous collective identities, the shared experience of colonisation, and the evidence of colonisation's continuing effects in the measures of 'Indigenous' and 'non-Indigenous' wellbeing mean that Indigeneity remains an important idea in the consideration of social processes and political relations (Rowse 2012). Similarly, while 'non-Indigenous' Australians have a range of individual and group identities, including non-white identities, the idea of non-Indigenous or 'white' Australia recognises the Western European origins of Australia's dominant institutional structures and the continuing relevance of colonisation to relations between the settler-state and Indigenous peoples.

Remoteness

The remote employment services considered here operated across areas of Australia classified as 'remote' or 'very remote' by the Australian Bureau of Statistics (ABS) with some larger centres excised (e.g. Mt Isa, Broome), and including some adjacent areas classified as 'outer regional'. A map of the service area of the remote program is shown at Figure 1, while Figure 2 maps ABS remoteness areas. The ABS classification of the remoteness is based on the relative difficulty for people in those areas in accessing services, measured using distance by road to service centres². By definition, the areas covered by the remote employment program were distant from many services and from larger labour markets. The program extended across approximately three quarters of Australia's landmass, but included less than 5% of its unemployed population.

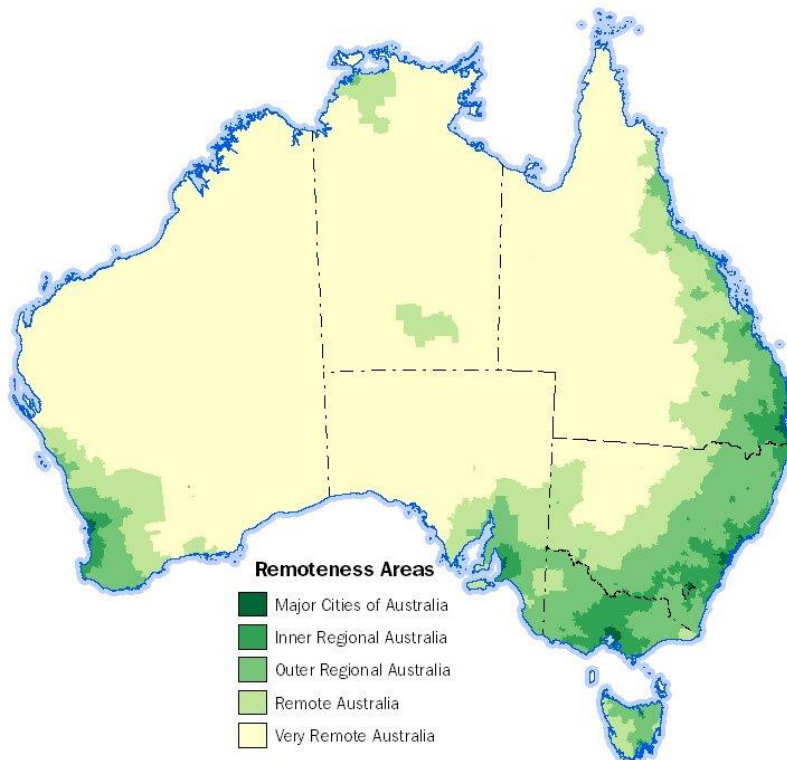
² For further information see Department of Health 2011, *Accessibility Remoteness Index of Australia (ARIA) Review Analysis of Areas of Concern—Final Report*.

Figure 1: Map of remote employment service coverage area



Source: www.pmc.gov.au. Note that RJCP and CDP had identical coverage. Within the service areas some larger towns (e.g. Mt Isa, Broome, Kalgoorlie) were excised and serviced under the mainstream employment service.

Figure 2 Remoteness area boundaries used by Australian Bureau of Statistics



Source: ABS 2016 Australian Statistical Geography Standard: Remoteness Structure, Remoteness Area Boundaries.

Indicators of the distinctiveness of remote, Indigenous Australia

According to the 2016 Census, around 2% of Australians live in ‘remote’ or ‘very remote’ (hereafter ‘remote’) areas³. Australia is one of the most urbanised countries in the world. However nearly one fifth of Australia’s Indigenous population (18.7%) live in remote areas. They make up 28% of the remote population, compared with around 3.3% nationally (Markham & Biddle 2017).

The vast majority of those identified as ‘unemployed’ in remote areas are Indigenous identified⁴. In 2016 the employment rate of Indigenous people in remote areas between the ages of 15 and 64 was 35.2% compared with a remote non-Indigenous employment rate of 81.2% (Venn & Biddle 2018)⁵. In September 2017 82.5% of the 32,629 people in remote employment services were identified as Indigenous, compared with around 11% of those in employment services nationally (PM&C 2018). Indigenous participants in the remote program represented around 28% of all Indigenous employment services participants (Forrest 2014, p.150). While the employment ‘gap’ reduced slightly in non-remote areas between 2011 and 2016, in remote areas it widened (Venn & Biddle 2018).

Low rates of employment and lower wage rates have contributed to a high rate of poverty amongst Indigenous households, at 31% nationally, and 54% in very remote communities⁶ (Markham & Biddle 2018). Poverty is one of a number of factors that contribute to Indigenous people experiencing, overall, poorer rates of health and higher rates of disability (AIHW 2018). The life expectancy of Indigenous Australians is around 10 years shorter than that of non-Indigenous Australians (AIHW 2018). Despite this, Indigenous people in remote employment services were less likely than their non-Indigenous counterparts to be recognised by the body that administers income support (Department of Human Services) as having a reduced capacity

³ ABS 3218.0 Regional Population Growth, Australia, 2016.

⁴ According to both the ABS definition of unemployment and the enumeration of those in receipt of unemployment payments.

⁵ The comparison rate of non-Indigenous employment nationally was 71.5% (Venn personal communication).

⁶ Poverty rate before housing costs, using a poverty line of 50% of median income.

to work⁷. Unemployed remote Indigenous residents have found it difficult to access to the more generous, and less onerous, Disability Support Pension⁸ (Commonwealth Ombudsman 2016).

It is worth noting that there is a significant group of Indigenous people, particularly in remote areas, who report that they are not in work or study but receive no income support (Markham & Biddle 2017, p.7). Those Indigenous Australians in remote areas who do access income support are much more likely than others to be subject to ‘income management’— that is, to be subject to restrictions on the use of their benefits and the amount available in cash. In 2017, 11,533 (35.2%) of participants in the remote employment program were subject to these restrictions, accounting for around 40% of those subject to income management nationally ⁹(PM&C 2018). The history of Indigenous people’s access to unemployment assistance is explored further in Chapter 2.

Indigenous land was taken by force, and without a treaty. However, ties to land and culture remain strong. In 1992 the High Court recognised that pre-colonial native title rights had not been entirely extinguished, which eventually led to the passage of national native title legislation. Indigenous land ownership has now been recognised across substantial areas of remote Australia (Altman et al. 2015)(see also Figure 61 at p. 314). In 2014-15, 89% of remote Indigenous Australians surveyed recognised a specific area as homelands or traditional country ¹⁰. Eighty two percent (82%) reported having been involved in Indigenous cultural events, ceremonies or organisations in the last 12 months. Seventy six percent (76%) spoke an Indigenous language.

The strength of family and kinship connections also emerges in survey research¹¹. In 2014–15, 60% of Aboriginal and Torres Strait Islander people aged 15 years or older in remote areas were

⁷ Lower rates compared to non-Indigenous counterparts both within the remote scheme and non-Indigenous people nationally. Researcher’s calculations from data provided by the Department of Social Services extracted 31 March 2017.

⁸ The Disability Support Pension is paid to those who have a permanent condition that stops them from working. It is subject to less stringent activity testing and is paid at a higher rate than unemployment benefits.

⁹ The DSS ‘Cashless Debit Card and Income Management Summary 25 August 2017’ identifies 27,123 people as subject to income management of the Cashless Debit Card nationally at that date.

¹⁰ ABS 4714.0 – National Aboriginal and Torres Strait Islander Social Survey (NATSISS), 2014-15.

¹¹ However note Morphy 2016 on limitations of much of this research.

providing support to relatives living outside their household¹². Types of support included providing money to help pay rent/bond or other household costs, lending a car, or providing clothes. 92% of remote Indigenous Australians reported that they could get support from outside their household in a time of crisis. Nearly 90% reported that they had daily or weekly face-to-face contact with family or friends outside the household compared with 76% reporting this contact across the general population¹³.

While there are a number of peak Indigenous bodies, since 2005 there has been no national elected representative body for Indigenous people. A series of regional meetings, culminating in the First Nations National Constitutional Convention at Uluru in 2017, has given rise to a demand for the establishment of a First Nations voice to Parliament, enshrined in the Constitution.

Key literature – Employment services and ‘activation’ in Australia

Australian employment services as an example of New Public Management

From the mid-1990s most OECD countries moved away from ‘passive’ provision of unemployment assistance in which relatively few conditions were attached to the receipt of payments, to ‘active’ labour market programs (Peck 2001; Handler 2005; Considine 2001). The latter involved both intensification and more rigorous enforcement of job-search requirements, and the extension of benefit conditionality to include participation in programs of ‘self-improvement’. Public employment services, in turn, were required to take a more active role in moving people from ‘welfare’ to work (Considine et al. 2015; Henman & Fenger 2006; Soss, Fording & Schram 2011a).

The Australian Government not only moved early to adopt an ‘activation’ approach but was a world leader, particularly in the reform of its public employment services (OECD 2001, p.14). In 1998 Australia became the first OECD country to fully privatise its public employment services, establishing a ‘quasi-market’ in which non-profits and private organisations competed for delivery contracts and for market share¹⁴. The resulting Job Network was described as a

¹² Ibid.

¹³ Ibid, compared with ABS 4159.0 – General social survey, 2014.

¹⁴ Initially the market also included a publicly owned enterprise (Employment National). This became defunct in 2003.

‘textbook example’ of New Public Management (NPM) (Ramia & Carney 2003) – reforms involving ‘the use of the economic market as a model for political and administrative relationships’, framing relationships between (variously) politicians and public servants, policy makers and implementers, service users and providers, as a series of contracts (Kaboolian 1998). Proponents of New Public Management set out to replace traditional rules and rights-based bureaucratic administration with practices ostensibly based on business and market principles. In 2011, when the review of remote employment services was announced, Job Services Australia (JSA) was the most recent iteration of Australia’s ‘universal’ employment program.

For more than twenty years, Mark Considine along with his co-researchers (notably Lewis, O’Sullivan, Nguyen) have documented the promises and practices of NPM-based reforms to Australian employment services (Considine 2001; Considine et al. 2011; Considine et al. 2015). The early promise of the reformers was that the establishment of a quasi-market for employment services would lead to more flexible and efficient services, replacing the bureaucratic standardisation and inefficiency of public service delivery. By specifying and rewarding desired outcomes but allowing organisations flexibility in how these outcomes were achieved, successive governments sought to harness the entrepreneurialism of the private and non-profit sectors and of their workers. Contracted providers were expected to use their flexibility to tailor services to the particular needs of individual clients and to the opportunities available through local employment networks (Considine 2001).

Considine et al. used large-scale surveys of frontline workers in 1996–8, 2008, 2012 and 2016 to examine the extent to which this promised flexibility, innovation and efficiency had been delivered (Considine 2001; Considine et al. 2011; Considine & Lewis 2010; Considine et al. 2015; Lewis et al. 2016). They found that after twenty years of ‘reform’ the routinisation of frontline work had increased, and differences between non-profit and for-profit delivery strategies had declined (Considine et al. 2011; Considine et al. 2015). In 2011 they reported that:

[w]hat this natural experiment in radical system change has shown is that the contracting-out of social services does not produce a new industry of service innovators with new approaches to working with clients, but a ‘herd’ of profit maximisers who are highly responsive to threats to their viability and who embrace standardisation of services as a way to minimise risks. (Considine et al. 2011, p.826)

For Considine and his co-authors ‘herding’ was a consequence of government failure to find a regulatory regime that balanced the need to ensure adequacy of services to all clients, including

those most difficult to get into work, against the freedom required if the entrepreneurialism of contracted providers was to be harnessed (Considine et al. 2011, p.830). As governments vacillated between allowing greater provider flexibility and restricting practices considered undesirable (like ‘parking’ difficult-to-place clients), providers sought to protect their positions by adopting more conservative and more routinised approaches.

Despite this standardisation, Australia’s privatised employment services have often been described as working well for most unemployed people and are inexpensive by comparison with other OECD countries (Davidson & Whiteford 2012; OECD 2012; Considine et al. 2011; Considine et al. 2015). But many argue that the services have failed the most disadvantaged (Borland et al. 2016; Davidson 2011; OECD 2017). Despite continual re-workings of program mechanics, this problem has not been resolved. According to Considine et al.:

Neither [the Department or the industry] could imagine a system in which significantly better outcomes for the most disadvantaged could be achieved, short of a root-and-branch rebuilding of the system that none of them was willing to contemplate, especially while the performance of the system for the rest of the client pool was seen to be more efficient. (Considine et al. 2015, p.68)

Non-profits as employment service providers

Several researchers have written about the impact of the involvement of ‘for purpose’ organisations within a privatised system which appears to be failing their core constituencies (Considine et al. 2014a; Gallet 2014; Nevile & Lohmann 2011; Marsh & Spies-Butcher 2009; Ramia & Carney 2003; Eardley 2002; Abelló & MacDonald 2002). In Australia, while non-profit organisations continue to deliver around half of all employment services contracts, the government purchaser places no particular value on their ownership structure or social purpose (Considine et al. 2014a, p.172). Contracting arrangements are designed on the basis that, regardless of their social objectives, organisations respond to financial incentives so that each organisation acts, and is rewarded for acting, ‘for profit’. The documented effects of employment services contracting arrangements on non-profits have included: reduced collaboration and sharing of ‘good practice’ (Abelló & MacDonald 2002; Nevile & Lohmann 2011; Marsh & Spies-Butcher 2009; Eardley 2002); reduced capacity or willingness to engage in advocacy (Abelló & MacDonald 2002; Sidoti 2009; Ramia & Carney 2003; Eardley 2002; Fowkes 2009); and increasing tensions between the demands of what Gallet has called a ‘pervasive contracting environment’ and organisational values and objectives (Abelló & MacDonald 2002; Nevile &

Lohmann 2011; Ramia & Carney 2003; Gallet 2014). The structures through which organisations govern themselves have also been affected – for example in the adoption of corporate language and strategies (Ramia & Carney 2003), changed recruitment practices and increased ‘professionalisation’ of non-profit boards (Considine et al. 2014a).

Case management

The role of employment ‘case managers’ is central to the tailoring of individualised ‘treatments’ for unemployed clients and in ensuring that consequences flow to those who avoid their obligations (McDonald & Marston 2005; Considine 2001). Case management has been characterised as a ‘people changing technology’ (Hasenfeld 2000) in which case managers are asked to bring about a transformation of unemployed people into employable and employment-seeking citizens, enlisting the unemployed themselves in this endeavour (Marston et al. 2005). This is, as Hasenfeld argues, ‘moral work’:

That is, every action taken on behalf of clients not only represents some form of concrete service, such as counseling a family or determining eligibility for welfare, but also confers a moral judgment about their social worth, the causation of their predicament, and the desired outcome. (Hasenfeld 2000, p.329)

McDonald and Marston conducted a number of studies examining the attitudes and practices of case managers undertaking this frontline work (McDonald & Marston 2008; McDonald & Marston 2006; Marston & McDonald 2006; McDonald & Marston 2005; Marston et al. 2005). While there were exceptions, they found that the moral judgments applied by case managers tended to reflect political narratives that framed unemployment as a personal failing (McDonald & Marston 2008, p.318). In one study, McDonald and Marston contrasted these views with those of social workers, who were more likely to ascribe unemployment to structural factors and to identify ‘strengths based’ approaches to case management (McDonald & Marston 2008). Social workers drew on the authority and knowledge of their profession to resist paternalist narratives, while case managers claimed their authority to act on clients through an ‘alliance’ with expertise (e.g. psychological theories) and their own life experience (or ‘common sense’) (McDonald & Marston 2005, p.383)¹⁵.

¹⁵ Over time the education level of employment services case managers has declined, and is now poor relative to the population overall (Considine, M. et al., 2015. p61, note also Giuliani 2013).

Elsewhere, Considine et al. note that since the privatisation of employment services there has been a decline in the experience and qualification of case managers, so that there appears to be less scope for professionally informed understandings of unemployed clients (Considine et al. 2015, p.62; Giuliani 2013). While the role of case managers is often framed as one of care and support, McDonald and Marston reported that:

... there is widespread, and for the most part unquestioned, willingness on the part of case managers to engage in coercive and stigmatising interventions. (McDonald & Marston 2008, p.324)

Construction of unemployed individuals

Activation strategies are not only individualised in the sense that they involve individualised ‘treatments’, but in their construction of unemployment as a problem of and for individuals (Considine 2001; Harris 2001; Dean 1998). Dean and others have argued that, under contemporary active labour market programs, it is the disposition of the unemployed – their capacity for self-discipline and self-improvement – that becomes the ‘problem’ for policy action (McDonald & Marston 2005; Dean 1998; Bacchi 2009). Dean argued that, with ‘activation’:

... labour market’ and ‘income support’ policies and practices began to take a form that was relatively independent of goals such as the provision of income security or facilitating entry into the labour market. They came to be concerned with the formation and reformation of the capacities and attributes of the unemployed citizen. (Dean 1998, p.92)

Several studies have reported that many unemployed people accept this framing of their position (Murphy et al. 2011; McDonald & Marston 2005). For example McDonald and Marston reported that unemployed people spoke of ‘recognising’ the personal characteristics that might be holding them back, being ‘realistic’ and having ‘insight’ into the types of jobs they might aspire to, and persevering in the face of continual rejection (McDonald & Marston 2005). But employment services were often experienced by the long-term unemployed as impersonal and coercive – as ‘going through the motions’ and a waste of time (Marston & McDonald 2008; Murphy et al. 2011). McDonald and Marston highlighted the sense of loss of control, anger and resentment of their interviewees over the conditions imposed on them and the potential health impacts of application of sanctions to pressure people into activities considered to have little value. If the government desires, through its actions, to create motivated, self-reliant citizens, then McDonald and Marston suggested that the ‘the government’s approach... seemed to be doing more harm

than good in terms of the very psychological state that it wishes to induce' (Marston & McDonald 2008, p.267).

Dean has also highlighted the importance of classification of sub-groups of unemployed people in attempt to reconcile liberal ideas of 'autonomy and freedom' with the application of illiberal approaches (Dean 2002). Some of the unemployed are constructed as 'job ready' – as 'temporarily inconvenienced by the lack of a job'. This group may be expected to take charge of their own progress into work, may be relied on to make responsible market choices – including as consumers of employment services (Dean 2002, p.46). Others, like the long-term unemployed, are assessed as at high risk of welfare dependency, require a more directive approach. Continual surveillance, Work for the Dole and other more intensive measures:

are deemed necessary to render the individual autonomous, i.e. as manifesting the sturdy independence and good character of those who prefer paid employment to welfare benefits as a source of their livelihood. (Dean 2002 p.47).

The identification of those to whom different governing techniques should apply is informed by human sciences and manifested in actuarial techniques designed to predict risk of long-term unemployment (Dean 2002; McDonald, Marston & Buckley 2003). Rather than particularly 'risky' populations constituting an exception, Dean suggests that:

the liberal norm of the autonomous individual is a figure carved out of the substantive forms of life that are known only through these exceptions, e.g. insufficient education, poor character, welfare dependency, statelessness, underdeveloped human capital, absence of spirit of improvement, lack of social capital, etc. (Dean 2002 p.49)

Categories are fluid and changing, and the exceptions to those considered fully capable of exercising freedom are, he argues, such as to warrant 'authoritarian ...government in a wide variety of instances' (Dean 2002 p.56).

Work for the Dole

One of these more coercive governing strategies is 'Work for the Dole' – the requirement that some groups of unemployed people engage in a prescribed number of hours of mandatory 'activity' – usually on community projects. The Work for the Dole scheme was controversial from its inception in 1997, largely because of the negative judgement of the unemployed evoked by its title and its initial framing, not as an employment program, but as a means by which the

unemployed could ‘give something back’ (Commonwealth of Australia, 1997). Academic discussion around the Work for the Dole scheme has centred on the entangled objectives of the program and its outcomes for those who are required to participate in it. In 2003 Nevile and Nevile were positive about the contribution of Work for the Dole to employment prospects and to community projects (Nevile & Nevile 2003). Relying on government evaluations, they argued that it had been successful in improving employability and job outcomes for some people because of the work experience that it offered (Nevile & Nevile 2003, p.157). However, they also noted that the informal objective of the scheme – assuring taxpayers that the unemployed were ‘doing something’ in return for income support – undermined the program’s success, reinforcing negative stereotypes of the unemployed, thereby reducing participants’ ‘self-esteem, motivation and pride in their work’ (Nevile & Nevile 2003 p.129). Borland and Tseng later cast doubt on Nevile and Nevile’s conclusion that Work for the Dole improved employment outcomes (Borland & Tseng 2011). While the program appears to reduce benefit claiming through ‘compliance’ and ‘reporting’ effects¹⁶, its value in actually improving employment outcomes is disputed (Davidson & Whiteford 2012, Davidson 2015, Kellard et al.2015).

Warburton and Smith examined the argument that Work for the Dole promotes the development of young people into ‘active citizens’ (Warburton & Smith 2003). Participants in their study saw compulsory Work for the Dole activity as quite different from voluntary work which was freely chosen. Very few felt that they benefited from Work for the Dole personally, nor did they see it as improving their work skills or employment prospects. The study suggested that forcing people to contribute to society may, in fact, weaken their commitment in future (Warburton & Smith 2003, p.784).

Bessant placed the Coalition’s adoption of Work for the Dole for young people within the context of its broader labour market deregulation agenda (Bessant 2000)¹⁷. She argued that it undermined young people’s employment rights both directly through requiring unpaid work within the program, and indirectly by reducing their ability to bargain with employers (note also Peck & Theodore 2000). For Bessant, the labelling of work done in ‘work for the dole’ as ‘non-work’ stripped young workers of both substantive rights normally held by workers and the social

¹⁶ A compliance effect occurs where a person leaves benefits to avoid participation, a reporting effect where a person starts to report income that had not been reported, thereby avoiding or reducing obligations.

¹⁷ At the time the scheme only applied to young people. It was later extended to older age groups.

benefits of being seen to be a worker. Rather than a policy of reciprocity, she argued that it diminished the rights and agency of those targeted.

Indigenous people and employment services

Despite substantial academic interest in Australian employment services, their implications for and impact on Indigenous people have received almost no attention. Where Indigeneity has been considered by researchers at all, it is as a characteristic associated with ‘disadvantage’ or risk of unemployment (Alford & Gullo 2000; McDonald et al. 2003; Davidson 2011; Borland et al. 2016). Most specific information about Indigenous engagement in employment services comes from the Australian Government’s own reports and evaluations (see Dockery & Milsom 2007; Gray et al. 2012 for overview).

In *Servicing Indigenous Job Seekers in Job Services Australia 2009–2012* the Department of Education, Employment and Workplace Relations (DEEWR) reported that Indigenous people were less likely than non-Indigenous people to have ‘positive outcomes’ from participation in employment services and more likely to be unemployed following assistance (DEEWR 2012b, p.47). At the time, 37% of Indigenous people in the program lived in areas classified by the ABS as remote or very remote. Indigenous job seekers were more likely than others to be identified as ‘disadvantaged’, with higher scores under the standardised assessment tool used to measure risk of long-term unemployment (Job Seeker Classification Instrument or JSCI). These higher JSCI scores were substantially driven by factors specific to Indigenous people – for example Indigeneity itself was a risk factor, as was ‘speaking an Indigenous language as a child’ and living in a labour market with CDEP (DEEWR 2012b, pp.30–31)¹⁸. On the other hand, remote Indigenous people in the program were less likely to be identified as having disabilities, health or other personal factors that would place them in the highest tier of assistance (DEEWR 2012b, p.33). Lack of access to health and disability services and lack of face-to-face assessments were identified as likely reasons for this under-representation. The report found that Indigenous people were more than 20% more likely than non-Indigenous people to miss appointments with JSA providers and, as a result, received more penalties (DEEWR 2012b, p.36). It noted that:

Compared to non-Indigenous people, Indigenous people show signs of weaker engagement with JSA services, despite the greater propensity of those who have not

¹⁸ The JSCI is discussed in detail in Chapter 8.

found work to remain unemployed rather than leave the labour market. (DEEWR 2012b, p.62)

This official evaluation provided a glimpse of systematic differences in the way remote Indigenous people experienced mainstream employment services. However, the report presented these effects as largely emanating from outside the system. Indigeneity was framed as an individual disadvantage, or a characteristic that warranted some empathetic adjustments (e.g. employing Indigenous staff, cultural-awareness training). The possibility that the cultural assumptions underpinning the program might be inappropriate or contested was not contemplated.

Key literature – CDEP and Indigenous difference

CDEP as Government policy

Sanders' work on CDEP shows that it was precisely the challenges for mainstream welfare institutions in accommodating the particular identities, histories and geographies of remote living Indigenous people that first gave rise to the establishment of CDEP in 1977 (Sanders 1986; Sanders 1998). While legislative exclusions that prevented Indigenous people from receiving unemployment benefits had been entirely removed by 1966, the Department of Social Security (DSS) generally refused applications for unemployment benefits from remote Indigenous people on the basis that they were outside the workforce or unavailable for work (Sanders 1998, p.142). By the mid-1970s DSS was committed to the provision of individual unemployment benefits to Indigenous people, but it still had limited practical ability to give this effect (Sanders 1986, pp.323–4). Concerns arose in some quarters that the widespread availability of unemployment benefits in remote communities might lead to 'dependence' and contribute to the breakdown of 'tribal structure' (Sanders 1998, p.143). The CDEP addressed these issues by enabling Indigenous groups to receive a grant broadly equivalent to unemployment payments and to use these funds to employ their own people, providing a vehicle for pursuit of community objectives. As Sanders has shown, it was by moving the problem from the 'welfare' policy domain into the domain of 'Indigenous affairs' that an accommodation was found for the different position of remote Indigenous people (Sanders 2012).

Sanders has argued that the rise and fall of CDEP can be analysed through the lens of 'competing principles' – principles which reflect ongoing dilemmas about the nature of 'good policy' in Indigenous Affairs in both an instrumental and normative sense (Sanders 2014; Sanders 2013a; Sanders 2012; Sanders 2010). CDEP emerged when key government officials

came to the view that the then dominant principle of ‘individual legal equality’ in the form of widespread individual access to unemployment benefits might lead to poor social outcomes for remote Indigenous people (Sanders 2012). The CDEP ‘solution’ coincided with, and marked the ascendance of, policies of self-determination – reflecting a principle of ‘group autonomy and choice’ (Sanders 2012, p.386). However, by the 2000s, confidence in these policies had diminished, in part due to criticism that they had failed to address another principle – the pursuit of socio-economic equality. Ideas of ‘guardianship’ re-emerged, and the CDEP itself became emblematic of the failure of Indigenous self-determination (Sanders 2010; Sanders 2014). While Sanders shows that different policy approaches have been associated with particular generations of policy makers and bureaucratic cultures, he argues that the tensions within the Indigenous affairs policy domain arise from the nature of the policy ‘project’ itself. The liberal settler-state struggles to accommodate Indigenous difference within institutions that are predicated on universalism, but designed in the image of ‘white’ Australia (Sanders 2010; Sanders 2004; Kowal 2008). As a result, Sanders argues, there is ‘an iron law of cross-cultural unintended consequences and unrealised expectations in Indigenous Affairs’ (Sanders 2008). Strakosch characterises this problem in another way, suggesting that it emerges from settler-colonial framing of Indigenous affairs as domestic policy, rather than through the lens of relations between peoples (Strakosch 2016).

Developments in wider welfare-to-work policy from the late 1990s had an important impact on CDEP’s development and eventual demise, even though CDEP remained in the Indigenous affairs policy domain (Sanders 2016; Sanders 2017). The establishment of Work for the Dole encouraged comparisons between the rights and obligations of participants in that program – which was unambiguously ‘conditional welfare’ or ‘workfare’ – and those working for CDEP – often treated as ‘work’. The Government’s adoption of Work for the Dole as comparator led to CDEP workers becoming eligible for an income supplement which in turn required registration within the social security system. With the abolition of the Aboriginal and Torres Strait Islander Commission (ATSIC)¹⁹, CDEP came under the control of mainstream welfare bureaucracies, and it became subject to their ways of conceptualising and running programs (Sanders 2007; Sanders 2016). Then in 2009 the decision to end wages for new entrants sealed CDEP’s fate. These changes moved CDEP ‘... from being work notionally linked to a welfare entitlement to

¹⁹ ATSIC was established in 1990 to represent Indigenous peoples to government and deliver key Indigenous programs. It had an elected national bodies and elected regional assemblies.

welfare conditional on 15 hours per week of work-like activity' (Sanders 2017, p.282). Sanders shows how 'mainstream' welfare policies, institutional arrangements and problem constructions were deployed in the dismantling of what had been a central part of the Indigenous affairs policy landscape (Sanders 2017). However, Indigeneity remained salient, reflected in adoption of more aggressive forms of paternalist welfare policies across remote Indigenous Australia than were applied elsewhere – exemplified by the range of control measures introduced under the Northern Territory Emergency Response (NTER) (see further Chapter. 2, p.79, et seq.).

Sanders characterised CDEP as a pragmatic adaptation of welfare-state institutions by enlightened bureaucrats – one that was widely embraced by the Indigenous sector itself. An example of a more critical view can be found in a 1997 article by Bernardi in which he argued that CDEP should be viewed as a form of 'welfare colonialism', predicated on European ideas of work and 'self-sufficiency', and condemning Indigenous people to mendicant status (Bernardi 1997). Through dispossession, he argued, Aboriginal people had been made dependent on state-funded welfare for survival and that dependence, in turn, had been used by state agents as a tool for the enforcement of Western patterns of work and mobility (Bernardi 1997, p.38). Rather than extending access to unemployment benefits to individuals as citizens, CDEP repurposed the group management technologies of the pre-citizenship era, transferring control from pastoralists, reserves and missions to Indigenous organisations. Under CDEP, he said, Indigenous people 'subjected themselves'. Bernardi pointed out that CDEP workers did not enjoy the incomes or rights of most Australian workers, while the state gained access to a secondary labour force to address what should have been core government responsibilities (Bernardi 1997, p.44). Moreover, he argued that the Western bureaucratic modes of accountability and control subverted and replaced Indigenous decision-making systems and authority structures:

In place of 'white bosses', the program substituted an Aboriginal brokerage class. However, unlike their white predecessors who had wide discretionary powers and whose authority was rarely supervised, the Aboriginal intermediaries were to be weighed down and contained through a complex system of checking and cross-checking, ensuring that their decision-making remained within a hegemonic grid, albeit a more liberal one. (Bernardi 1997, p.45)

For Bernardi, the disciplinary tools and reforming objectives of the settler-state might have appeared under a different guise under CDEP, but they remained firmly within settler-state epistemologies and methodologies (Bernardi 1997, p.37).

After the election of the Howard Government in 1996, and particularly from the 2000s, conservative criticism of the CDEP scheme escalated (Stone 2008; Hughes 2007; Hudson 2008). The Centre for Independent Studies argued that CDEP had locked Aboriginal people out of the labour market and needed to be abolished (Hudson 2008). The prominent Aboriginal intellectual, Noel Pearson, expressed qualified support for CDEP in his 2000 critique of ‘passive welfare’, but by 2007 he had identified the program as one of the pillars of the ‘welfare pedestal’ that stopped Aboriginal people ‘taking responsibility’ for their advancement (Pearson 2007; Pearson 2000a)²⁰. Pearson and his backers spoke of the need for Aboriginal people to move into ‘real’ jobs in the ‘real’ economy, and the Howard-led Coalition Government adopted this as the lens through which CDEP should be judged (Gordon 2011).

CDEP as an Indigenous institution

The Centre for Aboriginal Economic Policy Research (CAEPR)’s 2000 policy conference and subsequent publication, *The Indigenous Welfare Economy and the CDEP Scheme*, marked the beginning of a period in which academics sought to defend the CDEP scheme as part of a defence against a wider challenge to policies of Indigenous self-determination (Morphy & Sanders 2001). In his foreword to the collection, Altman referred to CDEP as a ‘unique Indigenous institution’ – one which stood apart from the ‘welfare economy’ (in Morphy & Sanders 2001 p.iii). The characterisation of CDEP as a vehicle, albeit constrained, for Indigenous agency has been central to its defence and stands in stark contrast to the characterisation of non-profits operating in the wider landscape of mainstream labour market-program provision. Altman has often used the Bawinanga Aboriginal Corporation in Maningrida as a case study, describing the way it used CDEP to build itself into a substantial regional service agency providing a range of community services and expanding into different commercial enterprises (Altman 2016; Altman & Klein 2018). The flexibility of CDEP enabled Bawinanga to instate a local value hierarchy for different types of contribution:

... people living at outstations were paid for 3.6 h of unsupervised work a day; people who worked in the town were paid 4.6 h for a morning’s work and had potential to earn extra income from extra employment; and people who were inactive in Maningrida were provided minimal income support to keep them from falling too far

²⁰ For further discussion of Pearson’s influence and thinking see: Curchin, K. (2013). Discursive representation and Pearson’s quest for a radical centre. *Australian Journal of Political Science*, 48(3), 256-268.; Moreton-Robinson 2015 chap. 11; also note Pearson 2017 ‘Betrayal’ *The Monthly* (Dec 17- Jan 18).

below the poverty line, but they were also encouraged to exit CDEP for welfare. If people were participating in ceremonial activity, they would receive 3.6 h payment a day. (Altman & Klein 2018, p.139)

On the outstations, where work was unsupervised, Altman describes CDEP wages as having been like an unconditional basic income which operated alongside customary productive activities like hunting and fishing (Altman & Klein 2018). While the potential of CDEP as a development vehicle was not fully realised, Altman argued that the program allowed Indigenous groups to develop a form of 'hybrid economy', generating a livelihood through productive activity across the commercial, traditional and public sectors (Altman 2007; Altman 2000).

Jordan's study of CDEP on the remote Anangu Pitjantjatjara Yankunytjatjara (APY) Lands showed how CDEP's flexibility allowed people to work while accommodating complex structural factors and competing priorities that made it difficult and/or undesirable for many Anangu people to undertake long term, regular paid employment (Jordan 2016a, Jordan 2011). In a separate paper, Jordan showed that, even in a regional area with a stronger labour market, Indigenous peoples' experiences of ongoing racial discrimination meant that the ability to work for and with Indigenous people in CDEP was extremely important (Jordan 2016b). When the program closed in this area in 2007²¹, it meant, not just loss of work, but the loss of an important source of community cohesion and of Indigenous organisational capacity (Jordan 2016b).

Rowse analysed the political dimensions of CDEP, describing it as a vehicle for Indigenous political authority (Rowse 2001b; Rowse 1993). In his paper for the 2001 CAEPR collection, Rowse argued that organisations delivering the program derived political authority from their access to substantial financial resources with a high degree of discretion over their use; from their authority to direct workers, while at the same time being subject to these workers' influence as community 'owners'; and from the standing that program delivery gave CDEP organisations as substantial players in local networks of individuals and organisations (Rowse 2001b). Rowse sought to differentiate CDEP from Work for the Dole in which, he argued, the primary relationship was between the individual and Government, with the 'host' as a 'relatively unimportant go-between' (Rowse 2001b, p.43). CDEP required the 'formation of an ongoing community-based political authority' with capacity, not only to deploy resources, but to bring about 'a set of negotiated understandings about what counts as work, what counts as effort, and

²¹ In 2006 management of the scheme was transferred to a non-Indigenous organisation before its closure in 2007.

what obligations bind “management” and “participants” (Rowse 2001b, p.46). This capacity, he argued, was likely to be deeply troubling to those who ‘favoured market solutions to problems’:

CDEP is an infringement on the privilege of private investors to define the conditions of material wellbeing through the market place. CDEP does more than compensate for the market’s failure to provide jobs where Indigenous people live, it also throws into question the power of the market to define the nature and intensity of work. (Rowse 2001b, p.44)

As Rowse pointed out, and as also emerges from Altman’s and Jordan’s accounts, the ability to define the ‘nature and intensity’ of work was central to the character of CDEP as an ‘Indigenous institution’. He described this as ‘a neuralgic point within the administrative discourses of “Aboriginal affairs”’ (Rowse 1993, p.268). In the CDEP in Central Australia he saw the persistence of patterns of economic practice that were not ‘Aboriginal’ in the sense of being in and of the ‘Aboriginal domain’, but of:

... a frontier economy made up of public sector initiatives and adapted Aboriginal traditions, the product of the traceable alchemy of assimilation’s inherited methods and unintended consequences, now persisting, it would seem, into the future. (Rowse 1993, p.283)

In his postscript to the 2001 collection, Rowse warned that while CDEP was ‘practically strong’ it was ‘theoretically weak’. He urged academics and practitioners to articulate an ‘independent community-based conception of what CDEP is all about’ in the face of government attempts to define it as being solely about employment in the so-called ‘real economy’ (Rowse 2001a, p.233). In articulating a connection between CDEP work cultures and Aboriginal political autonomy, he sought to contribute to that effort.

CDEP and work culture

In many remote communities CDEP was the major employer of Indigenous people for many years. As a result it has featured in many anthropological accounts of ideas and practices around work in Indigenous communities (eg. Austin-Broos 2006; McRae-Williams 2008; Gibson 2010; Peterson 2005; Musharbash 2001). A key theme that emerges in these analyses is the contrast between the central place of regular paid employment in the lives and identities of non-Indigenous remote residents, and its secondary importance in the lives of Indigenous people (McRae-Williams & Gerritsen 2010; Gibson 2010).

Gibson described how many non-Indigenous people who lived in Wilcannia (NSW) had come there to work, often in services for Aboriginal people. Work was critical to these people's purpose in the town and structured their relations with Aboriginal community members. What they *did*, was central to who they *were*. Aboriginal people in Wilcannia were less likely to be in paid employment. Instead, their sense of who they were needed to be understood through their relationships with people and with country, which in turn shaped their obligations:

To meet one's social and moral obligations in Wilcannia one must productively work – at attending funerals, taking Auntie shopping, taking Nana to the doctor, staying home to defuse or prevent an argument, staying with mates who need you – being there. (Gibson 2010, p.157)

Forms of sociality that underpinned production and therefore survival for Indigenous people before colonisation have been transformed, initially by colonisation and dispossession, and subsequently by a combination of labour market exclusion and widespread availability of cash (Peterson 2005; Austin-Broos 2003). According to Peterson, circulation of cash and goods has taken centre stage so that for many Aboriginal people the sharing of resources has become essential to the 'production and reproduction of social relations, egalitarianism and the self' (Peterson 2005, p.12).

Similarly, Austin-Broos says:

... while people are no longer hunter gatherers, neither is the majority paid workers of the type that is valued by the state. Being thus encompassed by the state but not assimilated, the Arrernte have filled the space with forms of relatedness that focus on the circulation of welfare rather than waged and continuing employment. (Austin-Broos 2006, p.3)

The centrality of social relations has important implications for willingness to engage in the conventional labour market. Social and cultural obligations often conflict with patterns of work and the 'work ethic' of white workplaces, while sharing resources both ameliorates the effects of economic marginalisation and limits the appeal of the 'treadmill of waged labour' (Peterson 2005, p.14). But as these authors point out, economic relations at the 'frontier' of the labour market are continually changing in response to internal and external pressures. Peterson argues that:

... life projects in Indigenous Australia are rarely spontaneously or comprehensively formulated, but rather partial, reactive to government policy and often internally

contested, especially across the generations, within even the smallest communities.
(Peterson 2005, p.7)

Supporters of CDEP have argued that it has enabled the definition and re-definition of ‘work’ to be negotiated amongst Indigenous community members at the local level, allowing an accommodation of different patterns of work (e.g. Fogarty & Ryan 2007; Jordan 2016a; Rowse 2001b; Rowse 2001a). However, by 2011 Austin-Broos was arguing that an emphasis on the positive expression of difference through the CDEP had come at the expense of paying too little attention to the continuing poverty and distress of Aboriginal communities (Austin-Broos 2011, pp.118–123). To the extent that CDEP enabled work practices that were not those of white society it could be implicated in the ongoing economic marginalisation and real material hardship of Indigenous people (Austin-Broos 2011, pp.146–147). If CDEP or a similar program continued, she argued, rather than operating as a vehicle for ‘separatism’ it should act in a way that recognises the importance of the wider labour market to Indigenous economic futures.

Key literature – Neoliberal governmentalities and paternalism

This thesis, like some of the abovementioned studies, is influenced by Foucault-inspired governmentality literature which concerns the nature of neo-liberal ‘statecraft’ and the relationship between neoliberalism and ‘new paternalism’ (Dean 2002; Schram et al 2010; Soss et al 2011; Hindess 2001). While classical liberal theory emphasises the limits of political authority, neoliberalism reconstitutes the state as having an active role in the construction and defence of markets, including the cultivation of market rationalities across all areas of social life (Lemke 2001; Dean 2001; Schram et al 2010). The ‘market’ becomes a framework for describing the world, as well as an organising principle for the operations of the state itself (Lemke 2001; Foucault 2008). The remaking of the state along market lines emerges in the application of New Public Management techniques to the operations of governments through practices like privatisation, use of competition and outcome-based payments – strategies that involve, not the ‘rolling back’ of the state, but its ‘rolling out’ through non-state actors and dispersed networks (Schram et al. 2010).

Neoliberal rationalities construct citizens as ‘entrepreneurs of themselves’, responsible for making decisions to maximise their individual position (Foucault 2008). Welfare policy’:

...works to construct calculative agents who respond to the various incentives and disincentives, rewards and penalties, defined by the policy domain. Welfare subjects

increasingly take on their own risks individually, as risks increasingly are defined as a personalised phenomenon. (Henman 2006 p.30).

This construction of welfare recipients as ‘calculative agents’ has coincided with the resurgence of paternalist welfare policies that seek to more directly control welfare recipients’ behaviour (Mead 1997; Dean 2002; Schram et al 2010). A key advocate of ‘new paternalism’, Lawrence Mead, argues that, in conditions of ‘freedom’, the poor frequently make choices that are not in their interests, or that of society as a whole (Mead 1997). In these circumstances, state direction and close surveillance is warranted to enforce the common obligations of citizenship and, in particular, the obligation to work. While this authoritarian ‘turn’ may seem to conflict with the construction of citizens as free market actors, these approaches are, according to Hindess ‘like two sides of a single coin’ (Hindess 2001 p.94). Participation in the market contributes to, and is a sign of, the capacity to exercise the freedoms of citizenship. Lack of employment, or, in the case of colonised peoples – failure to evidence market economies – suggest an inability to ‘govern oneself’ (Hindess 2001, Valverde 1996). In contemporary welfare rationalities the availability of ‘unconditional welfare’ is seen as having undermined the disciplinary reach of the market, while persistent joblessness represents a threat to social order (Mead 1997, Schram et al 2010). In this context, the state is justified in acting to enforce ‘market-like’ behaviour on unemployed citizens. In this way, the liberal state accommodates forms of illiberal rule (Dean 2002; Hindess 2001; Valverde 1996). Market rationalities and the ‘muscular normative enforcement’ of ‘new paternalism’ converge in ‘neoliberal paternalism’ as a rationality of welfare reform in which work is ‘the most basic civic obligation and the root of a well-ordered life’, and in which governing takes place through dispersed actors (Soss, Fording & Schram 2011; Schram et al, 2010; Mead 1997). Rather than being ‘decommodified’ welfare recipients’ identities:

... are defined by their state of passage from the degraded role of ‘dependent’ to the valorized role of ‘worker’ – from disordered and irresponsible drains on society to orderly subjects who function as self-sufficient actors in markets and communities.... As such, they represent a kind of semi-citizen in transition (Wolin 1989), subject to the enforcement of obligations yet not possessing the full rights of entitled membership. (Schram et al 2010 p.745)

Howard-Wagner has shown how rationalities of neoliberal paternalism have emerged as dominant in Australian Indigenous Affairs (Howard-Wagner 2018). A brief period of advancement of Indigenous rights from 1972-1996 manifested in, for example, the establishment of ATSIC and native title legislation, has made way for a period in which the need to reckon with

Australia's colonial history is denied (Howard-Wagner 2018, p.1335). It is through market participation that Indigenous people are expected to achieve economic justice and that the economic and health 'gaps' between Indigenous and non-Indigenous people are expected to close (Howard-Wagner 2018). Rather than Indigenous people making claims against the state, it is the state that makes demands: to 'give something back' or 'take responsibility' (Strakosch 2016, p.25). The historical context of Indigenous 'disadvantage' is elided, and it has come to be framed, instead, as a product of welfare dependence (Howard-Wagner 2018, Moreton-Robinson 2015). As Howard-Wagner and others have argued, Indigenous disadvantage is more than the 'aggregate product' Indigenous welfare dependence, old narratives of Indigenous incapacity re-emerge in the framing of dysfunction emanating from the culture and society of Indigenous peoples themselves (Howard-Wagner 2018; Moreton-Robinson 2015; Walter & Anderson 2013; Strakosch 2016).

Positioning the thesis and research question

While there is a significant body of research in relation to the structures and practices of Australian employment services, little has been written about how Indigenous people or their organisations engage with these services, or about how they operate in remote Indigenous communities. The effect of developments in 'mainstream' employment services on CDEP and its participants has received some attention, particularly in Sanders' work, but academic interest has more often focussed on the role of CDEP as an 'Indigenous institution' and in mediating relations between Indigenous peoples and the settler state.

The abolition of the CDEP and the decision to create a new 'activation' program for remote areas brought these two areas of policy activity together. The government described the new program as one that would be tailored to specific communities, and 'based on community ownership and involvement' (Macklin et al. 2012b, p.5). Indigenous organisations, including many that had delivered CDEP, were strongly encouraged to apply. While Australian employment services were increasingly standardised and 'top down', the government appeared to promise an approach more akin to the mediating role of CDEP

This research project was developed in late 2012, prior to the start of the RJCP. Two initial questions arose from consideration of the earlier academic work alongside descriptions of the intent of the new scheme:

- to what extent and in what ways would the new program enable organisations, particularly Indigenous organisations, to continue to act as political and economic intermediaries; and
- how might the relationship between remote Indigenous Australians and the settler-state be altered through the policy change.

However, from the earliest observations of the RJCP in practice it was apparent that local variation occurred only at the margins. The experiences of participants and frontline workers in the program were dominated by practices and processes that were common, not localised. Moreover, while this program had been described as addressing the ‘unique needs of remote communities’, many of these practices and processes derived from the mainstream employment program. In the context of remote communities at least some of these seemed absurd²². These early findings meant a shift in emphasis from looking for local adaptation and mediation, to analysing the shared techniques and strategies of remote employment services – to understanding how they emerged in this form, and their implications.

The research questions were reframed to become:

- what are the animating ideas and key practices of remote employment services, and how have these emerged; and
- how do these ideas and practices structure the relationship between remote Indigenous Australians and the settler-state.

Analytic and methodological framework

This thesis sets out to analyse remote employment services as a regime of ‘governing’ in the sense used in a Foucauldian ‘analytics of government’: that is, as encompassing not just the operations of the state, but as encompassing any ‘form of activity aiming to shape, guide or affect the conduct of some person or persons’ (Gordon 1991, p.2). The activities of government officials as they construct programs, case managers in their work with clients, and contract managers as they manage service providers are acts of ‘governing’ in this sense. Program

²² One example was the reliance on accessing government IT systems for even the most basic functions, even though many communities had unstable and/or limited internet access and many had frequent power outages. Another was the requirement that job vacancies, even in the smallest communities, be lodged on the national vacancy database before a person could be placed in them.

participants, frontline workers and Indigenous organisations are the targets of efforts, not just to change behaviour but to secure co-operation so that these actors come to ‘govern themselves’. The thesis considers remote employment services as an ‘assemblage’ of practices which are carried out by different actors in different arenas which have an intrinsic logic and are oriented to common ends (Dean 1999 p22).

One feature of this approach is the analysis of policy discourse. Discourse, here, is more than ‘talk’ – it is a system of representation that makes governing possible and that ‘acts’ on the world:

... a technology of thought, requiring attention to the particular technical devices of writing, listing, numbering and computing that render a realm into discourse as a knowable, calculable and administrable object. (Miller & Rose 1990, p.5)

Discourse reflects and inscribes ways of thinking about who and what is to be governed. Walter’s work on Indigenous statistics, for example, shows the prevalence of data in relation to ‘Indigenous disadvantage’ and how – through the receipt and use of these apparently ‘neutral’ representations – the relative poverty and poor health of Indigenous populations come to be seen as signs of racial ‘unfitness’ (Walter 2016).

An analytics of government recognises the interconnected nature of ways of thinking – political rationalities – and the ‘mundane’ practices of what goes on in the name of policy:

...political rationalities render reality into the domain of thought, these ‘technologies of government’ seek to translate thought into the domain of reality, and to establish ‘in the world of persons and things’ spaces and devices for acting upon those entities of which they dream and scheme. (Miller & Rose 1990, p.8)

Technologies of government’ are not simply the means by which ideas are implemented, but form part of the ongoing production of policy (Lascombes & Le Galès 2007; Henman & Fenger 2006; Valverde 1996). They generate new knowledge and make new ‘problems’ visible.

Technologies of government have, in a sense, a ‘life of their own’:

‘Reality’ always escapes the theories that inform programmes and the ambitions that underpin them; it is too unruly to be captured by any perfect knowledge. Technologies produce unexpected problems, are utilized for their own ends by those who are supposed to merely operate them, are hampered by underfunding, professional rivalries, and the impossibility of producing the technical conditions that would make them work – reliable statistics, efficient communication systems, clear

lines of command, properly designed buildings, well framed regulations or whatever. Unplanned outcomes emerge from the intersection of one technology with another, or from the unexpected consequences of putting a technique to work. Contrariwise, techniques invented for one purpose may find their governmental role for another, and the unplanned conjunction of techniques and conditions arising from very different aspirations may allow something to work without or despite its explicit rationale. (Miller & Rose 1990, p11)

This analytical approach allows what might be described as ‘implementation failures’ to be considered as raising wider questions about the legitimacy and capacity of settler-state government. For example evidence of the failure of remote employment services to produce its intended behavioural effects can be understood as connected to other ‘policy failures’ – to what Walker and others described as the ‘persistent policy over-reach and administrative under-reach’ of remote policy (Walker et al. 2012) or Dillon and Westbury’s description of government in remote Indigenous Australia as akin to a ‘failed state’ (Dillon & Westbury 2007).

The analytics of government approach also allows connections to be drawn between activities conducted across different parts of the overall system: from the setting of hours of mandatory Work for the Dole; to the way that providers are selected and managed; to the interaction of participants and their case managers. In doing this it cuts across both ‘policy substance’ and ‘welfare administration’ (Henman 2006, Brodtkin 2013). Analyses of governmentalities of neoliberal paternalism provide critical tools with which to attempt to describe the broader implications and common rationalities of policy activities.

However, the application of this approach also presents some challenges. While rationalities and technologies are recognised as heterogeneous and changing, the idea of a ‘regime of practice’ assumes a level of stability within a certain social setting – that it has become part of the way we are governed (Dean 1999 p. 27). In analysing recent policy – as attempted here – there is a risk that the long-term significance of particular phenomena will be over stated: that what appears to a fundamental institutional change today may turn out to be transient, or its significance misread. The research design included multiple site visits over time, and use of surveys and interviews across a range of sector actors – an attempt to combine ‘deeper’ observations with a sense of how widespread particular ideas and practices are. I have tried to place contemporary practices in a historical context and to highlight areas of resistance and instability. But these strategies do not address the underlying problem of attempting to discern the deep significance of activities conducted over such a short period, as they continue to unfold.

A second, related, challenge emerges from the nature of governmentality accounts. While their power lies in unsettling what is taken for granted and in identifying the multiplicity of ways in which power is exercised, they offer little to those who might seek change. For this research to be useful, particularly to those currently engaged in advocacy, it must attend, not just to the larger questions of how governing occurs, but to the day to day politics of how decisions are made – what happened when, why things turned out how they did and what could have been different.

Colebatch argues that a full understanding of policy requires three types of account (Colebatch 2009; also, Sanders 2017). The first, ‘authoritative choice’, account provides a narrative of decisions and events that are commonly thought of as the policy-making process. Policy is presented as arising from the rational decisions of legitimate authorities, pursued through chosen instruments, and designed to achieve desired ends (Colebatch 2009, Colebatch 2010). It is an account that highlights the importance of key people and events – like a change of government, or the failure of legislative initiatives. It locates policy making in the domain of authorised decision makers, like Ministers. It is, as Sanders suggests, an account that focusses on ‘near history’ (Sanders 2017). This is what Colebatch calls a ‘sacred account’ of policy: one which emphasises the rationality, legitimacy and coherence of policy making, even though it rarely resembles how policy making occurs in practice.

Colebatch’s second account concerns the ‘structured interaction’ of different policy actors. It recognises that power is dispersed and that policy is made, not in one decision, but in multiple interactions; in both overt bargaining and in agenda setting behind the scenes. It is in this type of account that the idea of a ‘policy community’ emerges, allowing the significance of the involvement of different groups of bureaucrats (Sanders 2017) and different networks of provider organisations to be examined. Colebatch also places the policy action of street level bureaucrats within this account. Frameworks for consideration of the conditions of frontline work and their impact on clients are brought into the picture (e.g. Lipsky 2010, Hasenfeld 2000, Watkins-Hayes 2009a) while Powell and DiMaggio’s (1983) analysis of organisational behaviour assists in understanding the dynamics of provider approaches. This approach is particularly useful in understanding how specific types of policies and practices came to be applied in particular organisational settings, while an analytics of government is more concerned with how governing occurs and to what end (Dean 1999).

The analytics of government fit into Colebatch’s third approach – what he describes as the ‘social construction’ approach. It enables interrogation of how problems are identified and constructed and locates the other two accounts within wider social processes. Colebatch argues that these accounts are not alternatives, rather, that they ‘tend to assume the others’ (Colebatch 2009 p.35). While the governmentality approach ‘widens the gaze’ of analysis, the other approaches focus on ‘actually existing government’ (Colebatch 2002). It is this ‘plural’ (and somewhat pragmatic) approach that is taken in this thesis – using the analytic tools of what Colebatch describes as ‘liberal instrumentalism’ to tell stories of people and politics, and connecting these, where possible, to wider understandings of how governing is taking place.

Methods

In order to make sense of how remote employment services work as a system, the research examines its operations at different sites of governing – at the level of formal policy and program change; in the operations and governing of contracted providers; in everyday frontline practices; and in the operations of information technology. The overall account is built up from reviewing program material, from interviews, observations and interactions with policy actors over the period from April 2013 to November 2017²³.

The research was conducted as part of an Australian Research Council Linkage Project with Jobs Australia – the peak body for non-profit employment services providers – as the industry partner. The Chief Investigator was Dr Will Sanders, while Dr Korrily Jordan was co-investigator on the project. The project included site visits, interviews, attendance at industry forums, two provider surveys and analysis of program documentation. Table 1 summarises the major data collection activities over the course of the four-year period. More detailed information about methods is set out in Appendix B (p.321).

Table 1: Data collection over the study period (2013–17)

Date	Activity
April 2013	Jobs Australia Indigenous Forces at Work Conference, Darwin
August 2013	Jobs Australia RJCP Forum
February 2014	Visit Region A

²³ Formal work on the project did not start until February 2014, but I was able to participate in two industry forums held by Jobs Australia, the linkage partner, in April and August 2013. Developments in early 2018 have also been referred to.

Date	Activity
March 2014	Visit Region B
May 2014	First provider survey
June 2014	Provider Forum, Alice Springs
June 2014	Visit secondary locations F, G
August 2014	Visit secondary location H
August 2014	JA Conference
September 2014	Visit Regions C, D
October 2014	Visit secondary location I
October 2014	Visit Region A
January 2015	NESA Provider forum, Darwin
May 2015	Visit Region E
March 2015	Visit Region B
March 2015	Alice Springs PM&C Provider conference and Jobs Australia conference
June 2015	Visit secondary location J
July 2015	Visit Regions C, D
September 2015	Perth PM&C Provider conference and provider caucus
October 2015	JA Conference
August 2016	Jobs Australia CDP Provider conference Alice Springs \
August 2016	Provider interviews (performance)
October 2016	Jobs Australia Conference
December 2016	APONT CDP Forum Darwin
December 2016	Visit secondary location K
February 2017	Visit Region E
February 2017	Second provider survey
June 2017	Visit Region A
July 2017	Visit secondary location L
July 2017	Visit Regions C, D
November 2017	Jobs Australia Conference

Site visits and interviews

Evidence in relation to frontline practice and participant perceptions of the program were gathered through a series of visits to remote employment services sites. I visited five main locations. Three were visited three times and two were visited twice over the research period. Each visit involved 4 to 5 days of conducting interviews and observing activities at provider offices, at the sites of ‘activities’, or while accompanying staff in the field. I visited another 8 secondary locations for periods of 1 to 3 days and drew on field reports from Dr Sanders and Dr Jordan.

In each of the primary study regions the provider was an Indigenous non-profit organisation. Some non-Indigenous organisations were visited as secondary locations, and they were included in provider surveys and manager interviews (see below). Indigenous organisations were chosen both because they were the largest group of providers and because of their historical importance as intermediaries between governments and Indigenous people, and as advocates (Sullivan 2011; Rowse 2001). The providers included in the primary sites included one former large CDEP provider, two with employment services and CDEP experience, and two with limited experience of either program. The aim, here, was to try to identify (or exclude) the impact of different past program practices on how these organisations delivered. The primary sites were in 4 jurisdictions including NT, WA and Queensland²⁴, allowing for the inclusion of locations with different labour markets, histories and features – for example, two included large non-Indigenous towns (with mixed populations), while others were dominated by discrete Indigenous communities. The selection of diverse regions was intended to assist in highlighting the extent to which practices had been locally adapted.

In order to capture evidence of frontline practice, I conducted interviews with provider staff including, in each case, the CEO, senior managers, case managers, employer-relations officers, activity supervisors, administrative/compliance staff and community liaison officers. I used an initial set of questions as a starting point for these interviews. Questions were adjusted during the

²⁴ Small numbers of providers in other jurisdictions means that a full listing of included States could breach provider confidentiality.

course of or between visits, as new lines of inquiry emerged. Some questions were replaced as old lines of inquiry were exhausted²⁵.

I also interviewed program participants – almost always at the provider’s premises or at activity sites. I sat in on staff meetings, morning ‘briefings’ for participants, training sessions and graduations as well as hanging around at smokos and lunches. The combination of observation and interviews allowed me to examine practices from several standpoints – for example in examining the process of conducting client interviews I was able to get case managers’ descriptions of the process and its purpose; to get managers’ descriptions; the views of other staff (e.g. community liaison officers), and then to get perspectives from participants themselves. I was able to observe client interviews being conducted and to ask frontline workers to talk through concrete examples of client interactions, rather than relying on general descriptions. Observation enabled me to identify practices which were unlikely to be identified in interviews. These included: ways of working that were taken for granted; examples of rules being ‘bent’; signs of misunderstanding or tension between case managers and clients, or between different staff.

While I tried to (and usually could) interview most local Aboriginal frontline workers, my approach to interviewing participants was much less structured. I was conscious that most participants were attending involuntarily, so I structured my approach to potential interviewees in a way that meant that they could readily withdraw if and when they wanted to. I conducted most participant interviews with people while they were engaged in Work for the Dole activities. I would generally visit major activity sites a couple of times in the course of a week. I was often directed to a particular person to speak to, or found that in a small group one or two people would speak for the others. Where supervisors were local people they would sometimes speak for the group. While I was careful not to be seen to undermine this, when this occurred I tried to engineer informal ‘checking’ conversations with others where possible. These local Aboriginal supervisors or ‘leading hands’ were important informants – they had generally been chosen because they were ‘natural leaders’ and were strongly aligned with the people in their activities.

²⁵ For example ‘do you think that local people have a lot of say in how the program works?’ was eventually dropped as a standard question after it had been asked of all interviewees across each primary site in the first round of visits, and of some interviewees in round two.

An important limitation in my approach to interviewing participants was that the interviewees were drawn from the people who had turned up rather than the many, on any given day, who stayed away. I managed to secure a small number of interviews with people who were deliberately not attending, and almost everyone I interviewed had been penalised for non-attendance at some point. However, there was anecdotal evidence of a significant group of people who stayed away consistently, and these people were beyond the reach of this study.

During the course of the visits I also interviewed other community members about their experience of the program – for example people who were involved in hosting Work for the Dole places, elected councillors, senior members of Aboriginal organisations, employers, and staff of other community or government agencies.

Provider interviews and surveys

Interviews with provider managers, observation of industry ‘events’ and two provider surveys were used to build a picture of provider activities in, and responses to, the program. These included semi-structured telephone interviews with 13 senior managers and CEOs from across ten provider organisations designed to capture their experience and perceptions of the performance management process. Provider surveys were conducted in mid 2014 and early 2017, capturing around 80% of potential respondents (see further Appendix B p.346). These surveys combined collection of basic information about program operations (e.g., staffing, profitability) as well as attempting to key practices and ideas about the program.

Government officials and national ‘stakeholders’

Semi-structured interviews were conducted with nine public servants, three former Ministers and four members of the Expert Panel involved in the development of the RJCP. These interviews were recorded, transcribed and analysed and ranged from 40 to 90 minutes. Publicly available information was supplemented with material provided to the Expert Panel which was obtained following a Freedom of Information request. Four interviews were conducted with senior PM&C bureaucrats about the delivery of CDP. Government officials in four PM&C regional offices were interviewed at least once, and generally twice, in the course of the research. The interactions of senior bureaucrats with providers were observed at industry forums.

My position as researcher

From 2001 to 2010 I worked in senior roles at a non-profit employment services provider. After 2010 I continued to work in the employment services sector as a consultant including, in 2011,

providing advice to Jobs Australia about the proposed establishment of a remote employment program. Over this period I came to know, and be known by, many people in the sector. It was through these relationships that the idea for this project came about, and throughout the project I was able to draw on former colleagues and contacts to get their view of what was happening for providers. Most weeks I received an email or a call alerting me to issues arising within the program, including: frustrations with local contract managers, national policy changes, stories of individual clients and, sometimes, ideas that were working well. My relationship with Jobs Australia enabled me and other members of the research team to gain access to industry forums, correspondence and lobbying efforts, and assisted in survey distribution. We were also able to participate in some forums held by the National Employment Services Association²⁶.

My experience in employment services meant I could use a common language with those delivering the program. Workers often viewed me as ‘one of them’ and were willing to let me see aspects of their work which they might not have wanted to show an ‘outsider’. The challenges of delivering a complex program were familiar and when a change in rules or funding model was described, I could readily imagine myself in the position of a manager in an organisation trying to operationalise it. While there were many benefits to the level of ‘insider’ access I had, I have tried to balance provider perspectives against those of others. Observations and client interviews were particularly important in testing the descriptions that frontline workers and managers provide of their work. By observing workers over several days at a time, I was able to supplement asking: ‘What generally happens?’ with asking ‘What happened just then?’

On the other hand, as a tertiary-educated, urban, white woman interviewing predominantly Indigenous participants and, often, Indigenous agency workers, I was clearly an outsider. This thesis does not claim to describe how these programs fit into Indigenous lives or world views, but it does attempt to give a voice to those Indigenous people who participate in the program as workers or participants and to describe observed practices of participants in the program – particularly where these diverge from central government accounts. Interviews with Indigenous people in the program have been critical to uncovering both the ‘taken for granted’ cultural assumptions within it and the ways in which remote ‘realities’ stubbornly resist the techniques of central government.

²⁶ The peak body that includes for-profit providers.

Finally, it is important to note that by the end of 2016, I had become a minor player in the political debate over the future of CDP. My analysis of income-support penalties under CDP received media coverage and was used by a number of organisations which were beginning to mobilise against the scheme. Over 2017 I worked with the Aboriginal Peak Organisations NT group (APONI) and others to help develop and advocate for an alternative to CDP, attending meetings with politicians and bureaucrats in this capacity. As a result I was able to observe, as a participant, the political processes through which an attack on CDP was mounted and the way in which new ‘solutions’ to the ‘problem’ of remote unemployment were put forward.

Outline of thesis

This thesis considers ‘what goes on’ in remote employment services by looking at governing practices across different domains (or levels) of policy action.

Chapter 2 places remote employment services in context. It provides an historical account of the development of Australian labour market programs and the inclusion or otherwise of Indigenous people within them. It describes the recent history of attempts to implement active labour market programs in remote Australia, and the interaction of these efforts with ‘reforms’ to CDEP. These developments set the stage for the decision to develop a new remote employment program.

Chapter 3 covers the making and re-making of decisions about the design of remote employment services. It shows of how the decision to establish a new remote program was arrived at, how the underlying ‘problem’ was described, and ‘solutions’ developed. It goes on to analyse the changes in the program that followed a change of government in 2013, including the movement of the program into the Department of the Prime Minister and Cabinet and the instatement, from 2015, of daily Work for the Dole as the program’s centrepiece.

Chapters 4 and 5 concern the governing of the ‘street level organisations’ that were contracted to deliver remote employment services (Brodkin & Marston 2013). Chapter 4 looks at the purchasing process, the use of ‘capacity building’ measures and the effect of funding arrangements on providers. It draws on surveys of senior managers in provider organisations to highlight the way in which these arrangements affected priorities and activities of contracted organisations. Chapter 5 looks in more detail at the use of performance measurement as a vehicle for disciplining contracted organisations and structuring their relations with clients and communities.

Chapters 6 and 7 examine street level practices in the offices and projects of remote employment services. Chapter 6 considers the way case management occurs in remote services and the ways in which this is similar to or different from case management in non-remote areas. It considers how case managers deal with contexts where jobs and services are limited and where, in the case of local Indigenous workers, 'clients' may be neighbours or kin. Chapter 7 analyses mandatory group activities (Work for the Dole) under CDP. It looks at what type of work is being done, and how it is viewed by those working on and in the program.

Chapter 8 focuses on the role of information technology in remote employment services and considers how it influenced program activities from the day to day work at the frontline, to the way that Indigenous targets of reform were 'seen'.

The thesis concludes with a reflection on remote employment services as an attempt to reform Indigenous peoples so that they might learn to 'work like white people'. It considers the legitimacy of this effort and ongoing Indigenous resistance. It argues that while the program has induced many involved in it to 'perform' certain rituals of compliance, the government's claim to be 'giving Indigenous people purpose' is misguided.

Chapter 2

Governing unemployment in remote and non-remote Australia

This chapter explores changing governing arrangements for unemployment in general, and remote Indigenous unemployment in particular, from the end of the Second World War to the period immediately prior to the establishment of the RJCP. It describes changes in the way unemployment has been understood, changes in the Commonwealth Government's policy responses to unemployment, and changing definitions and constructions of 'the unemployed' (Harris 2001). The relevance of 'mainstream' government responses to remote Indigenous populations has been a source of continuing contestation over the period, characterised by uncertainty over whether Indigenous people are capable of, or should be expected to, 'work' in accordance with a 'white work ethic'. These tensions have played out in the adaptation, subversion of, or resistance to government programs. In this chapter these competing ideas and faltering technologies are presented as the backdrop to what, in 2013, will become the RJCP.

Security from unemployment and the dole

In Australia before the Second World War relief for the unemployed was a matter for State governments and for civil society. Most State-administered relief schemes were based on provision of sustenance, rations or relief work, often of limited duration²⁷ (Harris 2001). These schemes were 'discretionary, harshly administered, parsimonious and piecemeal', with applicants required to prove that they had exhausted all of their resources and that they were morally deserving of support (Harris 2001, pp.10-11, Cass 1988, p11). Patricia Harris described these schemes as reflecting a 'rationality of relief' – a mode of governing in which poverty was viewed as inevitable, arising from 'natural' economic forces, and in which the state could only act to provide relief from its harshest effects.

A welfare rationality of 'full employment' emerged in response to the experience of the Great Depression and the moral claims of citizens who had sacrificed during the war (Harris 2001; Macintyre 2015). It found its theoretical basis in Keynesian economics (Harris 2001). The Commonwealth government's 1945 *Full Employment in Australia White Paper* offered citizens 'a

²⁷ The exception was Queensland which had a form of unemployment insurance.

secure prospect, unmarred by fear of idleness and the dole', to be achieved through careful management of the economy to maintain full employment and a national unemployment benefits scheme to sustain those seeking work (White Paper reproduced in Coombs (1994), p.26). According to HC Coombs, a senior bureaucrat who helped draft the White Paper, the goal was:

... to subordinate the workings of [the economic] system to the purposes of welfare as it had been subordinated during the war to the purposes of war. (cited in MacIntyre 2015, p201)

The techniques that had been used by the national government to allocate people and resources to wartime priorities provided a template for its new ambitions to co-ordinate investment and labour supply in the post-war period²⁸. The wartime Manpower Directorate found a new life in a new Commonwealth Employment Service (CES), established to 'bring to the notice of men and women seeking employment the full range of opportunities offering, and in particular to find employment offering scope for their abilities' (White Paper in Coombs 1994, p.43; DEETYA 1996).

The Commonwealth's unemployment benefits scheme was taxpayer funded and offered only a modest allowance. In what Castles characterised as a 'wage earners' welfare state' it was through work, rather than a redistributive welfare system, that Australians were expected to share in the nation's prosperity (Castles 1997). Receipt of unemployment benefits was conditional on applicants looking for and being willing to accept suitable work (the 'work test'). However, concern over the moral behaviour of the unemployed at this time was 'muted' (Harris 2001, p.14). Over the period from the end of the War to the mid-1970s, the official unemployment rate averaged 2% (Figure 3), and, across the economy, inequality declined (Leigh 2014).

²⁸ Although the failure of a referendum to extend Commonwealth powers meant that some of these ambitions were thwarted (Macintyre 2015).

Figure 3: Australia's Unemployment rate from 1901 to 2001

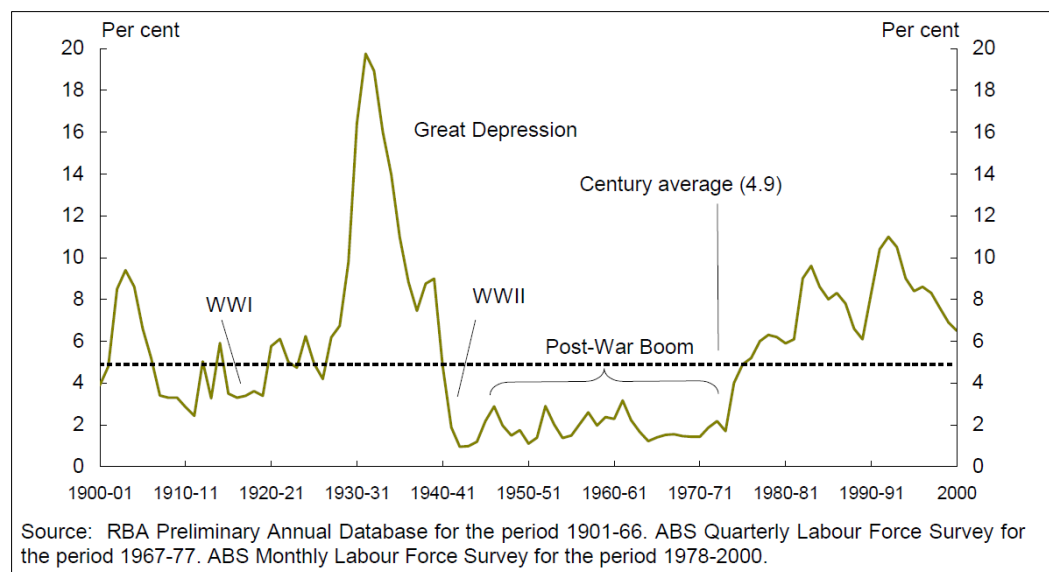


Chart reproduced from Treasury (2001), *Australia's Century from Federation at a Glance*, p58.

From relief to reform in Indigenous affairs

Just as pre-war welfare rationalities of 'relief' were framed as responses to the effects of economic catastrophes that were natural and inevitable, policies for the 'protection' of Aboriginal people were informed by theories that this was an inferior, and dying, race (Broome 2010). Protection-era legislation constructed Aboriginal people as a 'child race', enabling 'parental' powers of control over movement as well as economic and social relationships (Markus 1990, p.6). In the Northern Territory, rationing was used as a non-violent technique to hold Aboriginal people away from white settlements but, like poor relief, rationing was under-resourced, piecemeal and discretionary (Rowse 1998). It had limited success. By the late-1930s an estimated 40% of the NT Aboriginal population continued to live a 'nomadic' life across the Territory and neighbouring areas. In their encounters with non-Indigenous settlers '[n]aked force, not legislation, continued to be the key defining element of relations with Aborigines.' (Markus 1990, p.12). In other parts of the country, where the need for Aboriginal labour was greater, protection legislation enabled Aboriginal people to be conscripted to work for private employers under slave-like conditions (Gray 2007; Kidd 2012; Castle & Hagan 1998).

The army's demand for labour during the Second World War brought many more Indigenous people in the north of the country into the paid workforce. Instead of the partial provisioning offered by missions and settlements, the army paid cash wages and provided full rations for dependents (Rowley 1970, p.333). But at the end of the War, as white men returned to the promise of secure work, over 1000 Aboriginal men and women were again removed from the

labour market (Rowley 1970, pp.332–9)²⁹. The *Unemployment Benefits and Sickness Benefits Act 1944* removed the need for white Australians to prove their deservingness of income support, but, until 1959, Indigenous applicants had to establish that payment was reasonable ‘having regard to [their] character, standard of intelligence and social development’ (Cass 1988, p.248).

Following the war, policies for the relief of a ‘dying race’ gave way to policies for assimilation. These required more active governing of the lives and dispositions of Aboriginal people so that they could learn the capabilities of, and eventually become, citizens (Rowse 1998, Rowley 1970). The embrace of European modes of work – including learning the value of time and money – were among the most important of these lessons. As assimilation policies took shape through the 1950s, pastoralists and missionaries continued to exercise practical control over the daily lives of many Aboriginal people. They received government payments for the maintenance of Aboriginal ‘residents’, subject to only loosely enforced regulation. Alongside them, State governments and the Territory administration managed a network of settlements and reserves. Collectively these government and non-government institutions, developed for ‘protection’ of a ‘child race’, were now expected to become ‘the means of processing individuals to make them acceptable in the general community’ (Rowley 1970, p.331). Their limitations soon became clear. Rowse provides an account of how, in 1955, the Territory Director of Welfare, Harry Giese, tried to use maintenance payments to enforce a work discipline (Rowse 1998, pp.137–8). Giese directed pastoralists to refuse to pay or provide rations to any able-bodied man who was not working, supplying rations only to those who could not be expected to work ³⁰ (Rowse 1998, p.137). But pastoralists with significant ‘quasi-settlements’ of Aboriginal people had no need to use all available labour on an ongoing basis, and Aboriginal people were not always inclined to offer labour when asked (Broome 2010; Reynolds 1996; Rowse 1998). Strict enforcement of Giese’s policy would have meant major disruptions to relations between pastoralists and station residents. The practice of rationing a group in return for the periodic work of a few persisted. Similarly, some government settlements had insufficient work to enable a fluctuating population of residents to ‘earn’ adequate rations (Rowse 1998, pp.166–7).

²⁹ Broome puts the number in the wartime civil labour corps in the Top End at 3000 (Broome 2010, p.208).

³⁰ According to Rowse, maintenance payments were payable for unemployed wives and children of employees other than one wife and one child, the aged and infirm, mothers of young children other than the first wives of employees and ‘sick natives’ (Rowse 1998 p137). It was not just the importance of work, but the importance of a nuclear family, with a male at its head, that was to be reinforced.

Aboriginal practices around consumption and sharing of resources further complicated the attempt to maintain firm distinctions between those who were expected to be self-reliant and ‘dependents’ that required rationing. Government authorities who expected male ‘breadwinners’ to use their earnings to support their first wife and children were frustrated when they found them distributing resources to others in accordance with customary obligations, or prioritising spending that these authorities considered ‘discretionary’ (Rowse 1998, ch.9).

Changing labour practices, drought and the ‘coming in’ of people who had previously moved across country meant that by the early 1960s government officials in Central Australia were beginning to identify substantial surplus labour amongst those who lived on pastoral stations (Rowse 1998, pp.138–143). However these people were not categorised as ‘unemployed’ (Rowse 1998, pp.138–143). ‘Unemployment’ assumes that one normally relies on wages – that survival is primarily or solely through sale of labour in, and consumption of goods from, the market – which in turn entails labour mobility (Esping-Andersen 1990, p.35). For Aboriginal people living on pastoral stations wage labour was one of a number of sources of support alongside rations, hunting and other economic endeavours, the proceeds of which were shared (Rowse 1998, p.140; Peterson 2005; Lloyd 2010). Nor was ‘survival’ simply a matter of having enough to eat:

No matter how diminished the proportion of food won directly from the land, ‘country’ remained essential for reproduction of identity and personhood. (Rowse 1998, p.140)

In remote Australia in the mid-twentieth century, many Aboriginal people were able to resist subordination to the market. They were neither fully employed nor categorically ‘unemployed’. Many worked only to sustain their domestic economy or that of their ‘patrons’, raising questions over whether the central lessons of assimilation in relation to the moral value of work and subordination to the market were in fact being ‘learned’ (Rowse 1998).

Equal wages and the creation of remote Indigenous unemployment

In 1966 the conflict between socio-legal constructions of wage labour and the bundle of labour practices that had arisen on pastoral stations was brought to a head. The Commonwealth Conciliation and Arbitration Commission was asked to consider under what circumstances ‘semi-tribalised’ people might be included in the Northern Territory cattle industry award and be entitled to equal pay (*Cattle Station Industry (NT) Award 1951*, (1966) 113 CAR 651) (the ‘Equal

Wages Case')³¹. The union that brought the claim argued that equal pay should be applied immediately without the need for detailed evidence or inquiry. The Commission disagreed, taking evidence from employers and other 'experts'. The Commission quoted prominent anthropologist, A.P. Elkin, at length:

The Aborigines realised... that settlers and managers of properties were dependent on them for labour and, in some cases, for sexual partners. Here then was an opportunity to obtain by peaceful means some of the white man's goods, such as tobacco, sugar, tea, flour and iron. They provided labour for him and did just sufficient work to enable him to carry on his property and give them the articles they desired in return for that labour and also for association with their women. From their point of view, this was a policy of Intelligent Parasitism... No advance could be made through it either for them or for the country, but it was a *modus vivendi*. (Elkin in Equal Wages Case at p. 660)

These practices were, in Elkin's view, hindering assimilation. The solution, he argued, lay in the civilising power of market participation:

This rather unsatisfactory situation can only be changed by employment within a money economy and by education. (Elkin in Equal Wages Case at p. 660)

In its decision, the Commission agreed with the employers' arguments that a proportion of Aboriginal people were 'retarded by tribal and cultural reasons from appreciating in full the concept of work' and that, should award wages be applied, this group of people would most likely be moved off their 'tribal lands' (Equal Wages Case p. 663). They saw this as a positive development, enabling the task of assimilation to be accelerated and managed by 'experts':

In our view the less assimilated aborigines may well be able to be assimilated or integrated more readily if they move on to settlements which are run especially for their welfare. Their idea of work is such that whatever they are going to do on settlements is as likely to be work in their eyes as work they now do on the stations. This will certainly be true of the 20 to 25 per cent commonly referred to as 'hose holders', whose activities on the stations is not 'work' in any accepted economic sense. (Equal Wages Case p. 668)

³¹ An industrial award is a legal document, created by a quasi-judicial body (here, the Conciliation and Arbitration Commission) setting out wage rates and employment conditions in a particular industry or occupation.

The Commission decided that full implementation of equal wages should be delayed for 3 years to allow pastoralists to effect a changeover to white workers if they considered it desirable; to allow settlements and missions to prepare for a possible influx of displaced people; and for Aboriginal people to receive 'guidance to understand and appreciate the implications of moving from a semi-protected situation to an exposed industrial situation whereby they have to care for themselves and their families out of their wages.' (Equal Wages Case p. 669).

Not one Aboriginal person was called to give evidence before the Commission (Rowley 1971, p.321). Neither the abstract form of 'equal treatment' that had been advocated by the union nor the prescriptions for Aboriginal 'development' provided by Elkin and other experts were able to be contested by those whose rights were at stake.

The Equal Wages case established that Aboriginal stockmen were to be considered ordinary employees while employed, but what was their status if laid off? Legislative restrictions on Aboriginal entitlement to unemployment benefits had been substantially removed in 1959³² (Sanders 1986). But it had been the practice of the Department of Social Security throughout the 1960s to regard most remote Aboriginal people as outside the workforce (Sanders 1986, p.281). Now that some had been recognised as sufficiently assimilated to receive an equal wage, they could hardly be regarded as requiring further 'tutelage' during a seasonal downturn. Over the late 1960s and early 1970s unemployment benefits began to be granted to groups of remote Aboriginal workers who had been employed in seasonal work or had been retrenched (Sanders 1985). However these cases remained the exception not the rule.

The Equal Wages Case raised expectations that award rates would be applied generally, including to the work of Aboriginal residents on government settlements. However in 1969 when a new payment structure was introduced for Territory settlements, it included award wages for only 6–10% of the settlement workforce, with others to be paid a much lower 'training allowance' in return for 'minimally supervised' work (Rowse 1998 pp.174-176). Neither recognised as regular employees, nor considered unemployed, the majority of Aboriginal people in the NT remained in a publicly managed secondary labour force ostensibly being 'prepared' to participate in the mainstream labour market. Rowse notes that while over a third of the settlement workforce would have been eligible for the allowance, only a fifth took it up:

³² 'Nomadic and primitive' people remained excluded until 1966.

A scheme comprehensively to position the adult population as ‘employees’, enforcing their availability to work for certain hours of the week and giving them three weeks annual leave could not hope to be universally appealing. Some eligible adults simply avoided its inconveniences (Rowse 1998, p.182).

Lack of take up of the allowance contributed to appalling conditions across settlements at a time when the living standards of Aboriginal people were on the national agenda (Rowse 1998).

Policies to engineer the assimilation of Aboriginal people through existing ‘welfare’ institutions were collapsing, while there was increased international and domestic pressure on the Australian Government to legislate for equal legal and political rights for Indigenous people.

Self-determination and the Indigenous sector

Many Aboriginal workers in the NT and WA went on strike following the Arbitration Commission’s decision to delay the legal application of equal wages (Broome 2010; Hawke 2013; Rowley 1971). It was becoming increasingly clear that Indigenous people were seeking more than equal inclusion in the labour market. In 1967 the Gurindji, having initially walked off Wave Hill Station in protest at working conditions, petitioned the Commonwealth for tenure over their tribal lands (Ward 2016). Overwhelming support for Constitutional amendments that were widely perceived as granting equal citizenship to Indigenous people raised expectations that the Commonwealth would lead a more enlightened approach to Indigenous Affairs. By the time the Whitlam Labor Government was elected in 1972 there was already some recognition at the Commonwealth level that Indigenous people should have a say in policies that affected them. However, other than in the NT, Indigenous affairs remained primarily a matter for the States (Sanders 2013a).

The institutional changes brought about by the Whitlam Government in the name of self-determination were profound. The Whitlam Government established a Department of Aboriginal Affairs (DAA) and an elected National Aboriginal Consultative Committee. It declared its intention to take over responsibility for Indigenous affairs policy from State welfare authorities (Sanders 2013a). The Government also resolved to devolve substantial areas of policy delivery to Indigenous people themselves (Altman & Sanders 1991a; Sanders 2013a). The

development of an Indigenous sector gave rise to a new range of possibilities for the articulation of Indigenous aspirations and the governing of remote people (Sullivan 2011; Sanders 2013a)³³.

Remote Indigenous unemployment becomes visible

In 1973 the Whitlam Government terminated the NT training allowance, then covering over 3000 people, and started to phase out maintenance payments for missionaries and pastoralists (Sanders 1985). While award-wage positions were to be established in their place, even if all savings from the abolition of maintenance payments had been directed into job creation, only 1000 award wage jobs could have been created (Sanders 1985). The Whitlam Government directed that unemployment benefits be paid to Indigenous people living on settlements or missions where they were 'capable of and willing to work and [where] no such work is available on the settlement or mission' (Sanders 1986, p.285). In the NT this met with strong resistance from former welfare bureaucrats, missionaries, and members of the wider community (Sanders 1985). Some DSS officials tried to use administrative means to subvert the policy, arguing that those who had never worked in award-wage positions could not be considered 'temporarily out of work' and were thus ineligible for unemployment benefits³⁴ (Sanders 1985). Even where bureaucrats did not actively resist, there were enormous practical barriers that meant many Aboriginal unemployed people went without income for long periods and that payments were often made through third parties (Hawke 2013; Sanders 1986; Sanders 1985).

Competing solutions to Indigenous unemployment

The formal inclusion of Indigenous people in the labour market co-incided with the end of the long post War boom and the era of 'full employment' (Figure 3). The Whitlam Government responded to rising unemployment by implementing large-scale job creation and training programs. These included the Regional Employment Development Scheme (REDS) which, at its peak, employed up to 10% of those looking for work (Kirby et al 1985, p.67). In June 1975 around 6% of the Aboriginal workforce were employed under REDS (IWP 1977, p.7).

³³ Sutton argues that the confidence with which external controls were lifted over remote communities failed to recognise the degree to which pre-colonial disciplinary structures had been shattered through the process of colonisation. He also notes that some of these traditional forms of 'discipline', particularly the use of personal violence, were likely to be unpalatable to many settler-Australians (Sutton 2001).

³⁴ This was a perverse inversion of earlier DSS decisions to reject applications from those Aboriginal people who had refused to work at sub-award conditions (Rowley 1971).

By the time the Whitlam Government was replaced by the Fraser-led Coalition government in late 1975, the national unemployment rate had reached 4.9%, more than twice the post-War average. The Fraser Government decided to ‘fight inflation first’, winding back social spending and closing the REDS scheme. The Government escalated its ‘anti dole bludger’ rhetoric and attempted to reduce unemployment figures through greater scrutiny of beneficiaries, by moving people onto other payment types, and by changing the way unemployment was counted (Windschuttle 1980, pp.199–205).

By 1976 the official estimate of the Aboriginal unemployment rate was 50% (IWP 1977). In the late 1970s hundreds of Aboriginal people who had been displaced from pastoral stations ended up in towns across the Northern Territory and northern Western Australia (Broome 2010, p.147). Peter Yu, an Aboriginal activist working in Fitzroy Crossing at the time, described the situation as:

... a massive refugee problem, an explosion of population. There was no provision for them, no infrastructure... People were bored, they were unable to fulfil their cultural responsibilities. They just camped in cars or iron humpies. (Broome 2010, p.147)

Many applied for unemployment benefits.

In 1976 the Fraser Government established an Interdepartmental Working Party to consider how it should respond to Aboriginal unemployment and ‘the social problems arising from the current policy on payment of Social Service Benefits and unemployment benefits to Aboriginals living as communities’ (IWP 1976, p.(v)). The Working Party observed a range of social problems in remote communities, but identified payment of unemployment benefits as only one contributing factor. ‘Other factors’ they said ‘include the erosion of Aboriginal culture caused by the inroads of Western society’ (IWP 1976, p.21). The Working Party found, however, that the requirement to look for work was ‘not well understood’ by many Aboriginal people and that lack of jobs and of government oversight had meant that unemployment benefits had come to be treated as unconditional (IWP 1976, p.20). To address this, it argued that the government should create a pool of work opportunities in remote communities against which ‘a realistic application of the “work test” could be applied to Aboriginal applicants’ (IWP 1976, p.21). It proposed that jobs be created for over 2,500 people (around 9% of the (identified) Aboriginal workforce), at an annual cost of approximately \$30m (IWP 1976, p.15). The labour market conditions that ensured the integrity of the payments system would, at least in part, be replicated.

The Working Party's recommendation was not accepted. Instead, nearly 12 months later, the Minister for Aboriginal Affairs, Ian Viner, announced that a new 'work scheme' would be established for Aboriginal people living in remote areas or separate communities 'who do not form part of the open labour market'; to be called Community Development Employment Projects (CDEP) (Sanders 1985, p.154). The scheme would be funded through grants to community groups which were 'to not exceed the total entitlement of community members to Unemployment Benefits' (Commonwealth of Australia 1977 p.1922)³⁵. In communities which volunteered to take part in the scheme unemployment benefits would no longer be available. Local groups would have considerable flexibility in deciding projects and allocating labour provided that:

- (a) all unemployed community members, eligible to apply for unemployment benefits will be given the opportunity to participate;
- (b) each participating community member, provided he contributes the required minimum hours or satisfies other minimum criteria determined by the community, will be guaranteed a minimum income approximating his normal unemployment benefit entitlement. (Commonwealth of Australia 1977 p.1922)

Sanders argues that CDEP marked a shift in thinking about Indigenous affairs – a recognition of the limitations of individual legal equality and the need to 'think creatively about an alternative group decision-making approach which engaged much more with [the] principle of autonomy and choice' (Sanders 2012, p.386). Coombs, a key architect of the policy, described CDEP as:

... not simply a means of providing employment as a source of a minimum cash income, but a training exercise in self-management and increasing independence for the Aboriginal communities involved (Coombs, 1977 cited in Rowse, 2001 p.41).

In his speech to Parliament as he introduced the measure, Viner himself spoke of responding to the demands of Aboriginal people:

Request [sic] have been made by communities to the Minister and Department to provide work instead of unemployment benefits. Certain communities have refused to accept unemployment benefit but face increasing pressure to accept it as a source of cash income. (Commonwealth of Australia 1977 p.1922)

³⁵ Additional grants would be available for equipment and materials for particular projects.

He noted the diverse ‘lifestyle’ preferences of Aboriginal groups and the government’s desire to encourage these groups to ‘manage their own affairs’ (Commonwealth of Australia 1977 p.1921).

But CDEP should also be seen in the context of the Fraser Government’s winding back of government spending and its framing of the unemployed. The Interdepartmental Working Party’s proposal would have partially reversed the Government’s axing of the REDS scheme, accepting an ongoing government obligation to provide jobs where the market did not. CDEP, on the other hand, would be almost entirely funded from its participants’ own forgone entitlements³⁶. By removing the option of unemployment benefits in CDEP communities many could be diverted from entering the social security system altogether, removing a significant group from the unemployment statistics and alleviating pressure on the Commonwealth to deliver social security services remotely. While recognising the ‘richness’ of traditional Aboriginal lifestyles, Viner characterised these as largely past. The effects of dispossession were not acknowledged. Instead he said that ‘lack of activity combined with unemployment benefit has produced serious social problems such as alcoholism and other health hazards.’ (Commonwealth of Australia 1977 p. 1921). While communities could decide on their own projects, Viner expressed the Government’s desire that these include projects such as alcohol rehabilitation and rehabilitation of the land through, for example, ‘destruction of pests’ – projects that sought to remedy the (unacknowledged) effects of colonisation.

CDEP entailed the reintroduction of a distinction between Indigenous people who were ‘part of the “open labour market” and those who [were] not’ (Sanders 1985, p.155). It meant that its participants could not be called ‘dole bludgers’, but nor were they workers. CDEP guidelines were silent on the nature of the relationship between CDEP workers and the group that paid them, leaving the question of employment rights open. The parsimoniousness of the program all but ensured that its workers would be underpaid. The ambiguities around whether what was done under the CDEP scheme was really ‘work’ played out in administrative, funding and policy debates around the CDEP (Altman & Sanders 1991c, Jordan 2016). Denial of access to unemployment benefits in CDEP communities started to break down almost immediately when demand for places exceeded the number that DAA could fund (Sanders 1985; Sanders 2012). It

³⁶ In financial year 1978/9 expenditure on CDEP was \$3m and 800 people were in the scheme. Another \$6.3m was spent by DAA on other employment programs, \$3.2m on Special Works Projects – a significant reduction from 1975. This was less than a third of the amount that the IWP had proposed to spend on job creation.

became clear that many CDEP workers were performing tasks that in other parts of Australia would be done by government workers receiving significantly higher rates of pay. In one survey, many participants were reported as complaining that they ‘can only look forward to a life of small money’ (cited in Altman & Sanders 1991c, p.13). Despite these shortcomings the CDEP scheme was enormously popular. From day one, it was over-subscribed.

The introduction of CDEP had little effect on Aboriginal unemployment in its first few years. In 1979/80 there were only 800 CDEP places (Figure 4, p.64), and the numbers of remote Aboriginal people on unemployment benefits continued to rise (Sanders 1998; Sanders 1985). Participation of Aboriginal people in mainstream employment and training programs was also low (Kirby et al 1985, p.75). Alongside CDEP, the Fraser Government introduced a ‘National Employment Strategy for Aboriginals’ which included promotion of Aboriginal employment in the private sector and the provision of training to enable Aboriginal people to pursue employment in the ‘open labour market if they so chose’ (Commonwealth of Australia 1977 p.1922). Eight years later the Miller Committee said that it could find ‘no evidence of this having been implemented as a cohesive strategy’ and noted the Fraser Government’s half-hearted support CDEP (Miller et al 1985).

The 1980s and the rise of the individual as focus of employment policy

When the Hawke Labor Government took office in 1983 national unemployment was at nearly 10%. While the average duration of unemployment in 1970 was just over 7 weeks, by 1985 it had reached more than 45 weeks (Kirby et al 1985, p.32). The Hawke Government’s initial response was to invest in job creation in areas of high unemployment. However, the Keynesian idea that the government should manage the market to achieve full employment had fallen from favour. In increasingly dominant neo-classical economic thinking, the role of the state was to enforce, not direct, market operations (Harris 2001)³⁷.

The Hawke Government commissioned an inquiry into labour market programs which reported in 1985. The *Report of the Committee of Inquiry into Labor Market Programs* (Kirby Report) described an uncertain economic future shaped by global economic forces – one in which:

³⁷ Coombs would later say ‘Essentially we have lost control of our own economic affairs. Our business leaders, our ministers and their advisers respond to the dictates of a market which is increasingly dominated by external interests.’ (Coombs 1994, p.16)

...the links between labour market programs and policies and the achievement and maintenance of full employment are not as strong or direct as many may have thought in the past (Kirby et al 1985, p.5).

On this basis, it said, full employment ‘... will not be a sufficient rationale or organising principle for labour market intervention’ (Kirby et al 1985, p.5). To the extent that labour market programs could be effective at all, they could only assist individuals to improve their long-term employment prospects in the market (Kirby et al 1985, p.6). The Report proposed a reallocation of effort away from ‘passive’ to ‘active’ assistance in the form of education, training and other forms of ‘constructive’ support (Kirby et al 1985, pp.93–94). Rather than developing programs that targeted particular groups (e.g. women, people with disabilities), the Kirby Report recommended that ‘limited financial resources’ be ‘rationed’ according to individual need (Kirby et al 1985 pp 156-157). Attention was deflected from structural drivers of economic outcomes and unemployment was, increasingly, framed as a problem of individual capacity. Following the Kirby Report’s release the Hawke Government abandoned job creation strategies and labour market programs were re-oriented to skills and training (Harris 2001).

The Cass Review – *Income Support for the Unemployed in Australia: Towards a More Active System* (Cass Review) – operationalised the ‘active’ approach advocated in the Kirby Report within the income support system (Cass 1988). The Cass Review argued that income support should not just sustain people through unemployment, it should be a vehicle to promote skills formation and labour ‘flexibility’ so that workers could move into and out of work more readily (Cass 1988, p.164). It proposed that, in addition to existing requirements to look for and accept work, unemployed people should be obligated to participate in programs to make them more competitive in the labour market. The ‘work test’ would become a broader ‘activity test’. The Cass Review both reflected and operationalised changing constructions of the unemployed from ‘temporarily unemployed workers’ to a group with an uncertain interest in and attachment to work, who must be induced to improve themselves. It noted a 1986 poll which found that only ‘19% of people... believed that there was adequate enforcement’ of the obligation to search for work (Cass 1988, p.143). Increased obligations were described as important to shoring up public confidence in the system, to ensuring only those that deserved assistance were paid. These measures were also practical. By making the test one of whether a person was engaging in programs, rather than whether they were seeking out employers, it became much easier to monitor and enforce – even if the connection between the behaviour being monitored and actually getting work was attenuated (Dean 1998).

The Cass Review focussed attention on the personal characteristics of the unemployed, categorising them in terms of their duration of unemployment, age, Indigeneity, gender, and educational background. It drew on rich DSS administrative data, available through what were relatively new computerised systems, to highlight the uneven distribution of unemployment between groups in the community. This foreshadowed the application of new forms of technology and of knowledge in the rationing and targeting of interventions based on assessed risk of unemployment. The Kirby and Cass reviews contributed to the construction of unemployed people as both individuals who must become ‘entrepreneurs of themselves’ (Foucault 2008, p.226; Dean 1998), and as bundles of characteristics through which policy makers might better identify and manage ‘risky’ populations.

The Miller Report and the relevance of history and culture

Seven months after the Kirby Report, the Hawke Government’s *Committee of Review of Aboriginal Employment and Training Programs* released its report (Miller Report) (Miller et al 1985). The Committee was led by prominent Aboriginal leader, Mick Miller, and included the ubiquitous Coombs.

The Miller Report argued that there should be different policy responses in different areas, reflecting the range of different histories and circumstances of Indigenous people across the country. In small rural towns, for example, it recognised the impact of declining demand for agricultural labour and the impact of ongoing racial discrimination. It proposed that government agencies set local Aboriginal recruitment targets and that the Commonwealth support the development of Aboriginal community enterprises (Miller et al 1985, pp.367–8). The Report argued that there was a need to both improve access to the regular labour market and to recognise the right of Aboriginal people to generate livelihoods outside it. Amongst its recommendations to achieve greater access to the labour market it proposed the establishment of public sector recruitment targets, wage subsidies, retention strategies, support for Aboriginal businesses, and private sector affirmative action legislation.

The Miller Report articulated a role for CDEP in supporting the development of what Altman would later describe as ‘hybrid economies’ in remote areas: generating livelihoods through a combination of traditional economic activity, participation in the market and public transfers (Altman 2000, Altman 2007). It recommended that CDEP be extended to all remote Aboriginal communities that wanted it on the basis that:

... the CDEP, when properly understood and implemented, provides a sound approach for communities needing to develop a more diverse economic base. It needs to be considered as much (perhaps more) an income supplement to productive activity being undertaken, as it is a work creation program. (Miller et al 1985, p.188)

But it warned that CDEP was 'not a complete program for developing communities' (Miller et al 1985, p.18). This would require training and capital investment. It proposed specific development strategies across a range of sectors including arts and agriculture, aimed at improving economic independence.

The Miller Report identified cultural preferences and values as important in understanding labour market outcomes for Aboriginal people:

The organisation of the workplace according to prevailing cultural values (i.e. non-Aboriginal cultural values) is a critical factor in employer perceptions about the relative performance of Aboriginal and non-Aboriginal employees. ... Employers, not appreciating the link between culture and behaviour nor understanding the inherent conflict between Aboriginal people trying to adjust to a different culture while also maintaining family ties, often mistake Aboriginal behaviour for laziness or unreliability... (Miller et al 1985, p.93)

It found that there was:

... a distinct preference on the part of Aboriginal people, particularly in some remote areas, not to participate in the regular labour market, but rather to participate in legitimate and productive activities, such as hunting and gathering and artefact production. (Miller et al 1985, p.93)

Amongst the most forceful of the Report's statements was that Aboriginal control of land and resources was essential to addressing economic development and joblessness. The Miller Report argued that while land rights had emerged as an issue for non-economic reasons, ownership of land and other resources was essential to support traditional productive activity, aspirations to participate in agriculture and other land-based production, and to provide an asset base upon which enterprises might be built (Miller et al 1985, p.183):

... the problems of Aboriginal employment go beyond what can be achieved by employment and training programs. The whole question of the way in which Aboriginal people can provide for their livelihood in accordance with the life-style they choose raises structural matters which need to be addressed. These include

access to and control of land and other resources, local Government arrangements for Aboriginal towns, relationships with other forms of local government, access to development capital and involvement in particular industries. (Miller et al 1985, p.9)

In the same year, both the Kirby and Miller committees had reviewed the operations of labour market programs, but had come to markedly different conclusions about the unemployment ‘problem’ and possible ‘solutions’. In the Kirby Report the government was described as having no useful role in seeking to provide employment. Instead, it should focus its efforts more closely aligning potential workers to employer needs. In this report, and in the Cass Review that followed, the unemployed were positioned as individual targets of reform, with each responsible for improving their position. By contrast, the Miller Committee recognised the importance of historical and social processes in the ongoing exclusion of Indigenous people from the labour market and proposed an active role for government in addressing this. While it proposed measures designed to improve individual opportunities, it framed the challenge largely as one of group rights and social structures. Addressing Aboriginal economic dependence, it argued, required fundamental a restructuring of their economic relations with the state.

Employment equity and the response to Miller

The Hawke Government released its *Aboriginal Employment Development Policy* (AEDP) in 1987. The AEDP adopted many of the program recommendations of the Miller Report, although not its proposal for private sector affirmative action (Altman & Sanders 1991b, p.7). It said:

The Government’s policy of self-determination recognises the right of Aboriginal people to exercise control over their own affairs and the Government is determined to ensure that the move towards employment equity and economic independence is consistent with Aboriginal social and cultural values. (Hawke 1987a, p.3)

It committed ‘to ensure that the pace and direction of economic and social change are entirely consistent with Aboriginal aspirations’ and to recognise the legitimacy of traditional work (Hawke 1987a).

The stated goal of the AEDP was ‘equity’ by the year 2000. This was made concrete via the establishment of specific, measurable objectives including: employment equity (measured through the employment rate); income equity – requiring a doubling of Aboriginal median incomes; equitable participation in primary, secondary and tertiary education; and ‘a reduction of Aboriginal welfare dependency to a level commensurate with other Australians’ (Hawke 1987a, p.4). Annual targets for Aboriginal employment were set, including for 1100 new private-sector

jobs, 400 jobs in Aboriginal community enterprises and 1600 in CDEP (Hawke 1987b; Hawke 1987c).

The goal of employment equity by 2000 was widely considered unrealistic, but its elevation of statistical equality as the measure of economic justice was also challenged (Altman & Sanders 1991b; Sanders 1991). While the AEDP reiterated the Government's commitment to self-determination, the immediate problem was framed in terms of individual disadvantage rather than group rights, or the need to negotiate a settlement between peoples. The setting of numerical targets and the emphasis on economic measures reflected the growing influence of New Public Management on Canberra policy makers (Sanders 1991; Pusey 1991). Sanders warned that the interests of politicians in grand policy gestures (such as the equity goal) may well be at odds with those of the putative beneficiaries:

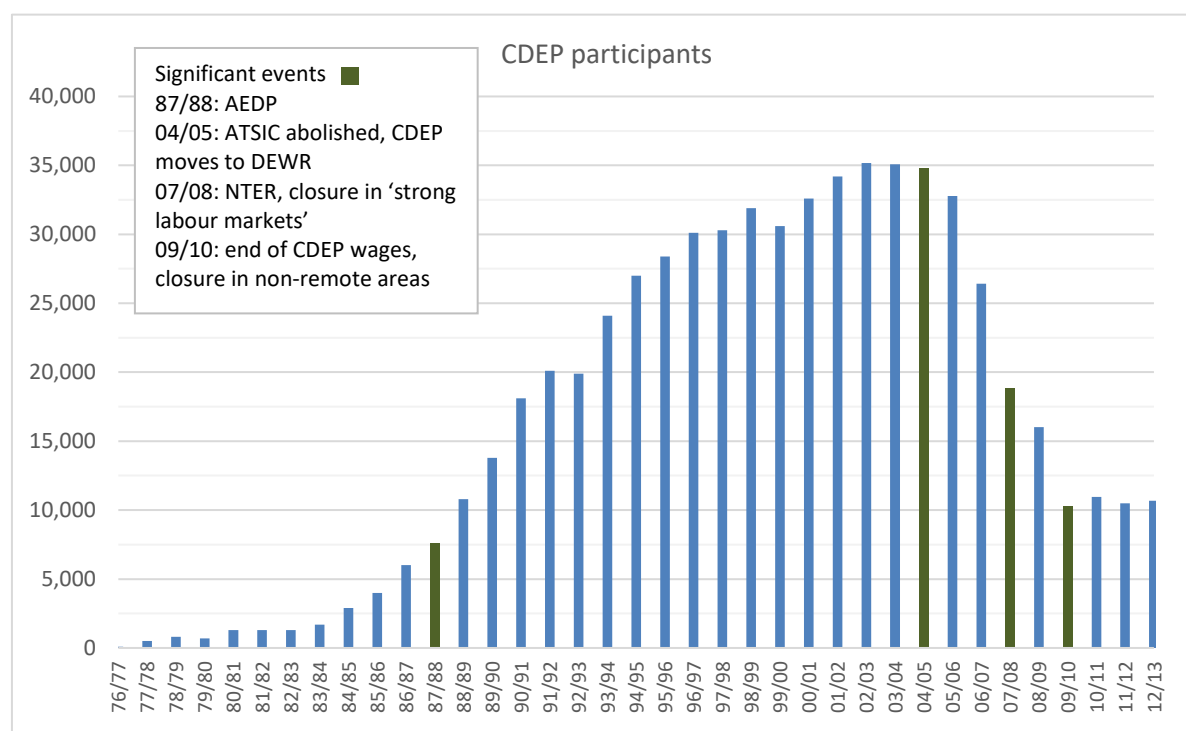
The risk for Aborigines of being caught up in over-ambitious policies... may be the possibility of a longer-term disillusionment about Aboriginal policies among other Australians; the dreaded 'white backlash' as it often called. (Sanders 1991, p.17)

Over the life of the AEDP little or no headway was made in non-CDEP employment (Hunter 2004; ATSIC 1994). By the year 2000 a widespread narrative of the 'failure' of national Indigenous affairs policies had indeed set in, and the CDEP was the focus of at least some of that 'disillusionment'.

The growth and development of CDEP

While the AEDP did little to address non-CDEP employment, it did lead to a dramatic increase in numbers employed in CDEP (Figure 4 p.64). Rather than 1600 new CDEP jobs per annum, as proposed in the AEDP, the number of CDEP participants increased by around 3000 each year (Sanders 1998). By 1997 there were 30,133 participants across 268 communities (Antonios 1997, p.8).

Figure 4: CDEP participants 1977–2013



Sources: Sanders (2004; 1998), Misko (2004), Steering Committee for the review of Government Service provision 2011, OEA (2009), Estimate from figures given to Senate Estimates 21 Oct 2011 p13, Senate Community Affairs Committee Estimates QON 24/10/14 Ref No 51.

The CDEP was allowed to expand from remote areas to regional and urban centres on the basis that the AEDP allowed it to operate in locations ‘where Aboriginal people have no alternative employment prospects’ (Altman & Sanders 1991c, p.2; Sanders 1993; Jordan 2016b). In 1997 32% of CDEP places (nearly 10,000 participants) were in non-remote areas (Antonios 1997, p.8). CDEP was expanding in response to local demands. It gave Indigenous groups the opportunity to pursue their own objectives, as well as reducing persistent unemployment (Sanders 1993). CDEP could be deployed to address gaps in service delivery, to support cultural practices, to look after country, to build houses, and to establish businesses. It became, as Rowse argued, a means of exercising political power within a community and – sometimes – beyond it (Rowse 2001b). When the Labor Government established the Aboriginal and Torres Strait Islander Commission (ATSIC) in 1990 the CDEP became its largest program, and an important source of bureaucratic power and authority (Sullivan 1996).

CDEP’s lack of centrally defined, clear objectives meant that it was out of step with the accountability frameworks favoured by proponents of New Public Management (Henman 2016a; Rowse 2001a). However ATSIC contested purely economic or technical ideas of accountability

(Sullivan 2015). In 1997 an ATSIC official told the Human Rights and Equal Opportunities Commission (HREOC):

It is often suggested that the ATSIC should consider defining the CDEP scheme as a training and/or employment scheme as its current objectives are considered too broad. When we consult with Aboriginal and Torres Strait Islander communities about this issue, they cannot see what the problem is. The scheme with its broad objectives enables communities to determine their own priorities and work as a collective to achieve their chosen objectives... While some government agencies have often found difficulties with a wider definition of the scheme, it must be remembered that CDEP commenced on the instigation of Indigenous people. As such, it continues to have the ongoing support of the ATSIC Commissioners who recognise the scheme's proven potential to generate positive social, cultural, economic and community development outcomes. (Morony quoted in Antonios 1997, p.12)

Alongside strong and continued community support for CDEP there were many who recognised its limitations. Services that might otherwise be delivered by better paid, more highly trained workers were being delivered by CDEP workers on minimum wages, with poorer working conditions and little access to training (Verrucci 1995; ATSIC 1994; Sanders 1993). CDEP workers may have been better off than their unemployed counterparts, but they were significantly worse off than most other Australians, including others who worked part-time³⁸ (Hunter 2009; Altman & Gray 2005; Hunter & Gray 2012).

The CDEP scheme took an increasing number of Indigenous people out of the reckoning of the numbers of unemployed, obscuring deteriorating levels of non-CDEP employment (Hunter 2004). Hunter argued that the CDEP may have reduced pressure on the public sector to employ Indigenous people in traditional public sector jobs (Hunter 2009, p.50). In 2000 William Jonas (then Aboriginal and Torres Strait Islander Social Justice Commissioner) argued that the emphasis on CDEP at the expense of other strategies appeared to reflect a perception of the intractability or the unimportance of the long-term problem of economic exclusion of Aboriginal people (Jonas 2001). The then Secretary of the Employment department, Peter Shergold, commented that from the mid-1980s through to 1999, there had 'not been a major

³⁸ For example, from 1991 the Social Security Act precluded those on CDEP wages having access to part-payments of income support. Had they been treated as normal part-time workers this income would have been available to supplement low wages. See further Antonios 1997.

Commonwealth initiative in the area' of Aboriginal employment and that it had 'not had a high priority' (Shergold 2001).

In 1993, Rowse suggested that the devolved arrangements of the CDEP enabled the continuation of a culture of work that had its origins in the mutual adaptation of Aboriginal and settler-state economies and work practices. He described this work culture as characterised by:

...the blurred boundary between work and non-work (the administration of time); the blurred boundary between workers and non-workers (the administration of a population conceived in terms of certain policy categories); and the tensions between upper and lower levels of the Administration in their perspectives on 'competence' and on the methods and pace of Aborigines gradual 'acculturation'. (Rowse 1993, p.283)

The sense that the CDEP 'culture of work' was out of step with mainstream labour market practice and therefore undermined integration of Indigenous people into the mainstream labour market posed an ongoing threat to the scheme. However, while ATSIC remained, that organisation was able to resist or adapt to these pressures (Sanders 2012; Sullivan 2015).

Working Nation and the beginning of NPM Reforms

While CDEP grew through the 1990s, dramatic changes were underway in the administration of mainstream labour market programs. In 1994, when unemployment was more than 9%, the Keating Labor Government announced its *Working Nation* policy. This was the start of what Considine described as 'the most experimental reform of any social program yet attempted' in which 'in just four years... the Australians succeeded in transforming every single aspect of their system.' (Considine 2001, p.117).

While Working Nation styled itself after the 1945 *Full Employment White Paper*, it was concerned, not with 'taming' the economy in the interests of full employment, but in managing the capabilities of the unemployed (Harris 2001, Coombs 1994). Working Nation was framed in terms of 'reciprocal obligation'. Rather than 'processing large numbers of job seekers through relatively rigid national programs', under Working Nation employment assistance was offered on the basis of an assessment of an individual's risk of becoming unemployed, with those identified as long-term unemployed receiving tailored assistance through individual case management (Keating 1994b; OECD 2001). Working Nation increased penalties for non-compliance with the activity test, extended obligations to dependent spouses (requiring more partnered women to

seek work), and expanded the definition of what offers of work were considered 'suitable' (and must be accepted) to casual and part-time jobs. But it also offered training, and those out of work for 18 months or more were given a 'job guarantee':

If you do not have the right skills to find work, we will help you acquire them. If you are young, we will see that you are educated and trained. If you have been a long time out of work, we will offer you employment and, if necessary, train you for it. We will do all we can to help make you ready for a job. (Keating 1994a, p.2)

As Harris noted, the Labor Government's focus on individual responsibility under *Working Nation* was 'tempered by traditional loyalties' (Harris 2001, p.20).

More than these changes in policy substance, it was the chosen mechanisms for delivery of employment assistance that made this a turning point in Australian employment assistance. The delivery of case management services was opened to provision by private and non-profit providers, establishing a quasi-market for these services. Overall, one-third of assistance to the long-term unemployed was contracted out (Considine 2001, p.119). It was not just unemployed individuals who would be 'activated', but also public servants, through external competition. According to Considine:

..the unlikely consensus which made possible one of the most radical reforms of any large social assistance program in the OECD was less to do with the cure for unemployment than with the restructure of the public service in accordance with the new enterprise ideal. (Considine 2001, p.128)

The market – once seen as a force that must be managed in the interests of social welfare – had not only come to be seen as a force beyond government control, but as having a logic that could be applied across public and social endeavours, including within the state itself (Foucault 2008, chap.10).

Job Network

The Howard-led Coalition won office in March 1996. In its first budget the new Government closed most of the training and temporary job programs of *Working Nation* and dramatically reduced labour-market program funding (Considine 2001, p.122). By May 1998 it had closed the CES and contracted delivery of public employment services to more than 300 private, non-profit

and government providers in what was called the 'Job Network'³⁹. The employment department went from employing over 25,000 service delivery staff in the CES, to becoming an agency which would set policy objectives and 'steer' delivery through a quasi-market of external providers. Within the public sector a new service agency – Centrelink – was created to deliver payments, working under the direction of other 'policy' departments (OECD 2001)⁴⁰.

The Coalition Government reduced investment in skills and training. The Job Network emphasised rapid connection to any type of work –a principle of 'work first'. The aim was to maximise the supply of available job seekers to employers through short term 'treatment' of their situation, including addressing their willingness to work (Davidson 2011; Productivity Commission 2002). According to the Productivity Commission:

... the underlying rationale of the Job Network is to overcome the passivity and demotivation that may develop with long-term spells of unemployment, remove other job-seeker-specific obstacles to employment and quickly orient benefit recipients to jobs... In the long run, it is the effective labour supply that determines the level of employment, not demand. (Productivity Commission 2002, sec.2–4)

In 1999 the then Minister for Employment Services, Tony Abbott, described the Government's approach as 'hassle and help', explicitly adopting the language of 'new paternalist', Lawrence Mead (Abbott 1999; Mead 1997). Mead's prescriptions for increased government control over the lives of unemployed people were based on the idea that a 'culture of poverty' was holding them back (Mead 1997). The Government commissioned research into the attitudes of unemployed people, reinforcing the centrality of the psychology of the unemployed as a cause of unemployment and a focus for intervention (McDonald & Marston 2008, p.318). The 'psychological' interventions were combined with more coercive approaches. Over the first few years of Job Network the number of penalties applied to job seekers who had failed to meet their

³⁹ In the first two contract periods the Commonwealth remained in service delivery through a government business enterprise – Employment National. Employment National closed in June 2003 at the end of the second contract period.

⁴⁰ More recently, Centrelink has become part of the Department of Human Services (DHS).

obligations under the ‘activity test’ escalated dramatically (Eardley et al. 2005; Davidson & Whiteford 2012)⁴¹.

From May 1998 until July 2009 (when it was replaced by Job Services Australia), the Job Network underwent many adjustments and rule changes, although its central features remained intact. In its first iteration, Job Network included three levels of service: a ‘job exchange’ function to which all unemployed people had access (Job Matching); a job-search training service and intensive assistance (case management)⁴². Both job search training and intensive assistance were capped and time limited. In 2003 the three separate Job Network services were combined into one uncapped and indefinite ‘continuum of support’ (the ‘Active Participation Model’). Unemployed people would ‘automatically go through cycles of assistance of varying intensity as their unemployment spell increases’, with some ‘high risk’ unemployed people accelerated straight to case management (Productivity Commission 2002, p.(xxiii)). The rationale of the ‘continuum’ was to ensure continuous provider ‘management’ of unemployed people from the time they started to receive benefits until they left them (DEEWR 2007, p.45). Between 2003 and 2007 the reach of employment services was also expanded by extending participation requirements to new groups including sole and partnered parents and people over 50 (OECD 2012, p.165; Davidson & Whiteford 2012).

The ‘continuum’ of support introduced in 2003 increased the level of prescription of provider behaviour. The first Job Network contracts were ‘black box’ contracts, rewarding defined job outcomes rather than prescribing detailed services (Considine et al. 2015). In 2002 the Productivity Commission found that some providers were focussing their attention on more ‘employable’ job seekers (i.e. ‘creaming’), while ‘parking’ others (Productivity Commission 2002). From 2003 the Government implemented contractual arrangements which included mandatory appointments at set intervals, periods of ‘intensive activity’ and funding quarantined for spending on job seekers. The introduction of more prescriptive contracts – while not necessarily increasing the actual time spent on, or the quality of, case management – did have the effect of

⁴¹ From 2002, after considerable pressure from non-government sector advocates, procedural changes were made that led to a decline- see further Eardley et al. (2005; 2010) and Davidson & Whiteford (2012).

⁴² Some unemployed people who were identified as unable to benefit from employment services because of significant ‘personal barriers’ (like homelessness or untreated mental illness) could be referred to a support program – initially called the Community Support Program (CSP) then Personal Support Program (PSP). Separate programs also existed for people with disabilities, and another for youth at risk (JPET). With the establishment of JSA JPET and PSP were incorporated into the mainstream labour market program.

increasing the number of mandatory obligations of job seekers and of reporting on them (Fowkes 2011, p.9; Considine et al. 2017).

To accompany the 2003 changes a new IT system was introduced (ANAO 2005). This facilitated the direct exchange of individual information between providers and Centrelink, and gave the employment department (then DEWR) a new level of program visibility. The effect of the change on frontline practice was substantial. In 2011 Considine et al reported:

In response to the statement ‘our computer system tells me what steps to take with jobseekers and when to take them’, 17.4 percent agreed or strongly agreed in 1998.

By 2008, that figure had increased to 47.4 per cent. (Considine et al. 2011, p.820)

Referrals, vacancies, appointments, payments, job seeker agreements and performance information were all entered into and managed through the system. The IT system made it possible for DEWR to directly monitor the transactions of providers, including records of interactions with individual clients, without visiting their offices. DEWR started to experiment with new ways of assessing service quality, including judging the rigour with which providers recommended penalties. As monitoring became more intense providers changed their management practices, seeking to pre-empt departmental audits through implementing more conservative strategies and more internal ‘red tape’ (Considine et al. 2011; Gallet 2014).

Within the Job Network, competition between providers occurred through periodic competitive tendering processes and through measures of ongoing ‘performance’ (Productivity Commission 2002, sec.3–10). The government devised a system of star ratings to represent performance (Jarvie & Mercer 2018). The percentage of job seekers on a provider’s caseload who achieved a job and sustained it for 13 weeks was the principal driver of the score achieved. Raw numbers of specified job outcomes achieved by a provider were adjusted using a regression model which took account of job seeker characteristics and local labour market factors, allowing comparison of provider performance across the country on a ‘like-for-like’ basis. While it had been intended that star ratings would be used by unemployed ‘consumers’ of the services to choose their provider, it turned out that very few people chose their provider on this basis – or chose at all (Productivity Commission 2002, sec.8). However, star ratings were used by the government to judge performance, increase or reduce providers ‘market share’, and extend or reward contracts.

Classification of individuals on the basis of their risk of long term unemployment was used to determine the level of services they received (McDonald et al. 2003; OECD 2012). Centrelink

staff administered a questionnaire (JSCI) that generated a ‘score’ largely driven by characteristics found to be useful predictors of long-term unemployment (e.g. Indigeneity, age, period of unemployment, education) (OECD 2012, pp.110–112). Those that were assessed as most likely to find their own jobs were referred to cheaper job-matching services, while those assessed as ‘highly disadvantaged’ could be moved immediately into the more expensive (and more demanding) case-management services. The numerical thresholds for entry to different services were periodically adjusted to manage program costs. Providers were encouraged to try to place more difficult clients through the payment of higher fees and weightings in the performance ranking system for outcomes for these clients. The system was widely admired even though it did not necessarily ensure that job seekers got the services they needed (Considine et al. 2017).

This array of techniques to manage the Job Network sought to translate the objectives of government into a series of ‘market signals’. Providers were governed through their economic self-interest, expected to maximise their revenue and their opportunities to secure future contracts. Unemployed people were categorised on the basis of the economic ‘risk’ they presented to taxpayers, and value was assigned to them accordingly. Differences between locations and individuals were subsumed in the calculations made of disadvantage, risk, and weightings for local labour market factors. New information technologies represented what was ‘going on’ in ways that gave primacy to aggregate levels of narrowly defined outcomes and to the compliance (or otherwise) of job seekers and providers. While governments might set broad directions, the management of the quasi-market had come to be framed as a technical operation – a question of managing numbers, adjusting incentives when needed and directing surveillance and auditing to areas of ‘non-compliance’.

Work for the Dole

In 1997 the Coalition Government introduced legislation to allow unemployment beneficiaries to be obliged to work in return for income support and initiated a ‘pilot’ Work for the Dole program. By mid-1998 all 18 to 24-year-olds who had been out of work for six months were required to participate in a ‘mutual obligation activity’ (principally Work for the Dole) for up to 30 hours per fortnight for up to six months. Over the following years the scheme was extended to new groups of unemployed people. By 2001 nearly 130,000 Australians had participated in Work for the Dole (Yeend 2004). Under the 2003 Job Network ‘continuum’, most unemployed people were required to undertake a mandatory period of ‘mutual obligation’ activity for six months in each year of unemployment (DEEWR 2007).

The objectives of Work for the Dole were described as enabling participants to ‘prove their work ethic’ and meeting public expectations that ‘those that are being supported by the community should make a contribution in return’ (Commonwealth of Australia 1997). The program was also intended to make life on benefits harder:

... you can work for 38.5 hours a week... and you are about \$87 per week better off than [if] you were not in work and that’s before you pay all the expenses of getting to work... So, it’s little wonder that some people think that some jobs are more trouble than they are worth. It’s little wonder that some people get trapped in the welfare system. So what Work for the Dole is about is changing the culture of incentives so that work is more attractive than non-work. (Tony Abbott, at a Work for the Dole launch, 1999 quoted in Fowkes (2011) p.18)

Some features of Work for the Dole were similar to CDEP⁴³. Work for the Dole activities were to take place on community projects run by non-profit organisations and, as in CDEP, the hours of work were (initially) notionally linked to award rates of pay (Commonwealth of Australia 1997). But there were also differences. Under CDEP participants’ primary relationship was with their CDEP ‘employer’ – generally a highly visible locally managed Indigenous organisation (Rowse 2001b; Sanders 2016). In Work for the Dole individual participants’ ‘agreements’ were with the government. Community organisations coordinated Work for the Dole activities and did the paperwork, but it was the government which directed participants’ attendance, their payments, and had the ability to suspend them. And whereas CDEP was voluntary and preserved the idea that work required a wage, Work for the Dole reintroduced earlier ideas that benefit support was not a social right, but something that must be repaid (Harris 2001).

CDEP under the Howard Coalition Government

When it first won office in 1997 the Coalition expressed support for CDEP. The existence of the scheme was a useful foil against opposition to the introduction of Work for the Dole (Ramsey 1997). On a wider front, however, the Coalition was mounting a concerted attack on expressions of Indigenous group rights and on Indigenous organisations, declaring that the ‘pendulum had swung too far’ in their direction (Howard-Wagner 2018; Moreton-Robinson 2015). Two High Court cases – the 1992 Mabo Case, and the Wik Case in 1996 – had recognised, not only that Indigenous peoples had owned their land prior to settlement, but that these ownership rights had

⁴³ Indeed one early news report suggested that Howard had been influenced by CDEP in its design (Short 1997).

not been entirely extinguished by colonisation. The Keating Labor government accepted these judgements but sought to manage the assertion of native title through legislation. However the Coalition promised ‘bucket loads of extinguishment’ of native title rights, framing Indigenous self-determination as a threat to Australia’s territorial integrity (Moreton-Robinson 2015). Evidence of ongoing Indigenous disadvantage was used to show the failure of self-determination, and Indigenous organisations, including ATSIC, were portrayed as incompetent and self-serving – implicated in and failing to take responsibility for the ‘dysfunction’ of Indigenous communities (Moreton-Robinson 2015).

One of the Howard Government’s first actions following its election was to ask ATSIC to commission an independent review of the CDEP with a focus on its effectiveness in ‘equipping participants to transfer to other employment’. The resulting report (the Spicer Report) was strongly supportive of CDEP, suggesting that its importance to governments and Indigenous people ‘cannot be overstated’ (Spicer 1997, p.iv). But the Report’s messages were somewhat mixed. While community development would continue to be a part of CDEP, it identified the ‘overriding challenge’ as:

to ensure that, where possible, CDEP does not become a life time destination for all participants but provides a conduit to other employment options. (Spicer 1997, p.4)

The Report recommended a more precise, ‘work focussed’ objective for the program, and new monitoring and evaluation techniques were proposed so that progress could be measured.

Spicer’s recommendations represented a shift towards a more instrumental economic framing of CDEP than had previously been supported by ATSIC. However, ATSIC broadly accepted the recommendations, increasing its focus on transition to non-CDEP employment and changing its outcome reporting practices (Sanders 2016). ATSIC was adapting to the ‘business-like’ technologies of NPM but CDEP remained enormously important as a political vehicle for Indigenous groups both at the community level and for ATSIC itself (Sullivan & others 1996; Sullivan 2015; Rowse 2001b).

Spicer warned against seeing CDEP as an Indigenous version of Work for the Dole, even recommending that ATSIC mount a public relations campaign to promote CDEP’s ‘unique objectives and outcomes’ (Spicer 1997, p.14). One way of strengthening the distinction would have been to treat CDEP workers as employees for all purposes – as recommended by HREOC (Antonios 1997). But the Government increasingly looked to align CDEP with mainstream

welfare programs. The extension of eligibility to the 'Participation Supplement' paid to Work for the Dole participants to workers in CDEP established a new link to the social security system at the individual level (Sanders 2012, p.382). From 2002 DEWR contracted 33 CDEP providers to become 'Indigenous Employment Centres' and encouraged them to consider entering the Job Network market.

In July 2004 ATSIC was abolished and CDEP administration was moved to DEWR (Sanders 2012). This change was described by the Minister for Employment and Workplace Relations as enabling 'us' to 'pay more attention to jobs' (DEWR 2005b, p.(iii)). In the space of a few months the Government released a discussion paper, then a set of CDEP reforms entitled *Building on Success* (DEWR 2005b; DEWR 2005c). New KPIs were introduced for CDEP which included local employment targets; efficient 'utilisation' of CDEP places (a measure drawn from Work for the Dole); and the alignment of CDEP activities to the Shared Responsibility Agreements that the Government was attempting to negotiate with communities (DEWR 2005c). A new IT system was built for the program enabling greater visibility and more intensive monitoring of providers and participants (DEWR 2005a, p.44).

DEWR established a 'more rigorous and competitive purchasing process' for contracting CDEP which took into account performance against the new KPIs (DEWR 2006a, p.188). Despite concerns having been expressed during consultations on CDEP reforms that the program would be 'taken out of Indigenous hands', DEWR announced that there would be no restriction on non-Indigenous organisations applying, but that 'organisations must be able to show that they can meet local Indigenous community needs and priorities as well as meet financial viability and risk standards' (DEWR 2005c, p.9). CDEP provision had been strongly associated with the desire of Indigenous groups to make decisions about activities in their own place, for their own people. But here the government made it clear that neither the nature nor the location of providers was important. DEWR would make judgements about whether applicants could meet 'community needs' and whether activities were aligned to them. Comparing this 'new contractualism' with CDEP funding approaches of DAA and ATSIC, Sanders noted:

In retrospect, theirs were loyalty models, in which particular Indigenous organisations were funded and supported over extended periods of time because of their identification and links with the community being served. DEWR's model, by contrast, values delivery of specified contract outcomes in shorter periods of time. (Sanders 2007)

Over the next few years some non-Indigenous organisations (including private providers) started to deliver CDEP while some Indigenous organisations lost contracts. Many Indigenous CDEP providers moved beyond their local areas or merged with others in response to government pressure to increase efficiency and to increasing contractual complexity. 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.

In March 2006 further changes to CDEP were announced, including a 12-month time limit for CDEP participation in urban and regional areas. In November 2006 it was announced that CDEPs in ‘strong labour markets’ would close altogether on 1 July 2007. The move affected 40 CDEP providers (of 210) and around 7,000 of 35,000 CDEP participants (Jordan 2016).

Providing employment services in remote Australia

From the earliest period of formal access by remote Indigenous people to the social security system in the 1960s, social security officials had been adapting national policies to the specific circumstances of the bush (Sanders 1986, Sanders 1999). One example of this was the application of ‘Remote Area Exemptions’ (RAEs) – which provided exemptions from the ‘activity test’ for individuals living in places with no ‘locally accessible labour market’. RAEs had evolved from the practical exercise of discretion by social security administrators when dealing with people living in communities for whom fortnightly job search requirements and reporting to the CES were neither practical nor likely to be fruitful (Sanders 1999).

When the Job Network was established there was no attempt to incorporate any adaptations to the different circumstances of remote areas in its design. It was for the ‘market’ of providers to bring forward proposals to serve these areas including – in its early iterations – proposing a price for delivery. There was initial concern that organisations would not bid in remote areas. However, in 2002 DEWR reported that it had only needed to purchase services outside the bidding process in a few regions (DEWR 2002, p.16).

The market might have delivered remote program coverage in theory, but the actual level of service provision was limited (Productivity Commission 2002, pp.C–5–8). In 2001, the NT Area Consultative Committee reported that:

In remote and outlying areas of the Northern Territory where unemployment is highest and need, therefore, is greatest, Job Network services are often tokenistic or non-existent. (NTACC 2001, p.4)

In 2002, of an estimated 17,400 registered job seekers in remote and very remote areas⁴⁴, only 4,464 people (around 26%) entered Job Network services (DEWR 2003, pp.91–6). Take up of Job Network was particularly low in the NT, with less than 10% of eligible job seekers in Katherine, Alice Springs and the Top End participating, compared with an urban average take up rate of over 50% (DEWR 2003, p.96). Few of those who participated found work. In 2002 the reported employment outcome rate for Indigenous participants in very remote areas was around 20%, compared with over 35% for Indigenous people in urban areas and around 44% for non-Indigenous job seekers (DEWR 2003, p.99). Across the NT and most of WA the reported employment outcome rate was below 10% (DEWR 2003, fig.6.5 (p100)).

One of the factors identified by DEWR and providers as influencing the poor take up of Job Network in remote areas was CDEP (e.g. DEWR 2002, p.64). In 2002 there were approximately 19,000 people in remote and very remote CDEPs of whom fewer than a third were registered as looking for work (DEWR 2003, p.30). Relationships between Job Network providers and CDEP providers were strained on both sides, with some Job Network providers arguing that CDEPs held back good workers for their projects, while CDEPs suggested that Job Network providers were poor at engaging with Indigenous participants (Productivity Commission 2002, sec.14–32). Remote Area Exemptions – at rates of 40–70% in some NT communities – meant that even those who claimed unemployment benefits rather than working in CDEP were generally not required to participate (Sanders 1999, p.30).

The Productivity Commission commented on a range of strategies being developed to increase access to Job Network services for remote Indigenous people, but it failed to engage with the question of whether the nature of the services themselves – particularly their ‘work first’ approach – was appropriate. Lack of labour demand in remote areas was lightly dismissed (Productivity Commission 2002, sec.C). There was no discussion at all of the possibility that Indigenous people might have different cultural preferences in relation to work. The Commission’s focus was on how to improve the market for employment services (for example

⁴⁴ Note that the remote classification used here includes many locations that are not considered ‘remote enough’ for inclusion in the current program – e.g. Darwin, Mt Isa.

by increasing consumer ‘choice’ in remote areas), rather than on questioning the assumptions that underpinned the services themselves.

From 2003 Job Network contracts were let on a fixed-price basis and were more prescriptive. When the Government called for tenders some gaps emerged in remote coverage. DEWR announced that it would use fee-for-service arrangements to purchase Job Network services in a number of remote areas⁴⁵ and indicated that these could include services ‘... tailored specifically to particular circumstances so varying substantially from the standard Active Participation Model’ (DEWR 2003, p.106). In the NT Top End service region this was done. The Government contracted only one provider in each community, requiring them to develop a ‘Local Employment and Volunteering Plan’ for endorsement by the community⁴⁶. The structure of individual services was more flexible than elsewhere, and all job seekers attracted the highest level of funding. The star ratings were not applied, while progress against the community plan was considered in assessing performance⁴⁷. Employment services providers with remote operations sought to have these more flexible arrangements applied across other remote areas. They argued that the mainstream Job Network model was ‘patently unsuitable’ for remote communities⁴⁸. But their hopes were not realised. The Top End arrangement was the high-water mark of local flexibility, and while some adjustments were made to the mainstream model in other remote and rural areas, these were limited in scope⁴⁹.

In 2004 the Minister for Indigenous Affairs, Senator Vanstone, announced that the Government would be removing Remote Area Exemptions as part of its agenda to address ‘passive welfare’ in

⁴⁵ West Kimberley, East Kimberley, Karratha and East Pilbara (WA), Top End (NT) Ceduna and APY Lands (SA)

⁴⁶ DEWR, Request for Tender, Top End ESA

⁴⁷ DEWR, Request for Tender, Top End ESA

⁴⁸ Correspondence from National Employment Services Association Indigenous Special Interest Group to DEWR, 17 September 2003

⁴⁹ DEWR’s 2005–6 Annual Reports that, in addition to 33 Fee for Service sites, flexible servicing was offered at another 96 sites which included immediate access to Intensive Support Customised Assistance for Indigenous Jobseekers (DEWR 2006a, p.55).

Indigenous communities (McGrath 2004). This, along with extension of participation requirements to groups like sole parents, meant that participation in labour market programs in remote areas was expected to increase. In the past, Governments might have looked to CDEP employment to absorb many of these people. The Government chose, instead, to increase the penetration of mainstream employment services.

In 2005 the government established a separate purchasing process for 16 areas defined as 'remote' (DEWR 2006b). Labour market programs (excluding CDEP) were 'bundled' into a Remote Services Deed that included Job Network, Work for the Dole, disability employment services and programs for the hardest to place⁵⁰. Providers were encouraged to bid for all services in the 'bundle', but the services themselves remained virtually identical to those operating in urban and regional areas⁵¹. The experiments with 'flexibility' and community planning were over. The Government's aim was simply to get more mainstream players into the market to deliver:

Job agencies will get bigger and more lucrative contracts to entice them to bid for services under a federal government attempt to beef up employment help in far flung parts of the nation... [The Minister] said that getting proper services to people in remote Australia was a great challenge. 'Obviously individuals living in remote areas need the same services as those living in more populated areas including Job Network, Work for the Dole, Personal Support Program, Disability Open Employment Services, etc.' (Karvelas 2006a)

Following a tender, 13 organisations were contracted to deliver services for 3 years from 1 July 2006. Despite awarding delivery contracts for each of these 'mainstream' services in the remotest parts of the country, DEWR's caseload projections suggest that it did not anticipate widespread participation. In the first year of the program, DEWR projected that for the NT (excluding Darwin), only 2617 Job Network places would be filled and only 76 Work for the Dole places would be needed (DEWR 2006b). This compared to the 8,600 NT residents who identified themselves as working on CDEP in the 2006 Census (OEA 2009, p.14). The low numbers were probably set in light of a planned four-year timetable for removal of exemptions (Karvelas 2006c). But by the end of the first year of the contract, whatever assumptions that providers or

⁵⁰ Personal Support Program and Job Placement, Employment and Training (JPET)

⁵¹ Major differences between remote and mainstream programs included 'preliminary outcomes' – payments for engaging participants in pre-employment activities and less onerous contact schedules.

bureaucrats might have had about their operating environment were completely changed by the politics and policies of the Northern Territory Emergency Response (NTER).

Northern Territory Emergency Response

The Northern Territory Emergency Response (NTER) was announced by the Commonwealth Government on 21 June 2007 in response to allegations of widespread child sexual abuse across NT Aboriginal communities⁵². Its measures were highly controversial and wide ranging and included compulsory health checks, acquisition of Aboriginal townships, controls on alcohol and pornography, and increased policing (Altman & Hinkson 2007; Moreton-Robinson 2015). The *Racial Discrimination Act 1975* was suspended in order to allow measures that only targeted Aboriginal communities to proceed. Three measures had particular implications for local employment program provision: income management; accelerated removal of RAEs; and the closure of CDEP, which was announced one month later (FaHCSIA 2008).

Income management was significant, not so much because it directly affected employment services, but because it reinstated the behaviour and consumption patterns of Indigenous people as matters for government intervention. Under the NTER, income support recipients living in 73 ‘prescribed’ Aboriginal communities had 50% of their payment compulsorily set aside for ‘essential items’. The enabling legislation included provisions to allow income management in other parts of the country, but in these areas a behavioural trigger (like child neglect) was required. In prescribed Aboriginal communities, however, the Minister for Indigenous Affairs claimed that ‘normal community standards and parenting behaviours have broken down’:

In these communities, there is little economic activity, and welfare is by far the most common form of income. The combination of free money (in relatively large sums), free time and ready access to drugs and alcohol has created appalling conditions for community members, particularly children. (Brough 2007)

⁵² While framed as ‘responding’ to these allegations, the Commonwealth did not implement the recommendations of the authors of the inquiry that had investigated them. There is little evidence of improved outcomes for children and some evidence of harm (e.g. Doyle, Schurer, Silburn 2017 *Do Welfare Restrictions Improve Child Health? Estimating The Causal Impact Of Income Management In The Northern Territory*, Life Course Centre Working Paper 2017-23).

Not only did income management reinstate a form of ‘character test’ for access to cash benefits, but it applied a blanket presumption that Aboriginal community members had already ‘failed’.⁵³

The desire to extend income management to CDEP participants led the Government to announce that all NT CDEP programs should close within 12 months (Toohey 2008a, p.75). Despite having fairly recently ‘reformed’ CDEP, the Government now described it as part of the problem – a form of ‘welfare dependency’, a ‘destination’ not a pathway to work, and a program that had substituted for responsibilities of government that should be provided through full-time employment (Brough 2007). By December 2007, 16 CDEPs had been closed and over 2000 participants moved off the program (Gordon 2008, p.8). Of these, it was estimated that 20% had moved into work delivering government services but the majority became unemployed (ABC 2008a).

In the first six months of the NTER, RAEs were lifted in 71 communities and 592 outstations in the NT, with another 95 communities and 130 outstations (around 7,000 people in all) affected in that financial year (lifting of RAEs also accelerated in other jurisdictions, affecting 22,000 people by 2009) (DEEWR 2008, p.198)⁵⁴. In the NT the Commonwealth directed that all unemployed people move straight into Work for the Dole and that they work on ‘cleaning up communities’ (FaHCSIA 2008, p.52(App)). The Department of Families, Housing, Community Services and Indigenous Affairs (FaHCSIA) explained that once communities had ‘stabilised’ a wider range of employment-relevant tasks could be included (FaHCSIA 2008, p.52(App)).

The NTER changes brought about a shift in the significance of mainstream employment programs across the NT. Referrals to Job Network more than tripled, and the program went from being voluntary to compulsory for most, while thousands of people who had been in CDEP or on RAEs became subject to mandatory Work for the Dole (FaHCSIA 2008, p.55). In February 2008, journalist Paul Toohey reported that while mainstream providers had been assiduous in signing up participants, there was little evidence of program activity on the ground (Toohey 2008b). Toohey described ‘mainstream’ providers with no permanent presence and little

⁵³ The Labor Government would later narrow the application of income management so that it specifically targeted the unemployed and was extended to some non-Indigenous people. However, income management remained (and remains) a measure applied overwhelmingly to Indigenous people.

⁵⁴ While exact numbers do not appear to be available, a 2006 report stated that, at that point, RAEs had been lifted in 7 communities, affecting 549 people (Office of Indigenous Policy Coordination, Directory of Commonwealth Government evaluations, audits and reviews of Indigenous and relevant mainstream programs 2002–2014, 2010, p28).

local knowledge attempting to secure the co-operation of CDEP providers and participants whose projects had been cancelled (Toohey 2008b). By 2008 only 1300 people in the NT had started in Work for the Dole from a pool of over 8,000 in Job Network (FaHCSIA 2008, p.17).

The Rudd Labor Government was elected on 24 November 2007 (refer timeline at Figure 5, p. 82). It had spoken against the dismantling of CDEP and the suspension of the *Racial Discrimination Act*, but had largely supported the NTER. In December 2007 the new Government announced a moratorium on closure of CDEP and established an Indigenous advisory group in relation to NTER measures. However, the lifting of RAEs and the rollout of income management accelerated under Labor.

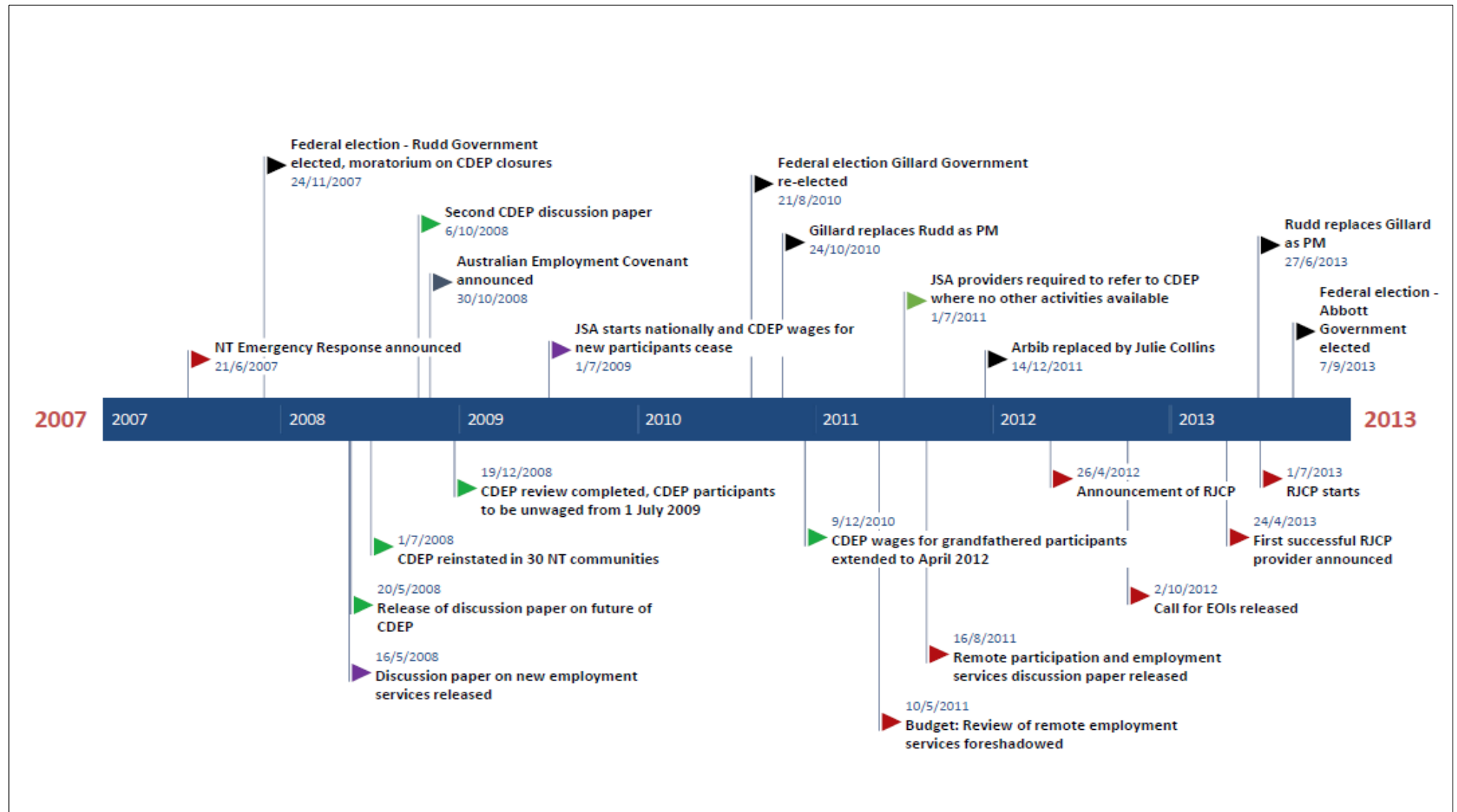
Rudd/Gillard Labor Governments and Job Services Australia

In May 2008 the Labor Minister for Employment Participation, Brendan O'Connor, released a discussion paper which argued that existing Job Network services were failing the very long-term unemployed and were unable to address skills shortages (O'Connor 2008). The experiment in 'bundling' remote services was mentioned only to comment that keeping these services separate was bureaucratic and cumbersome, and that the additional costs of providing remote services had not been recognised (O'Connor 2008, p.8). Following a review process the Government announced that Job Network, Work for the Dole⁵⁵, specific programs for highly disadvantaged people⁵⁶ and the remote services 'bundled' programs would be replaced by a new program called Job Services Australia (JSA) from 1 July 2009.

⁵⁵ In fact, the Community Work Co-ordinator program of which Work for the Dole was part.

⁵⁶ Personal Support Program (PSP) and Job Placement Employment Training program (JPET).

Figure 5: Timeline of key events NTER to start of RJCP (2007–2013)



Labor's JSA program had new funding and performance-measurement arrangements designed to increase training of job seekers and move investment to the 'hardest to place'. But it did this by applying the existing market based techniques of the Job Network (Ramia & Carney 2010; Considine et al. 2015). In Opposition, Labor had declared Work for the Dole a 'failure' – describing it as activity for its own sake – but once in office it was unwilling to axe the program, spooked by its popular appeal and an Opposition which accused it of being 'pro-bludger' (ABC 2008b). It used less overt means to reduce the role of the program, like allowing greater access to alternative 'mutual obligation' options, like training. As a result, Work for the Dole numbers dramatically declined from around 25,000 at any one time in the last years of the Job Network, to less than 10,000 in 2011 (OECD 2012, p.106). Labor also revised the system of income support penalties to allow greater discretion and a more graduated approach to severity (Disney et al. 2010)⁵⁷.

Considine et al. reported that the changes made by Labor led to only modest changes in frontline practice (Considine et al. 2014b). Under JSA, frontline workers appeared to be somewhat more flexible in their approach, they were more likely to refer people to training, but they still reported substantial 'red tape' and their work was still highly routinised (Considine et al. 2014b, p.208). The patterns and practices of the Job Network remained, including the heavy reliance on the IT system to guide, monitor and manage clients and providers.

The only concessions in the JSA program to the particular circumstances of remote Australia were higher service fees, some additional 'payable outcomes', and the requirement that providers enter into service level agreements with CDEP organisations. Joint servicing by JSA and CDEP providers was envisaged to 'better assist Indigenous people with high levels of disadvantage and... ensure that there are no service gaps while the new [JSA] builds up its presence in remote

⁵⁷ This was particularly important given the inclusion of a significant group of people who were highly disadvantaged in the mainstream labour market program (Disney et al. 2010, p.21).

Australia...’ (Gillard, Macklin & O’Connor, Oct 2008 p11). CDEP providers were encouraged to bid for JSA contracts, but only a handful were successful.

CDEP under Rudd-Gillard Government

Labor decided to move CDEP out of the Department of Education, Employment and Workplace Relations (DEEWR) and into the Indigenous Affairs portfolio in an attempt to ‘settle things down’ with Indigenous communities affected by its closure⁵⁸ (refer timeline Figure 5, p.82). On 30 April 2008 the Labor Government announced the reinstatement of the CDEP program in 30 communities where it had been closed under the NTER, while the Government developed an Indigenous employment policy which would include ‘substantial reform’ of CDEP (Macklin & O’Connor 2008a). But it was the hastiness of the Coalition’s decision to axe the CDEP, rather than the decision itself, that was the focus of criticism by the Minister for Indigenous Affairs, Jenny Macklin:

This short-term approach to axing CDEP without an effective alternative has created inequities and inconsistencies, forcing more people on to passive welfare. (Macklin, quoted in Karvelas 2008)

While many welcomed the reinstatement of CDEP, including the commander of the NTER Taskforce (Lollback, 18 April 2008) and the Aboriginal and Torres Strait Islander Social Justice Commissioner, there was also criticism – notably from the Chair of the NTER Taskforce Sue Gordon, and then National President of the ALP, Warren Mundine. DEEWR was also opposed, having advised the previous Coalition Government that ‘Labor’s policy [of reinstating CDEP] undermines the Territory emergency response and entrenches indigenous people in welfare dependency’ (Karvelas 2008).

In May 2008, at the same time as the Government outlined the proposed JSA, it released a Discussion Paper on the future of the CDEP and the Indigenous Employment Program: *Increasing Indigenous Economic Opportunity* (Gillard et al. 2008a, p.7). At the heart of its analysis was the presentation of CDEP as out of step with prevailing income support. The Discussion Paper identified areas of ‘unequal treatment’: that income support recipients were required to look for work and CDEP recipients were not; CDEP participants could retain additional income earned, whereas benefits for income support recipients tapered off; and that income support was paid

⁵⁸ Interview, Macklin, March 2015

according to need, whereas CDEP wages were paid for hours worked. It also noted that many essential services were delivered through CDEP and that it was important to community development. It asked how these activities might continue without CDEP participants (Gillard et al. 2008a, p.7).

As the Government conducted its consultations, critics of CDEP continued to speak out. The conservative Centre for Independent Studies argued that CDEP was a disincentive to work (e.g. Hudson, 2008). NT Indigenous leader, Galarrwuy Yunupingu appeared to lend weight to these arguments, stating that CDEP was being used to ‘trample peoples’ rights’ (Robinson, 2008). Other community leaders argued that loss of CDEP would devastate their communities and move people onto the dole. In the midst of this heated debate, the CEO of Fortescue Metals Group, Andrew (‘Twiggy’) Forrest, announced a plan to create 50,000 jobs for Indigenous people through securing commitments from employers, superficially, at least, ‘solving’ the problem of whether there were enough jobs to go around. Noel Pearson used the Forrest plan to increase pressure to change CDEP:

The Cape York Institute has proposed to Indigenous Affairs Minister Jenny Macklin some fundamental reforms to CDEP, aimed at maximising the pressure on community members to move into all available employment. It is understood that reforms to CDEP will not be introduced until July 2009. This is far too much delay. Reforms must be introduced sooner or our 50,000 jobs goal will suffer. (Pearson 2008)

In December 2008 the Government finally announced its plan. CDEP was to be removed from locations with ‘established economies’ from 30 June 2009 where it would be replaced by JSA. The focus of CDEP in remaining remote Indigenous communities would change from directly providing employment to building the skills of participants to find jobs outside of CDEP⁵⁹. The CDEP funding model would focus on outcomes. CDEP wages were to cease for existing participants on 1 April 2010 (later extended) while all new CDEP participants from 1 July 2009 would be on income support, not wages (Macklin & O’Connor 2008b).

The argument for the reforms was that they would promote movement into ‘real jobs’. The Government established a jobs package which would enable the creation of around 2,000 jobs in government funded service delivery, 400 new traineeships and 60 ranger positions. This was a

⁵⁹ Not really a ‘change’ as this had been an objective of reforms to the program for several years (Jordan 2016)

substantial investment in job creation, but there was a clear gap between the number of people in the existing CDEP scheme (18,800 at end of June 2008), and the number of jobs on offer (OEA 2009, p.12). Nor was it clear how sustainable these new jobs would be given their reliance on three levels of government to fund a range of services and programs to which they had not historically shown a great deal of commitment.⁶⁰ Altman suggested that there were:

... historical analogies with the creation of a limited number of award positions ('real' jobs) in the early 1970s that dramatically increased unemployment which in turn led to the establishment of the CDEP program. (Altman 2008, p.7)

Robinson, writing in *The Australian*, characterised what had occurred as follows:

The story is this: after a year of reflection and analysis, a profound shift in direction and the balance of power in Indigenous affairs has taken place. It is a shift led by powerful federal bureaucrats. It finally places Kevin Rudd's Labor Government in harmony with the policies of its predecessor Liberal regime, albeit with Labor branding and tinkering around the edges to placate the hard Left. (in Parnell et al 2008)

From July 2009 CDEP was removed from 30 locations considered to have 'established economies', affecting 1,964 participants (Jordan 2011, p.15). From 1 July 2009 participants who were new to CDEP were no longer paid wages. These participants worked alongside 'grandfathered' participants who remained on wages for the time being. CDEP relied on JSA providers to refer people to the program, either during their period of 'mutual obligation' or because they considered that they might benefit from the experience. From early on problems emerged in getting referrals and the rules were changed to allow direct sign-up by CDEPs. Problems also emerged as the simple 'No Work No Pay' rules applied in CDEP sat along much less straightforward rules in relation to breaching for non-attendance (Jordan 2011). By 2010, the CDEP Consultative Group appointed by FaHCSIA said that 'the CDEP reforms had tarnished

⁶⁰ The risk was highlighted by the announcement in 2013 that the WA Government would look at closing 100–150 remote communities because it could no longer sustain services previously funded by the Federal Government.

the brand'⁶¹. By February 2011 CDEP numbers had dropped to under 10,500, of whom 55% were on wages – down from 14,000 in October 2009 (Figure 4 p.64)(Jordan 2011).

As the CDEP started to collapse reports were emerging that 'mainstream' JSA services were not delivering on the ground in remote areas. Less than two years after the implementation of JSA in remote areas and the Macklin reforms to CDEP, the Labor Government announced a review of employment assistance in remote Australia – a review that would lead to the establishment of the RJCP.

Summary

The predicament of my mob is that not only do we face the same uncertainty as all lower class Australians, but we haven't even benefited from the existence of the Welfare State. The Welfare State has meant security and an opportunity for development for many of your mob. It has been enabling. The problem of my people in Cape York Peninsula is that we have only experienced the income support that is payable to the permanently unemployed and marginalised. (Pearson 2000b, p.6)

For three decades after the Second World War, white Australians enjoyed the benefits of full employment and governments that accepted responsibility to protect working men from the periodic downturns of the market. Unemployment benefits and the CES were protections from 'idleness and the dole' for workers who were seen as only temporarily displaced. This solidaristic construction of unemployment support was, however, founded on the subordination of women and on the exclusion of Indigenous people from employment (Stokes 2004). The work of most remote Indigenous people was governed outside the institutions that conferred rights and status on white Australians. In remote areas, where many Indigenous people lived, the demand for labour was weak and intermittent, and the movement of Indigenous people into areas with stronger labour demand was restricted. Hunting and demand-sharing remained critical to Indigenous survival. The weakness and ambiguities of remote labour markets and institutions for the control and tutelage of remote Indigenous people contributed to the perception that they were not ready for full citizenship. Even with the granting of formal access to equal wages and unemployment benefits, arguments that Indigenous people understood neither the importance

⁶¹ CDEP Consultative Group communique 4, 15–16 December 2010. Downloaded Australian Government Web Archive (2011) at www.fahcsia.gov.au/sa/indigenous/progserv/families/cdep/Pages/communique4.aspx

of work nor the value of money were used to resist practical access and to maintain authoritarian modes of governing.

By the time Indigenous people gained formal access to the labour market and its linked welfare institutions in the mid-1970s the post-war boom had ended and the welfare state itself was under attack. By the late 1970s government efforts were directed at reducing the number of people receiving unemployment benefits rather than addressing unemployment itself. The establishment of CDEP held out the prospect of diverting people from ‘signing on’, holding them in a secondary labour force – this time under ‘community’ control. The price paid for self-management, however, was continuing underinvestment in people, services and infrastructure in remote Australia and neglect of more radical claims to economic justice.

From the late 1980s, policies of ‘activation’ cemented the unemployed individual as the focus of efforts to address unemployment. Alongside temporarily displaced workers, new categories emerged – the long-term unemployed, young people – those who might not be relied on to pursue their own or the community’s economic interest. New information technologies supported the development of increasingly refined techniques to forecast individual risk of unemployment and to ration investments accordingly. Government efforts were focussed on maintaining the ‘readiness’ of unemployed people to take up opportunities in an increasingly precarious labour market. Labor governments had a greater emphasis on skills formation, while Coalition governments adopted a ‘work first’ approach but, in each case, it was the disposition of unemployed workers that was the focus of governing.

The marketisation of employment services reflected the emergence of neoliberal rationalities in which market logics became a framework for describing the world, as well as an organising principle for society and for the operations of the state itself (Lemke 2001; Foucault 2008). The marketisation of employment services intensified the representation of unemployed citizens through the ‘risks’ they presented to taxpayers. Calculation of these risks enabled prices to be set for their reduction. Managing the new market for employment services became a technical exercise – one that involved shaping market signals to drive provider behaviour and setting obligations to reduce the attractiveness of ‘non-work’. The actual workings of the labour market, the varieties of circumstances and aspirations of unemployed people and of contracted organisations, sat beneath and outside this created market for employment services which had its own internal logic.

CDEP, along with Remote Area Exemptions, blunted the effect of new activation programs in remote areas. While CDEP may have appealed initially to conservatives because it required ‘work for benefits’, its institutional development under the auspices of ATSIC and its place in the Indigenous sector meant that it became more important as a vehicle for local community control than a means of ensuring work discipline. The level of local Indigenous control over the definition, pace and value of work meant that once ATSIC had been dismantled old concerns over Indigenous people’s capacity and willingness to work were readily revived. When Brough claimed that the combination of ‘free time and free money’ had created ‘appalling conditions’ in remote Aboriginal communities he echoed the words of welfare officials of the assimilation era. Risk was attached not to particular unemployment durations or behaviours but to whole communities where, the Government argued that ‘social norms had broken down’. Paternalism emerged in a new guise as Indigenous unemployment and disadvantage was framed as emanating from cultural and social dysfunction. Coalition and Labor governments moved to expose the localised work cultures that had arisen under CDEP to market dynamics by reframing CDEP as an instrument of market inclusion and increasing the penetration of mainstream services. But, as in each previous attempt to dismantle local adaptations, the weakness of the mainstream labour market and its welfare institutions in remote areas soon became apparent. By 2011 it had become clear that mainstream employment services were inadequate to the task of assimilating remote Indigenous people into the mainstream economy.

Chapter 3

Reforming remote employment services

In May 2011 the Gillard Labor Government announced that it would be reviewing employment assistance in remote Australia with a view to implementing new arrangements. Three Ministers were involved across Indigenous affairs and employment policy, of whom two would be replaced by the end of the policy development period. An extensive consultation process was established, overseen by a panel which included ‘prominent Indigenous and non-Indigenous Australians with knowledge of remote communities’ (Arbib et al. 2011a). Within the bureaucracy, the Departments of Education, Employment and Workplace Relations (DEEWR) and Families, Housing, Community Services and Indigenous Affairs (FaHCSIA) formed a joint steering committee to manage the design and consultation process. After fourteen months, in October 2012, the Government released details of the new Remote Jobs and Communities Program (RJCP) and called for expressions of interest in delivery. Six months after that the first provider contract was announced. The program started on 1 July 2013. Around 36,000 people were referred into to the program, which extended across remote Australia (See map: Figure 1, p.13). Of these approximately 83% were identified as Indigenous⁶². They represented around 28% of the population of Indigenous Australians registered as unemployed (Forrest 2014, p.150).

In August 2013, just over a month after the RJCP started, a federal election was called. The Abbott-led Coalition took office. Under the Coalition Government most Indigenous programs, including RJCP, were moved out of line agencies and into the Department of Prime Minister and Cabinet (PM&C). By the end of 2013 the Coalition’s Minister for Indigenous Affairs, Nigel Scullion, had declared the RJCP a ‘disaster’ and announced immediate changes⁶³. One year after that more substantial reforms were announced, including the introduction of ‘continuous’, 25

⁶² Identification of Indigenous status is voluntary when making application for unemployment benefits or entering employment assistance so that some Indigenous people may not be identified as such in caseload and income support data (including data on penalties). For readability, I have used ‘Indigenous’ rather than ‘Indigenous identified’ in the thesis.

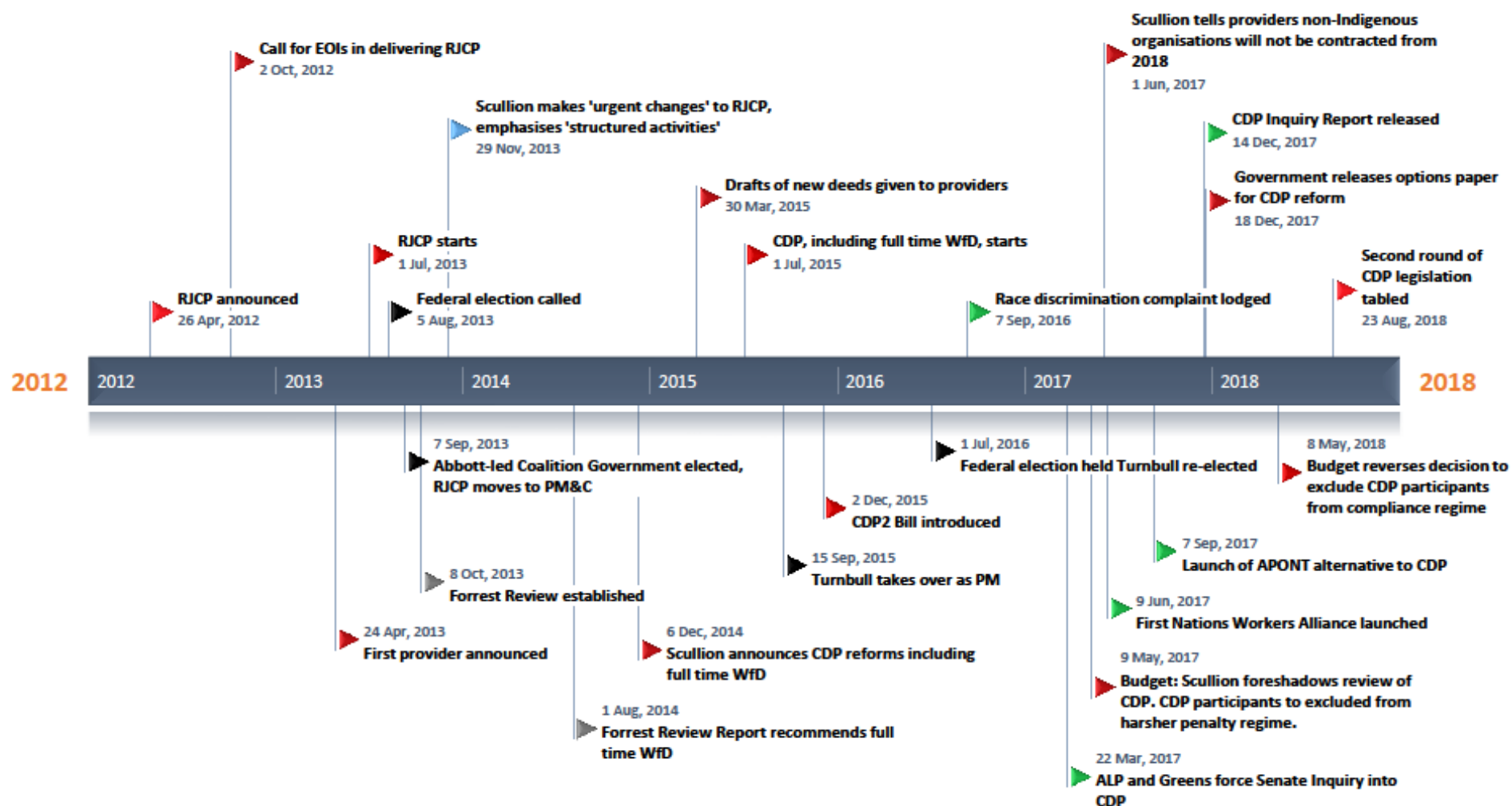
⁶³ His view of the program was evident well before this. For example in August 2013 he issued a media release describing the RJCP as a ‘debacle’ (Scullion 2013b).

hours per week, Work for the Dole. From 1 July 2015, the ‘reformed RJCP’ became known as the Community Development Programme (CDP). In December that year, more changes were proposed – this time to social security rules applying to CDP participants. In March 2017, in response to widespread concern about the effect of the scheme on remote communities, Labor and the Greens secured support for a Senate Inquiry into the CDP, prompting the Government to initiate its own review. In May 2018 it announced a fourth set of changes, to take effect from February 2019. In less than five years remote employment services had been ‘reformed’ three times, and now a fourth was planned. The policy landscape was one of ongoing instability (Refer timeline Figure 6, p.92).

This chapter examines how the formal structures of remote employment services: its program rules and management arrangements, were developed. In Part I it examines the development of the RJCP, tracing the ‘public face’ of policy development and then the less visible role of different policy actors. It examines the way that the need for a remote program was identified and the mechanisms by which ‘solutions’ were arrived at. Part II covers the period following implementation and the election of a Coalition Government. It examines the way that the groundwork was laid for further ‘reform’, and the factors that shaped the direction of those reforms. These accounts are built from publicly available material, internal documents and interviews and public accounts of the policy process⁶⁴. Subsequent chapters will examine how these national processes structured activities of providers and on the frontline and, in some cases, how these were resisted. .

⁶⁴ Semi-structured interviews were conducted with nine public servants, three former Ministers and four members of the Expert Panel involved in the development of the RJCP. These interviews were recorded, transcribed and analysed and ranged from 40 to 90 minutes. Publicly available information was supplemented with material provided to the Expert Panel which was obtained following a Freedom of Information request.

Figure 6: Timeline of key events from 2012 to 2018



Part I – The development of RJCP

Labor identifies the need for a remote employment program

Labor announced a review of ‘remote employment and participation services’ in the May 2011 Budget. The review, it said, reflected the Government’s commitment to strengthening employment services for Indigenous people. It said:

The unique nature of labour markets and the available workforce in remote Australia requires an innovative approach to improve economic participation and employment in those regions. (Macklin et al. 2011)

This was the same Labor Government that had, less than two years before, abandoned the Remote Services Deed and merged remote employment services into the JSA. Now the ‘uniqueness’ of remote Australia was back on the agenda as a key issue in labour market program design.

On 16 August 2011 the Government released *The Future of Remote Participation and Employment Services Discussion Paper* (‘the Discussion Paper’) (Arbib et al. 2011b). Its stated intent was to ‘engage with people living in remote Australia’ – to hear from them how services could be improved ‘because the issues we want to tackle are the issues which they confront every single day’ (Arbib et al. 2011b, p.8). The Paper also invited comments from ‘providers’, particularly around operational issues like payments and client assessments.

The introduction to the Discussion Paper set out the Government’s ambitions for the policy – not specific goals, but a vision of the ethical state which it would foster:

The Australian Government believes that all Australians should have the opportunity to experience the social and financial benefits that come with a job.

Where people are able to work they should be working.

Where people are unable to work they should have access to meaningful participation activities that benefit them and their community. (Arbib et al. 2011b, p.4)

The Discussion Paper described the context in which the review was taking place. ‘Remote Indigenous communities’ it said:

... face a range of challenges. They often have varied and complex needs, and there may be limited access to employment opportunities or meaningful participation activities.(Arbib et al. 2011b, p.4)

It noted the prevalence of disabilities, literacy and numeracy problems and the lack of jobs in many communities. These were not located in historical processes. Instead, welfare dependence was identified as an underlying cause of disadvantage, requiring government and individual action:

Long-term reliance on income support can undermine individual capabilities and further entrench disadvantage. The focus for governments and individuals in remote areas is therefore on building individual capabilities, including foundational skills, improving employment services to get more people in remote locations into jobs and creating meaningful participation activities.(Arbib et al. 2011b, p.4)

The positive steps that the Government was making more broadly to ‘close the gap’ were outlined⁶⁵. But the only reference to ‘culture’ in the Discussion Paper was in a paragraph that said that cultural and family links might inhibit labour mobility. Nothing was said about attachment to or ownership of land, of language or kinship. The gestures to cultural difference and alternate aspirations that had been present in Indigenous employment policy documents under Fraser and Hawke were entirely absent, even in the Paper’s description of ‘context’. What was presented as ‘unique’ about remote Australia were its disadvantages – the degree of difficulty for the Government in implementing its ‘belief’ that ‘people who can work should work’ (Arbib et al. 2011, p.3).

When it came to office in 2007, Labor had been critical of existing labour market programs, arguing that they had neglected skills development and had failed to achieve outcomes for the ‘hardest to help’(Considine et al. 2014b). In Opposition, Labor had described Work for the Dole as a poorly performing program which did not give people work skills (Karvelas 2006b). The changes implemented through Labor’s Job Services Australia program reflected a shift in emphasis towards human capital investment and social inclusion – an emphasis on pastoral and pedagogic authority rather than coercion (Ramia & Carney 2010; Considine et al. 2014b, MacDonald and Marston 2008). While Work for the Dole was retained, its disciplinary objectives

⁶⁵ In 2008 the Commonwealth, States and Territory governments agreed to a set of targets to ‘close the gap’ between Indigenous and non-Indigenous Australians across a range of indicators (for example employment and life expectancy). Each year the Prime Minister presents a report to Parliament identifying progress e.g. PM&C 2016c.

were downplayed –one of a number of options which job seekers could choose in order to improve their ‘employability’ (O’Connor 2008, p.13).

Some of Labor’s language of human capital investment found its way into the remote Discussion Paper, particularly in its discussion of the need to build foundation skills. However its proposal that those not in work must undertake ‘meaningful participation activities’ was not presented primarily as a means of improving employability: ‘These activities’ the Paper said, ‘would aim to keep people active and engaged, create new jobs, and make the community a better place to live’ (Arbib et al. 2011b, p.10). Nor did the Discussion Paper describe what ‘meaningful participation activities’ might be: how many hours or days might be required; what types of activities might be considered; or to whom they should be ‘meaningful’. On its face, ‘meaningful participation’ might include a wide range of family, community and voluntary activities – caring for children, for relatives, cultural production and participation, maintaining a home. It might even evoke Sen’s concept of ‘a life one has reason to value’ (Sen 1999). However, in the common language of contemporary employment services the term generally referred to monitored, prescribed activity outside the home, like Work for the Dole. Activities chosen, not because they were ‘meaningful’ to the individuals concerned, but because they reinforced the moral value of work itself.

A close reading of the Discussion Paper reinforced the idea that ‘meaningful participation’ was to be determined by external direction – it would require something more than what was currently being done. It said that:

There needs to be a range of activities for remote Australia supporting two broad approaches: one that provides skills essential for job readiness; and another that requires participation and *builds social and life skills that contribute to a thriving community*. (Arbib et al. 2011b, p.10) [emphasis added]

And:

To build an environment where community contribution and engagement is the norm, the Government believes that all people in remote Australia with participation requirements should be required to attend appointments and participation and employment activities (Arbib et al. 2011b, p.11) [emphasis added]

Social and life skills must be ‘built’, as must the level of ‘community contribution and engagement’. Beyond a lack of available work, the document implied a need to address deeper ethical deficiencies, not just amongst the long term unemployed, but across entire communities.

Remote Indigenous people were being measured against wider Australian ‘norms’ and were found wanting.

The Discussion Paper emphasised the importance of income support penalties in enforcing participation:

The Government wants to make sure that the penalties for people who do not turn up are effective and remains committed to a ‘No Show No Pay’ approach. (Arbib et al. 2011b, p.12)

It suggested that ‘incentives’ might also be needed to ‘reward’ and ‘motivate’ people to participate. Income management (or, presumably, the ability to escape it) was the single example offered of a vehicle through which these incentives might be provided (Arbib et al. 2011b, pp.11–12).

The Discussion Paper suggested that communities should have a greater say in future service delivery. It asked for ideas about how this might work. ‘Community ownership’ was coupled with responsibility for solving problems:

The Government believes that individual and community responsibility is vital for participation and employment services to be effective and for local innovation to emerge. We want to hear people’s views on how communities can take on a bigger role in resolving their own issues. (Arbib et al. 2011b, p.12)

Again, the possibility that Indigenous communities might have different problem constructions or identify aspirations at odds with the Government’s focus on paid work (and unpaid ‘participation’) was not contemplated.

Having described the Government’s broad ambitions (those who can, should work; communities should take responsibility) the Discussion Paper provided an overview of existing programs and their limitations. Its description of CDEP appeared positive:

CDEP strengthens Indigenous communities and supports Indigenous people in remote areas through community development and participation opportunities that develop skills, improve capacity, work readiness and employability and links with local priorities. (Arbib et al. 2011b, p.6)

The Paper noted the Government’s own 2009 reforms of CDEP which had been:

... about making sure that CDEP focuses on getting people ready for work and is not a destination in its own right. The Government wants people to aspire to a properly paid job rather than to stay on CDEP. (Arbib et al. 2011b, p.6)

The limitation identified in the Discussion Paper was that there was ‘some evidence of underutilisation of CDEP program places’ (Arbib et al. 2011b, p.7). As noted, this problem of underutilisation had been created by the CDEP reform process itself – in particular the decision to end CDEP wages for new entrants (refer Chapter 2 p.86). Some who submitted responses to the Discussion Paper argued that unless wages were reinstated for new entrants, participation might decline further. But any lessons from the ‘reform’ of CDEP were not canvassed here. The fact of CDEP having been ‘reframed as welfare’ was taken as a given, and the problems that might emerge if welfare conditions were to be strengthened and extended in communities that were losing waged work under CDEP were not addressed (Sanders 2016).

In its discussion of the limitations of other ‘market driven’ programs, particularly JSA, the Discussion Paper emphasised their inflexibility and ‘fragmentation’:

The Government recognises that while the current market-driven employment services are suited to urban and regional Australia, they do not adequately address the issues specific to remote Australia.

Services can be fragmented and their goals are not always aligned. Programs can be inflexible and unresponsive to community needs and aspirations. In some cases services within communities are delivered by several different providers. This can be confusing for the communities and the people living in them. (Arbib et al. 2011b, p.7)

In fact, the Labor Government itself had ‘reformed’ all of these programs within the previous two years, putting most out to tender⁶⁶. Only three years earlier, the Labor Government had argued that having CDEP and employment services providers working together in remote communities would mean better support for disadvantaged job seekers, and that they could use their ‘complementary strengths’ to improve community outcomes (Gillard et al. 2008b, p.11). What had gone wrong? The Discussion Paper did not say, nor did it refer to the earlier narrative. The argument that services ‘should be simpler, more integrated and flexible than existing

⁶⁶ Labor had introduced JSA on 1 July 2009, replacing ‘bundled’ remote services. CDEP wages had ceased on 1 July 2009 for new participants – something which appears to have been the major cause of ‘underutilisation’ of places. Disability Employment Services had replaced DEN in 2010.

arrangements' seemed to be enough to warrant further reform (Arbib et al. 2011b, p.3). Now, the Government's desire to merge programs was plain:

The Government believes that services can be improved through better integrating assistance for people in remote areas. (Arbib et al. 2011b, p.8)

Again, no reference was made to earlier experiments in remote employment service delivery – like flexible servicing or bundled services. Nor was the appropriateness of the 'hassle and help' approach that sat at the heart of the mainstream employment service discussed. The Discussion Paper did suggest that the Government should be directly involved in fostering labour demand – for example through facilitating partnerships with employers, using contracts and procurement processes to encourage use of local labour and helping finance enterprises. The poor track record of mainstream employment services in supporting these types of initiative was not canvassed.

With the establishment of JSA in 2009, the Labor government had brought remote areas back into the mainstream employment services programs after the Coalition's brief experiment with bundled services. At the same time it had ended wages for new CDEP participants, turning CDEP into a form of Work for the Dole, and making its demise seem inevitable. But rather than allow the decision to 'mainstream' remote employment services to play out, the review of remote employment services framed this, once again, as a distinct domain for policy action. The Discussion Paper provided a description of the nature of the problem that included lack of jobs. But it also continued a narrative of remote community dysfunction with welfare dependence as a cause (Sanders 2017, Howard-Wagner 2018). 'Communities' were characterised as failing to display the norms of other Australians, and as needing to do more to solve their own problems. No positive construction of group difference was offered, or appeared possible (Sanders 2014). Having carved out this domain for specific policy action and described (in broad terms) how its problems should be understood, the paper sketched general directions for the future. These were not the clear policy objectives to which 'rational' policy making could be directed, but 'portrayals of a future meant to enlist the aid of others in bringing it about' (Stone 2002, p.243). This future included 'meaningful participation' and 'community control', yet the extent to which these would take place under external direction was implied, rather than stated.

The new model

Eight months after the release of the Discussion Paper, in April 2012, Ministers Macklin, Shorten and Collins announced the establishment of a new Remote Jobs and Communities

Program (RJCP). The program would replace all existing programs – that is, JSA, DES, IEP and CDEP⁶⁷, and would cost \$1.5b over 5 years (Macklin et al. 2012a). It was to have 65 remote regions, each with a single provider with a permanent presence in the region (Macklin et al. 2012a)⁶⁸. The new program would have an ‘employment and participation service’ to provide ‘individualised assistance’ and develop ‘participation activities’. There would also be a \$240m Community Development Fund (CDF) through which Government would invest in larger community and economic development projects.

The new RJCP model was presented at a series of ‘community information and consultation’ sessions from May to July 2012. It was presented as emanating from what the Government had heard through its earlier community consultations, and as responding to the need for greater community say, the need for more jobs, and the need to ‘close the gap’ (Figure 7):

Figure 7: RJCP Community Presentation (Slide 3)



From RJCP Community Information and Consultation Presentation May-July 2012

The advantages of this new program over what had been were summarised as follows (Figure 8):

⁶⁷ The programs replaced by RJCP were: JSA, with 32,000 participants in affected service areas; Disability Employment Services, with 1200 in affected areas, and CDEP with 10,500 people in affected areas – almost all of whom would have been registered with JSA as well. The Indigenous Employment Program was also replaced. This was a flexible project based funding program primarily geared to employer or industry specific initiatives. The IEP was reinstated in remote areas by the Coalition soon after it won office, after sustained pressure from employers. It was subsequently subsumed into the Indigenous Advancement Strategy.

⁶⁸ The number of regions was later reduced to 60.

Figure 8: RJCP Community Presentation (Slide 6)



From RJCP Community Information and Consultation Presentation May-July 2012

Communities were to have their say through having the program delivered, where possible, by local community organisations and through providing input to Community Action Plans:

The new Remote Jobs and Communities Program is based on community ownership and involvement. Community organisations are encouraged to become service providers, and Community Action Plans will be central to the engagement between communities and their service providers. (Macklin et al. 2012b, p.5)

Community Action Plans were to be developed by each provider, building on any existing planning work, and would be supported through the CDF. The Minister for Indigenous Affairs was required to approve each plan and had carriage of the allocation of funds. Under the RJCP the 'community' would contribute to, own, engage with, and benefit from the program, while individuals would receive personalised services.

Less prominent in the presentation were those more coercive elements of the program ostensibly aimed at establishing new 'social norms'. The obligations of participants were outlined in general, rather than specific terms – there was no reference, for example, to how many hours of activity might be required (Figure 9). Those at the presentations were, however, told that failure to participate without a reasonable excuse could lead to a financial penalty being imposed.

Figure 9: RJCP Community Presentation (Slide 12)



From RJCP Community Information and Consultation Presentation May-July 2012

They were also told that CDEP wages for ‘grandfathered’ participants would cease on 30 June 2017. Community members were given an email address to provide feedback on the reforms.

After this second round of ‘consultation and information’ sessions, on 2 October 2012, the detailed description of the contractual requirements for prospective contractors was released. Key features of the program are summarised at Table 2 (p. 102, first column). The program presented closely resembled JSA. It had a similar fee structure which attached payments to specific job seeker ‘events’ (like starting in the service, or being placed in work) (see further Chapter 4 p.151 et seq.). It had similar processes for signing up participants, including requiring individual ‘job plans’ to give effect to the conditions attached to each individual’s income support payment. Like its mainstream counterpart, the RJCP funding deed anticipated that detailed rules and processes – including details of what obligations must be included in participants’ plans – would be prescribed in guidelines that could be changed at the government’s discretion. And, like its mainstream counterpart, the primary vehicle for monitoring providers and participants, and determining whether conditions for payment of fees had been satisfied, was the government’s IT system.

The continuation of a JSA style program in remote areas seemed to be at odds with the Government’s initial claim to be looking for an innovative solution to the problems unique to remote Australia. Despite over a year of consultation and development, there was not much difference between the program outlined in the RJCP funding deed and the JSA that it replaced. The CDF and the Community Action Plans were new, but were not integral to the employment

service. In fact, the change arising from the implementation of RJCP that probably had the most profound practical effect was the final closure of CDEP. But this was barely mentioned in official documents. These documents provided a narrative to justify policy change but shed little light on how it came about. The important battles over CDEP and what would replace it went on away from the public eye.

Table 2: Main features of RJCP and CDP

	RJCP (1/7/13–30/6/15)	CDP (1/7/15–)
Case management	Individual integrated case management and support, designed to build job readiness. Delivered by monthly appointments, ordinarily face to face.	
Activity requirements	Provider determines activities based on individual capacity and needs. Expectation that those with full time work capacity are involved in activities around 20 hours per week. Activities can include training, work experience, accessing support services and 'structured activities'.	Those with full time work capacity aged 18–49 must participate in Work for the Dole 25 hours per week, arranged over 5 days, throughout the year.
Service fees	Activity payments for all participants at \$2,750 pa in year one, then \$2,200 pa. Additional \$7,700 for Remote Youth Leadership Development Corps places Access to flexible pool of funds for expenditure on services to participants and wage subsidies at \$2,750 per capita in year one, topped up at \$2,200 pa in following years*	For those not in Work for the Dole (case management only): \$4,000 per annum Work for the Dole service fees: maximum \$12,450 per participant who attends Work for the Dole, gives a reasonable excuse, or is re-engaged following breach recommendation
Outcome fees	Placement fee: \$550 7-week employment: \$825* 13-week employment: \$2,475* 13-week (part-time): \$550* 26-week employment: \$2,475* 26 week (part-time): \$1,100* Education outcome: \$2,750	13-week employment: \$2,250 13-week (part-time): \$1,100 26-week employment: \$5,250 26-week (part-time): \$2,625
Other	Community Action Plan Workforce Development Strategy. Remote Youth Leadership Development Corps. 12-month projects with training and supervised work experience for under 25s.	Incentive payments to employers up to \$7,500 after 26 weeks of employment

* Different rates applied for participants with partial work capacity (e.g. with disability)

Politicians and their priorities 2007–2012

The process of development of the RJCP crossed three Ministers' portfolios: Indigenous Affairs, Indigenous Employment, and Employment Participation. Two of these were held by different people over the development period. The most senior Minister (the only one that was involved throughout the whole process) was the then Minister for Families, Housing, Community Services and Indigenous Affairs⁶⁹, Jenny Macklin. Across interviews with elected officials, bureaucrats and external stakeholders, it was Macklin's role that emerged as most critical in decisions made at the political level about the remote employment program.

While the Coalition had viewed Indigenous organisations with suspicion and deliberately undermined or sidelined them, Macklin saw it as important to build relationships with the Indigenous sector (Karvelas 2013b). When Labor won office in 2007 the NTER was the most potent example of the Coalition's disregard of Indigenous rights. Labor placed a moratorium on further CDEP closures and brought the program back into Indigenous Affairs. In April 2008 Macklin announced the re-instatement of CDEP in 30 NT communities pending a wider review. Macklin moved to increase Indigenous employment opportunities through direct investments in housing and Ranger programs, and through agreements with States and Territories to 'regularise' some of the work done in CDEP (ANAO 2011). Alongside these initiatives, Macklin continued and extended key NTER measures, including income management. Macklin embraced the strategies begun under the Coalition to 'activate' and 'normalise' Indigenous people, at the same time that she courted Indigenous organisational support.

Macklin restored CDEP, but only temporarily. She had formed the view that CDEP was undermining the capacity and motivation of Indigenous people to take up full time work:

I've been in many, many communities where there are jobs, where people haven't taken the jobs that are available, because they've got into the routine of working just a few days a week, a few hours a week on CDEP, rather than learning the discipline of what a full-time job means, and a full-time job of course is what we hope most Aboriginal people would be able to aspire to. (Macklin in Kelly 2010)

Others in the ALP, notably the NT Member of Parliament, Warren Snowdon, strongly disagreed with her view of the scheme, but Macklin prevailed (Sanders 2016). Macklin and her Department

⁶⁹ Hereafter shortened to 'Minister for Indigenous Affairs'.

set about ‘reforming’ CDEP so that it more closely resembled Work for the Dole. By 2010 it seemed inevitable that it would collapse.

In December 2010 Macklin extended the CDEP wages grandfathering arrangements to 2012 – ostensibly because of the Global Financial Crisis. Some said she was concerned at the possibility that important community services would cease if CDEP workers stopped getting paid. She was also hearing that JSA was not performing well in remote areas. It did not appear adequate to fill the vacuum that would be left if CDEP was entirely abolished. Moreover, only five of the 41 Indigenous organisations delivering CDEP had won contracts to deliver JSA in remote areas⁷⁰. Unless there was a new program that offered them opportunities, any decision to close CDEP would mean a loss of services, the closure of Indigenous organisations and a major shift of control and resources into the non-Indigenous sector.

It was these dilemmas in Macklin’s portfolio that led to the decision to have a review of remote employment services even though JSA had only recently been rolled out. As one former Minister said:

... if there was no other political imperative, and I shouldn’t say political imperative because that demeans it... if there was no other social imperative at play, right, then you would have let the remote servicing continue under that [JSA] contract and waited to see what the data said before changing. (interview, former Minister)

It was the desire to finally close CDEP, rather than any analysis of the failings of mainstream programs in remote areas, that had put remote employment services on the political agenda. For political and practical reasons it was preferable for the Government to create something new than to simply shut CDEP down.

Asked about the design process for the replacement program, public servants identified Macklin as the Minister that it was essential to convince. Several commented that other Ministers tended

⁷⁰ From material provided to RJCP Transition Reference Group by DEEWR on 5/4/2013, includes some operating in areas outside the remote employment services delivery area. Note that a number of additional Indigenous organisations were delivering JSA services in these areas as sub-contractors to Job Futures Ltd. Most went on to win contracts to deliver RJCP.

to ‘take a back seat’ in the process, saying that if ‘Jenny’s happy, we’re happy’⁷¹. Macklin’s importance in the process was not just derived from her initiation of the review. She was the most senior and long serving of the politicians involved, and she sat on the Expenditure Review Committee⁷². Even more important was Macklin’s perceived mastery of and commitment to Indigenous affairs:

Macklin was someone who is deeply, deeply passionate about this area. And she’s, you know, probably the best in the government without doubt. She was, from my perspective, she was much more expert at it than me. So, you know, on most things I’d defer to Jenny because I thought, well, I’m the junior Minister here right? And not just junior in a policy sense, but also junior in a knowledge base sense. (interview, former Minister)

While she was powerful, Macklin’s focus was limited to a few critical areas of the remote employment services policy discussion. She was determined to ensure that some of the community activities conducted under CDEP continued and that there was a significant investment in community and economic development:

I understood that if we just moved to a job provider model we would lose one of the strengths of CDEP, which is, of course, making sure that people had good things to do that were useful to the community and good for the local person to be involved in, that could only be funded by something like a community development fund. (Macklin interview)

This was the genesis of the \$240 million CDF – a fund which remained under her direct control as Minister for Indigenous Affairs⁷³.

⁷¹ One exception was in relation to the overall budget for the program expenditure.

⁷² The Expenditure Review Committee is a committee of Cabinet which examines the detail of Budget proposals, drives fiscal strategy, and monitors financial performance.

⁷³ She was also reported to have been deeply concerned with potential gaps in delivery over the transition period. During the transition she was reported to have monitored CDEP projects weekly. This led to a last-minute extension to CDEP, announced on 18 June 2013.

Another Macklin priority was ensuring that, wherever possible, Indigenous organisations were contracted to deliver the new program. To satisfy this demand DEEWR had to depart from its usual procurement process, adopting instead a more iterative Expression of Interest/negotiation process. FaHCSIA staff were told to strongly encourage Indigenous CDEP providers to apply for contracts⁷⁴. The final selection of providers was made by the Minister for Indigenous Employment who replaced Mark Arbib in December 2011, Julie Collins. Collins made a point of testing the community credentials of providers and/or consortia put forward by departmental officials – pushing them to bring forward prospective contractors which, if not Indigenous organisations themselves, at least included an Indigenous organisation as a partner⁷⁵.

Equally, perhaps more, significant to the program design process were the areas where Macklin left decisions to others:

Well, of course, we needed to have the two departments working together, the Minister for Employment and DEEWR were responsible... for job services; that's what they do. But I was the Minister for Indigenous Affairs and also, of course, had a very strong view about community development as well as Aboriginal participation and control over what happens in their own communities, so we had to try and fit those different objectives together. But that's part of government, that you have multiple objectives and you have to make them work. (Macklin interview)

In essence, the program became bifurcated into community and economic development (labour demand) and individualised services (labour supply) – with the latter – the domain of activation based 'job services' – to be addressed from within the employment portfolio. It appears that relatively few aspects of the design of the individualised services part of the program attracted the attention of any of the responsible ministers. With the exception of insisting that there be a single provider in each region and a modified purchasing process, the basic JSA architecture was unchallenged at the political level. Issues that did not make it onto the political agenda included the specific number of hours that participants might be required to work for their income support, the appropriateness of JSA style systems and processes to remote areas, and the impact

⁷⁴ One board member of an Indigenous CDEP provider told me that the Board had decided not to submit an EOI, but then they had been called by a senior official and talked into it. According to the board member they had been told that it would be seen as a vote of no confidence in the Government if respected Aboriginal organisations failed to participate in the EOI process, so they did so out of loyalty.

⁷⁵ 'Departmental officials' here included officials from both DEEWR and FaHCSIA.

of lack of other social services in remote areas on employment assistance. These were treated as technical issues which were left to departmental officials.

Bureaucratic politics

Bureaucratic responsibility for developing the new program was shared between FaHCSIA and DEEWR – organisations with very different organisational cultures and approaches (Sanders 2017). The public servants interviewed for this research said that there were few explicit ministerial ‘riding instructions’ around the policy design process, except that Macklin’s priorities were clearly important, there was a commitment to ‘activation’, and there could be no increase in cost⁷⁶. At the start, some thought this might be an opportunity to consider what type of service might work better in remote communities:

It felt like we might be able to do something substantially different that might get a different outcome... We treat remote Australia as if it were a homogenous block, and it's not... And so that was one of our drivers at the time – to get beyond a cookie cutter approach – to try to map out [different types of] remote economies and try to think about different regions as having different economies, and... to prioritise local engagement. (former DEEWR official)

The Discussion Paper was developed by officials from FaHCSIA’s Indigenous Community and Economic Development Group which was responsible for CDEP, and DEEWR’s Indigenous Policy Group which managed – amongst other things – the ‘bespoke’ Indigenous Employment Program (IEP). DEEWR ‘held the pen’ on the Cabinet Submission process and did the bulk of the work preparing discussion and consultation papers. After an initial period of positive collaboration, responsibility for the policy within DEEWR shifted to the Labour Market Strategy Group – the area within the Department responsible for labour market program design. It was in this area that the Department’s technical expertise in developing and costing employment services programs resided. One interviewee expressed their hope at the time that moving responsibility from DEEWR’s small, specialised Indigenous unit to this mainstream area might increase broader Departmental ‘buy in’ to the program, getting them to focus on the specific challenges of remote Indigenous delivery. However, from this point in the process the tensions between DEEWR and FaHCSIA came to the fore. This period was described by several

⁷⁶ The initial intention was that the whole of the existing budgets for CDEP and the mainstream employment programs in the service area would be allocated to the new program. But I was told by a number of those involved that at the last minute the budget was substantially reduced. I have not been able to find any documentation that shows the extent of the reduction.

involved in the process as ‘adversarial’ and ‘toxic’ – one told me that it was the reason that they had left the policy area, and eventually the public service, entirely.

There were some specific issues over which the two Departments clashed. One was which Department would manage the program and its sizeable budget appropriation. The Departments held very different views of the importance of Indigenous organisations’ involvement in delivery and how this should be achieved. But it was the way that the two organisations ‘did’ policy – the way they understood policy issues, their types of expertise and their practices – that lay at the heart of the conflict (Sanders 2017).

DEEWR came to the table with over fifteen years of experience in running contracted employment programs – this was their ‘expertise’. The OECD regularly held up Australian employment services as a model for other activation programs internationally (OECD 2012; OECD 2001). Proponents of marketisation of public services used Australia’s employment services as evidence of the capacity of such approaches to drive delivery efficiencies (Productivity Commission 2002). Within the Department and the Australian Public Service more broadly, careers had been built on the strength of developing and managing contracted employment services. Equally importantly, ways of doing things had been embedded in institutional practices and information technologies that underpinned delivery. DEEWR’s organisational investment in its way of doing things was a powerful force in the policy process, as one senior FaHCSIA official said:

... there’s huge policy and program momentum, you know, around all the processes, the computer systems, the intellectual capital that’s invested in it, and so anybody like myself... even the central agencies like Finance and PM&C, you know, you’re sitting, you’re a bumblebee on a buffalo... so it is very hard to force the buffalo to change direction.

For DEEWR, the design and delivery of specific employment programs had become a technical exercise within a framework of taken for granted assumptions. Pricing structures might be altered to ‘incentivise’ different behaviours, rules altered to prevent perceived gaming, specific obligations of different sub-groups of ‘job seekers’ might be varied – but overall there was a view that, as one key DEEWR official said, in the design of employment programs ‘there aren’t that many moving parts’. Job seekers and providers were viewed through an economic lens. Contracts, financial incentives and penalties were the means by which they could be governed. The idea that the basic mechanisms underpinning employment programs delivery were essentially fixed, that its program logic was unassailable, provided DEEWR with the advantage

of certainty in its discussions with FaHCSIA and with those outside the Department who might seek to influence it. DEEWR was described by interviewees as ‘good at *doing stuff*’, as experts at purchasing and contracting, as the ‘sports jocks’ of social policy – or even ‘the Taliban encountering the Girl Guides’, evoking ruthless instrumentalism in the face of others’ hapless good intentions. DEEWR officials were experts at the application of technologies for assessing risk, for ‘activating’ job seekers and providers, and an organisational culture had developed around this.

By contrast, interviewees described FaHCSIA as having better knowledge of remote Indigenous communities, stronger networks, and better relationships. It was here that what remained of ATSIC’s expertise and relationships had come to reside. FaHCSIA was more attuned to the complexities of working in remote Australia – but this wasn’t always compatible with decisive action. As one former official said of FaHCSIA:

... they had their network, they listened, they had a fantastic Secretary and they had a long culture of inclusion and consultation. The downside is that they take a long time to do something. So they fluff around, they waste opportunities, and there are a lot of people there who tend to over-egg things.

FaHCSIA’s presence and relationships in remote Indigenous Australia may have been substantially stronger than DEEWR’s, but they were still fairly weak. The network of Indigenous Co-ordination Centres established to provide a single face of Government to communities from 2004 had achieved only limited success (KPMG 2007; O’Flynn et al. 2011). FaHCSIA’s experience in administering Indigenous Affairs following the abolition of ATSIC in 2005⁷⁷ had been tumultuous, characterised by public criticism of ineffectiveness (eg. DoFD 2009; OEA 2008), by the ‘crisis’ of the NTER, and by continuing ideological contestation over how Indigenous policy should be approached (Sanders 2008). By contrast, scandals surrounding the ‘sharp practice’ of employment services providers and suggestions of poor provision in remote areas had left DEEWR’s expertise and its methods essentially unscathed (Pearson 2011; Toohey 2008b; Considine et al. 2015).

According to a number of interviewees, FaHCSIA’s ‘voice at the table’ in the RJCP design process was weaker than DEEWR’s except where its Departmental Secretary or Macklin directly intervened. FaHCSIA’s expertise in the complexities of Indigenous Affairs was no match for the

⁷⁷ FaHCSIA took over the functions of the Office of Indigenous Policy Co-ordination (OIPC) in January 2006.

muscular certainty of DEEWR's market-based approach. After the first Discussion Paper was released, FaHCSIA's principal influence on the design of RJCP was confined to the CDF and to ensuring Indigenous organisations were considered for contracts. Otherwise, it was DEEWR's regimes of practice that prevailed – the same basic processes and systems and the same underlying logic that underpinned its general employment services. RJCP became, in the words of one senior official:

... in many respects... just a topped and tailed [JSA]. (interview, former FaHCSIA official).

While FaHCSIA officials wrestled with the 'buffalo' from the outside, some inside DEEWR at the time were acutely aware of the problems of applying mainstream practices to remote communities. One public servant who had worked for many years at regional offices within the Department described repeated attempts to challenge the use of a JSA model – to the point that they 'almost lost their job'. But this account of open conflict over proposals within DEEWR was the exception. Rather than open contestation, most spoke of the need to observe tacit ground rules, of momentum behind particular ways of constructing employment programs. Two former DEEWR officials offered the following:

There is a machine – and it's a well-oiled one – around designing an employment service model, so once you stick it in that machine... before you know, it has come out like something... it's that hammer – nail thing... like what you had before.

Q: Like JSA for remote?

Yep – JSA lite.

∞

It's hard to split the ideology and the culture. Partly the DEEWR culture is built on the basis of ideology – the free market thing – the CES to the Job Network and all that. And it has continued down that path and there have been various attempts along the way to rein in the Department, but they have survived despite the different ministers.

The adoption of DEEWR's approach meant the embedding, at the heart of the RJCP, of the logic of 'hassle and help': the idea that individual 'job seekers' would respond to more rigorous application and enforcement of program rules by increased job search and that this, in turn, would lead to more people getting work. There were many reasons to doubt the general applicability of these assumptions to remote Indigenous communities. It was clear that most

remote economies were not going to generate sufficient labour demand, regardless of ‘supply’. Work commissioned by DEEWR itself in the course of the review found that many remote Indigenous people had different priorities around work, and different means of distributing income amongst families and kin (Urbis 2012). The history of Indigenous involvement in labour market programs might have alerted officials to the possibility that Indigenous people might be inclined to respond differently from their white counterparts to being ‘hassled’ by the Commonwealth Government. Yet:

It sort of disappeared as an issue. The regular assumptions just kind of kicked in – that that would work. It’s such a deeply embedded belief that people have – and it doesn’t necessarily work for non-Aboriginal people either – peoples’ responses are way more complex than that. (former DEEWR official)

When the possibility of public provision of services was raised, this too ran counter to the ‘deeply embedded belief’ that more effective and efficient services were more likely to be delivered by private contractors. There is little evidence that these fundamental questions about the appropriateness of market assumptions for remote communities occupied much time or attention. As one interviewee said:

Bureaucrats don’t sit around talking philosophy.

For the most part, policy development proceeded by adoption and/or adaptation of existing practices which were embedded in funding models, deeds, guidelines and information systems:

Well in a sense, once you build a machine, it’s a machine that just grinds and keeps going forward and the problem is that, nobody, even the people who are supposedly driving it, the ministers, Auditors General, nobody can stop it. It just keeps grinding on. (former DEEWR official)

Within the bureaucracy the need to shore up institutional power and to avoid political risk trumped efforts to devolve decision making or to adapt to remote conditions:

The people in senior executive... were very keen to put their mark on it to make it look quite JSA-like. That wasn’t the policy intent. The policy intent was to have it occur on the ground and operationalised on the ground, but the end result was that – you’re right – the Deed did turn into very much like a DEEWR contract management deed with a strong tilt of JSA. (former DEEWR official)

Invariably [senior officials] are held responsible for public money, transparency, accountabilities, governance, Senate Estimates. You don't want to be going to Senate Estimates and they ask you a question and you say, 'I don't know because I gave the responsibility to the local community and I can't answer that question anymore.' No senior executive or minister wants to be in that position. It's where the aspirations and the real world meet. (DEEWR official)

In the contest between FaHCSIA and DEEWR over whose expertise and practices would prevail, it was DEEWR's ability to render the world in economic terms and to apply market logic to the task of controlling it that prevailed over FaHCSIA's experience in the messy realities of remote Indigenous Australia.

Consultation

One of the striking things in bureaucratic accounts of the RJCP development process was their lack of reference to influences outside the immediate Canberra political and bureaucratic process despite extensive 'consultations'. Even where interviewees identified outside people or organisations as influential (usually after prompting) the extent of their influence appears to have been very limited. For example, two interviewees mentioned the input of the Ngaanyatjarra Council Aboriginal Corporation, which had developed a detailed proposal to increase employment of Ngaanyatjarra people in local services⁷⁸. While Canberra officials were interested, the ideas had little impact:

The thing that did stay until the end was the idea that there should be a local provider with local engagement and that was important. So that feature did survive all the way through... but I don't imagine that when they saw the way [the RJCP] was structured that it gelled with what they would have expected.

⁷⁸ They used external experts in developing the proposal and engaged with local public servants in its design. Ngaanyatjarra Council's influence was enhanced by its long-standing relationship with the former Minister for Aboriginal Affairs, Fred Chaney.

Q: So they wouldn't recognise their input?

No. For us internally there would be a feeling that we had honoured that to some extent but...(former DEEWR official)

Another interviewee identified the Aboriginal Peak Organisations of the Northern Territory (APONT) as influential. FaHCSIA had given the group financial assistance to develop a proposal, which it did, working with a group of Indigenous organisations and academics⁷⁹. When asked to specify the way in which APONT was influential, the interviewee said:

On my definition of influential, they were influential in that we were paying attention to the arguments they put forward. [But] some of what they suggested was just not practical in terms of the policy parameters we had.

Q Can you give me an example?

They basically wanted to go back to the original concept of CDEP with 'no work, no pay' and no-one on income support and that was not within our remit to recommend.' (former FaHCSIA official)

On paper, consultation with organisations and affected communities was extensive. Following release of the 2011 Discussion Paper DEEWR and FaHCSIA officials conducted consultation forums in 42 locations with nearly 1200 people attending (Macklin et al. 2012b). Sixty-eight written submissions were received. A further round of 'information and consultation' sessions was held in 2012.

At the beginning of the review process a Remote Participation and Employment Services Engagement Panel (Expert Panel) had been established to provide advice about consultation and program design (Arbib et al. 2011a). It was chaired by the then Chair of the Indigenous Land Corporation, included two Indigenous CEOs of employment service providers along with

⁷⁹ APONT (2011), Creating and Supporting Sustainable Livelihoods: A Proposal for a New Remote Participation, Employment & Enterprise Development Scheme. A response to the Australian Government Review of Remote Participation and Employment Services. October 2011. Downloaded 2 August 2013.

representatives from the Minerals Council and the peak body for employment service providers (Arbib 2011). It met four times during the policy development period.

Papers presented to the Expert Panel provide an insight into how input gathered from consultations was – or was not – addressed⁸⁰. At the Panel's second meeting in October 2011 public servants presented a summary of 'main messages' from community forums. As the Discussion Paper had anticipated, these 'messages' included support for 'streamlining, simplification and better coordination of current arrangements'. But there was not unanimous support for a single provider model, and it was clear that some of the dissatisfaction arose, not out of program structures, but out of the interaction between employment services and Centrelink.

Other main messages reported included a 'very strong belief that the future arrangements should focus on building local jobs for local people and economic development' with 'additional funding (e.g. block grants) to support economic development'. Criticism was levelled at governments for failing to co-ordinate their own activities in remote areas, for failing to ensure that government contracts delivered job opportunities for local people.

After presenting these messages, government officials proposed 'design principles' for the new model. They proposed that existing programs be replaced with a single program, with one provider in each region (leaving Centrelink aside). The provider was to work 'in partnership with the community'. The officials proposed a new local Remote Development Officer role to work across all levels of government to co-ordinate activities and support 'communities' to build their capacity to take on more responsibility.

Another design principle put to the Expert Panel by officials was that there be 'no return to CDEP wages'. In the 'main messages' document, community views about this issue were summarised as follows:

There is a view in some communities (particularly Palm Island, Normanton and Warburton) that there should be a return to CDEP wages and top up.

⁸⁰ Meetings were held on 26 July 2011, 4 October 2011, 24 April 2012 and 2 August 2012. Papers presented to each of the first three meetings were provided in response to an FOI request, however the Department of Employment advised that papers for the final meeting could not be located.

This bland statement contrasts with what government officials in interviews about the community consultations. They described CDEP wages as the topic that attracted the most concern and upset amongst community members at the forums:

People would come and say, 'I have been doing 20 years CDEP and now you are sacking me.' (National official)

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... there was very much an ownership [of CDEP] not just by providers – which were generally Indigenous organisations that were local – but also participants themselves. For them, that was their job... There were heated conversations – there is a lot of passion around CDEP, so it was quite difficult. (Regional official)

Many written submissions also expressed grave concern about the current and future impact of loss of waged CDEP work:

Many CDEP participants view Centrelink Income Support as sit-down money, compared to CDEP wage, [it] is often associated with a loss of pride in the community. (Bawinanga Aboriginal Corporation)

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For many participants, CDEP is the only work experience they have had, or may ever have, and the loss of incentive to work will undo decades of progress. (West Kimberley CDEP providers)

The officials preparing the 'main messages' report may have chosen to downplay these concerns because they judged that this was not an area in which it was politically feasible to act or because they were personally disposed to dismiss them. But in doing so they glossed over a critical piece of context for the new program and failed to adequately communicate a key 'message' from those 'consulted'.

There were other issues that may have affected the transmission of what occurred at community forums to 'main messages' presented in Canberra. There is little evidence that the DEEWR and FaHCSIA staff running the forums were skilled in this form of engagement, particularly in intercultural settings. The Discussion Paper itself was full of abstract, technical and ambiguous language. Little time was given to absorb or discuss what different statements might mean for those who would be affected. While some materials were translated into Indigenous languages, consultations took place in English. These issues limited the capacity of affected people to

consider and contribute to the consultation process, regardless of the challenges in Government officials reporting on them⁸¹.

One Indigenous member of the Expert Panel who attended their own community forum and then saw the way its outcomes were presented by Departmental officials said:

... going back [to the Expert Panel] after hearing what's on the ground here, and how that was interpreted and fed back to bureaucrats, was really quite disheartening. Like, no wonder things actually fell over... we did a lot of the writing on the butcher's paper and that, because we got what was going on. But how the team that was actually doing the consultations interpreted what we were talking about, to translate it to the bureaucrats that are actually developing the policies, [there was] a real mismatch around that.

The process of collating and synthesising material inevitably reduced the richness of people's contributions, but it also stripped it of specific geographic and cultural context. This Panel member described the need to constantly remind those in the policy process of the different contexts in which the program would play out:

... everyone makes the assumption they know the issues on the ground... 'we know the issues', [they say] 'We don't want to get down [into detail], we need to be talking on a broader context.' But I had to keep going backwards – because we did have the JSA, we did have the CDEP, we had IEP within the region and we're in a remote setting. Whereas when you're looking at Central Desert where they had the Shire concept... And then you've got the mob from Murdi Paaki which is... a regional approach which is different again. So, from where I sat, I had to keep going backwards to get the people in the room to understand. (Expert Panel member)

In April 2012, six months after the meeting at which 'design principles' had been proposed, the Expert Panel met again. By this time demarcation dispute between FaHCSIA and DEEWR over the new program had been resolved by splitting responsibility between the two. DEEWR had taken charge of the design of the core employment service. The idea of a Remote Development

⁸¹ Describing consultations conducted in relation to the NTER, Kennedy noted: "At all of the government meetings during the two years of this study, visiting officers tended to use acronyms, complex sentence structures and new concepts, which left outstation families with little comprehension about what was taking place. Fearful of shame in the event of misunderstanding, making a mistake or being misunderstood in the presence of strangers; people were reluctant to ask questions of visitors. Silence was usually the preferred alternative, particularly when there was no time to prepare a speaker who could broker the family's views." (Kennedy 2013, p.141)

Officer had vanished. An early suggestion that the scheme could have a ‘default service model’ around which local variations could be negotiated had also disappeared.

Only ninety minutes were allocated on the Expert Panel’s agenda to consider this iteration of the model before they moved to a discussion of ‘community engagement and next steps’. One Panel member commented:

... at the end it went in a bit of a rush. They had obviously formed a view on the model and then presented that to the panel. Then there was discussion and, probably, as a consequence, some tweaking.

The critical issue of funding was not discussed:

When we got to the pointy end it wasn’t as robust a process as it could have been. The consultation was really about the framework, not about the money. Mainly because the line that they trotted out that they had integrated all the pools of funding for RJCP so that there was no net loss and no net gain. (Panel Member)

This ‘line’, according to government officials who were involved, was untrue. A decision had been made late in the process that the ‘reform’ should produce savings. Many of those involved within the bureaucracy felt that this would lead to reduced, and poorer quality, community activities. But it was done in such a way as to be invisible to those outside government ⁸².

By concentrating on the overall framework and allocating so little time for discussion, the public servants also glossed over aspects of the program which would critically shape the way it would function day-to-day: issues like how many hours of participation would be required and by whom, what level of reporting would be expected and what IT system would be used. In 2013 a Panel member whose organisation was by then running RJCP said:

I felt we weren’t given more opportunity to be able to see at least the first cut of the product. And being able to show the Department, “look, this is what we’re sort of seeing how it’s going to work. This is what our community is like.” ... you know, me personally, I think it’s, you know, not much different to the JSA. It’s crazy, you know. That’s not what we wanted. We wanted the process to be streamlined and less administrative process is supposed to be involved. But now it’s actually more.

⁸² It is still unclear from public documents how much was cut.

Some who had supported the RJCP at community information sessions felt betrayed. One CEO of an Indigenous organisation, a local Indigenous person, stood up at a provider meeting in August 2013 and explained that the Government officials had ‘talked up’ the CDF during community forums. The promise of greater flexibility and investment had led her to throw her support behind the program – at considerable personal cost in communities angry at the closure of CDEP. The CEO was close to tears describing her sense of betrayal as CDF funds had failed to arrive, and the organisation found itself, instead, implementing inflexible requirements that offered no prospect of new employment.

In the end, it appears that the consultation process had only a marginal impact on program design. The issue of CDEP wages – one of the most critical issues for individual participants and for CDEP organisations – was simply not on the table for discussion. For some officials involved in the design and delivery of the program the consultations provided an opportunity for learning:

It gave my staff and me a much better understanding of the role that communities and traditional owners play in the decision-making process, and how we should engage with them and how we should respect them. So it was a real eye opener from a personal and staff perspective. (former DEEWR official)

Consultation filled out the experience of people with limited experience of remote Australia, but its impact on decisions was limited. Issues that emerged from community forums were translated through a central bureaucratic lens, and then deployed or ignored as part of the inter-Departmental power struggle.

Despite this, the RJCP was presented as a response to what ‘communities’ had said, which, according to the Government’s information booklet for communities about the new scheme, was this:

The people who talked to the Government said that the current multiplicity of services, programs and providers is not well adapted to the challenges in remote Australia. They said that training was often undertaken ‘for training’s sake’, without a clear goal or a job to go to. Those on income support payments wanted more clarity about their participation obligations. A repeated point of frustration was the fly-in, fly-out nature of mainstream employment services, with no permanent local presence.

It was generally said that the current employment services system leaves people without the motivation to participate in their communities or to go out and get jobs.

The review highlighted the need for a single point of contact for job seekers, and for a greater focus on adapting services to local requirements and opportunities. (Macklin et al. 2012b)

There was no mention of how Government actions (or inaction) affected communities, of the demand for more jobs and wages – instead there was an emphasis on those things that supported the Government’s desire to close CDEP – like a desire to have fewer providers and programs. Consultation was used to refine and justify centrally determined policies, rather than to allow them to be interrogated, let alone challenged. It allowed the government to frame the new program as emanating from communities themselves, and to claim endorsement for something that was ‘better’ than CDEP.

Discussion

Patrick Sullivan is one of a number of anthropologists who have turned their attention to the bureaucratic culture in which Indigenous policy is developed and administered (Sullivan 2008). This culture has its own ‘rules, forms and conventions’ and those within it must attend to internal distribution of power, information and the ‘regimes and rituals of accountability’. Sullivan argues that, in Indigenous Affairs:

The symbols and myths of this culture rely on a base construct “the Aborigines”. It is of less relevance than would be imagined that there really are “Aborigines” in the world, since the bureaucratic culture that plans for and administers them largely does not deal with them. It deals with their representation in meetings, plans, reports and media statements. (Sullivan 2008, p.129)

The voices and experiences of Indigenous people are rarely heard directly, but may be deployed by those in the process to achieve particular ends (Lea 2008). In the development of the RJCP the fact that ‘there really were “Aborigines” in the world’ appears to have been most relevant to those parts of the process that related to management of political interests and alliances. In order to finally close CDEP without attracting the anger that had attended the earlier attempt in the NTER, it was necessary for the Government to be seen to ‘consult with communities’. It was also important to maintain alliances with key Indigenous organisations by providing an opportunity for them to take on a role in the new program. The appointment of Indigenous leaders to the Expert Panel was part of the process of building legitimacy for the outcome. The ‘messages’ reported from community forums were read by people whose lens was shaped in urban, settler Australia. It was their ‘expertise’, their understanding of what was needed, that prevailed. In the design of that part of the program that would most directly impact on

individual clients, or spell the final end to CDEP, these voices were not invited or heard. In the Panel member's account of constantly trying to re-contextualise the discussion within the specific realities of particular remote communities, we can hear the frustration of someone trying to speak across a chasm of experience and culture.

The story of the development of the RJCP was ultimately one of the power of established technologies within the employment services domain. Technologies that reflected neoliberal rationalities in relation to the centrality of work and the pre-eminence of market logics. It was through these technologies that DEEWR was able to present the world in economic terms and to reduce the task of governing to a technical one, involving the design of market signals. It was upon these technologies, and their imagined power, that DEEWR had built its 'expertise' and its reputation for effectiveness within the wider bureaucratic arena. The assumptions underpinning these practices rarely surfaced in discussions – they were the 'givens' for much of the process. Where challenges were mounted they were quickly, and forcefully, overcome. Even bureaucratic 'expertise' in Indigenous affairs was sidelined in the development of the scheme as FaHCSIA's role was confined to 'community development' and those with experience in Indigenous policy within DEEWR found themselves with limited influence.

Part II – RJCP 'reform' and the development of CDP

RJCP starts and the Government changes

The Government's call for Expressions of Interest in delivery of the RJCP was released on 2 October 2012. It indicated that contracts would be awarded between December 2012 and February 2013, giving organisations four to six months to prepare for implementation. However, the first successful applicant for an RJCP contract was not announced until 24 April 2013, less than ten weeks before the program started on 1 July. The final organisation to be awarded a contract was announced only six days before. A substantial factor in the delay was the ongoing tension between DEEWR, FaHCSIA, and sometimes the Minister, over the priority that should be given to contracting Indigenous organisations; DEEWR's assessment of these organisations' capacity to operate an employment services contract; and bureaucratic attempts to engineer 'partnerships' that might address 'capacity' concerns (see further Chapter 4). The delay exacerbated what was always going to be a difficult implementation process. Then, one month after the start of the RJCP, in August 2013, a Federal Election was called. On 7 September 2013 the Liberal/National party Coalition was elected.

The Coalition formed government under the leadership of Tony Abbott. Abbott was an advocate for policies of ‘new paternalism’ and one of the architects of Work for the Dole under the Howard Government. Abbott was known to have a keen interest in Indigenous issues and was close to Noel Pearson. Before the election Abbott had announced that, if he won office, he would be Australia’s first ‘Prime Minister for Indigenous Affairs’ (Wilson 2013). Following the election, NT Senator Nigel Scullion became the full time Minister for Indigenous Affairs, working to Abbott. Indigenous programs, including the RJCP, were transferred from the relevant line agencies to the Department of Prime Minister and Cabinet (PM&C) so that Indigenous issues would be ‘front and centre’ of the Government’s policy agenda (Loughnane 2013a, p.7). A new Indigenous Affairs group was created within PM&C to administer these programs.

In October 2013, less than 4 months after the start of RJCP and a month after taking office, Scullion declared that the RJCP was a ‘disaster’:

“People have told me privately that the people who were working are now ‘sad’,” he said. “I can tell you that is code for a very bad state of mind. They are drinking more. This is a disaster well beyond what I expected.”(quoted in Karvelas 2013a)

He announced ‘emergency talks’ with senior officials in PM&C in order to ‘re-engage people in the system’ before the northern Australian wet season (Karvelas 2013a). In November 2013 he re-instated the IEP in remote areas, announced ‘robust compliance measures’ to ensure that people were engaged in activities, and redirected funds to boost the amount available for ‘structured’ participation activities (Scullion 2013a).

Work for the Dole and ‘structured activities’

During the 2013 election campaign the Coalition had pledged to revitalise Work for the Dole across the country if it won office. In the Abbott Government’s May 2014 Budget it announced a Work for the Dole pilot program for unemployed youth, with national implementation to follow from 1 July 2015 (Abetz & Hartsuyker 2014). The stated goal of the pilot was to ‘help young job seekers gain the skills and experience they need to move from welfare to work as soon as possible, while also making a positive contribution to their local community’ (Abetz & Hartsuyker 2014). The initiative was accompanied by proposed legislation to limit the eligibility of most 18 to 29-year-olds for unemployment benefits to six months in each year. During the six months that they could receive unemployment benefits, recipients would need to ‘earn’ them through 25 hours per week Work for the Dole (Jabour 2014). The proposal was a highly

controversial part of an unpopular Budget and eventually lapsed after failing to pass through the Senate. However, the national roll out of Work for the Dole went ahead in 2015/16, albeit scaled back to accommodate other Budget priorities following Abbott's loss of the leadership.

The RJCP guidelines required that participants be referred to 'approved activities', with a 'general expectation' that those in activities would be involved in them 20 hours per week⁸³. These activities could include accessing support services, doing training or voluntary work. The RJCP activities that most closely resembled Work for the Dole were called 'structured activities'. Like Work for the Dole, these had to be continuously supervised and had strict start and finish times. Scullion's increased emphasis on 'structured activities' in RJCP appeared to align with the wider Government Work for the Dole agenda. Scullion's public statements, however, suggested that it was the former CDEP, rather than Work for the Dole, that was his primary point of reference. In October 2013 *The Australian* reported that:

In a speech to residents of Gunbalanya on Wednesday, Senator Scullion said he believed that the previous CDEP scheme, which both sides of politics had been trying to get rid of, was superior to the new system [i.e. RJCP].(Karvelas 2013a)

When Scullion said that many people had 'gone back to passive welfare', it was those who had formerly been in CDEP, and who had not been moved into 'structured activities', to whom he referred⁸⁴. Later Scullion would repeatedly refer to the CDEP program in promoting his 2015 reforms, in the course of which he re-named the program 'CDP' because – as he said – 'if you say it quickly, it sounds like CDEP'⁸⁵.

The Forrest Review

Before the 2013 election, the Coalition had committed to a review of Indigenous employment and training programs to be headed by miner Andrew Forrest (Loughnane 2013a). Forrest had been advocating for changes in Indigenous employment policy for some years, promoting the

⁸³ In practice the number of hours varied, with some activities scheduled for 14 hours. Where there were grandfathered participants on CDEP wages their hours were determined by award rates and based on the weekly rate of Newstart Allowance. This meant a normal working week of around 14 hours, which provided the benchmark for other local structured activities.

⁸⁴ In response to a question about the source of Scullion's claim, PM&C reported that 8,212 former CDEP participants (77%) had started in RJCP by December 2013. 'Of these 4193 were recorded as participating in activities with just 2,408 in more formal, structured activities'. Senate Estimates. Finance and Public Administration Committee, 24th October 2014. Answer to Question on Notice Reference 161.

⁸⁵ Scullion, speech to providers, Darwin, 3 June 2015.

establishment of employer-led Indigenous employment programs modelled on the approach taken by his own company (Jordan 2014). In 2008 he secured substantial Labor Government support and funding for his initiative to secure ‘pledges’ for 50,000 jobs for Indigenous candidates (p.85; Jordan 2014). However, he fell out with Labor over its attempt to require greater scrutiny of the scheme’s outcomes, his view that employment services were not doing enough to support the initiative and – separately – over Labor’s proposed implementation of a mining tax (Priest 2012). The Coalition took up his concerns, promising to ensure that Indigenous employment programs were better aligned to the needs of employers (and, incidentally, to reverse the mining tax).

When the Forrest Review was formally announced on 8 October 2013 its terms of reference appeared to focus on employer needs (Jordan 2014):

The Review will provide recommendations to the Prime Minister to ensure Indigenous training and employment services are properly targeted and administered to connect unemployed Indigenous people with real and sustainable jobs, especially those that have been pledged to Indigenous people by Australian business.
(reproduced at Forrest 2014 pp.224–5)

The Forrest Review received 349 written submissions between October and December 2013 and held public forums in November 2013 – all within the first 6 months of the RJCP’s operation. Written submissions were limited to two pages. All but two public consultation sessions were held in major capital cities ⁸⁶ (Forrest 2014, p.228). Few of the 270 published submissions mentioned the RJCP. In June 2014 providers attending a forum in Alice Springs were told by a senior PM&C official that while the Government would consider the Forrest Review’s recommendations, existing contracts – which had another 4 years to run – would be honoured ⁸⁷. So, while there was interest and involvement in the Forrest Review by RJCP providers, it was not widely expected to bring about major change during the life of the contract.

On the 1st August 2014 Forrest released the findings of his review– *The Forrest Review – Creating Parity* (Forrest 2014). The report ranged well beyond its terms of reference, making recommendations in relation to prenatal care, early childhood, home ownership, and proposing

⁸⁶ The exceptions were Alice Springs and Kununurra

⁸⁷ Presentation entitled ‘RJCP, Overview of the Indigenous Advancement Strategy’ presented at the 2014 National RJCP Providers Conference, 11–12 June 2014, Alice Springs.

the universal introduction of payment of income support into a 'Healthy Welfare Card' which could be used to limit cash withdrawals, and prevent spending on alcohol, gambling and 'illicit services'.

In its discussion of remote employment services, the Forrest Report said that communities and providers supported some aspects of RJCP, including community 'steering' of service provision, but that the review had heard that employers found it hard to work with the program; that the program fee structure did not put sufficient weight on outcomes; and that participant obligations were not well enforced (Forrest 2014, p.196). The Report recommended that RJCP be changed to a 'demand driven Jobs Centre' model, in which payments were 'heavily weighted' to 26-week employment outcomes. The Job Centres were to be managed by new integrated remote service delivery organisations run by community boards (Forrest 2014, p.203). Insofar as they reflected a focus on employer needs, these recommendations mirrored Forrest's proposals in relation to the reform of mainstream employment services.

But Forrest's recommendations in relation to Work for the Dole in remote areas differed from his proposals for non-remote Australia. In non-remote areas Forrest proposed that Work for the Dole should be designed to prepare people for private sector workplaces. To this end, projects might even be run as commercial operations. However in remote areas, Forrest reported hearing that 'accepted social norms are lacking' (Forrest 2014, p.194). 'Sit down money', the Report said, 'is no good for anyone, and in remote first Australian communities it is devastating' (Forrest 2014, p.194). The report recommended full-time Work for the Dole, explaining that:

Idle hands and a lack of the dignity that work brings have contributed to the dysfunction of many remote communities. Compounding the pernicious effects of welfare, remote Australia is now an easy target for those peddling drugs, illegally sold alcohol and gambling. Full-time Work for the Dole activities from day one of unemployment will keep people active. (Forrest 2014, p.197)

Indigenous leaders with 'cultural authority' were to be given the power to 'set and enforce norms'. Work for the Dole combined with strict application of penalties were the means by which this should be achieved.

Prime Minister Abbott's response to the report was cautious, noting that several elements 'run ahead of today's public opinion' (Owens 2014). He made a commitment to consult widely over the proposals and placed Alan Tudge – his Parliamentary Secretary, and former Deputy Director of Pearson's Cape York Institute – in charge of the process. Later, despite the negligible

involvement of those affected, the Government would claim that it was through the Forrest Review that it had consulted over the changes that would be made to RJCP⁸⁸.

Changes to RJCP

In October 2014, two months after the release of the Forrest Report, Minister Scullion again said that the RJCP had failed. He said that it had delivered few jobs and that only 30% of its participants were in ‘structured activities’ (Karvelas 2014)⁸⁹. On 6 December 2014, Scullion announced ‘a major reform to employment services in remote Australia to put an end to sit-down welfare’ (Scullion 2014). Under these reforms Work for the Dole would become the primary form of mutual obligation. The existing 20-hour activities ‘expectation’ for those with full time work capacity in RJCP would be replaced with a new requirement for 25 hours of supervised Work for the Dole, spread over 5 days per week throughout the year for those aged 18–49 (refer Table 2 p.102 for RJCP/CDP comparison). These Work for the Dole requirements – which were substantially greater than those that applied in non-remote areas– were justified publicly on the basis of the unique circumstances of remote Australia (refer comparison at Table 3).

Table 3 Comparison of participation obligations under jobactive and CDP

Mutual obligation requirements compared		
	jobactive (replaced JSA on 1 July 2015)	Community Development Program
Appointments	Monthly	Monthly
Job search	Generally 20 per month, but in most disadvantaged stream, depends on capacity	Determined by provider. Minimum 1 per month, max 20 per month.
Duration of requirement	Annual Activity Requirement starts at 12 months after starting in the program. The requirement is for six continuous months in each year of unemployment.	Work for the Dole starts immediately for those with mandatory obligation (see below) and continues until the participant leaves income support or their circumstances change. Providers can give participants up to six weeks ‘time off’ in any 12-month period. (i.e. minimum requirement of 46 weeks per annum)
Hours of work required. (people with full time work capacity)	Aged under 30 years: 50 hours per fortnight for 26 weeks each year = <u>650 hours per year</u> Aged 30 to 59: 30 hours per fortnight for 26 weeks each year = <u>390 hours</u> per year (from September 2018 this will increase to 650 hours per year for those aged 30–49) In addition – job search and appointments.	Aged from 18–49 inclusive: 25 hours per week in Work for the Dole activities. (at least <u>1150 hours per year</u>) Aged 50–54: 25 hours per week mutual obligation activities (at least <u>1150 per year</u>) Aged 55+: 30 hours per fortnight mutual obligation activities (at least <u>690 hours per year</u>) In addition – job search and appointments.

⁸⁸ Senate Finance and Public Administration References Committee, Appropriateness and effectiveness of the Community Development Program, Transcript of hearing on 8 September 2017, p.48; ANAO (2017a).

⁸⁹ Referral of people into ‘structured activities’ was only one option available to providers under the contract and guidelines. Other options included part-time work, training and community volunteering. These were not included in Scullion’s 30% figure, as the ANAO would later point out (ANAO 2017a, pp.25–26).

Mutual obligation requirements compared		
	jobactive (replaced JSA on 1 July 2015)	Community Development Program
Hours of work required. (people with part time work capacity i.e. principal carers, people with disabilities)	Aged under 30 years: <u>390 hours per year</u> over 26 weeks = 30 hours per fortnight over 26 weeks Aged 30 to 59: <u>200 hours per year</u> over 26 weeks (15 to 16 hours per fortnight). (From Sept 2018, hours will increase for those aged 30–49 years) Or up to minimum assessed work capacity. In addition, appointments and job search where appropriate.	At least 30 hours per fortnight of activities = approx. 690 hours per year Or up to minimum assessed work capacity. In addition, appointments and job search where appropriate.
Types of activity	The annual activity requirement able to be met through: • Work for the Dole • National Work Experience Programme (up to 4 weeks) • Voluntary work • Part-time work • Study or training at Cert 3 level or higher • Defence Reserves • Other approved Government or non-Government programs • Drug and alcohol treatment (from 1/1/2018) With some exceptions, activities cannot be conducted on private property or in commercial enterprises. They cannot involve work that would have been done by a paid worker had the Work for the Dole activity taken place, or reduce hours or existing paid workers or perform tasks done by workers made redundant in last 12 months. (Deed cl108 and WfD Guideline)	Work for the Dole compulsory for all participants 18–49 with full time capacity. Hours in part time work can be counted towards the 25-hour per week requirement. Training can only be counted if it is necessary for the WfD project or is linked to a job. The Guidelines allow for the majority of the 25 hours to be spent in a service (e.g. rehabilitation) 'where there is a clear need', but in these cases records of attendance must still be kept. Participants with part time work capacity or 50 years+ can participate in range of activities as per jobactive.
Unpaid work experience	National Work Experience Programme with employer including for profit. Job seekers must volunteer. Up to four weeks and no more than 25 hours per week. Employers who have recently, or plan redundancies excluded. Participants in Youth Jobs PaTH' program placed in 'internships' for 4–12 weeks. Places are voluntary and \$100 fortnight paid on top of income support.	Work for the Dole places may be created in for profit or other organisations doing 'real work'. There are limits on the number of 'real work' placements a 'host' can offer – for example businesses with 11 to 20 employees can offer one Hosted Placement for every five ongoing employees. Placements can be for up to six months, with capacity for PM&C to agree to an extension. Hosts can directly advertise for participants. Placements can be mandatory.
Scheduling	Flexible	Activities must be scheduled so that they 'set a daily routine for job seekers across a five day, Monday to Friday week'. Providers may put forward a proposal for different scheduling under 'special circumstances'.
Monitoring and reporting	In Work for the Dole, must record attendance for each day. Must enter into IT system within 10 days. For other activities, must record on a monthly basis.	WfD: Attendance must be recorded for each day and entered into the IT system. Monthly payments are based on records in this system. Payments are not made where a person has not attended WfD and the provider has not reported non-compliance to DHS. Provider KPIs are also linked to reporting noncompliance to DHS.

Sources: Department of Employment, Managing and Monitoring Mutual Obligation Requirements and Job Plan Guideline, v2.2 effective 1 June 2017 (jobactive); PM&C Mutual Obligation Requirements User Guide v1.1 effective 8 March 2016 (CDP).

The 'Questions and Answers' document prepared by PM&C for its officials' use included, under its list of 'defensive Q&As', the following explanation:

[Question:] Work for the Dole is continuous in remote Australia, but not mainstream areas. Why is the Government taking a more stringent approach?

[Answer:] Remote job seekers have a greater requirement to participate in Work for the Dole than people in non-remote areas because the circumstances in remote Australia require a different approach.

The reformed RJCP will give job seekers the opportunity to be continuously engaged in Work for the Dole activities, five days a week, all year round – just like a real job.

Often remote communities have limited or no real labour markets, as well as unique social problems that stem from passive welfare. These social problems stem from idleness and are making communities unsafe and dysfunctional.

We need to set expectations in remote communities that build the same behaviours and norms of workers in ordinary Australian workplaces.

(PM&C Questions and Answers document 2 December 2014)

\$94.8m was moved from the Commonwealth's remote Indigenous housing budget to enhance Work for the Dole, bringing operational funding for the program (excluding income support payments) to around \$400m per year (ANAO 2017a, pp.21–28). Alongside the introduction of continuous Work for the Dole, reforms included limiting training to that directly required for a job or Work for the Dole activity; abolishing outcome fees for completion of education or training; abolishing the youth program; and bringing forward the end of CDEP wages for grandfathered participants to 1 July 2015. Community Action Plans were abolished in order to 'reduce red tape', the CDF was ended and the funds rolled in to the wider Indigenous Advancement Strategy budget. The primacy of Work for the Dole in the new CDP was reinforced by changes to the provider payment structure so that the majority of service fees were

attached to Work for the Dole participation and to ‘breaching’ those who failed to attend Work for the Dole (see Chapter 4 p.151 et seq.)⁹⁰.

Only 18 months into a five-year program, the Abbott Government had completely rewritten the ‘mutual obligation’ requirements for people in remote areas, accelerated the end of CDEP wages for approximately 2000 people⁹¹, and had imposed a substantially altered contract on providers⁹². The changes, so soon after the program had started, were justified on the basis of the ‘urgent’ need to arrest a slide into ‘passive welfare’.

Alan Tudge described the reforms as ‘the first major antidote to the poison that has inflicted remote communities for decades: welfare passivity’ (Tudge 2014).

Consultation and evidence

In 2017 the Australian National Audit Office (ANAO) conducted a performance audit of the design and implementation process of what was by then known as the CDP (ANAO 2017a). The report described consultation leading up to the changes as follows:

The Minister for Indigenous Affairs (Minister), supported by PM&C, convened several roundtable meetings with selected employers and community councils in September 2014 to discuss the findings of the Forrest Review, including aspects relevant to the design of the CDP. In October 2014, the Minister also consulted with the Indigenous Advisory Council members on the merits of the CDP, as well as Jobs Australia and a selection of trusted providers. (ANAO 2017a, p.26)⁹³

This issue of how much consultation had occurred was also canvassed during a 2017 Senate Inquiry into the scheme (Senate Finance and Public Administration References Committee 2017). When pressed as to how much consultation had occurred prior to the December 2014 announcement, PM&C’s representative told the Inquiry:

⁹⁰ PM&C, RJCP Comparison Table, 28 November 2014.

⁹¹ Estimate based on administrative data for 5 January 2015 showing that number of CDEP wages was 2350.

⁹² One organisation received legal advice to the effect that the changes were so significant as to constitute repudiation of the contract. Providers could have rejected the contract variations, however the Government made it clear that that would mean walking away from the contract altogether.

⁹³ The Indigenous Advisory Council was a group of Indigenous people appointed by the Prime Minister from time to time. It was not elected, and its proceedings were not public.

... the Forrest review was the critical vehicle by which the government made this decision, and then there was further consultation after that. So, the consultation that went through the Forrest review process led and fed in to the design. Once a decision was made then further consultation was held.

Senator McCarthy: So, it was in the Forrest review that leaders were calling for more hours as opposed to fewer hours in the urban areas?

PM&C Representative: I think leaders were calling for an end to passive welfare dependency.

(Senate Finance and Public Administration References Committee, Transcript 8 September 2017, pp.48–49)

The Department tabled a list of communities that had been visited by the Minister at which, they said, his proposals were discussed. However, most had occurred after the December 2014 announcement⁹⁴. Unlike Labor, the Coalition Government had not seen the need to have a public consultation process to consider and lend legitimacy to its changes. To the extent that consultation occurred over the proposals, it appeared to be through informal conversations between the Minister and selected others. However, Scullion claimed to be implementing community wishes:

“The community wants this, the community has laid out the policy for us and this is a genuine reflection of the direction communities want to go in,” Senator Scullion told reporters. (AAP 2015)

Authority for the measures was claimed, not from discussion or negotiation with Indigenous organisations, but from unnamed communities and ‘elders’, described by Forrest as ‘sober and respected first Australian leaders with cultural authority’ (Forrest 2014 p.51).

The ANAO also looked at the evidence used to support policy change, finding that that:

... changes introduced as part of the CDP were not informed entirely by a sound evidence base. In particular, the review of the CDP’s predecessor program, the RJCP, was based on incomplete analysis of the data.(ANAO 2017a, p.23)

⁹⁴ Senate Finance and Public Administration Committee. Inquiry into CDP. Transcript 8 September 2017 pp.47–49.

According to the ANAO, PM&C's claim that there had been a 90% drop in employment outcomes under RJCP was unsubstantiated. The ANAO questioned PM&C's reliance on the low level of 'structured activity' to justify reforms, noting that 65% of participants had been attached to an 'approved activity' under the former scheme (ANAO 2017a, pp.25–6).

But Scullion persisted in arguing that the changes were necessary to reverse a 'sit down culture' fostered by RJCP. PM&C's Q&A document stated that 'Reforms will build on what we know works, and will make changes to what is not working.' There were echoes of the former Howard Government's assertion of the right to unilaterally intervene to avert what it described as an 'emergency' in the NT (Moreton-Robinson 2009). Here, the assertion that 'remote communities have returned to passive welfare as the norm under current arrangements'⁹⁵ was the basis upon which the Government claimed the right to apply more 'stringent' obligations and to circumvent formal consultation. Remote Indigenous people, apparently incapable of resisting a slide into 'passivity' and 'dysfunction', urgently required a firmer hand.

Response to the proposed changes

When Scullion announced the implementation of the CDP some welcomed what they hoped would be a return to a CDEP-like program (e.g. Garrick 2015; AAP 2015). Scullion encouraged this perception. In June 2015 he told providers:

... where ever I go where ever I go... it will come out that – 'when were the best policies, when were the best days?' it will come out without a breath, without taking a breath... there were some difficulties with CDEP but in the recollection of anyone's history they were the times when the community and individuals felt at their best.
(Speech to providers, Darwin, 3 June 2015)

He told providers that this was why he had decided to name the reformed program 'CDP'.

But many were critical of the changes. The Aboriginal and Torres Strait Islander Social Justice Commissioner called the Work for the Dole arrangements discriminatory and reminded the Government of its obligation to obtain the 'free, prior and informed consent' of affected people (Gooda 2015). Both provider peak bodies wrote to the Government on behalf of members expressing concern over lack of consultation and the potential impact on participants of 5 days per week Work for the Dole. Jobs Australia said:

⁹⁵ From PM&C Q&As document.

Already Indigenous people are more likely to be ‘breached’ than non-Indigenous people. Increasing requirements in communities with limited social or health supports and already high rates of homelessness and crime, may exacerbate existing pressures on families and the vulnerable.⁹⁶

After the Minister confirmed that people might end up in Work for the Dole for decades under his scheme (Martin 2015), the CEO of the Central Land Council said:

It’s just soul destroying for unemployed Aboriginal people to learn that the government is relaxed and comfortable about them serving ‘work for the dole’ life sentences and never getting a job... Not so long ago the government claimed that the Community Development Employment Program had to go because it had become a destination rather than a conduit to a real job. Now it is content with a scheme that really entrenches low expectations of Aboriginal people. CDEP, for all its shortcomings, was a lot more real than the dead end of ‘work for the dole’ because it rewarded personal effort with subsidised wages. (David Ross, CEO of Central Land Council, APONT Media release 4 March 2015.)

By October 2015 providers were reporting substantial increases in penalties and that some with no other income had left the system altogether⁹⁷. In 2017 the Chairman of Ngaanyatjarra Council told the Senate Inquiry:

We didn’t want [CDP] when it started but we thought it would be like CDEP because it has the same letters. That was wrong to use those letters because it tricked us... We now find ourselves in a situation where desert people cannot feed their families.⁹⁸

⁹⁶ Jobs Australia, Feedback from the RJCP Providers’ Network on Proposed RJCP Reforms, April 2015, p.13

⁹⁷ NESA and Jobs Australia survey of providers, October 2015. Conducted by this researcher on behalf of the two peak bodies.

⁹⁸ Ngaanyatjarra Council Aboriginal Corporation submission to Senate Finance and Public Administration Committee Inquiry into the CDP.

Reforming CDP to make it more 'CDEP like'

Six months after the Work for the Dole changes came into effect Scullion proposed a new set of changes to CDP that would, he said, further align it with the former CDEP ⁹⁹ (Senate 2015). The *Social Security Legislation Amendment (Community Development Program) Bill 2015* (known as 'CDP2') was intended, according to its Explanatory Memorandum, to make changes to social security arrangements to drive 'behavioural changes needed to get people active, off welfare and into work.' (Senate 2015, p.3). The CDP2 Bill proposed the establishment of a new category of remote income support recipient within the social security system, specific arrangements for whom would be determined by the Minister for Indigenous Affairs under regulations (Haughton 2016). The Government's stated intentions were that CDP participants would be subject to more immediate application of 'No Show No Pay' penalties, and that these would be applied directly by contracted providers rather than by Centrelink (Senate 2015)¹⁰⁰.

The Explanatory Memorandum said:

The CDP caseload, while representing only five per cent of all job seekers, currently accounts for over 60 per cent of all reported No Show No Pay failures. Despite this, attendance in CDP activities remains low. (Senate 2015, p.4).

It linked the rate of penalties to the complexity of Centrelink processes and rules. Because of the complexity of the system, it said, it was difficult for remote job seekers to understand:

For many remote job seekers the penalty feels arbitrary and not connected to their behaviour. As a result, behaviour is not changing. (Senate 2015, p.4)

⁹⁹ Commonwealth of Australia. 2015. Parliamentary debates. Senate. Second Reading Speech. p.9661. 2 December 2015.

¹⁰⁰ The Bill included other measures, like weekly payments and changed income support withdrawal rates for those who took up part-time work.

The idea was that swift sanctions, unhampered by the checking processes of Centrelink, might lead to improved attendance, sacrificing procedural rights for a punishment that Indigenous people could understand¹⁰¹.

The Bill was opposed by Labor and the Greens and lapsed when a Federal election was called on 8 May 2016. Labor's opposition to the Bill focussed on the lack of consultation and the 'unfettered and inappropriate ministerial discretion' included in it¹⁰².

The Minister continued to argue that it was necessary to remove remote income support recipients from the operations of the overall social security system into order to restore what had been good about CDEP, and to achieve necessary behavioural change. The proposals resurfaced in December 2017 in an options paper for reform of CDP (PM & C 2017c). When the Government introduced measures to toughen penalties for those considered 'persistently non-compliant' and reduce discretionary waivers into the Parliament in 2017, those in remote areas were exempted so that separate rules could be developed 'to reflect the unique labour market conditions that [remote] job seekers face' (House of Representatives 2017, p.162). However, in May 2018, soon after the broader measures had passed through the Parliament, the Government reversed its position, announcing that these arrangements would be applied to remote participants, and declaring that the same rules should apply to all job seekers 'regardless of where they live' (Scullion 2018). A Bill was tabled in August 2018 to this end¹⁰³.

CDP's technologies of government

In promoting and explaining the introduction of CDP, Scullion repeatedly referred to RJCP as a 'mainstream model'. 'Labor', he said 'simply put the urban model of employment services into remote Australia' (Scullion 2014). But under the CDP the processes and systems that shaped the daily practices of frontline workers and organisations continued to be derived from mainstream employment services. Providers continued to be required to manage people through the IT system, recording mandatory appointments, job plans and placements. PM&C continued to use

¹⁰¹ Forrest described this as a 'quick small hit to the wallet' (Forrest 2014, p.133).

¹⁰² Second reading amendment to be moved by Senator Claire Moore on behalf of the opposition dated 2 May 2016.

¹⁰³ The *Social Security Legislation Amendment (Community Development Program) Bill 2018*. At the time of writing it appears that this Bill, like the earlier CDP Bill, will lapse.

the IT system as its primary means of monitoring provider activity, collecting performance information, and making payments.

In contrast to Scullion's representation of the CDP reforms as more appropriate to remote circumstances, the ANAO reported that alignment with mainstream employment services was one of the principal objectives of the 2015 reforms to RJCP (ANAO 2017a, p.25). The Coalition's replacement for JSA (jobactive), and its reinvigorated Work for the Dole program were to start on 1 July 2015. Supporting IT systems, learning materials and operational rules were changing accordingly. Increased priority and attention to systems support for Work for the Dole in the mainstream program improved PM&C's ability to monitor Work for the Dole within CDP. It became more practical for PM&C to link performance and payments to daily Work for the Dole attendance reporting. This, in turn, allowed the Government to assert, as it did in relation to jobactive, that CDP program funding was more 'outcomes-based' – although in CDP most of the 'outcomes' rewarded were attendance in Work for the Dole (Chapters 4 and 5). None of these changes brought about a move away from the logic of 'hassle and help' at the heart of the 'urban model'. CDP not only preserved the disciplinary and surveillance technologies that characterised the earlier program, but they were intensified.

Organisational culture in PM&C

According to the ANAO, it was PM&C that advised the Government that 'only a comprehensive full time Work for the Dole program applied to all job seekers will work in remote regions'(ANAO 2017a, p.27). It appears that, in the absence of broad consultation, and in the context of PM&C's privileged position as a central agency, the advice and decision making of senior PM&C officials was unusually important in decision making about the new CDP¹⁰⁴.

The machinery of government changes that brought Indigenous programs into PM&C involved substantial upheaval for the staff and agencies involved. It included the transfer of 1803 staff from 9 different agencies¹⁰⁵, each with their own organisational practices and cultures (Buick et al. 2017; Perche 2018). The transfer took 260 days to finalise (ANAO 2016, sec.4.17). Some staff came across from FaHCSIA and DEEWR to work on remote employment services (particularly

¹⁰⁴ It should be noted that PM&C did consult providers over operational aspects of the program after the basic principles (including 5 days per week Work for the Dole) had been announced. But the proposed funding deeds and performance framework were not released to providers until six weeks before the program started, limiting the time for feedback.

¹⁰⁵ Senate Estimates Supplementary Budget Estimates 19–23 October 2015, QON 21.

in regional offices), but there was significant turnover, both initially and in the years that followed (Perche 2018). Machinery of government changes were accompanied by significant staff reductions across PM&C, most from the regional offices of the new Indigenous Affairs group (Dennett 2016; Towell 2014).

A recent study provides insights into the ways these machinery of government changes affected policy development and organisational dynamics within PM&C at the time that decisions about CDP reform were being made (Carey et al. 2017; Buick et al. 2017). One of PM&C's principal roles was the co-ordination of policy across government, supporting the Prime Minister and the Cabinet to implement cross-government policy agendas. PM&C had developed a system of 'shadow teams' to oversee particular policy domains, providing critical analysis of proposals put forward by Ministers and their line agencies (Carey et al. 2017). The interaction between line and central agencies provided a sort of testing ground for policy, a field within which the different 'perspective[s], culture and needs' of those parts of government concerned with delivery and those concerned with a 'whole of government' view could be played out (Carey et al. 2017, p.5). But after the machinery of government changes the shadow teams for the policy areas moved into PM&C, including Indigenous Affairs, were abandoned. Staff within PM&C had to play both the role of policy proponent/implementer and central agency 'critic' – potentially critiquing ideas proposed by their own Minister (Carey et al. 2017). Carey et al found that:

In addition to creating odd, and potentially dysfunctional, work practices we found that the difficulties involved in briefing both to Ministers and the Prime Minister was potentially detrimental to the quality and robustness of the policy advice being given to the Prime Minister's Office.(Carey et al. 2017, p.182)

While the ANAO reported that other agencies were asked to comment on PM&C's proposals for changes to CDP (ANAO 2017a), Carey et. al.'s analysis suggests that some of the critical scrutiny and testing that might have been applied previously may not have occurred here.

Interviewees in the PM&C's regional offices reported that their policy input was also limited, even though many of those making decisions in National Office had limited knowledge of or exposure to Indigenous affairs or remote Australia:

Q: Do you have much say in policy development?

No, very little. Since the [machinery of government] process there has been increasing concentration of decision making in National Office. States are having to jump up and down to have an impact. And there has been a real loss of subject

matter expertise in there – both in employment services and CDEP... we have asked them to come out here as the policy is shaped up so that they can see the realities. They have said that they are too busy.

PM&C's account of the development of CDP to the Senate Inquiry suggested that consultation was largely the domain of the Minister. One senior public servant told me that it was the Minister, rather than the bureaucrats, that had the experience and networks to consult. Another said that he had been told to 'stick to his papers' because the Minister and his advisers knew which people and organisations were worth listening to. Under PM&C, policy making had become more centralised, more personal and more insular.

A second paper emerging from the research project on changes at PM&C examined the effect of differences between the organisational cultures of the former Department ('legacy' PM&C) and the people who transferred in from line agencies¹⁰⁶ (Buick et al. 2017). The culture of legacy PM&C was described as fast paced, short-term oriented, risk-averse and focussed on protecting the Prime Minister from policy 'mistakes'. Its employees were described as highly educated and ambitious, moving through policy areas relatively quickly, rather than having a strong content interest. By contrast, employees from Indigenous Affairs worked over longer time frames, with changing objectives and uncertain outcomes:

... the sheer nature of dealing with such a politically fuelled, wicked problem meant that staff had learnt over time to adopt a trial and error approach and acceptance of making mistakes was key to learning. (Buick et al. 2017, p.58)

Staff from the Indigenous Affairs areas of agencies were more often passionate about the issues and 'in for the long haul'. There was a perception amongst some in PM&C, reflected in an Australian Public Service Commission report, that these staff had been 'captured'; that close relationships between Indigenous Affairs staff and stakeholders had generated 'co-dependence'. Perche notes that:

The move of Indigenous Affairs to PM&C certainly addressed this problem of co-dependence, breaking longstanding connections of many public servants with Aboriginal communities that they worked with, firstly through the disruption of

¹⁰⁶ I will refer here only to Indigenous affairs, but the study includes both Indigenous affairs staff and those in the Women's policy area that been moved into PM&C. The authors note that the differences between 'legacy' PM&C and line agencies were more important than those between the agencies from which staff came.

moving departments, and then with the implementation of the competitive tendering processes for the Indigenous Advancement Strategy. (Perche 2018, p.331).

Two years after the machinery of government changes, problems were still evident:

... the issues associated with low cultural compatibility were exacerbated by the lack of systemic effort to integrate the cultures. It meant that not only did the groups continue to operate separately, but the tensions and hostility between the groups was amplified and fragmented their willingness to work together co-operatively. (Buick et al. 2017, p.64)

One interviewee who had been involved in developing RJCP and then moved to PM&C spoke of these tensions:

We said, 'This is the opportunity to build a new PM&C culture.' And we were told, 'No, that's not the way we are doing it – this is the way we are doing it.' We were also treated with contempt in the early days – it took ages to build credibility because they just thought we were cowboys and it was quite awful... The Secretary[s] ... view was that 'We need to do some cleaning out here, these guys need a prune', and 'There are some terrible practices, people who have been there too long who need to be sent on their way.'

The machinery of government process and subsequent redundancies led to loss of staff with experience in remote and Indigenous policy (Perche 2018). Many of those in senior positions overseeing the development and implementation of the CDP reforms had little or no background in Indigenous Affairs. Few had been involved in RJCP and, by 2018, most who had been involved in the 2015 reforms had already moved on.

The account of Buick, Carey and others of the organisational culture in PM&C provides an insight into how and why, when it came to reforming the RJCP, the result was a more centralised and more prescriptive system (Buick et al. 2017; Carey et al. 2017). The risk aversion of 'legacy' PM&C was not conducive to devolution of decision making, collaboration with providers, or inclusive assessments of performance. As a central agency PM&C had for decades been at the epicentre of the Commonwealth's adoption of economic rationalism and its pursuit of NPM (Pusey 1991). The market logic that underpinned mainstream employment services aligned with these favoured approaches. It is unclear to what extent there was internal debate over the appropriateness of the 'help and hassle' approach in remote Australia, or concern about the shift towards more punitive and paternalist policies – but the Department's willingness to frame Indigenous communities as 'dysfunctional' and to assert that 'idleness' was the cause, suggest

that these ideas fell on fertile ground (e.g. ANAO 2017a, p.27, Figure 10.) Government officials, increasingly distant from the targets of their ‘reforms’ readily fell back on narratives of Indigenous incapacity (Walter & Anderson 2013).

Discussion – rationalities and technologies of reform

The development of RJCP under Labor, and CDP under the Coalition reflected differences in approach to employment services and to the Indigenous sector. Labor was inclined to give providers more discretion in determining both the nature of obligations and the degree of coercion to be applied. It was important to Labor to be seen to be consulting widely with the Indigenous sector, and in affected communities. It sought a solution that could garner support – or at least acceptance – from key Indigenous organisations. Here, as in earlier periods of welfare reform, Labor’s approach was ‘tempered by traditional loyalties’ (Harris 2001, p.20). The Coalition Government was less concerned to cultivate sector relationships and relied, instead, on the profile and networks of Scullion and Abbott to legitimate its claim to be acting in the interests of Indigenous Australians. Disinterest in skills, and the implementation of Work for the Dole in remote Australia reflected the Coalition’s policy stance in jobactive and in earlier periods of employment services reform.

While there were differences between the approaches taken under the two governments there was more substantial continuity. In each case a principal policy aspiration was that ‘everyone who can work, should work’. While the Labor Government was more careful in its language, and more measured in its attribution of social problems to a single cause, both Governments identified ‘welfare dependence’ as a primary cause of social dysfunction in remote communities, and prescribed obligatory ‘activity’ as a remedy. Labor might have been less confident in the ability of the market to resolve the problem of labour demand, but it shared with the Coalition the idea that market participation was the critical objective to which policy should be directed. Work in the formal labour market was framed, not just as a means by which individuals might pursue economic goals, but as a moral obligation. There was continuity, too, in the treatment of ‘welfare dependence’ in remote communities as more than an aggregation of individual ‘dysfunction’ (Howard-Wagner 2018). Remote Indigenous communities were compared with the ‘invisible norm’ of white Australia and found wanting (Moreton-Robinson 2009). The problem was constructed as social and cultural, as inhering in remote communities themselves.

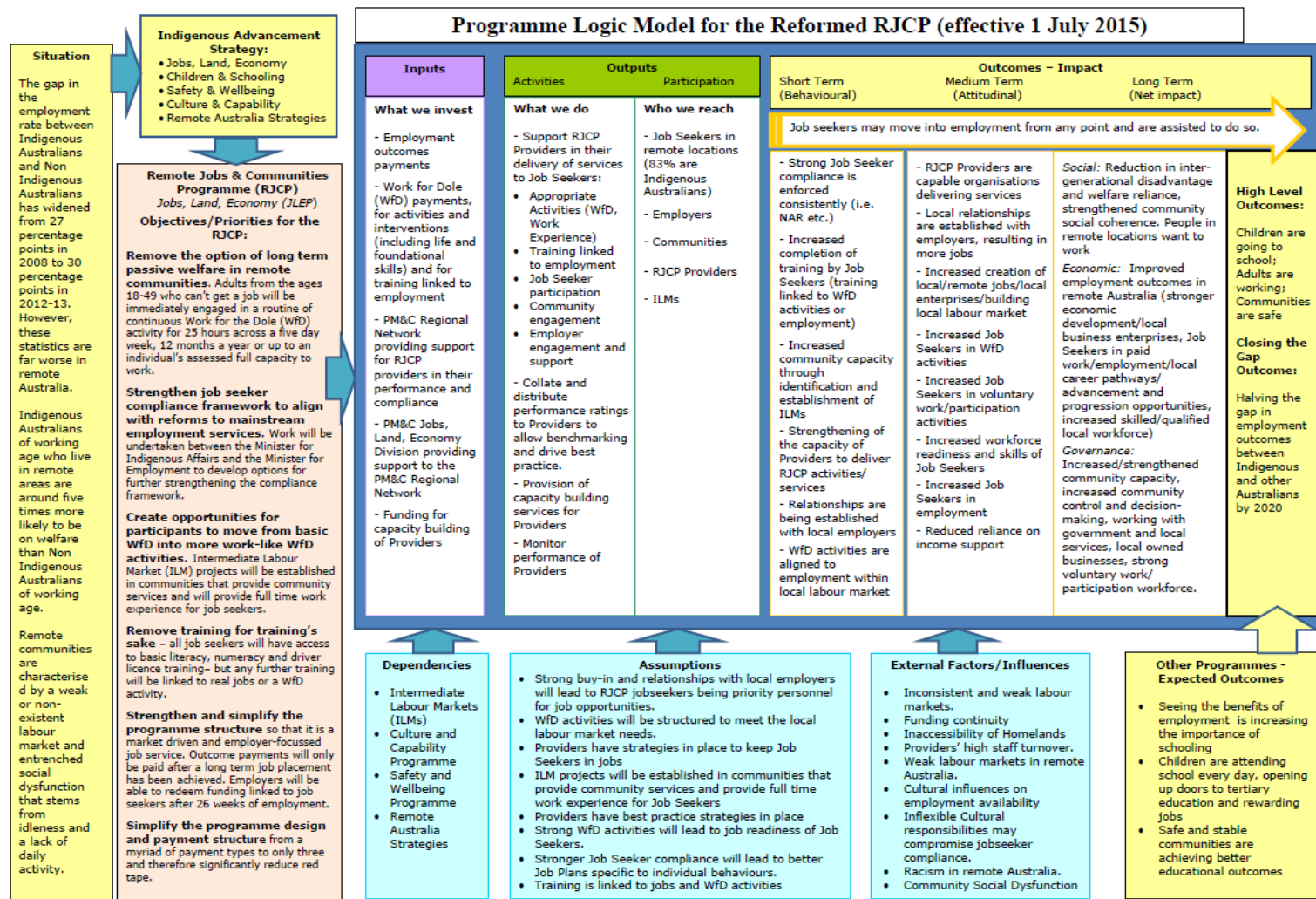
The other critical continuity was in the deployment of the technologies of mainstream employment services. The implementation of RJCP meant the end of CDEP and the inclusion

of all remote unemployed people into an individualised system, characterised by obligations to ‘participate’ and by close individual monitoring. Individuals and activities that had previously been opaque to Canberra bureaucrats became visible. The abolition of CDEP was the final blow to collective structures which had once enabled local Indigenous people and their organisations to negotiate ‘what counts as work, what counts as effort, and what obligations bind ‘management and ‘participants’” (Rowse 2001b). The abolition of CDEP’s mediating structures exposed Indigenous people to the discipline of the labour market, or, in its absence, to the direct imposition of ‘work discipline’ by government through Work for the Dole.

The technologies of employment services enabled the Commonwealth Government to implement an intensive form of daily ‘surveillance in society’ with a view to the transformation of Indigenous people into ‘economic citizens’ (Figure 10). Despite the significance of the processes and IT systems for the way the program played out, these decisions were largely hidden from view. They were treated as technical decisions for bureaucrats, not policy decisions at all. They were simply the way modern employment services were done. The assumptions they embodied, the representations of participants they created, and their implication for work practices rarely surfaced as issues for discussion.

Both the RJCP and CDP reforms sought control over the lives of remote Aboriginal people to the same end. In the following chapters, however, I will argue that this ‘control’ was often illusory. Here, as often before, settler-state governing technologies found their limits in remote Australia. These remote employment services certainly had ‘real world’ effects – particularly as they became more punitive – but rather than transforming the ethical dispositions of remote Indigenous people, much of what went on in the name of RJCP and CDP became a type of ‘performance’ – rituals performed for the benefit of central bureaucrats with little meaning for those acting them out.

Figure 10: Program Logic model for Reformed RJCP (CDP) developed by PM&C



Chapter 4

Managing providers

It is 30 March 2015 and Nadine Williams, the First Assistant Secretary leading the Work for the Dole Implementation Taskforce in PM&C is standing in front of an audience of over 100 people from 40 provider organisations and many of PM&C's regional offices. The conference has been called to tell providers about how the 'Reformed RJCP' will roll out. It is just under 2 years into a 5 year contract that had been designed 'to give greater certainty to providers and communities' (Macklin et al. 2012a) .

'This,' she says, will be 'the start of a new way of working in remote Australia... The current RJCP is not working and you haven't been shy about what needs to be fixed... it makes no sense to continue with a program that isn't working – and that is the context for the Minister's announcements on the 6th of December'.

She goes on to outline the changes: 'Work for the Dole. Twenty-five hours per week, over five days, throughout the year... This is about making job seekers active, supporting social capital and supporting families and elders... It will mean big changes for communities, and providers will be expected to work closely with them to make sure the activities reflect what they need and want... I understand that you are still getting your head around the financials', Williams says, 'We are committed to continuing the conversation after 1 July.'

The draft funding deed, containing 'the financials' has only been given to providers that day. It is clear at the conference that the Government intends to implement the new arrangements in eleven weeks, regardless of what providers might say.

Williams is followed by the Indigenous Affairs Minister, Nigel Scullion. He tells the audience 'our motive is to reflect what the community have been asking for the last four years. ...You', he says, 'are 'the delivery arm of Government. ...Whatever we are doing isn't working. People are on passive welfare. In this new system, 'the fundamentals of CDEP are there but the times are different.... Work for the Dole is not a destination – it is not slave labour, as many have argued to me...' the focus, he says, will be on jobs.

Finally, he tells providers: ‘If you won’t give people the best services then I will get someone else to do it... and the same with Government staff – if you are not doing well, I will get someone else to do that.’

Scullion’s threat to get rid of those that don’t deliver is a topic of conversation for many providers over morning tea. Some people are personally affronted, others comment on the unfairness of threatening ‘poor performers’ when the Government itself has failed to settle on a performance framework for the contract. Others express sympathy for the public servants in the room whose jobs, they felt, were also threatened.

The session after morning tea is called ‘Implementing the Reforms Together’. There has been no opportunity for those in the audience to speak or ask questions. Nor is there one in this session. Providers have been encouraged to look for PM&C staff to talk to over the breaks or put their questions in a box in the foyer.



Both Labor and Coalition Governments favoured the contracting of Indigenous organisations to deliver remote employment services. They spoke of the desirability of community control and the tailoring of services to local aspirations. At the same time, they asserted the need for external direction to address a lack of acceptable ‘social norms’ in communities. Moreover, the dismantling of the ‘culture’ of CDEP – a program in which many organisations applying to deliver these programs had participated – had been a key driver for the creation of the RJCP. These ongoing tensions and ambiguities over the role of providers in the delivery of remote employment services played out in government practices for ‘managing’ providers.

The effects of contract management practices on mainstream employment service providers have been well documented. Rather than services tailored to local conditions or to the needs of the hardest to help, mainstream employment services have become more standardised (Considine et al. 2011; Gallet 2014). Increasingly prescriptive contracts were one reason (Considine et al. 2011; OECD 2012; Gallet 2014; Shergold 2015). But ‘herding’ around standardised practices has also occurred in response to perceived risks of loss of income, loss of contracts, or of reputations (Considine et al. 2011). As Powell and DiMaggio have argued, even if practices held up by those in authority are ineffective, they become ‘rational’ in uncertain environments, when organisational survival is perceived to be at stake (Powell & DiMaggio 1983). Tensions between the values of ‘for-purpose’ organisations and the demands of the

employment services contracting environment have also been documented. These include discouragement of public advocacy and sector collaboration (Abelló & MacDonald 2002; Sidoti 2009). At a more subtle level, contracting arrangements shape relations between organisations and clients, ‘structur[ing] the processes through which individuals assert voice, negotiate socio-political status, and seek group recognition’ (Brodkin 2013, p.28).

While Indigenous organisations form part of the non-government sector, the sector has been described as ‘both the institutional framework of Aboriginal civil society and, at the same time, the principal means of Aboriginal civic engagement with the wider world’ (Sullivan 2011, p.50). Indigenous organisations may hold land and other assets on behalf of their members, provide government services, and may be called on by governments to speak or negotiate on behalf of their members (Rowse 2012 Ch.6; Sullivan 2011). The formation of Indigenous corporations has enabled forms of representation and self-governing, but has also opened up the governing of Indigenous collective structures to external regulation and scrutiny (Watson 2004; Rowse 2012; Sullivan 2011). The rise of NPM has been one source of tension between government demands for specific forms of ‘accountability’ and Indigenous practices and preferences (Watson 2004; Sullivan 2015; Hunt 2018). Discourses of the deficiency of Indigenous governance have been deployed in the dismantling of organisations like ATSIC and the assertion of policies of ‘practical reconciliation’ in place of group rights (Moreton-Robinson 2015; Watson 2004; Strakosch 2016). But, as Strakosch argues, the settler-state has an interest in securing Indigenous ‘consent’ to acts of government to deflect more radical sovereign claims (Strakosch 2016; chap. 7). Recognition of Indigenous capacity is often provisional, requiring organisations to continually ‘perform’ their capacity, or risk coercive measures (Strakosch 2016).

This chapter provides an account of the purchasing and contract management practices of remote employment services – of how governing of ‘street-level organisations’ occurred. Relevant documents, interviews and observations (including at provider forums), were used to build a picture of these practices and the type of provider behaviours and ‘dispositions’ that they sought to produce. Surveys of senior managers in provider organisations conducted in 2014 and in 2017 were used to paint a picture of the organisations involved, their configurations and the impact of contracting arrangements on how they worked¹⁰⁷. Chapter 5 continues analysis of this

¹⁰⁷ Further information on the two surveys is at Appendix B.

governing domain, exploring the use of performance measurement and management in the program.

What type of organisations were chosen to deliver RJCP?

Immediately prior to the establishment of RJCP there were 54 organisations delivering CDEP across the relevant service area, of which 76% (41) were Indigenous community organisations, and 17% (9) were local governments¹⁰⁸. There were 21 JSA providers, of which only 5 (24%) were Indigenous organisations, although another seven delivered JSA as sub-contractors¹⁰⁹.

When the successful bidders for the RJCP were announced, it appeared that most Indigenous CDEP providers in these areas had secured a role in the new program, many as an approved sub-contractor or member of a new joint venture (list of providers is at Appendix C)¹¹⁰. Table 4 shows a breakdown by ‘type’ of the 41 organisations and ‘unique groupings’ of organisations contracted by the Commonwealth to deliver RJCP from 1 July 2013. A ‘unique grouping’ here refers to a specific configuration of organisations operating jointly (for example in a consortium or joint venture), even though members of the group might operate in other regions in other arrangements¹¹¹. It excludes sub-contractors¹¹².

¹⁰⁸ Analysis of material provided to RJCP Transition Reference Group by DEEWR on 5 April 2013.

¹⁰⁹ These 7 delivered services under contract to a single JSA provider, Job Futures.

¹¹⁰ DEEWR advised that, of the 63 JSA, CDEP and DES providers that expressed an interest in delivering RJCP, 43 were selected as a single entity, lead, member of a consortium, joint venture or as a subcontractor. Senate Standing Committee on Community Affairs. Budget Estimates 2013/4. QON CA0017_14.

¹¹¹ For example, in Table 4 the joint venture between MEEDAC (an Indigenous organisation) and Max Solutions (a private multinational) is counted as a ‘mixed joint venture’. Max Solutions is counted again as a private provider because in other regions it held contracts in its own right.

¹¹² While the official announcement of successful providers listed ‘proposed sub contractors’, there was no general obligation that these organisations be engaged by the contracted organisation. Some were not engaged. In other cases, different sub-contractors were engaged from those nominated.

Table 4: Providers and 'unique groupings' in July 2013

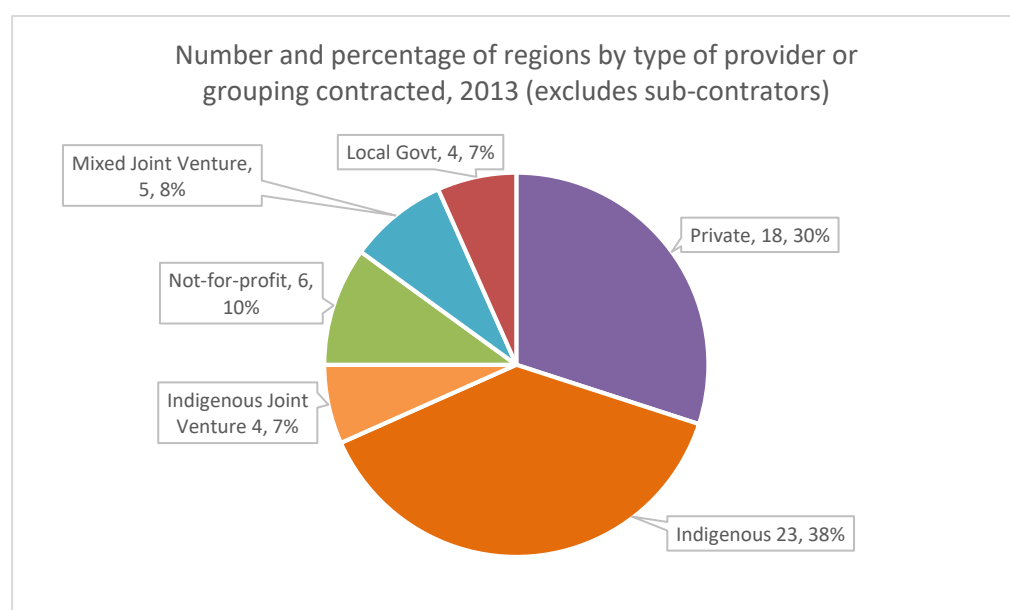
Contracted RJCP providers at July 2013		
	Number	Per cent
Indigenous organisations	21	51%
Indigenous Joint Ventures	3	7%
Local Government	3	7%
Not for Profit	6	15%
Private	5	12%
Mixed Joint Ventures	3	7%
Total	41	100%

While Indigenous organisations were the most numerous amongst those contracted, none was contracted for more than 2 regions. The organisations with the largest share of the new program by number of regions were non-Indigenous for-profit organisations, all long term, mainstream employment service providers¹¹³.

Figure 11 shows the numbers of delivery regions that were contracted to providers by type. Indigenous organisations (including new Indigenous joint ventures) were awarded contracts in just under half (27) of the 60 service regions in RJCP (Figure 11). In another 16 regions Indigenous organisations were named as joint venture partners with non-Indigenous organisations ('mixed joint ventures') or as sub-contractors to non-Indigenous lead organisations.

¹¹³ My Pathway (formerly ITEC and CEA) with 8 regions, Jobfind (Angus Knight Ltd) with 6, Max Solutions with 4 and Complete Personnel with 3.

Figure 11: Regions by type of lead provider or provider grouping



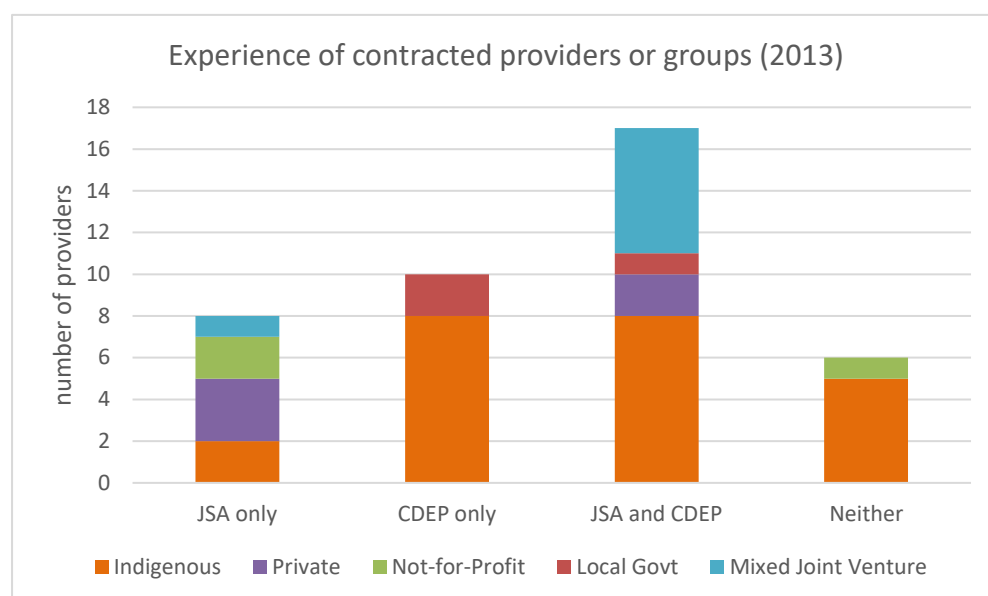
n=60

Figure 12 shows the program experience of organisations that were awarded RJCP contracts. The experience of each group member (excluding sub-contractors) is attributed to the group. Of 41 providers ('unique groupings') in 2013, 25 (61%) had JSA experience. Ten contracted organisations/groupings had only CDEP experience, while six had not delivered either program¹¹⁴.

By 2017 the mix of lead organisations had changed only slightly with the departure of three contracted organisations (two of which were large non-profits) and the entry of one new Indigenous organisation which was contracted for part of an existing region (see further Appendix C).

¹¹⁴ Several of these engaged external contractors to provide 'mainstream' employment services expertise.

Figure 12: Experience of providers (or provider groupings)



n=41

Bringing in 'the experts'

The prevalence of group delivery arrangements in RJCP was the result of a deliberate strategy to accommodate political preferences for selection of Indigenous organisations while managing perceived risks associated with their governance and delivery expertise. DEEWR, in particular, was concerned at perceived deficits in the governance of Indigenous organisations. Asked to identify specific types of governance deficits, one official said:

They didn't have any [governance]. That was it... you'd look at their governance arrangements and the board would be dysfunctional, or they'd never met or there were cases of misappropriation of funds, or they'd been through 17 different general managers in a year, or they were being cared for by ORIC¹¹⁵. So there was a lot of what we saw as dysfunction... I'm not trying to say they were fraudulent – but they just didn't have the capabilities and basic governance structures in place to run their organisation for any of their projects that they operated. (former DEEWR senior official)

¹¹⁵ Office of the Registrar of Indigenous Corporations – the Commonwealth regulator for Indigenous organisations.

These assessments were contested by FaHCSIA officials who were more attuned to the difficult operating environments of remote Indigenous organisations and their importance to policy implementation. One said:

... DEEWR thought that if you were an Indigenous organisation you would be a hopeless organisation. They had really entrenched simplistic views. We know a lot of Indigenous organisations struggle, they go through cycles, we know that capacity building is an ongoing thing, that it's a relationship, a partnership and if you don't – for example – deal with X organisation in Maningrida then you don't deal with Maningrida... so the arguments we were having in the purchasing process, the sort of generic dispute, would be DEEWR saying 'this is a ratbag organisation, they have been rated by the accountants as extreme risk' and we would say 'actually about half of our organisations are rated extreme risk and that is the way they have been for many, many years.' (former FaHCSIA senior official)

In an ordinary employment services tender process DEEWR's risk assessments would have outweighed any considerations of local Indigenous ownership¹¹⁶. However, the Government's desire to contract Indigenous organisations for RJCP was clear. Minister Julie Collins¹¹⁷, who was the delegated decision maker in awarding the contracts, explained:

In most cases where there was a community provider, we wanted the community provider, even if that meant a lot of support from the agency in implementation. The ultimate aim was to have the communities run their own services. (Collins interview)

Government officials saw 'partnerships' between mainstream employment service providers and Indigenous organisations as a vehicle to address perceived deficits in Indigenous organisational capacity:

... it was always the intent that we didn't want to have Indigenous organisations failing and therefore one of the approaches we had was to bring in the experts. (DEEWR senior official)

¹¹⁶ In selection of mainstream employment services providers, the ownership and control of tendering organisations was not taken into account except to the extent that it might involve risk or conflicts of interest.

¹¹⁷ Collins was Minister for Indigenous Employment and Economic Development from 14.12.2011 to 18.9.2013. Initially under Gillard (to 26 June 2013) then Rudd (to 18 September 2013).

An Expression of Interest (EOI) process was established for RJCP that allowed government officials to broker arrangements between bidder organisations, even after submissions had closed (DEEWR 2012a, pp.32–34). In the 2014 provider survey, seven organisations reported that they had formed group delivery arrangements in response to a direct approach from government officials, while another six had formed these arrangements prior to submitting an EOI, anticipating that this would improve their chances of being contracted. Five organisations that were eventually contracted in their own right reported that they had rejected a government proposal that they ‘partner’:

FaHCSIA’s state manager was trying to get me to go into partnership with the Shire and I said, “Well...” He said, “I’m making a recommendation to the Minister that that’s what you’ll do.” And I said, “Yeah and I’ll write to the Minister and tell them that I’m not delivering.” (CEO, CDP provider)

Group delivery arrangements were often formed in response to, or in anticipation of, government demands rather than to suit participating organisations:

We ended up in April [2013] being told we had been selected as a ‘provider of choice’ but were asked to talk with [CDEP provider]. KPMG were sent to help figure out how it would all work. We really understood it as a *fait accompli*. They didn’t say what would happen if we walked away. (CEO former JSA provider)

∞

... we had 4 weeks to set up a new entity. In the end it was too much to ask. Act in haste, repent in leisure. (CEO former CDEP provider)

While respondents to the 2014 provider survey were positive on balance about their own group arrangements, by 2017 those that responded were less so¹¹⁸. By this time some of these arrangements had been dissolved or sub-contracts discontinued. Problems reported by survey respondents and in provider interviews included the dilution of direct community control over organisational activities (for example because governance was now through a joint venture), profit taking at the expense of frontline services, reduced revenue and even collapse of some former Indigenous CDEP providers¹¹⁹. Despite this, in 2017 government officials were again

¹¹⁸ Across seven areas of impact of group arrangements there was an average positive response of 55% in 2014, dropping to 29% in 2017, while ‘made no difference’ moved from an average 26% in 2014 to 50% in 2017.

¹¹⁹ For example, Coolgaree Aboriginal Corporation had been a large CDEP provider with over 200 workers but collapsed after the implementation of RJCP and its joint venture with a large non-profit job service provider.

promoting partnerships, this time to accommodate Minister Scullion's direction that all providers be, or be in joint ventures with, Indigenous organisations from 1 July 2018 (PM & C 2017d).

Building capacity to deliver employment services

Government officials who had hoped to bring about the transmission of mainstream employment services practice to CDEP organisations via engineered partnerships were disappointed:

We thought by partnering organisations up, the larger organisation would come in, mentor on the ground, help them with the systems, help the Department get the job seekers engaged, do everything that you need to get the program up and running. But they didn't. And so we spent the first six months and a lot of money in what we call 'provider capacity strengthening'. That is, to set up the governance arrangements of organisations and once they were set up, then to train their staff. And there was a giant leap [from] the capabilities of CDEP providers to make them into like an employment service provider: understanding the model; how the participation account would be used; how they need to get outcomes. (former DEEWR senior official)

In around September 2013 the Government engaged the peak body for employment services, National Employment Services Association (NESA) to assist those organisations that it had identified as lacking 'capacity'. NESA had had little historic contact with Indigenous sector organisations or CDEP, but it had a close working relationship with DEEWR, a strong technical knowledge of its programs, and had actively fostered the development of a professional identity for employment services organisations. The selection of NESA to do 'capacity strengthening' work reflected the importance to government officials of ensuring that Indigenous organisations learned the techniques and practices of mainstream employment services rather than – for example – drawing lessons from CDEP or from other remote programs¹²⁰. Along with the direct intervention by Government officials to embed employment services 'experts' in Indigenous

¹²⁰ In interviews, while many staff in provider organisations valued the capacity strengthening services provided by NESA, most saw these as indistinguishable from government contract management. Likewise, government officials described this as 'doing my job for me', directing the focus on NESA's work.

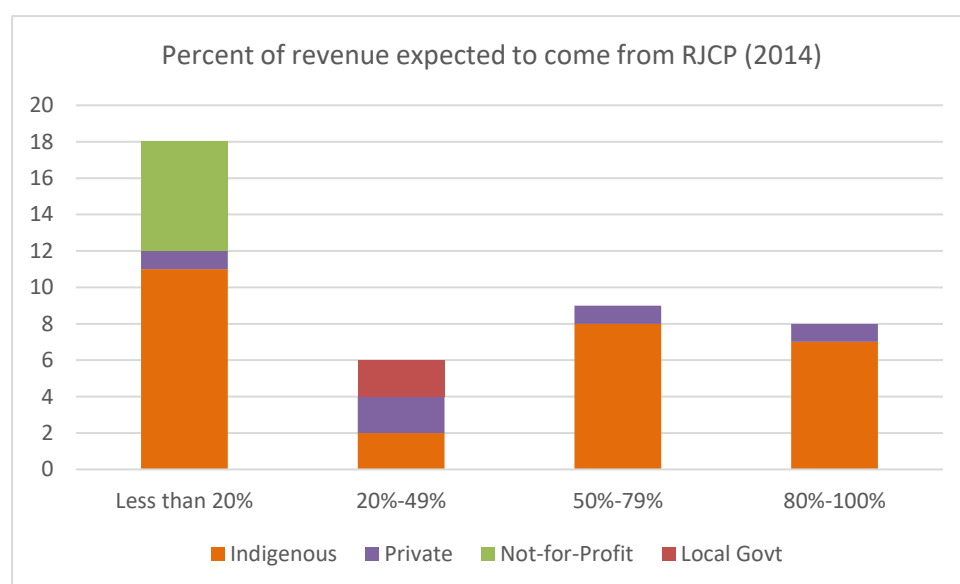
organisations through ‘partnerships’, the engagement of NESA reinforced the elevation of the practices of mainstream employment services as preferred models for delivery of RJCP.

Impact of funding arrangements

When the RJCP was established in 2013 the opportunities for remote community organisations to access resources for employment related projects were significantly centralised¹²¹. All three existing employment programs were collapsed into one, and access to funds from the project based IEP ended¹²². In 2017 the ANAO report estimated that the remote employment program made up 29% of the Commonwealth’s Indigenous Advancement Strategy funding (ANAO 2017a, p.42). For those wishing to be involved in delivering employment assistance in remote areas, the RJCP (later CDP) was the principal, if not only, source of ongoing funds.

The 2014 provider survey showed that while few contracted RJCP organisations were entirely dependent on revenue from the program for survival, around 40% expected that it would account for at least half of their 2013/14 revenue (Figure 13). In the 2017 survey this increased to 47% of organisations that expected more than half of their revenue to come from CDP.

Figure 13: Percent of organisation revenue expected to come from RJCP (2014)



n=41

¹²¹ The CDF initially provided another potential opportunity, but only one public call for submissions was made, in early 2013. The funds were absorbed into the Indigenous Advancement Strategy budget.

¹²² This was briefly reinstated at the end of 2013, before being merged into the Jobs, Land and Economy stream of the Indigenous Advancement Strategy.

Heavy reliance on government funding was nothing new, particularly for Indigenous organisations (Moran et al. 2016; Sullivan 2011). But these funding arrangements represented increased organisational risk, both because they were so concentrated in one source, and in the conditions attached to payment of fees.

Table 5: Funding models RJCP and CDP

	RJCP	CDP
Service fees (maximum per annum)	\$2750 (first year) and then \$2200 per annum for each person commenced in the program	Basic services payment (participants not in Work for the Dole) \$4000 Work for the Dole payment \$12450 (maximum) paid monthly for: (i) hours actually attended & recorded in the IT system; (ii) hours for which a valid reason was provided under the rules (iii) OR where the provider has taken action under the compliance framework and the job seeker re-engages within 14 days.
Reimbursement of costs	Participation Account \$2750-\$3300 credit at commencement then \$2200 per annum. Funds must be used for activities and direct assistance to participants.	Nil
Outcome fees	Job placement \$385-\$550 7 weeks employment* – \$825–1100 13 weeks employment* – \$2475–\$3300 26 weeks* – \$2475–\$3300 Education completion – \$2750 Activity to address non-vocational barrier – \$385	13-week outcome* – \$2250 26-week outcome* – \$5250

*Outcome fees paid for 'full outcome' – lower fees were available for part-outcomes i.e. where the hours were less than the person's work capacity.

Table 5 sets out the main features of the RJCP and CDP funding models. While CDEP had been primarily based on annual grants, RJCP fees were attached to completion of specific transactions or outputs (e.g. formally 'commencing' an individual in the IT system). Because it was a 'demand-driven' program provider caseloads, and therefore expected fees, fluctuated. Around half of available service funding was set aside in a Participation Account which could only be

used for direct assistance to participants and was usually paid via reimbursement¹²³. The complexity of these arrangements confounded many:

I have fallen into the trap of asking for rules. But I don't trust [the Department]. I am scared that – with the small amount of money we have – that I will have to pay it back. (CEO, former CDEP provider)

This uncertainty and distrust of the Department's approach led to substantial under-spending of the Participation Account, followed by a rush (at PM&C's urging) to claim funds before the RJCP ended in June 2015 (ANAO 2017a, p.34)¹²⁴.

Funding arrangements changed significantly with the implementation of CDP. Under CDP the bulk of provider revenue (76% in 2015/16¹²⁵) was generated through daily reporting of participant attendance in Work for the Dole or, where participants did not attend, to the submission of 'Participation Reports' that could trigger an income support penalty¹²⁶. In the 2017 survey, 91% of responding providers reported that they had employed additional administrative and compliance staff to do this work¹²⁷. New administration units were established, often located in urban centres where internet access was more reliable and employees with administrative skills more widely available:

We centralised our administration. Pretty much anything that had to do with money got centralised back to [urban centre] ... Basically if you see where we have it set up – it has no windows or anything. We have them locked up pressing buttons. And that's purely to meet our administrative side – to get that percentage up also to maximise financials, getting the compliance side, the [Participation Reports] up,

¹²³ Some funding for Work for the Dole style activities could be claimed in advance and then later acquitted.

¹²⁴ The ANAO reported that over \$30m claims were made in June 2015. It reported that PM&C later found that 30% of the claims that they audited did not comply with the rules and were not paid out to providers.

¹²⁵ Senate Estimates. Senate Finance and Public Administration Committee. Additional Estimates 2016–17 Question on Notice Ref 225.

¹²⁶ Reporting of non-attendance was mandatory, but providers were able to use their discretion and decide not to submit a Participation Report. However, under CDP funding arrangements, this meant that they would not be eligible to claim relevant service fees. Refer Appendix D for overview of social security rules and obligations.

¹²⁷ Thirty organisations reported employing, between them, another 79 workers and an additional \$1.6m in external contracting support.

getting it all done in a timely manner. So we have moved from people with a skill set in the industry to data entry operators. (Senior manager, non-Indigenous provider)

Under CDP, the volume of transactions that needed to be entered and processed and the complexity of the payment rules surrounding them created new levels of uncertainty. Figure 14, for example, is an extract from a payment report for one region, in which each row represents a day of Work for the Dole for one person, whether payment was made for that day, and any reason for rejection.

Figure 14: Sample of CDP payment information sent to providers

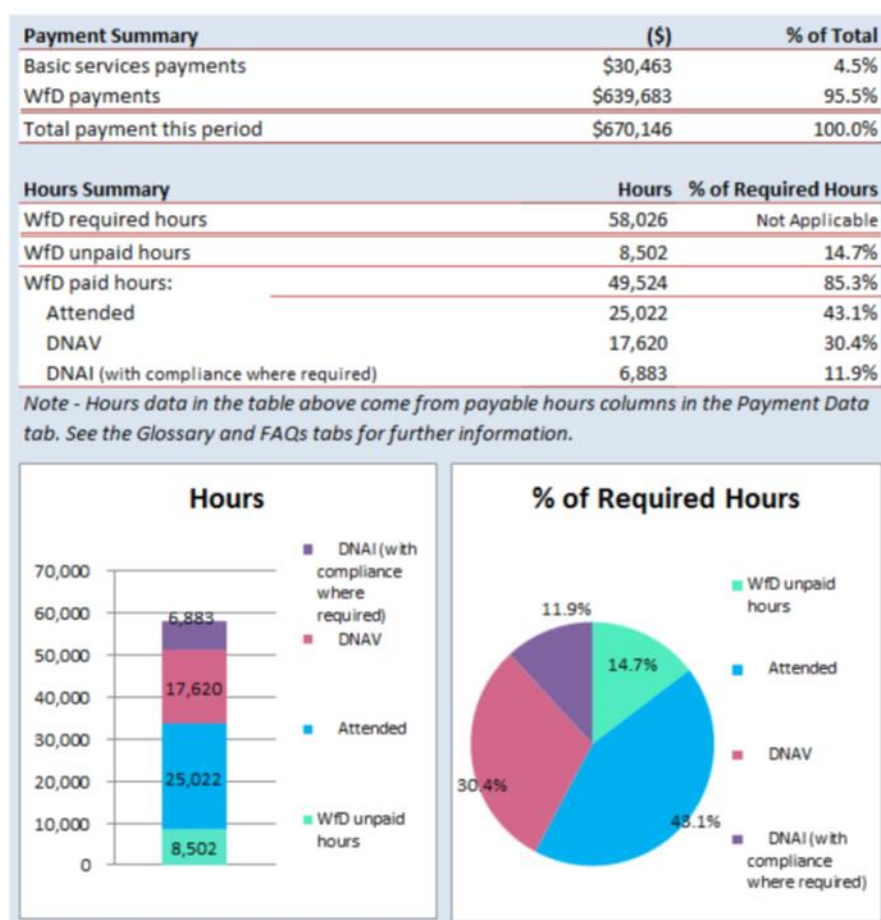
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Shows first of 15,000 rows of figures and 27 columns in this sheet.

Figure 15 is an extract from a guide produced by PM&C for providers to help understand how this data had been used to calculate their payment.

Figure 15: Extract from front page of guide for providers on payment calculations



Many providers were unable to reconcile payments:

We have had to sit down to review the payments each month to see if they are correct or not – and that is just so time consuming. We had probably 1000 individual records that we weren't paid for last month... we had 3 staff looking at it to run through each sheet to see if it was accurate. In about 10% of those the Department was at fault... but we shouldn't have to go through and check that data each month to make sure that the Department are doing what they should be... Because it is so data heavy, so we used to do it after hours, but I am trying to make sure we do it within working hours – but it means other things don't get done. (Senior manager, non-Indigenous provider)

PM&C made periodic payment adjustments to address discrepancies uncovered by providers or their own quality assurance processes. A payment system meant to drive focus on 'engagement' (as PM&C called it) drove both parties to increase their focus on processing and auditing transactions.

The shift to attendance-based funding drove a more conservative, and less needs based, approach to project delivery:

[U]nder the old CDEP model you could say: ... we have ten job seekers there, so... ten times the on-costs for that activity, then we have a budget for that activity. Regardless of who turns up, that budget remains the same. Whereas now, if we find an activity with a community and we have ten job seekers who put their hand up, we do a ...forecast of what we think we will get based on the monthly contribution – but if people don't turn up, or four of them get suspended [by Centrelink] that impacts on the funds going to that activity. Then that puts us in deficit and impacts on our viability going forward – so we need to be careful about what sorts of activities we run. (CEO, Indigenous provider)

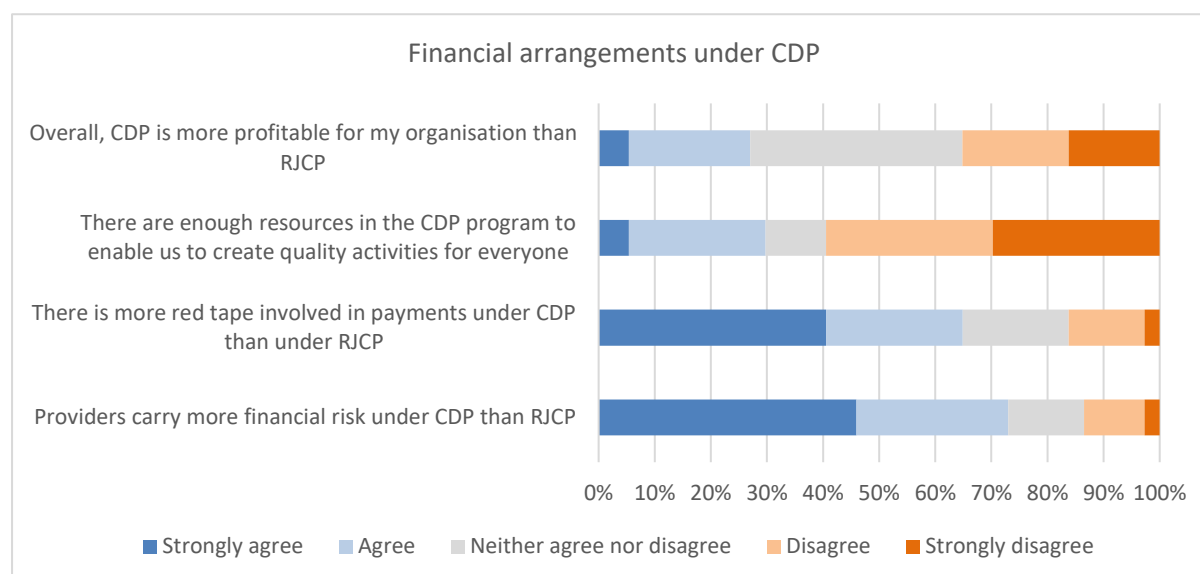
Reluctance to support some projects even where local people were keen to participate caused tension between providers trying to manage their financial risks and communities that had historically relied on CDEP to assist in meeting community needs. This was exacerbated on occasion by PM&C officials who visited communities encouraging local people to put forward ideas for new projects.

Despite the uncertainties associated with revenue under both RJCP and CDP, most organisations were able to cover their costs. In 2014 nearly 80% of respondents expected to achieve break even or produce a small surplus/deficit from RJCP for that financial year (2013/14). Nearly half of providers that responded to an industry survey conducted in 2015 expected a deficit in 2015/16¹²⁸, but by 2017 just over 20% of providers reported that they had, in fact, achieved a significant surplus in 2015/16. All but one reported that they had broken even or better. In 2017, most (62%) expected a break even result for 2016/17, and 16% expected a significant surplus.

In 2017 surveyed providers had mixed views of the profitability of CDP compared with RJCP, although most believed that funds were not adequate to support 'quality projects for everyone' (Figure 16). The biggest strains on most organisations appeared to be not the adequacy of funding, but the increased red tape involved in securing it (65%) and increased financial risk (73%).

¹²⁸ A survey was conducted in October 2015 on behalf of NESA/Jobs Australia by me. It had fewer respondents: 27 for this question, compared with 37 in the 2017 survey.

Figure 16: Effects of changes in financial model (2017 survey)



n=37

There were other problems with the funding models adopted for RJCP and CDP. Neither took into account the wide variations in operating costs and circumstances across regions which varied in size from 70km² to more than 400,000km². The availability of local assets – sheds, workshops, heavy machinery – was a critical factor in determining the viability of certain types of projects. In some regions these assets – often purchased or built under previous CDEP contracts – ended up under the control of an exiting CDEP provider. Availability and cost of transport, communications, staff housing and services varied enormously. Nor did the funding arrangements reflect an assessment of what might be needed to deliver long term outcomes in different locations. One bureaucrat who had been involved in early RJCP development commented:

That was a gap for me – do [DEEWR] know what it costs to deliver? And do [they] think about that and think [they] should know the answer to that?

Q: And did they?

No. Because it's a market.

The 'market logic' that underpinned the contracting model assumed that, had it not been possible to deliver within the available fees, then 'the market' would not have produced a provider. Once the contract had been entered into, it was the organisation, not the government that became responsible:

Initially it [lack of assets] would have had an effect on the speed of development of activities but this far into the contract there is no real excuse. (Regional PM&C official, 13 months into RJCP)

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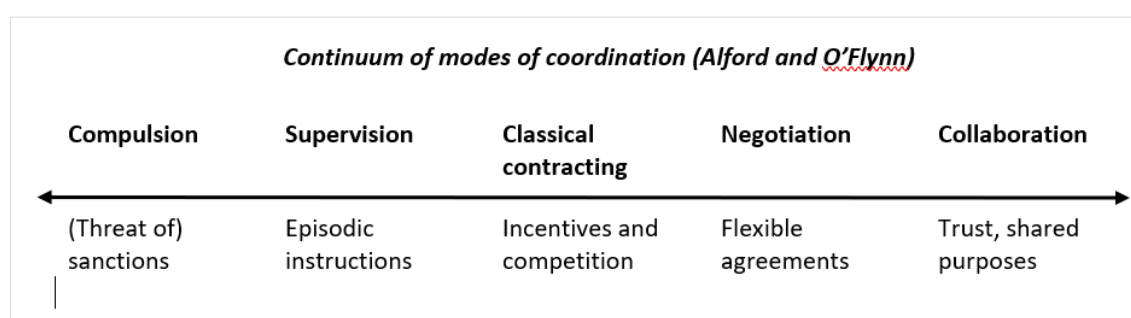
We need to step back...– tell them to solve problems – ‘You are contracted to do it – you solve it.’ We need to support, but be independent. (Regional PM&C official)

Yet it was abundantly clear that this was not how this ‘market’ worked. Indigenous organisations that wanted to remain involved in the delivery of employment assistance in their region had little alternative but to accept the offered contract regardless of their assessment of its adequacy. As a consequence, the government took no responsibility for matching distribution of funding to need. It would pay ‘on results’ regardless of the difficulty of achieving them. Moreover, the system of ‘payment for results’, particularly under CDP, came at considerable cost. Not only did providers become more risk averse in their pursuit of development projects, but they diverted resources away from direct services and into administration.

Government approach to contract management

Governments have available to them a range of ways of managing external providers. Alford and O’Flynn have described a continuum of ways of making decisions about outsourced services ranging from compulsion and direct supervision through to collaboration (Figure 17). Classical contracting is generally considered more appropriate in circumstances where desired outputs can be readily specified in advance and where the problems that are intended to be solved are relatively ‘tractable’. In the case of more complex social policy areas collaborative arrangements, in which government and non-government agencies learn and reshape delivery to fit emerging challenges, are usually considered more suitable (Marsh & Spies-Butcher 2009; APSC 2012; Sabel 2004; Alford & O’Flynn 2012).

Figure 17: Continuum of modes of coordination (Alford & O’Flynn 2012)



From Alford & O’Flynn (2012, p.19)

Mainstream employment services have been characterised by the use of classical contracting – albeit a form that has given the government an unusual level of power to unilaterally alter terms and to direct provider behaviour (Sidoti 2009). While the RJCP funding deed largely mirrored these arrangements, there were some early gestures to a more relational approach. In 2013, government officials in regional offices working with RJCP providers were called ‘Remote Partnership Managers’ or ‘Remote Partnership Officers’(RPOs). They offered direct assistance to organisations to help them set up. However, directive habits die hard. At a meeting in August 2013 providers reported that their RPOs were calling them every day to pressure them to accelerate ‘commencements’ of clients into the program, sometimes telling them that they were falling behind other providers. Some providers told their RPOs that this rush to ‘commence’ might impact on future relationships with clients or those clients’ understandings of the new program, but they reported that these concerns were dismissed. While the senior DEEWR manager who attended the forum agreed that this was not in keeping with the new ‘partnership’ approach, she explained:

I know the background – I have worked in DES, JSA– we can’t go down this track. But we don’t want one of the Ministers to get a call from Twiggy Forrest saying, ‘I can’t get a provider on the phone.’ We will get these pressures, but it is our approach to the pressures that is important.”

Whatever changes might have been underway within DEEWR towards a more relational approach, they were disrupted by the change of government and move of the program into PM&C. By 2016, local PM&C staff were no longer ‘Partnership Officers’ but ‘Contract Managers’.

Implementation of RJCP ‘reforms’

RJCP was only 18 months into a five-year contract when Minister Scullion announced that it would be substantially ‘reformed’. The First Assistant Secretary responsible for the program wrote to providers in December 2014 promising a ‘simplified payment model and a reduction in red tape to enable you to better assist job seekers onto the pathway’ (sic)¹²⁹. Draft funding deeds that included proposed new payment arrangements, new performance measures, and details of

¹²⁹ Letter to RJCP Providers dated 11 December 2014 from Nadine Williams, First Assistant Secretary, Jobs and Economy Division, PM&C.

the new services to be delivered were given to providers at the end of March 2015, only two months before these were due to begin.

The changes described in the proposed funding deed were – according to one organisation’s legal advice –so sweeping as to constitute an entirely new contract. Organisations had little time to consider what the new arrangements would mean and whether they should agree. It appeared the only option available to those who did not want to sign was to exit the program. In May 2015, as organisations were considering whether to accept the variations, PM&C advertised publicly for existing or new organisations to register their interest in delivering the program in the ‘expectation that some providers will leave RJCP in the next 6–12 months’.

Addressing providers in March 2015 (see above) the Minister and government officials spoke to them as the ‘service delivery arm’ of government: motivated by financials, able to ‘walk away’ and be readily replaced. The forum agenda was concerned with the technical details of implementation rather than what the changes might mean for people affected. However, discussion among providers when they met separately the following day focussed on the implications of the CDP for participants. They expressed concern that the increased Work for the Dole requirements were discriminatory, that they would replace paid employment, that they would lead to penalties and to disengagement – particularly amongst young people. They asked Jobs Australia to campaign against the changes.

Despite concerns over the program, most providers (including all Indigenous providers) elected to sign the contract variation¹³⁰. Exiting the program would have meant loss of influence over a major program that affected the lives of their constituents. Experience elsewhere suggested that it would probably mean being permanently excluded from employment services delivery:

The reason why we are in this space is purely to ensure that a local Indigenous organisation is delivering services within the region. (CEO, Indigenous provider)

∞

We are only in this program because it was forced on us – there was no alternative. It’s about hanging on until the next program in the hope that it’s something better. And remaining viable in between. (Senior Manager, Indigenous provider)

¹³⁰ Two non-profit organisations exited the program, one Indigenous organisation’s contract was moved to another Indigenous CDP provider.

Some said that they would sign the amended deed only because they believed the program would be so unworkable that it would eventually collapse.

PM&C officials and the Minister still referred to working ‘in partnership’ with providers, but the relationship had changed:

I remember having this conversation with the Board and basically telling them that the government speaks with forked tongue, because you remember when they brought in RJCP, the whole objective was to capacity build those Indigenous organisations that were delivering... A key aim was to help them learn, with the possibility to roll over the contract and have it for 10 years... Now the CDP model is ‘If you don’t get it in [the system] you will not get paid.’ They are saying, ‘We are expecting you now have the capability and capacity that you will need to pump this massive financial system – we need you to have it yesterday’ instead of ‘We are going to help you get it along the way.’ (CEO, Indigenous CDP provider)

Under the ‘reformed program’ documentation, the conditions under which ‘remedial action’ could be taken in relation to a provider were broad and the consequences substantial:

unsatisfactory performance against the overall [performance] framework *or any sub criterion* could be considered a breach of the Funding Deed, potentially leading to termination’[emphasis added](PM & C 2015b).

Figure 18: Providers' representation of Government decision making process

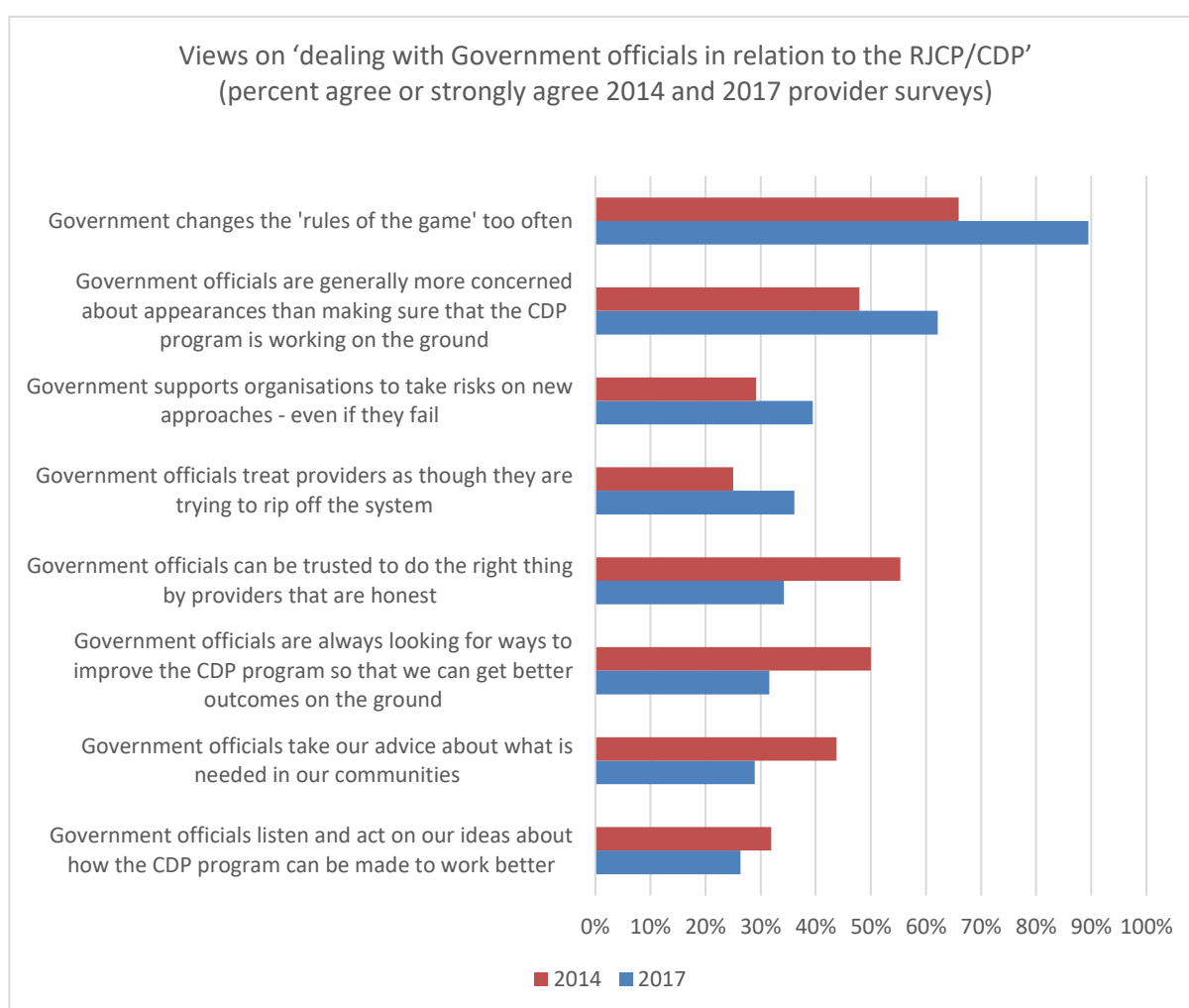


At a Jobs Australia Workshop in September 2016 providers were asked to illustrate the challenges in the program. This was one group's output. The figure in the hat is Nigel Scullion.

Provider views of relationship with Government

In the 2014 and 2017 surveys providers were asked whether they agreed or disagreed with a number of statements about their relations with government in this program (Figure 19 and Figure 20). In 2017, 58% strongly agreed, and another 32% agreed that the government 'changes the rules too often' – a significant (but hardly surprising) increase from 2014 (23% strongly agreed, 43% agreed). Across every question in 2017 the majority of respondents were negative about their dealings with government, and in all but one area (support for risk taking) more negative than they had been in 2014. These responses suggested relationships characterised by increased mistrust – not just in the way that government worked with providers, but also in its intentions. In 2017, 62% agreed that 'government officials are generally more concerned about appearances than making sure that the CDP program is working on the ground', up from 48% in 2014.

Figure 19: Provider views of dealing with Government officials



n= 48 (2014), 38 (2017)

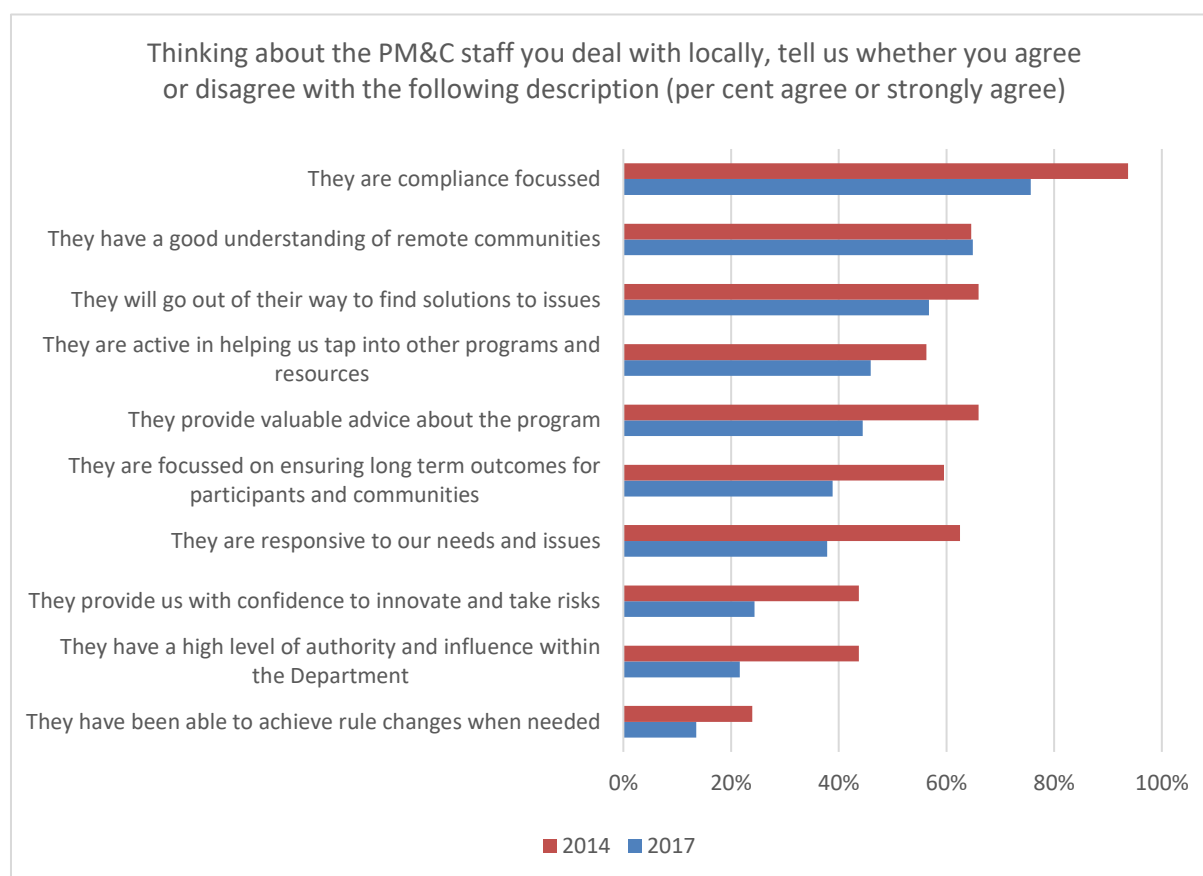
By 2015 PM&C had started to run what it called 'provider business meetings', referring to these as a form of consultation¹³¹. In 2017 a question was added to the provider survey about consultative processes. Sixty-one per cent (61%) disagreed or strongly disagreed that 'PM&C consultative processes ensure that providers have a say in program directions' (only 18% agreed). Similarly, fewer than 30% thought that Government officials listened to or acted on their ideas of how the CDP program could be made to work better.

In both 2014 and 2017, providers held more positive views of local PM&C staff than of government officials generally (Figure 20). However, most had little confidence in their ability to bring about change, or to provide guidance or assurances that would allow for innovation. Only

¹³¹ See, for example, Senate Finance and Public Administration Legislation Committee 19 February 2016, p48, Senate Finance and Public Administration References Committee 8 September 2017, p.47.

22% agreed or strongly agreed that local staff 'have a high level of authority and influence within the Department', while 56% disagreed or strongly disagreed (Figure 20).

Figure 20: Provider views of local PM&C staff



n= 48 (2014), 37 (2017)

Senior managers in provider organisations reported that local PM&C staff were frustrated about their powerlessness within the Department:

They told me that Canberra is running the show and that Canberra doesn't listen to them, and there is no regional/local input. (Senior Manager, Indigenous provider)

Not only did local organisations believe that they were not being listened to, those making decisions within PM&C did not seem to be listening to their own staff who were closer to remote operations.

Providers' responses to the contracting environment

Providers of RJCP and CDP were working in a contracting environment characterised by change and uncertainty, financial and existential risk, and by lack of control or influence over policy decisions. It was an environment that fostered risk avoidance and assiduous attention to

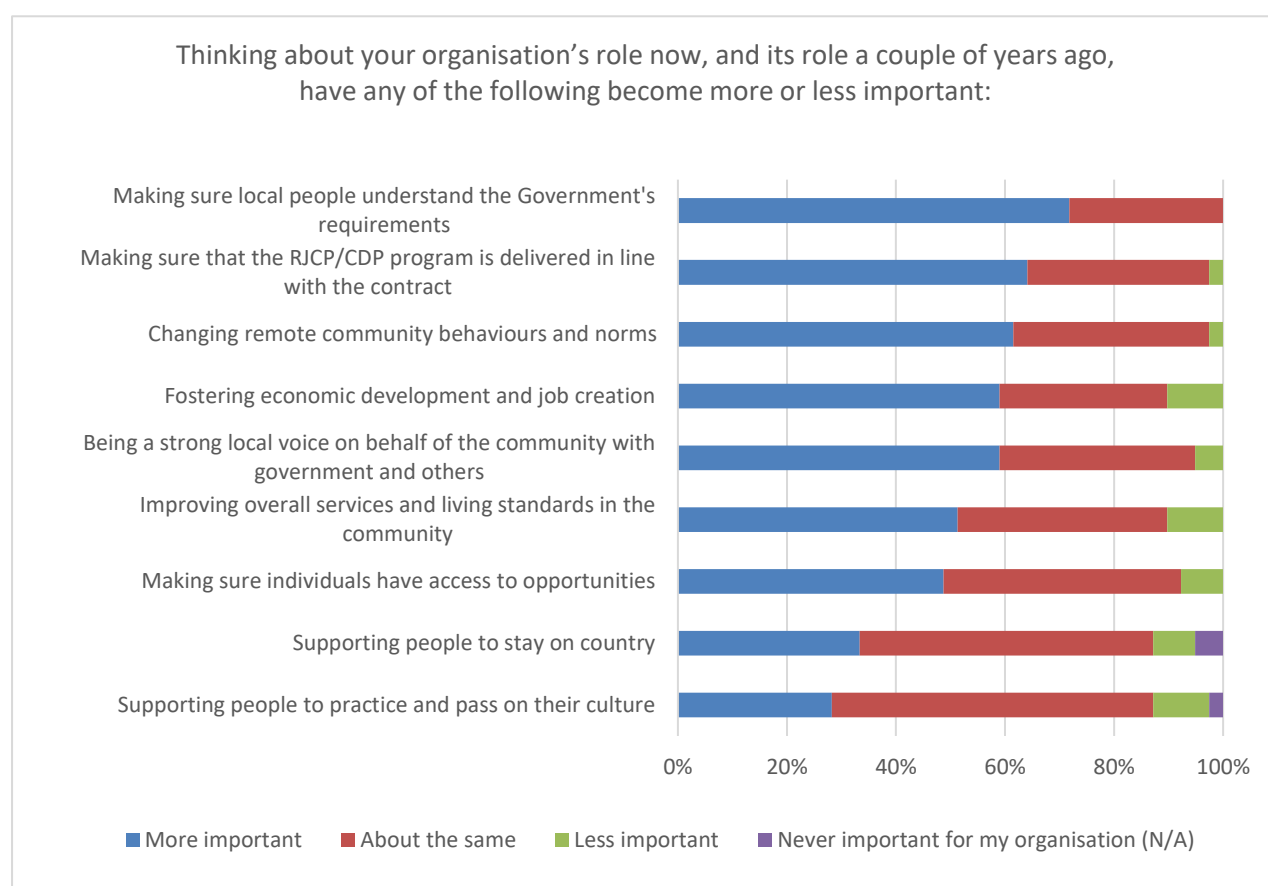
bureaucratic processes. But local Indigenous organisations have long been involved in mediating the values and aspirations of local community members and the demands of settler-state bureaucracies (Sullivan 2011; Morphy & Sanders 2001). The distance between those running the organisations and those affected by their actions is frequently short:

Mainstream not-for-profit sector organisations are not normally run by the people whose needs they propose to meet. Aboriginal not-for-profit sector organisations, on the other hand, are usually directed by a board elected from the client group, and much of the staff is also usually recruited from this group.(Sullivan 2011, p.77)

Survey responses provide a sense of how organisations responded to potential conflict between their community accountabilities and the pressures of the contracting environment. In 2017 respondents were given a list of roles that their organisations might have in their service region and asked whether these had become more or less important over the last couple of years (Figure 21)¹³². While respondents identified many items as having become more important, those that topped the list were directly concerned with implementation of the Government's agenda, in particular the need to 'make sure that local people understand the Government's requirements' (72%). 'Changing remote behaviours and norms' had been identified as the least important role in 2014, but as having become more important by 62% of respondents in 2017. Least often identified as important or more important by organisations, including Indigenous organisations, were 'Supporting people to practice and pass on their culture' and 'Supporting people to stay on country'.

¹³² In 2014 a similar question had asked which of the roles was important/most important etc. (refer (Fowkes & Sanders 2015)).

Figure 21: Changes in organisation's roles in the region (2017)



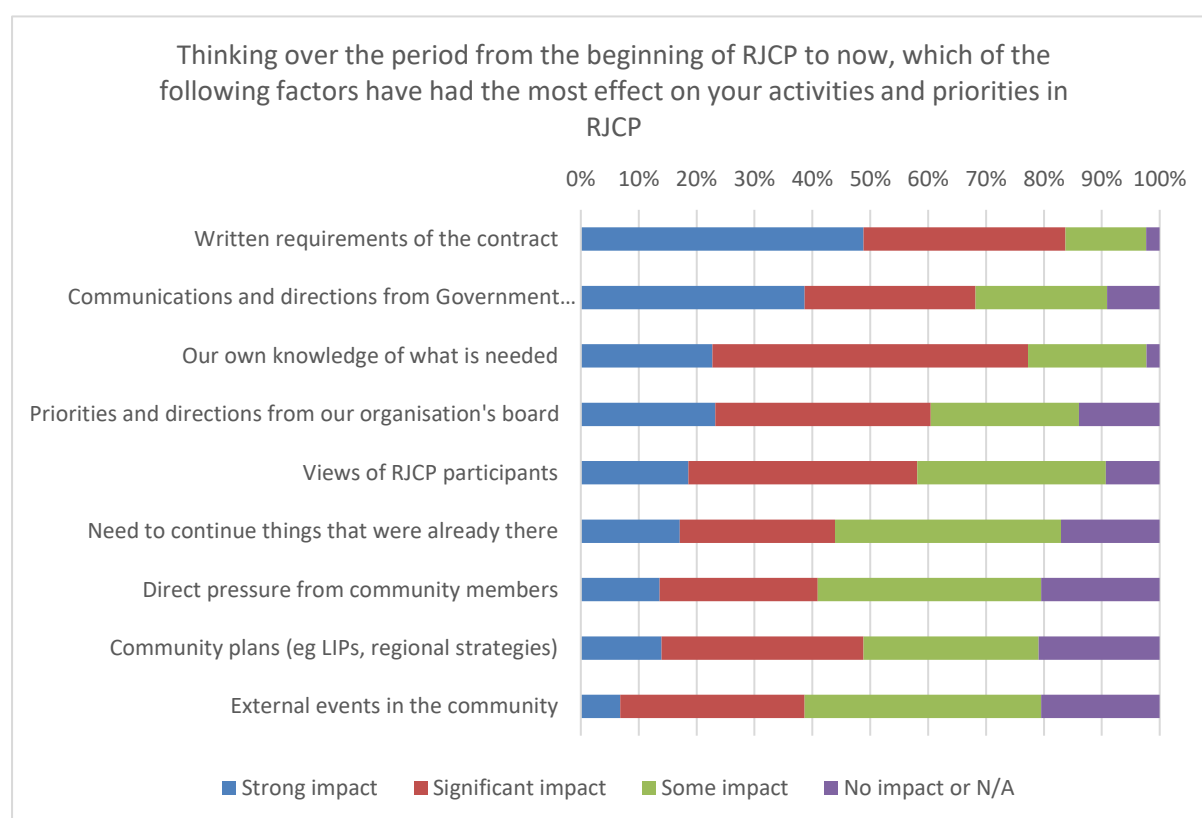
n=39

In 2014 and 2017 providers were asked to identify the factors that had the most effect on their activities and priorities in delivering the program (Figure 22 and Figure 23). In 2014 the factor identified as having a substantial impact by most respondents was the 'written requirements of the contract'. In 2017 it was 'communications and directions from Government contract managers'. Both reflected a dominance of government requirements over other local or organisational factors, however 'communications and directions' suggested a more intensive and changeable mode of control – the more directive/hierarchical end of Alford and O'Flynn's co-ordination continuum (Figure 17)¹³³.

¹³³ In response to a separate question managers also reported more frequent contact with contract managers than in the earlier survey – with 48% reporting that they spoke with PM&C daily.

In 2017 the views of CDP participants were identified as having a substantial or moderate impact by most respondents – more than in 2014. In most cases this almost certainly referred to participant input into group activities – something that, by 2017, was included by PM&C in CDP performance targets. The factors that declined in importance over the two surveys were ‘community plans’ and ‘priorities and directions of the board’. Again, the decline in importance of community plans was almost certainly influenced by the removal of the RJCP requirement that providers develop and work to Community Action Plans ¹³⁴, but it also suggested a shift away from the forms of participatory decision making that would normally be part of long-term development approaches. It appeared that in many cases community influence through boards and planning processes was being displaced by government requirements and directions.

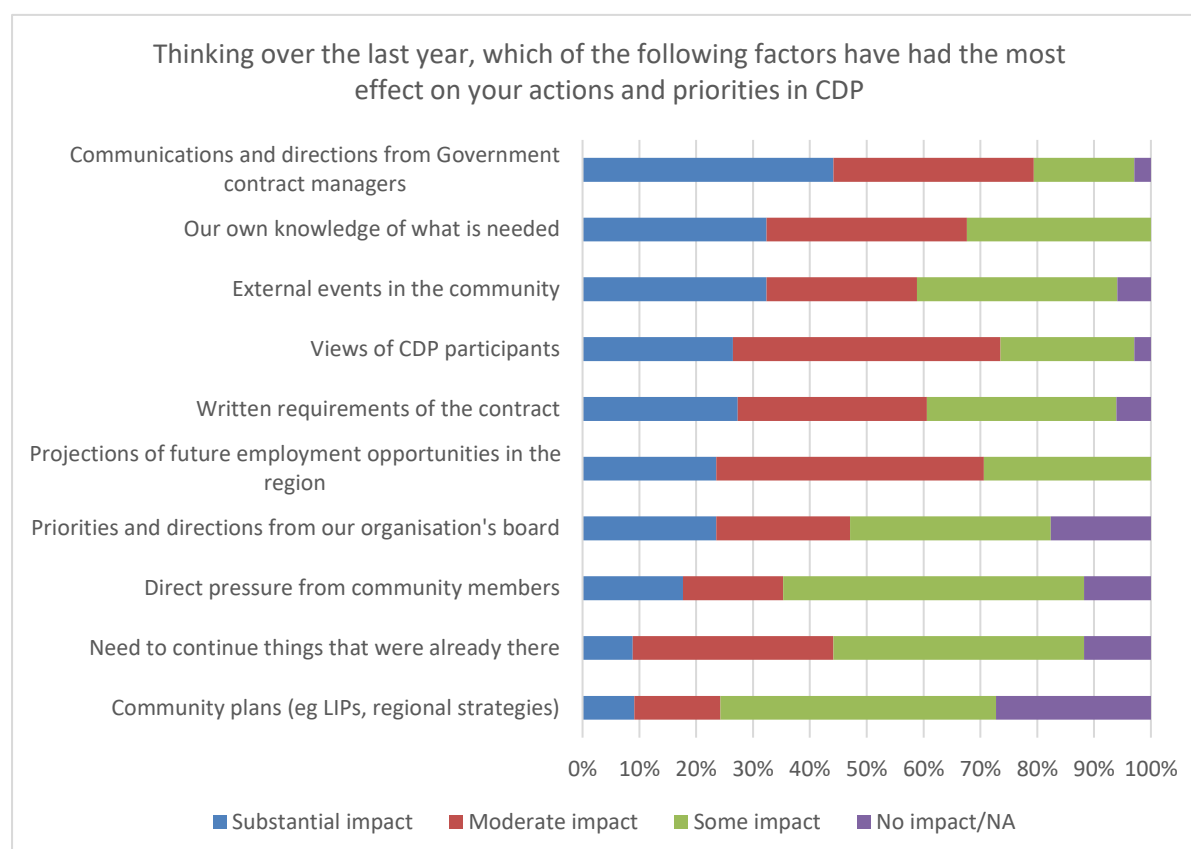
Figure 22: Factors that had the most impact on activities and priorities (2014)



N=44

¹³⁴ Over half of respondents to a separate 2017 question which asked how influential the Community Action Plan was in 2017 said that it was not influential at all.

Figure 23: Factors that have had the most impact on actions and priorities (2017)



n=34

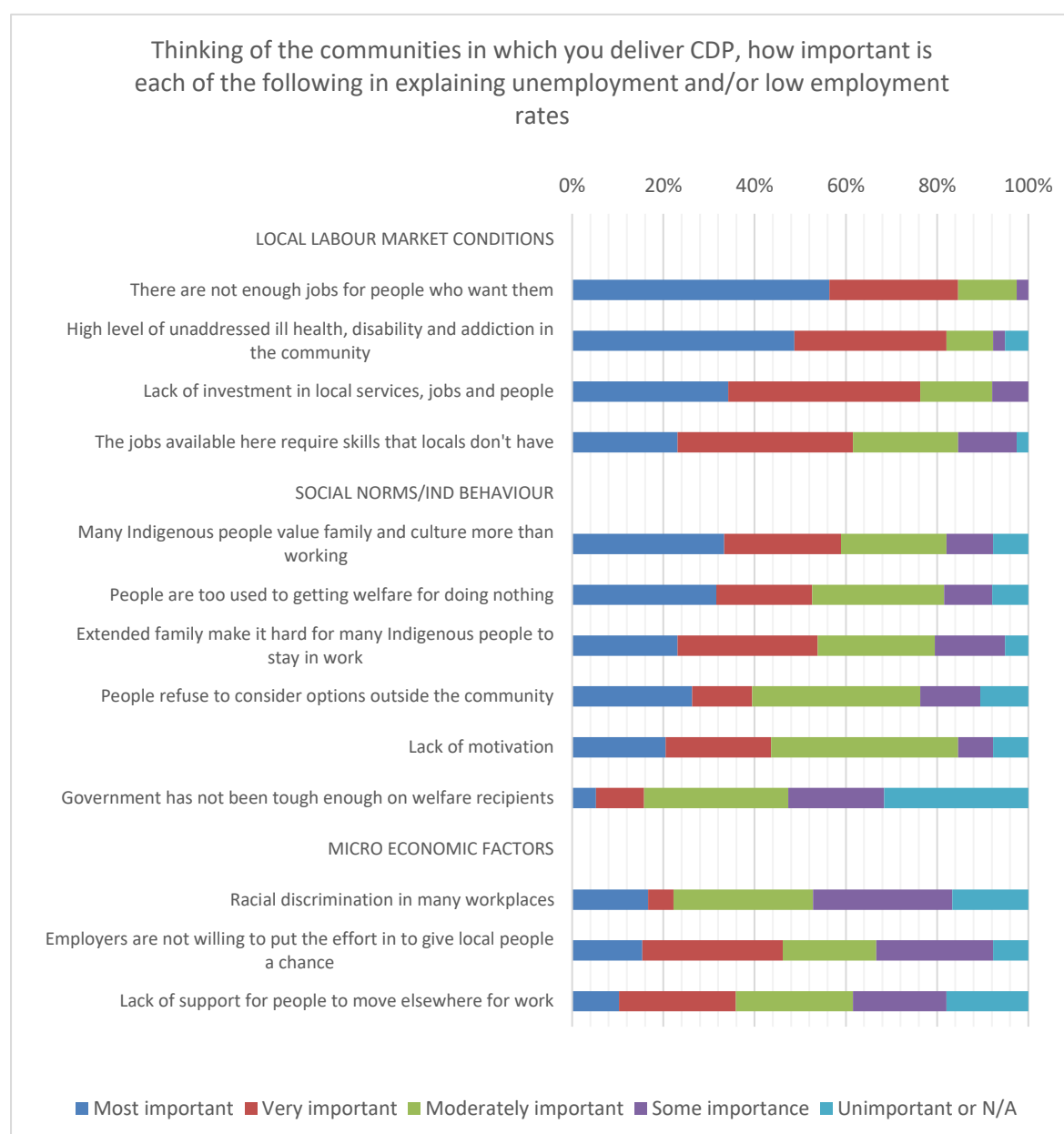
Views of joblessness

While the efforts of providers were often focused on meeting government demands, these activities did not always align with their views of what might be effective in addressing joblessness. In 2014 and 2017 respondents were asked to assess the importance of a list of suggested possible causes of joblessness in their region. Responses were later grouped to reflect different types of explanations: those that reflected the behavioural agenda that dominated government explanations; structural features of the local labour market and other factors, like race discrimination, described here as ‘micro economic factors’ (Figure 24).

The factors most often identified as very or most important were structural features of the local labour market, with the proportion ranking these as most or very important increasing from 2014 to 2017. In 2017, 85% identified the lack of jobs as ‘most important’ (56%) or ‘very important’ (28%), up slightly from 2014 (39%/43%). Eighty-two per cent identified the ‘high level of unaddressed health and disability’ as ‘most’ (49%) or ‘very’ (33%) important – a significant increase from 2014 (18%/49%) (Figure 24). As in 2014, social norms and individual behaviour were also considered important by many. For example, a slim majority thought, as

they had in 2014, that ‘people being used to getting welfare for doing nothing’ was most or very important (53%). But the biggest change between the two surveys was in the perceived importance of government ‘toughness’ on welfare recipients – identified as ‘most’ or ‘very’ important by 42% of respondents in 2014, and only 16% in 2017. The experience of delivery of tougher measures under CDP appeared to reinforce, rather than diminish, the weight that many placed on structural labour market factors, including the health and disabilities of local people. Even those most inclined to behavioural explanations were, by 2017, not inclined to see further efforts to ‘get tough’ as useful.

Figure 24: Reasons for unemployment (2017)



N=39

In responses to these two surveys only a few senior managers in provider organisations entirely discounted behavioural explanations for change. However, they were more likely to see joblessness as a structural problem arising from lack of labour demand and from failure to address long standing problems like literacy, poor health and services for people with disabilities. While they may have been implementing the government's agenda, most fell short of embracing it.

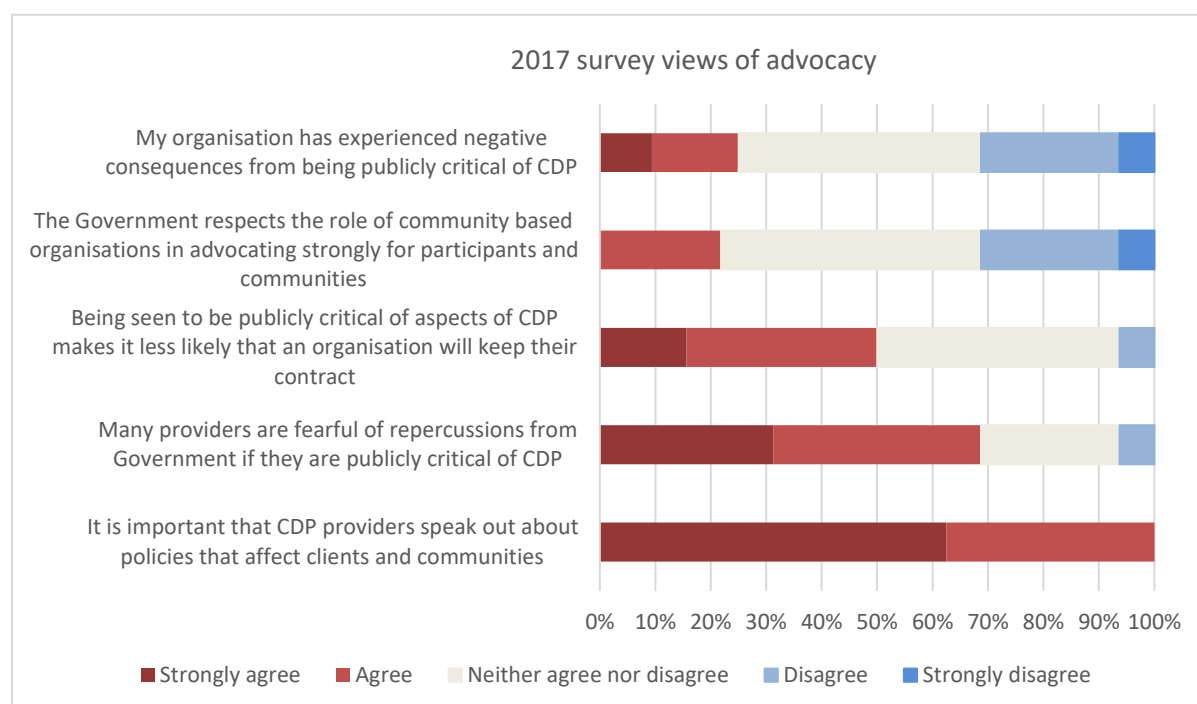
Advocacy

In the 2017 survey, all who responded agreed that it was important that providers 'speak out about policies that affect clients and communities' (Figure 25). All who responded to the question (33) reported that they had taken some form of action in order to 'try to advocate for change to the CDP program'. Most commonly this meant making representations to local PM&C officials (85%), via industry bodies (58%), or to the Minister or his office (58%). Six said that they had advocated by briefing media (18%). Thirteen respondents (42%) identified some effect from their advocacy, while 2 (6%) said that it had been very effective. Sixteen respondents (52%) reported that their advocacy had had no effect at all¹³⁵.

In response to questions about public criticism of CDP, half of respondents (16) agreed that being seen to be critical was likely to affect an organisation's future chances of winning a contract and 8 (25%) reported that their organisation had actually experienced negative consequences from being publicly critical of CDP (Figure 25).

¹³⁵ Discrepancy in percentages is because there were fewer (31) respondents to the question in relation to effectiveness.

Figure 25: Provider views of advocacy (2017)



N=32

The need to keep public criticism of the program in check emerged throughout interviews with CEOs and senior managers of provider organisations. Limitations on advocacy were seen as the unavoidable consequence of taking on the contract:

The government is always coming along and saying, 'If you read your contract... you are not supposed to be doing that' and we are saying to them, 'Well, unfortunately for you this organisation was not actually born to deliver government programs – although we have morphed into that – we were born to represent and advocate on behalf of the people here and we haven't lost that focus.'

Q: But it sounds like it is harder to walk the talk?

Well I can't be criticising – you know I have been an advocate for the last 27 years up here, now... I have to say I really can't say that because I have a contract with the Commonwealth Government... so I can't go too hard on them. (CEO Indigenous provider)

∞

Yeah, you have to be careful, of course, because you can't be seen to bite the hand that feeds you. And you can't be seen to be delivering something and then be seen to be going against the grain. But I do think that there are ways to do that and keep

government on side... I give Government the heads up if I am really unhappy and I tell them what I am going to do so that it isn't a surprise. (CEO, Indigenous provider)

∞

I think [advocacy] increases the risk to us as an organisation to have a target put on our backs. I think that the pressure I am under now is because I have always stood up for the people. I have always said you are on their land – they won't change their ways for you or me unless they want to. (CEO, Indigenous provider)

Acting in the community interest

While many Indigenous organisations were critical of the program, most believed that it was better for local people that their organisation deliver it:

For us there is potential in the program, notwithstanding that the organisation doesn't agree with the policy setting behind it, but there is opportunity to do good things within the community and we are the organisation best placed to do that. (Senior Manager Indigenous Provider)

∞

As much as I don't like the program, and I think I would rather be doing something else, I think the challenge is there for us and we will make it work. Its more the organisation and what it represents – there is a bit in me saying 'stuff it up you – we can make this work, doesn't matter what you throw at us' – but it is more about our responsibility to our community and our people that means I am hell bent on making this thing work. (CEO Indigenous Provider)

With program changes, organisations found themselves required to act against the interests and needs of local people in ways that they could not have anticipated when they originally bid. One example was the pressure placed on providers to try to engineer changes to cultural practice where these interfered with the weekly Work for the Dole routine. Guidance material issued by PM&C to providers in 2016 stated:

CDP providers should be actively engaged with local Indigenous community members and Centrelink officers in their regions to ensure visibility of cultural business and who will be involved. This will assist providers in taking a proactive role in the scheduling of cultural business when deemed appropriate. For example, cultural business could be scheduled to take place during school holidays so that school attendance is not affected. (PM&C Advice on Managing Cultural Leave, 2016)

The impact of funerals, of fighting and of cultural activity were regular topics of discussion at performance discussions with PM&C:

They are saying ‘They can’t keep having cultural leave.’ ‘They can’t keep having sorry business.’ And I am going ‘Why can’t they?’

Q: Do they ever go out and talk to community members about these issues?

No.

Q: So that’s your job?

Yep – but at the end of the day I won’t do that. (CEO, Indigenous provider)

But the most profound challenge to the values of organisations that had been established to advance local community interests came with the imposition, under CDP, of increased Work for the Dole requirements and linking of service fees to submission of Participation Reports:

Government has affected the [standing] of this organisation through ... CDP – it’s damaged this organisation. [We] used to be the one stop shop where these things were addressed... and then with CDP we are cutting off people’s payments because they are not meeting their mutual obligation then we have family come in and argue that they have entitlements and obligations. (CEO, Indigenous provider)

In interviews with CDP participants and with local Indigenous supervisors during site visits, it became evident that, even in cases where senior managers felt that they were doing the right thing by local people as Indigenous organisations, many local people did not share that view:

We have been pretending it’s a good program.

Q: Does it make a difference that the program is being run by a local Indigenous organisation?

This is an Indigenous organisation that is run by non-Indigenous people. (Local Indigenous supervisor)

∞

The sad thing this is blackfellas doing this to our own people. (Indigenous community activist, former CDP participant)

While many community members understood that the organisation was simply doing what it had to do, those who had been involved in the old CDEP described those days as ‘doing things for our mob’ while this was ‘the Government’ or ‘white people’ ‘telling us what to do’.

The Forrest Report argued that the Government should empower ‘sober, respected first Australian leaders’ who had ‘cultural authority’ to implement its measures (Forrest 2014, p.199):

[U]nder a system of trust and verification, this review believes it is now time for the Commonwealth to support wide community governance arrangements. This must enable local first Australian leaders with cultural authority to have the power to encourage, develop and enforce job seeker obligations, and administer and enforce the economic and social norms (accepted across Australia) in their communities.(Forrest 2014, p.204)

In December 2016 Minister Scullion told ABC Radio that CDP had been ‘co-designed with communities’ (Browning 2016). In the course of hundreds of community visits, he said, he had spoken, not just with providers, but the ‘cultural authorities in the areas’. Even though, by this stage, many Indigenous organisations had spoken out against the scheme and one desert community had lodged a racial discrimination complaint against it, Scullion claimed community support (Aikman 2016; Davidson 2016). ‘Yes’, he said:

we have had a bit of push back from some providers – but they weren’t doing their job. All the providers now appear to be making an effort, supporting their jobseekers – and the results are there to see. (in Browning 2016)

The implications for providers seeking to advocate for change were clear. Pushing back against government direction was not their job. It was the Minister, not Indigenous organisations, that would listen and then decide what was in the interests of Indigenous people. Claims of ‘cultural authority’ might be used by government to lend legitimacy to jobseeker obligations, but not to contest ‘accepted economic and social norms’ or the authority of the settler-state to demand obedience to them.

The inclusion and control of local organisations

Indigenous organisations were initially encouraged to bid for the RJCP on the basis that they could help deliver a more ‘community driven’ program and to assist in the management of the political consequences of Labor’s abolition of CDEP. But from the start it was clear that, in order to succeed, organisations needed to embrace the regimes of practice associated with mainstream employment services. Despite the radically different operating environments of remote Australia, government officials set about embedding ‘expertise’ associated with

mainstream program delivery, first via ‘partnerships’ and then through engaging NESAs to ‘build capacity’. Contracting of Indigenous organisations may have been politically beneficial, but they were assessed as ‘high risk’ by those that managed employment services.

The contracting environment established for remote employment services was fraught with uncertainty for providers. Having taken on the contract, providers were considered to have accepted responsibility for delivery of government policy, even though the rules, focus and objectives were frequently changed. A one size fits all financial model, and highly centralised decision making within PM&C heightened their sense of vulnerability and distrust.

Responses to surveys in 2014 and 2017 showed that, while senior managers in provider organisations were unconvinced of the efficacy of the behavioural measures they were being required to implement, the exigencies of the contract tended to overwhelm other priorities. As the CEO of one Indigenous organisation said:

The next big element [for PM&C] is activities. That is the contractual stuff. And that will override the vision because we need to feed the machine.

With the CDP came adoption of a more coercive approach, and a clearer framing of organisations as agents of government policy. In 2017 the Minister said that, from 2018, only Indigenous organisations or those in joint ventures with these organisations would be contracted to deliver remote employment services. The proposal to give providers direct control over income support penalties was done on the basis that they ‘knew their jobseekers’¹³⁶. But, insofar as Indigenous organisations questioned government prescriptions for governing the Indigenous unemployed, their capacity and cultural authority were questioned.

Those organisations contracted to deliver the CDP were placed in an increasingly difficult position. On the one hand, the program had come to dominate much of the daily life of communities and, in doing so, had become a critical arena for Indigenous organisational involvement. On the other, as the demand for behavioural change intensified, these organisations found themselves on the frontline of government’s efforts to control and to punish the people that many had been formed to represent.

¹³⁶ Senate Public Finance and Administration Committee. Budget Estimates. 3 March 2017 p.36.

Chapter 5

Measuring performance

This submission provides feedback by Aboriginal people directly affected by CDP. The responses of Aboriginal men and women in the main emphasise a strong and compelling sense of unfairness. Words contained in these submissions cannot adequately convey the feelings and hurt expressed by those adversely affected. North Australia Aboriginal Justice Agency submission to CDP Inquiry, June 2017.

∞

PM&C has established transparent and effective arrangements for measuring the performance of the CDP...

While some of the targets were qualitative in nature, most of the targets were relevant and reliable, and provided a complete picture of each provider's performance. Australian National Audit Office. (ANAO 2017a, sec.4)

Across the Commonwealth public sector a shift in attention from management of the processes for making decisions to measuring outcomes has been one of the hallmarks of the rise of New Public Management. Performance measurement and 'management by results' have become ubiquitous. In some cases, as in the case of the Closing the Gap agenda, they might be said to have *become* the policy – displacing earlier policies that prioritised Indigenous control (Henman 2016a; Altman 2009). Performance measurement is a key technology in enabling the central governing of dispersed actors. Its spread has been facilitated by the rise of information technologies that allow the rapid transfer and processing of information (Henman 2010; Homburg 2004). As Henman says:

... the centre is capable of governing by numbers aggregated and disaggregated at the centre to make visible the various parts of an organisation or network, thereby displacing governance by detailed top-down rules. Consequently, reporting performance data, rather than rules, becomes the *sine qua non* of managerialism, contractualism, marketisation and the consequent mixed economy. (Henman 2016a, p.501)

The idea that we should be able to see whether we have achieved what we set out to do is logically compelling. However, the construction and use of performance measures is fraught

with difficulty. It is not always clear what a policy ‘sets out to do’. More often than not, objectives are ambiguous and changeable (Stone 2002; Colebatch 2009). Even when objectives seem clear, targets and measures cannot capture all of what is intended – they generally involve taking one aspect of performance to stand in for the whole (Henman 2016b; Moynihan 2009; Bevan & Hood 2006). In mainstream employment services for example, provider performance in assisting disadvantaged job seekers into sustainable work is measured primarily through the proportion of this group who are placed and stay in work for 26 weeks. Even though this raw figure is adjusted to take account of a number of observable characteristics of these job seekers (e.g. duration of employment, age), it cannot fully account for the differences between individuals that affect their chances (Considine et al. 2017), nor is it necessarily the case that 26 weeks of work represents work that is ‘sustainable’ (Leach et al. 2010). Some who might benefit from greater assistance miss out (Borland et al. 2016; Considine et al. 2017).

A second set of problems emerges from the unintended ways the application of performance measures changes behaviour (Bevan & Hood 2006; Lowe & Wilson 2017). The target (e.g. 26 week outcome), rather than the goal (e.g. sustainable employment) becomes the focus of attention and as a result the target becomes a less meaningful indicator of what it purports to represent (Bevan & Hood 2006). When the stakes are high there is a problem of gaming, whether with the intention of defrauding the system or simply to keep up with competitors (Bevan & Hood 2006; Pollitt 2013; Considine et al. 2015). Organisations might ‘hit the target, but miss the point’ (Bevan & Hood 2006; Pollitt 2013).

While the construction and deployment of effective performance measures is a technical challenge, these measures also have a constitutive effect (Dahler-Larsen 2014; Henman 2016b; Le Galès 2016). Because policy objectives are often ambiguous, decisions over what is measured and reported become part of story-telling about what success ‘looks like’ and whether it has been achieved (Dahler-Larsen 2014; Stone 2002; Mosse 2004). Performance measures involve a process of making sense of a ‘messy reality’ – requiring decisions (not always conscious) about what should be counted or be left out, what factors are salient, what indicators might be ‘borrowed’ from elsewhere (Dahler-Larsen 2014; Walter & Andersen 2013)¹³⁷. Once deployed,

¹³⁷ A good example, here, is the use of 13 and 26-week employment outcomes which used in mainstream employment services because of evidence that they are good predictors of the employment sustainability. These were carried across into RJCP and CDP, and the Minister has repeated the claim that people who have been in work for 26 weeks are likely to stay. However, it is not clear that there is evidence to support that claim and, because there is no mechanism in place to follow up longer term outcomes, it appears unlikely that it will be tested.

performance measures shape the ongoing collection of information (Walter & Andersen 2013; Dahler-Larsen 2014). They contribute to what is known about the ‘problem’ and, even though they may measure only part of what the policy sets out to achieve; they become part of what is defined as ‘success’ (Dahler-Larsen 2014; Henman 2016b; Le Galès 2016). Policy measures become their own ‘end game’:

In what becomes a walled world of mirrors or hyper-reality where the simulation is the real..., what is performance measured is what is performed and what is regarded as performance. Taken further, the policy objectives designed by performance measurement displace policy design and a consideration of what generates policy outcomes. Managers are to manage by numbers, not by an understanding of the production of policy performance. Performance numbers invisibilise the changes that matter. (Henman 2016b, p.604)

The ‘technical face’ of performance measures, the logical coherence of the instrumental rationality they reflect, serve to obscure their political impact – the ‘particular constructions of the relations between ‘the governing and the governed’ that they embody, and their disciplinary effects (Le Galès 2016; Brodtkin 2013; Soss, Fording & Schram. 2011b).

This chapter explores the development and implementation of measures used to assess performance of organisations delivering remote employment services. It looks at the construction of performance measures for each version of the program and how these measures were used. It draws on interviews about the performance management process conducted with senior managers across ten providers and analysis of performance review documents generated by PM&C, to flesh out how the measures worked in practice (see further Appendix B). It then turns to the question of what these measures say about the governing of remote employment services.

Developing a new approach for the RJCP

The initial RJCP funding deed included three broad KPIs:

- i. Community engagement and participation;
- ii. Employment and education; and
- iii. Activity quality¹³⁸.

¹³⁸ RJCP Funding Agreement General Terms and Conditions, Clause 38.2

The approach to measuring performance against these KPIs was to be set out in guidelines to be developed by DEEWR.

DEEWR had a sophisticated mechanism in place for measurement of the performance of providers in mainstream employment services (Jarvie & Mercer 2018; OECD 2012; Considine et al. 2017). It centred on a comparison of the proportion of job seekers achieving employment for 13 or 26 weeks in different provider sites and the use of regression analysis to adjust raw outcome rates to take account of characteristics of local job seekers and the local labour market (OECD 2012). These comparisons were converted to 'star ratings' which were intended to enable a 'like for like' comparison of performance across the country.

For DEEWR officials considering a performance measurement system for RJCP the mainstream system provided a model for what such a system should look like, but there were technical problems in applying it directly. In remote areas the volume of potential employment placements was low, caseloads were small, assessments of relative job seeker 'disadvantage' were unreliable¹³⁹ and specific local labour market information was not available¹⁴⁰. It was expected that most people had no immediate prospect of getting work, so some other measure of program success in addition to employment was needed.

The material most readily available to DEEWR for the development of performance measures were the records of provider transactions made in its IT system. Quantitative measures of *something* could be drawn from this system. Because its design was based on JSA, RJCP providers were required to record appointments, lodge individual job plans, record job placements and claim outcomes in the IT system. These transactions were voluminous, allowing aggregation and comparison. They enabled what was happening in provider offices to be represented in numbers and thereby given weight (Dahler-Larsen 2014, p.981; Espeland & Stevens 2008). Systems for collection of this transactional data also had the advantage of already being in place, even though they had been intended for a different use.

¹³⁹ See Chapter 8 on assessment of client needs and the JSCL.

¹⁴⁰ The Performance Period Three (PPR3) Guide for providers explained that PM&C used local labour market data for remote parts of each state (e.g. Outback NT) and applied these to each area, asking local contract managers to add any information that might be relevant. PM&C later commissioned a Labor Market Economist to review the target setting process, but no report on the outcomes was available at the time of writing.

In June 2013 DEEWR released a draft Performance Management Framework for RJCP (DEEWR 2013a). The framework set out to both ‘demonstrate that the Department is assessing RJCP performance on a nationally consistent basis’ and to ‘acknowledge significant differences across the remote regions including labour market opportunity, job seeker disadvantage, the geographic size of regions, community priorities and the concentration of job seekers in communities’ (DEEWR 2013a, p.5). It included both quantitative and qualitative measures which were each assigned a weight, enabling an aggregate performance score to be calculated (Table 6). Many of the measurements were based on reports generated through the IT system. These included: ‘time to commencement’; engagement of volunteers; and use of the Participation Account. Forty-five per cent (45%) of the overall performance score was to be based on achievement of educational and employment ‘outcomes’. There was also an attempt within the framework to reflect local circumstances. Just over a quarter of the total score was linked to the development and implementation of local Community Action Plans (CAP) and Workforce Development Strategies (WDS) ¹⁴¹. It was proposed that specific regional targets would be set through negotiation between providers and DEEWR (DEEWR 2013a).

The attempt to balance the goals of ‘nationally consistent’ performance measurement and localised target setting would have been a new way of working for DEEWR. It would have tested DEEWR’s flexibility and the negotiation skills of providers. However, the election of the Coalition Government in September 2013 halted implementation. According to one senior bureaucrat, Minister Scullion simply decided not to approve a framework. According to regional office staff, the performance framework was used as a ‘guide’ in performance discussions in 2014 and 2015, but had no real status. Key elements, like the CAP and WDS, were abandoned and no local negotiations over targets took place¹⁴².

¹⁴¹ Sub measures 5 & 6 under KPI1, sub measures 2 and 5 of KPI3.

¹⁴² Community Action Plans were developed by providers as per the contract but, having been submitted as required, in February 2014, the Minister failed to approve them. Providers were asked to re-write the plans to reflect the government’s priorities in relation to school attendance and community safety. PM&C wrote to providers in June 2014 advising them that the Minister had deferred approval of the CAPs pending the outcomes of the Forrest Review. At the end of 2014 the Minister announced that, in the interests of reducing red tape, they would no longer be required.

Table 6: Initial proposed RJCP Performance Framework

Key Performance Indicator (KPI)	Performance sub measures	Proposed weights (%)
KPI 1: Job seeker participation and community engagement* (35%)	I. Time to commencement in RJCP	3%
	II. Attendance at nominated activities	3%
	III. Youth Corps commencements	4%
	IV. Participation Outcomes (i.e. completion of non-vocational interventions)	3%
	V. Engagement of community volunteers and people without participation requirements.	3%
	VI. Currency, relevance and application by the provider of the Workforce Development Strategy for the remote region	4%
	VII. Currency, relevance and application of the Community Action Plan for the remote region.	15%
KPI 2: Employment and education (45%)	I. Job placements	5%
	II. 7-week full outcomes	10%
	III. 13 week full and pathway outcomes	10%
	IV. 26 week full and pathway outcomes	10%
	V. Education completion outcomes	10%
KPI 3: Service Quality* (20%)	I. Provider capability and governance	4%
	II. Service delivery and appropriate use of the participation account in line with priorities identified in the WDS and CAP.	4%
	III. Appropriateness of Individual Participation Plans	4%
	IV. Community and jobseeker satisfaction with services	4%
	V. Contribution of provider to Community Development Fund process and complementarity of service delivery.	4%

Source: DEEWR, Remote Jobs and Communities Program, Proposed Performance Management Framework, Discussion Paper, June 2013

Despite the lack of a formal framework, government officials developed views about the relative performance of provider organisations. In interviews over this period managers within provider organisations often commented that ‘they had been told that they were the best performing in the area’ or that they were ‘above average’. PM&C staff at both national and regional offices referred, during interviews and informal conversations, to providers as ‘good’ or ‘poor’ performers. A critical source of these assessments was a regular report containing 226 columns of provider transaction data that was produced in Canberra and distributed to regional PM&C offices (Figure 26).

Figure 26 Extract from internal PM&C report on key statistics by region

	M	N	O	P	R	S	T	U	V	W	X	AW	AX	AY	AZ	BA	BB	BT	BU	BV	BW	BX	BY	BZ
TOTAL RJCP Caseload								Projected Commencements within 4 weeks		Commencement Timeliness (for non-transition caseload)		Participation Report						Activities (recorded in Activity Manager)						
												Total			Connection									
ending od	COM % (of total Caseload)	COM % (of COM and PND (skris))	CDEP wages	CDEP wages %	Indigenous %	RFE	RFE %	Appointments booked with pending job seekers in next 4 weeks	Projected available commencement rate if appointments for Pending job seekers in next 4 weeks attended	Average days to commencement for job seekers who have had a status of 'commenced'	Average 'pending' days for job seekers with 'pending status'	PR Cnt	Applied %	Rejected %	PR Cnt	Applied %	Rejected %	Total Current Activities	Total Current Activity Placements	*Individual Job seekers recorded as being currently in Activity	% of Caseload in Current Activity	RFE currently in Activity	RCV currently in Activity	Individual Job Seekers currently in RJCP Structural Activity
1	86.5%	91.6%	2357	6.4%	83.3%	36609	99.3%	1287	95.3%	28.4	67.8	70319	56.60%	43.41%	44446	50.00%	50.00%	5724	31519	20872	56.6%	20121	751	10475
2	93.9%	96.9%			1.5%	66	100.0%	2	100.0%	10.0	0.0	5	60.0%	40.0%	2	50.0%	50.0%	80	131	61	92.4%	39	2	24
3	87.4%	92.1%	24	2.2%	80.8%	1091	99.1%	43	96.2%	21.0	42.0	787	46.5%	53.5%	549	39.3%	60.7%	169	1212	703	63.9%	672	31	56
4	81.9%	88.0%	16	3.7%	90.5%	424	98.6%	19	92.8%	20.0	59.0	636	62.9%	37.1%	280	39.6%	60.4%	62	541	239	55.6%	232	7	156
5	89.4%	92.5%	47	12.1%	97.7%	384	99.0%	18	97.3%	30.0	32.0	591	52.6%	54.4%	403	43.9%	56.1%	54	494	350	90.2%	331	19	305
6	92.4%	94.0%	222	27.8%	98.3%	794	99.3%	9	95.2%	44.0	80.0	179	33.0%	67.0%	122	16.4%	83.6%	81	536	382	47.8%	380	2	43
7	87.2%	91.3%	2	0.3%	98.8%	648	100.0%	36	97.1%	27.0	45.0	2127	51.2%	48.8%	980	39.1%	60.9%	30	274	254	99.2%	252	2	167
8	90.8%	93.6%	170	16.4%	92.2%	1021	98.7%	18	95.4%	20.0	87.0	777	53.3%	46.8%	30	46.0%	54.0%	130	1198	790	76.4%	777	13	707
9	87.0%	91.7%	39	3.7%	90.4%	1044	98.8%	52	96.9%	21.0	49.0	1858	54.8%	45.2%	1170	43.0%	57.0%	135	834	615	58.2%	563	52	341
10	74.4%	93.0%			6.5%	462	99.6%	16	97.3%	20.0	28.0	315	43.8%	56.2%	261	41.8%	58.2%	443	405	318	68.5%	295	23	25
11	87.8%	94.8%	52	7.7%	70.6%	663	98.8%	11	96.6%	24.0	61.0	1128	53.7%	46.3%	834	47.8%	52.2%	361	868	520	77.5%	487	33	239
12	80.4%	92.6%	17	2.3%	40.8%	730	99.9%	24	96.4%	33.0	68.0	930	56.7%	43.3%	650	50.2%	49.8%	190	823	591	80.8%	576	15	168
13	82.9%	86.0%	51	6.6%	98.6%	776	99.9%	50	92.7%	39.0	88.0	2692	63.3%	36.7%	2088	60.5%	39.5%	51	1811	534	68.7%	521	13	485
14	88.7%	91.6%	12	3.9%	100.0%	309	100.0%	8	94.3%	40.0	133.0	1954	60.1%	39.9%	611	62.0%	38.0%	43	396	255	82.5%	248	7	147
15	87.3%	95.3%	1	0.4%	98.2%	275	99.6%	4	96.8%	29.0	30.0	239	34.3%	65.7%	170	19.4%	80.6%	37	472	241	87.3%	227	14	188
16	86.1%	88.0%	45	8.9%	99.6%	502	99.6%	15	91.1%	34.0	92.0	783	57.7%	42.3%	631	53.7%	46.3%	54	530	323	64.1%	313	10	210
17	81.2%	84.3%	2	0.4%	98.8%	534	99.6%	19	98.0%	45.0	69.0	1122	52.8%	47.4%	817	45.4%	54.6%	65	372	260	48.3%	249	11	92
18	86.3%	89.2%	12	2.1%	99.3%	580	99.5%	20	92.7%	56.0	122.0	1205	56.6%	43.4%	878	50.0%	50.0%	57	411	243	41.7%	240	3	215
19	86.2%	88.4%	3	0.4%	99.6%	742	99.7%	34	93.1%	48.0	109.0	921	57.3%	42.7%	677	52.7%	47.3%	79	495	327	44.0%	318	9	61
20	79.7%	81.6%	14	3.0%	99.4%	472	99.8%	18	85.5%	77.0	101.0	591	45.2%	54.8%	486	39.3%	60.7%	23	110	99	20.9%	99		25
21	80.1%	84.3%	1	0.2%	99.8%	522	100.0%	23	88.9%	66.0	93.0	986	62.4%	37.6%	515	45.8%	54.2%	48	250	194	37.2%	192	2	144
22	85.2%	90.0%	36	4.8%	94.9%	747	99.7%	34	94.8%	37.0	58.0	1661	53.9%	46.1%	1180	47.8%	52.2%	81	285	223	29.8%	217	6	115
23	92.1%	93.3%	120	27.1%	98.0%	440	99.5%	13	96.3%	23.0	63.0	379	52.8%	47.2%	284	43.3%	56.7%	116	332	310	70.1%	304	6	286
24	91.1%	93.5%	44	4.4%	98.9%	988	99.8%	25	96.2%	46.0	72.0	1561	68.1%	31.9%	1271	68.5%	31.6%	94	990	697	70.4%	693	4	587
25	78.1%	86.2%	9	1.1%	74.3%	831	98.9%	66	94.9%	18.0	67.0	4532	35.8%	64.2%	2566	33.8%	66.2%	197	508	395	47.0%	370	25	115
26	89.0%	92.3%	7	1.3%	99.2%	521	99.2%	14	95.1%	27.0	34.0	2249	67.5%	32.6%	1414	61.2%	37.9%	116	419	269	51.2%	264	5	223
27	79.6%	81.9%	6	1.2%	99.4%	486	99.2%	33	88.9%	44.0	126.0	668	71.6%	28.4%	547	71.9%	28.2%	60	228	168	34.3%	163	5	108
RJCP Master Summary																								

Key statistics by region (one region per row), 226 columns

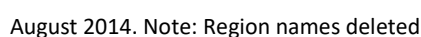
This report presented a range of data extracted from the IT system including the percentage of people that had been referred and had started in the program; appointments attended; number of people formally referred to activities; outcomes and Participation Account claims made.

Providers were usually sent only their own data, but the reports that were used by PM&C staff showed every region along with State and National averages. Aside from the percentage of Indigenous participants, the reports included no information that would enable readers to discern what had been earlier recognised as ‘significant differences’ between regions, or different ‘community priorities’. For example, there was no attempt to differentiate regions with highly dispersed populations from those with a few larger communities, or those with good service infrastructure from those with little. Despite these limitations, and in the absence of other systematic information, PM&C staff used these reports as the basis for comparison of provider ‘performance’ both internally and in discussions with providers. The information lacked context, but quantification had given it weight (Espeland & Lom 2015).

Although the Minister failed to approve a formal performance framework, he had apparent views about what was important. One was that participants be involved in supervised, ‘structured’ activity. Under the initial RJCP funding deed, providers were required to make a judgment as to what type of activity was appropriate for each individual within certain ‘typical’ benchmarks of weekly hours. The initial performance framework included measures of the appropriateness of individual plans, but it did not measure participation in activities *per se*.

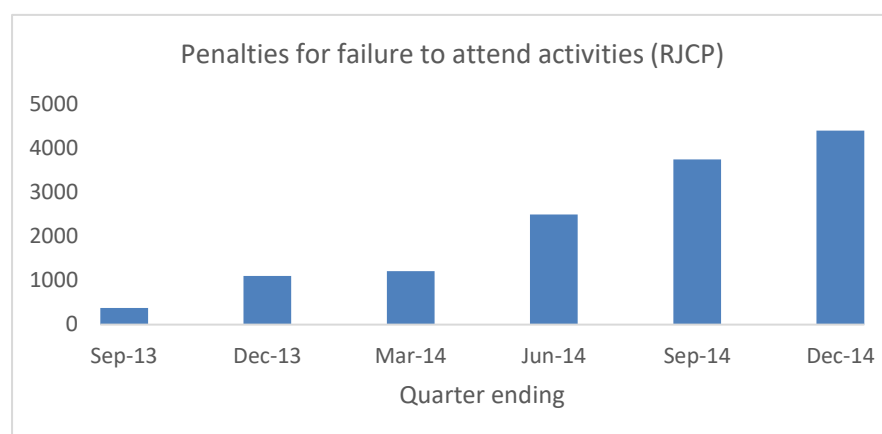
We spent two hours talking about activities. We wanted to talk about [employment] outcomes, but we had to raise it – we spent 20 minutes at the end talking about outcomes.

Figure 27: PM&C report comparing % of caseload in activities across regions



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Figure 28: No Show No Pay penalties prior to announcement of CDP



Source: Department of Employment Jobseeker compliance data various dates

Other ‘messages’ were conveyed by Departmental officials too. When the Minister launched the Remote Schools Attendance Scheme in late 2013, RJCP providers were strongly encouraged to take on its delivery. In 2014, providers were told to rewrite their Community Action Plans to incorporate the government’s three Indigenous Affairs priorities – ‘adults in work, children in school and safe communities’, regardless of whether these had been identified as priorities in community consultations¹⁴³. Lack of a performance framework allowed the Department to respond to the Minister’s particular, and changing, priorities.

CDP performance regime

A Programme Management Framework (PMF) was finally approved as part of the package of changes that brought the CDP into being, from 1 July 2015 (PM & C 2015b). The KPIs in the funding deed were amended to:

- i. Delivery of Services in accordance with the RJCP Funding Agreement
- ii. Availability, attendance and appropriateness of Activities for Work for the Dole (WfD);
and
- iii. Achievement of the Regional Employment Target. (PM & C 2015b)¹⁴⁴.

¹⁴³ One CEO of a provider organisation stood up at a forum and complained that he had to include school attendance as a priority in his CAP even though attendance rates in his region were better than State average.

¹⁴⁴ The Programme Management Framework document includes additional material about provider compliance and the processes and strategies that PMC will use to implement the framework. In this paper the term ‘performance framework’ refers to the of KPIs and targets that are applied, rather than the wider document.

The new Programme Management Framework (PMF) set out the targets that would be used to assess provider performance against these KPIs (PM & C 2015b). As in the earlier draft framework for the RJCP, each KPI and each sub-measure was assigned a weight. An overall performance rating would be determined by combining weighted average scores across the three KPIs to calculate a score from 1 to 4, in turn associated with a word rating from ‘Unsatisfactory’ (1) to ‘Excellent’ (4) (Figure 29).

Figure 29: Example of performance score calculation

Overall Performance Rating Calculation		
	Rating	Word Rating
Average Overall Results Score of KPI 1 (worth 30%)	3.1	Good
Average Overall Results Score of KPI2 (worth 35%)	2.5	Needs to Improve
Average Overall Results Score of KPI3 (worth 35%)	2	Needs to Improve
Overall Performance Rating	2.54	Needs to Improve

Source: PM&C 2015b

Table 7 shows the targets and weightings that were used to measure provider performance from 1 October 2016 to 31 March 2018 (Provider Performance Review periods (PPRs) 3 to 5)¹⁴⁵. Performance against most targets (those marked ‘*’ in Table 7) was assessed in whole or in part by accessing information from the IT system. For example, Target 2 was assessed on the basis of the percentage of job plans lodged in the IT system that included the system codes that meant that the obligations set were compliant with the deed (Figure 32 p.199). If 90%–100% of plans

¹⁴⁵ At the end of September 2016, PM&C wrote to providers advising them that they had ‘made minor changes to the performance section of the PMF’ and that these were intended to ‘decrease focus on compliance’ and ‘increase focus on performance’ following the initial implementation period. The changes took effect from 3rd October 2016 – days after the advice. The principal changes were:

- removal of a specific target which rewarded recommendation of penalties
- increased weighting on KPI2 which focusses on Work for the Dole delivery from 35% to 45% (up from 35%) and reduce the weighting of KPI1 to 20%;
- Specific targets in relation to literacy and numeracy and driver’s licenses were combined into a broader KPI in relation to provision of individualised services;
- a number of contractual compliance measures (like whether job search facilities were available on site or service guarantees displayed) were removed from the targets to become part of the wider ‘service assurance’ process.

were assessed as compliant, then a score of ‘excellent’ would be achieved, while under 50% meant an ‘unsatisfactory’ rating.

Table 7: CDP Performance targets from October 2016 to 31 March 2018 (PPRs 3-5)

Performance Target	Weighting
KPI 1: Delivery of Services in accordance with the RJCP Funding Agreement. (20%)	
Target 1: 100% of Eligible Job Seekers have been provided with monthly Contact which complies with Clauses 6, 7, and 8 of RAC 1. #*	5%
Target 2: 100% of all Eligible Job Seekers have an individualised Job Plan that complies with the requirements set out in the Funding Agreement. #*	5%
Target 3: 100% of Job seekers have been provided tailored assistance and quality training to overcome barriers to employment.	5%
Target 4: 100% of Eligible Job Seekers placed in Employment provided with quality Post-placement Support in accordance with RAC1. #	5%
KPI 2: Availability, attendance and appropriateness of Activities for Work for the Dole (WfD) Participants (45%)	
Target 5: 100% WfD Participants have been placed in one or more Activities, sufficient to their participation requirement. #*	10%
Target 6: 100% attendance of all WfD Participants in Activities (in line with their participation requirements.) #*	10%
Target 7: 100% Activities are appropriate to WfD Participants, local labour market and the community.	15%
Target 8: The Provider has made significant efforts to broker and place WfD Participants in quality Hosted Placements with local employers.	10%
KPI 3: Achievement of the Regional Employment Target (35%)	
Target 9: 100% of the Regional Employment Target is met. #*	35%

#= target unchanged from PPR1 and 2, *=assessed entirely via system generated reports (notes added)

Source: PM&C 2016a

Some targets were qualitative, for example the appropriateness of Work for the Dole activities (Target 7) was assessed by local contract managers on the basis of evidence of:

- Job seeker and community input and consultation to design activities which meet community priorities, needs and aspirations;
- Community forums and consultations with local employers;

- Attempts to link with other opportunities and positive initiatives (for example government programmes such as the Remote School Attendance Strategy or Indigenous Rangers (PM & C 2016a, p.11)

Target 8 measured provider efforts to create Work for the Dole placements with employers, including in jobs normally performed by paid workers¹⁴⁶. Target 9 measured 26-week outcomes claimed in each six-month period against a PM&C forecast (the Regional Employment Target)¹⁴⁷.

Comparison of the earlier proposed RJCP measurement framework with that developed for CDP indicated three significant changes in approach. The first was the weight attached, not just to participation in Work for the Dole activities, but to implementation of mutual obligation generally. Target 1 of the CDP framework, for example, required that all participants have monthly appointments, while Target 5 focused on setting hours of activity. The earlier proposed RJCP framework had addressed these issues as matters for compliance auditing, not as measures of relative performance.

The second area of difference was the removal of targets that related to longer term processes of planning and community engagement, the various elements of which had accounted for around one quarter of the earlier proposed ratings. The new Target 7 attached some weight to community and employer input into selection of activities, but had no link to long term or participatory planning. Moreover, CDP performance was assessed within each six-month period – it didn't capture cumulative impact or actions that might generate results over a period longer than six months¹⁴⁸.

Finally, all targets in the framework, with the exception of the Regional Employment Target, were set without reference to local conditions. All but one were set at 100%. 'Good performance' looked the same regardless of local history, aspirations, conditions, assets or opportunities. A region with very low levels of historical participation in activities, or with a high level of community disputation, would need to achieve the same rate of attendance at Work for

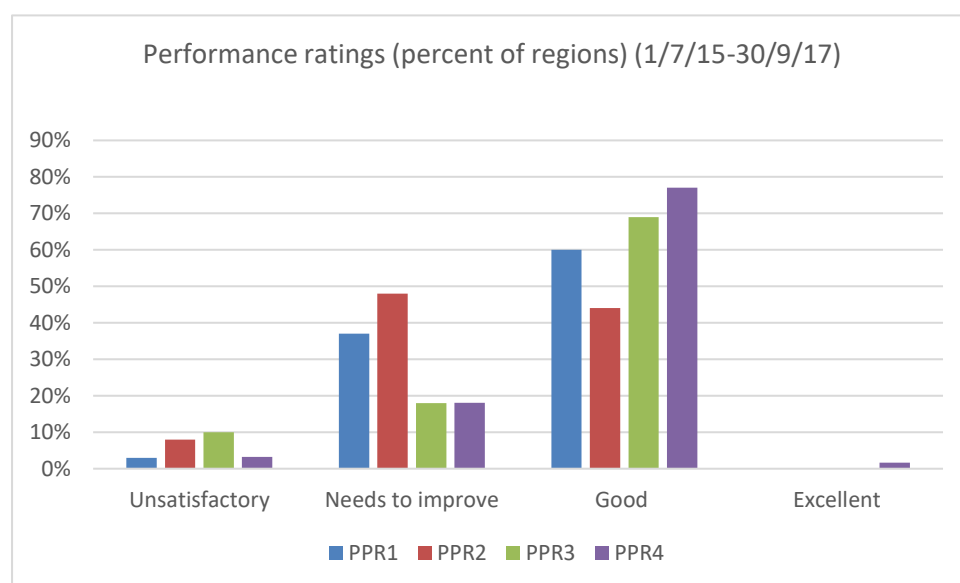
¹⁴⁶ Work for the Dole participants could be required to do their activities in 'real jobs' with employers for up to six months, and sometimes more. There were limits on the number of these unpaid workers employers could take on.

¹⁴⁷ The small size of relevant labour markets and lack of local data made these forecasts very problematic.

¹⁴⁸ PM&C officials did say that they looked at trends in considering whether performance warranted a breach notice or extension of the contract period.

the Dole activities as any other in order to be considered a good performer. In the context of program requirements that many viewed as unworkable, the framework meant that many providers were likely to fall short, which could lead to removal of their contract. In the first four performance periods of this framework at least one fifth of regions were assessed as ‘unsatisfactory’ or ‘needs to improve’ (Figure 30).

Figure 30: CDP Performance ratings (per cent of regions)



Sources: (ANAO 2017a, p.56) and PM&C (PPR4)

Some providers saw the identification of failure as a dominant purpose of the framework:

It is to be used as an excuse to take business off providers where they want to.
(Senior Manager, Indigenous provider)

∞

Part of their thinking I think is that in 2018 they can put a competitive tender in place and they have a framework to make decisions around. In the interim it will give the option to say to organisations that ‘you are not delivering what we want --we will start taking things off you.’ (CEO, non-Indigenous provider)

In the emphasis on enforcing mutual obligation; the devaluing of long term processes; and the setting of uniform performance benchmarks, the CDP performance framework marked a more centralised, more coercive and less flexible approach: one which made no concessions to the difference of CDP regions and one which, in its application, was likely to identify deficits in the performance of providers and in the compliance of participants.

Processes of assessing provider performance

In the lead up to each six-monthly provider performance review (PPR), PM&C National Office produced IT system reports on targets that were calculated centrally (like attendance) and provided templates, assessment criteria, and calculators to regional contract managers for other targets. Providers typically described the process as involving an initial request from their regional PM&C office to provide or make available a large amount of written ‘evidence’ including, for example, safety risk assessments, lists of people referred for drivers’ licenses, records of community or employer meetings, Work for the Dole ‘host’ agreements – all of which might take many hours to compile.

In most (but not all) cases PM&C staff visited at least one site in each region for anything from an hour to several days. These visits usually included examination of documents and facilities (for example hard copies of job plans, and job search computers) and a discussion with local management. According to providers, only rarely did these visits include any contact with participants, employers, or community leaders. There was no evidence of systematic surveying of participants.

Reports prepared by regional offices and then ‘quality assured’ by national PM&C staff (noticeably increasing standardisation of language and scoring across the country), then a PPR feedback document was provided to each organisation for each of their regions. These included a rating and comment on each target, and an overall regional score. Aggregate scores were used to determine which providers should be placed on a Performance Improvement Plan which involved more intensive monitoring and reporting to PM&C. These scores also informed decisions as to which organisations should be issued with breach notices – a first step towards contract removal. In 2018 PPR ratings were used to decide which providers were offered 12-month contract extensions or ‘Invitations to Treat’ and which regions were opened up to other bidders.

Thirty-three individual PPR reports were reviewed for this thesis, predominantly from PPRs 1 and 2. These reports often included PM&C contract manager comments about local issues raised by providers but the formula driven approach to calculation meant that their views appeared to make little or no difference to the rating¹⁴⁹. In interviews about the performance management

¹⁴⁹ In the 33 PPR reports reviewed, only one explicitly noted that the contract manager had moderated the score to take account of local labour market conditions in the six-month period.

system, providers reported that even those contract managers with good local knowledge had little scope to take this into account in the assessment process:

I think they do get that there has been funeral after funeral, domestic violence is huge –but National Office don’t allow it. I think at face value the local contract managers are privy to what the local challenges are, but I don’t think that is any good to them when they are talking to National Office. They have to apply the performance management process as if none of that stuff counts. (CEO, Indigenous provider)

Despite the tight control over some aspects of the rating system, there was also evidence of substantial variation in the method and quality of those parts of the review process that were conducted locally. Some contract managers visited frequently and spent time in service regions. Others had little contact and visited rarely. These variations bore no apparent relationship to PPR ratings, with examples of very brief visits giving rise to poor ratings and to good ones:

The PPR process was a 20–30 minutes process but after that it was the six-page letter saying everything is crap, this is urgent, fix it, or you are going to lose your contract. (CEO, Indigenous provider)

Variation also occurred in how specific practices were judged. In PPR 1 the same complaints process was considered acceptable in one region but rejected in another. In one region the lack of minutes of meetings with employers contributed to a poor rating in relation to employer engagement even though the report noted that the provider was the ‘preferred’ source of labour for local employers¹⁵⁰. In another, informal meetings with employers appeared sufficient to achieve a good score.

Even those areas which appeared black and white had room for variability. The emphasis on contractual compliance and system data meant that the contract and/or system knowledge of both PM&C contract managers and provider staff could shape results. Experienced employment services managers were more likely to report being able to make a case for their practices, or to question the interpretation of rules and/or data made by PM&C contract managers:

¹⁵⁰ The relevant target was one of those dropped for PPR3: ‘Eligible Job Seekers were supported to apply for Vacancies and Paid Work Assignments’.

Q: Is there scope to shape PM&C's rating?

Definitely for us, yes. I think it comes down to the quality of your contact with PM&C, but it also comes down to your ability to articulate your arguments. (Senior manager, Indigenous provider)

One provider with multiple regions reported that it received better ratings when a senior manager from their head office attended a PM&C site visit than when they left it to local staff. On the other hand, those with less knowledge could be disadvantaged:

In PPR1 the contract manager we had had really poor contract knowledge – and that had a real impact on us, partly because we weren't getting feedback throughout the period. (Senior manager, Indigenous provider)

∞

[W]hen we have had joint provider meetings, [it is interesting] the level of different advice and feedback the Department is giving, depending on the contract manager – in terms of this performance review process and just general things – like coding. So it tells me that if you have these things where the contract manager has their input then it's going to result in wildly varying performance ratings depending on what they think. (Senior manager, non-Indigenous provider)

Despite the varying capabilities and the contribution of contract managers to eventual performance ratings achieved, the possibility that they – or the government more broadly – might have had an impact on results was not acknowledged. It was a one-way process in which only the provider was held to account.

Senior managers in provider organisations frequently expressed a preference for performance measures that were more quantitative, more driven by IT system reports, even though they recognised that regions differed widely. What numbers and processes offered was a degree of certainty, the ability to limit their own organisations' exposure to what might be poor decisions:

Generally, [local PM&C contract managers] are really nice people, however their experience and knowledge... I don't want my business hanging in their hands. (CEO, non-Indigenous provider)

The environment was one of mutual distrust, and, at least for providers, one of considerable risk.

While providers had concerns about the skills and authority of local staff, they largely relied on their interactions with them to ‘read’ the intentions of government (although some also cultivated relationships with national office staff):

I know we had a copy of the framework up front, but I think every time you have a meeting with the Department you are getting different levels of priority from them as well. When you get that verbal feedback then its constructed into a formal response then you take actions based on that.

Q: So what you read in the Performance Management Framework is overlaid with the conversations that you have with PM&C?

Yes of course. (senior manager, non-Indigenous provider)

Above all, contract managers’ preoccupation with administration, written ‘evidence’ and data ‘in the system’ sent a clear message to providers about what was important:

It is frustrating when they come and pat you on the back and then they start listing all these little issues – you can do this better, this better – ... it’s frustrating for us to have to go down the path of, and have the burden of, throwing additional administration processes into the mix for staff who are already spending 60% of their time on administrative duties rather than actually activities on the ground. (CEO, Indigenous provider)

To have value, the activities of organisations had to be presented in ways that were intelligible to the bureaucracy. Local circumstances and approaches were rendered into a form to which bureaucratic expertise could be applied. In the end, performance against each target under the KPI framework, whether measured in Canberra through IT reports or on site by a contract manager, resulted in a numerical rating. This rating took on its own meaning, triggering the start of a process that might lead to further intervention. The circumstances of the production of these numbers – the day to day contributions of contract managers, the administrative entrepreneurialism of managers, and the different circumstances of people across vastly different regions were elided (Henman 2016b). Program dysfunctions were reduced to questions of organisational competence.

What changed as a result of the framework?

After the introduction of CDP changes in mid-2015 there was an increase in the number of people placed in Work for the Dole activities, and in provider focus on Work for the Dole

delivery. Two thirds of providers surveyed also reported increased attendance in Work for the Dole¹⁵¹. This change was not solely attributable to performance measurement. The rules had changed so that Work for the Dole had become mandatory for many people who would have had other options under RJCP, and, as discussed in Chapter 4, payments were directly linked to Work for the Dole. It was not surprising that Work for the Dole became the primary focus of CDP provider operations and that more participants became involved.

The introduction of employment targets also affected provider behaviour. According to the ANAO there was a ‘marginal’ improvement in employment outcomes between RJCP and CDP (ANAO 2017a, p.59). However, this did not necessarily mean the program was improving employment prospects for individuals. Evidence from site visits indicated that much of the change was in providers becoming more assiduous in tracking and claiming clients moving into work rather than providing effective assistance¹⁵². Case managers rarely had contact with employers or provided assistance with applications (see Chapter 6). Staff identified as responsible for working with employers reported that they spent much of their time chasing paperwork to support outcome claims or following up people who had found work on their own¹⁵³, rather than talking with employers about new opportunities. The profile of those for whom outcomes were claimed reinforced the idea that most had, or could have, found it unassisted. For example, 43% of outcomes were claimed for people who had been unemployed for less than a year and 28% had been unemployed for less than 6 months¹⁵⁴. Non-Indigenous people were also over-represented in outcome claims¹⁵⁵. As Figure 30 shows, by PPR4, more targets were being ‘hit’. But did this miss the point?

One of the consequences of the emphasis on performance measurement (and payments) via daily transactions in the IT system was that providers invested significant additional management attention and resources in administration. Case managers, too, became more focused on

¹⁵¹ 2017 Provider survey. 21% said attendance had increased a lot, 45% somewhat, 26% reported no difference and 8% said it had declined (38 respondents).

¹⁵² For discussion of, and references to, studies that attempt to identify the ‘net impact’ of Australian employment services see Davidson (2011).

¹⁵³ This contributed to Target 4 – providing ‘post-placement support’.

¹⁵⁴ Senate Finance and Public Administration Committee. Additional Estimates Budget 2017/18) PM134.

¹⁵⁵ Senate Finance and Public Administration Legislation Committee, Supplementary Estimates 2017–18, Answers to Questions on Notice No 214, Oct 2017 (Sen Dodson).

managing the complex set of administrative requirements that needed to be met in order to be ‘compliant’:

... we really had to drill staff a lot more around correct coding, job plans. There is no forgiveness in the model at all – they might be in the right activity, they might be doing their stuff, but if every single step doesn’t reflect the way the system assesses that then you are screwed. And that’s been a big shift in this contract. Every single element has to line up in the system (which still has so much error in it) or else the provider doesn’t get paid. (Senior manager, Indigenous provider)

This led to a shift towards recruitment of people with higher levels of literacy, computer skills and/or specific experience in employment services, limiting access to frontline and management roles for many local Indigenous people and contributing to increased turnover¹⁵⁶.

PM&C’s insistence on written evidence of activities in its assessment of qualitative measures also drove administration:

... we are now telling people to email rather than call [employers], or email first just so that we have that in writing to show a process that we go through which, for me, is kind of frustrating because it takes staff away from other duties. Their time is being spent on admin components rather than servicing clients and employers. (CEO, Indigenous provider)

Providers had little confidence that the reports that were generated through the IT system were accurate, and this created new levels of investment in checking and audit. They repeatedly described an inability to replicate the results that PM&C was reporting, even though they had access to the same system. At one provider forum a senior manager made a presentation about the issues that he had encountered trying to verify PM&C calculations. He showed that the report extraction dates used to calculate scores against several targets had varied from those in the PPR guide and that this had made an impact on assessed scores. He went on to describe how, because of the inflexibility of the scoring system, ‘at 50.01% [of a target] you are rated ‘2 - needs to improve’ and at 74.99% it was also ‘2-needs to improve’’. The rating system made

¹⁵⁶ For example, in the 2017 provider survey ‘too much admin/IT’ was the top ranked response to a question about causes of staff turnover. Lack of literacy/numeracy skills and need for high level admin skills were the second and third most frequently identified barriers to employing local Indigenous staff (behind attendance/reliability).

diverse regions appear the same and tiny variations in administration consequential (Espeland & Lom 2015).

Focus on what was happening in ‘the system’ displaced other priorities:

I spend so much time at a desk or behind a computer and I am so tired. ...And people miss it – they ask me to come out, but I just can’t get to do that work. You look at the community on a daily basis on a screen – who has got to come to appointment, who has got to do this, that, who has got to jump through that hoop.
(CEO, Indigenous provider)

∞

... we have internal meetings in the lead up to the end of PPR to look at each measure and make sure that nothing goes through to the keeper. Because I am wising up in my old age and I have realised that it doesn’t matter what you are doing on the ground, you have to hold up something bright and shiny.

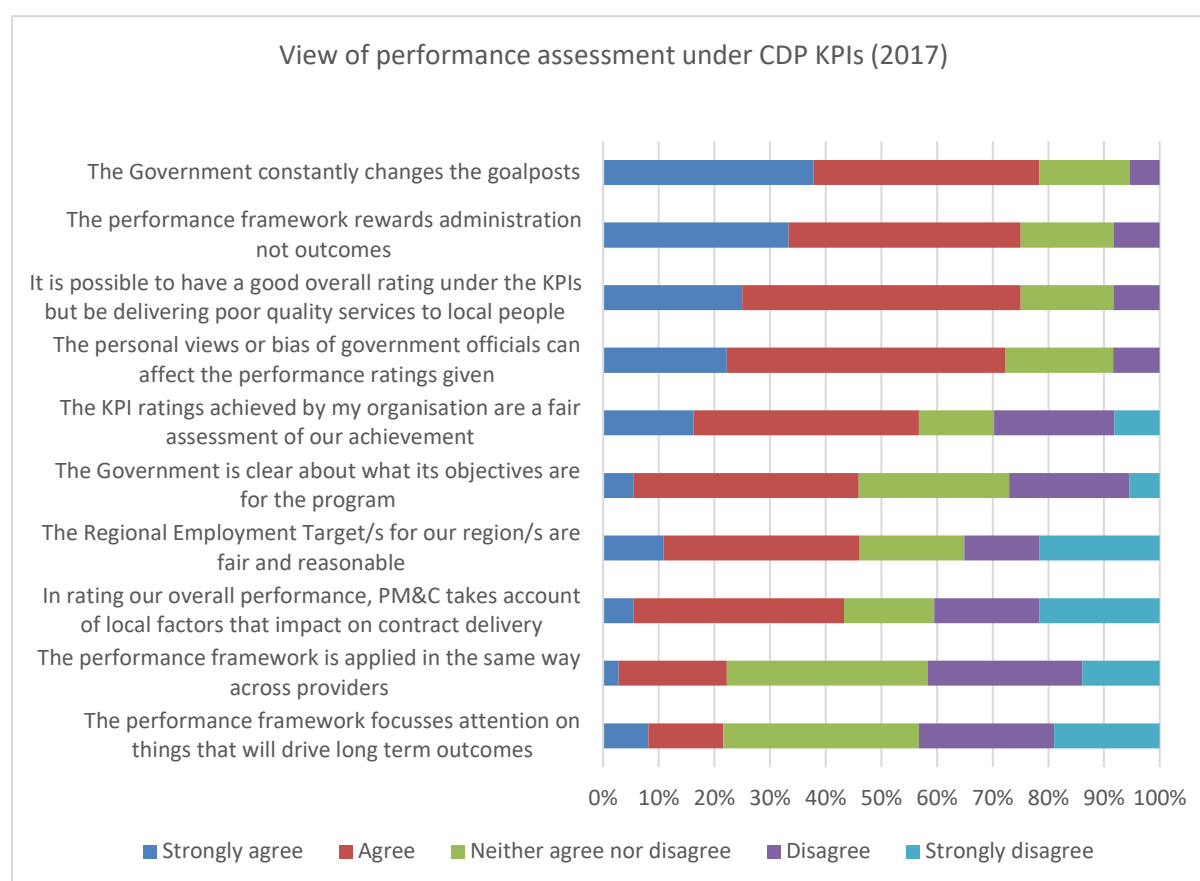
Q: Are the actions arising from those meetings actions about doing things with job seekers and communities, or are they more administration?

I would say predominantly on the administrative side, because it is not necessarily that you are doing a bad job on the ground, it’s about having to demonstrate it in the system. (Senior manager, Indigenous provider)

Three quarters of respondents to the 2017 provider survey agreed or strongly agreed that ‘the performance framework rewards administration not outcomes’ and that ‘it is possible to have a good overall rating in the KPIs but be delivering poor quality services to local people’ (Figure 31)¹⁵⁷.

¹⁵⁷ It is worth noting that while survey responses reflected a dim view of the performance system as a whole, most (57%) thought that their own ratings were fair. This might reflect a measure of relief at the PPR3 ratings which saw a large number of regions that had received poor ratings in PPR2 move into the ‘good’ range (see Figure 30).

Figure 31 Provider views of performance assessment under the CDP KPIs (2017)



N=37

Some interviewees thought that some people might deliberately misrepresent (or ‘fudge’) attendance in the IT system given high stakes for both organisations and participants. But they saw the complexity and volume of administrative work as the primary cause of gaps between what was measured and the value of what was done:

... people can absolutely be doing a good job on the ground and look like crap because they don’t have it in the system – employment is a prime example. It is a very complicated process, especially if it is not an automated claim. The majority of providers with staff on the ground in communities generally don’t have the capability within their staff to identify and evidence what is available as a 26-week outcome, and even just getting the employment into the system in the first place, the actual process of it, is difficult to understand for people who don’t have a good admin background. (Senior manager, Indigenous provider)

Perverse incentives were identified:

...a heartless provider could just drive the compliance system – tell people that they can just come in and paint rocks every day as their activity – you don’t turn up you

are subject to compliance. You can drive that whole process, still get remunerated well, get good KPIs, get some outcomes to meet the RET but in my opinion you would be failing because you are not doing things that people want to do. You would be failing that one sub-KPI that talks about quality of activities but you could easily fail that one sub criteria and still get a great ranking overall. (CEO, Indigenous provider)

Even where there was no intention to ‘game’ the system, the contract rewarded providers who invested time and resource in the processes to maximise measured results, and disadvantaged those who didn’t:

We basically spend 3 days at the end of the month solid data auditing – but none of it is auditing around ‘did we help this person find a job’...For example if someone is on income support then maybe they don’t put their form in, and they drop off income support for 10 days, then we are not going to get paid for them because they are not going to do Work for the Dole. We exit them out of the activity so that we get basic payment for that period. It helps our attendance rate as well. But that doesn’t achieve anything in terms of having a real meaningful difference in someone’s life... (senior manager, non-Indigenous provider)

The interactions of frontline workers with clients and employers, the work of organisations in their communities, were not the activities that drove performance scores:

You don’t even have to leave your four walls – you can sit in a dark room and drive the laptop to get the result the Department wants to a large degree. It has really lost that community focus. (CEO, Indigenous provider)

The processes of recording and reporting information in the IT system transformed the complex dynamics of remote communities into a form of bureaucratic artefact that could be understood and used by government officials. It didn’t matter that many of those receiving and manipulating this information had limited or no knowledge of the specific circumstances of the relevant communities. It was enough that they could be experts in the bureaucratic domain – that of rules, of numbers and comparisons. It was this that was their ‘field of action’.

For PM&C the performance framework was a means of delivering, not broad community outcomes, but specific provider behaviour. Over three years (6 performance periods), targets, measures and weightings were altered three times. Officials explained that the ‘performance framework needs to change as the program matures’(PM & C 2017b, p.3). The Department was ‘steering’ providers in a desired direction:

Q: Aren't you moving the goal posts?

A: We are very conscious of that. We need to make incremental change. We want to move them down a pathway but do so in a fair way. (PM&C National Office official, Nov 2016)

Removed from the practical demands or unintended consequences of constant program change, officials appeared to regard improvements in the performance scores of providers, in numbers 'attending' or being 'placed' in the system, as enough proof that they were steering the program in the right direction and that job seekers were being 'transformed'¹⁵⁸.

Discipline as performance

The foregoing analysis suggests that the performance framework applied to CDP focussed provider attention on internal administration and audit and was – at best – an unreliable measure of efforts made towards improving employment or community objectives. But it also operated in less obvious ways to shape power relations.

In mainstream employment services performance ratings were driven primarily by numbers of employment outcomes, rewarding providers for moving people quickly into employment, regardless of the quality or appropriateness of the work. They were designed to keep people in the labour market and subject to its disciplines, 'creat[ing] contingent welfare as a means of enforcing contingent work' (Peck & Theodore 2000, p.134). The CDP employment target operated in a similar way but accounted for only 35% of the performance score, reflecting limited local demand for labour¹⁵⁹. Another form of labour market discipline was encouraged through measurement of (unpaid) Work for the Dole placements with 'real employers' (Target 8) – something not allowed in the mainstream program¹⁶⁰. However, around 30% of the

¹⁵⁸ While an evaluation strategy had been put forward as part of the initial RJCP, it was not conducted. An evaluation has been done of CDP, however the ANAO was highly critical of the process, noting that it had not been approved until April 2016 and was not done in time to inform decisions about future program design (ANAO 2017 p.9)

¹⁵⁹ A reweighting was proposed to 30% for PPR6.

¹⁶⁰ Mainstream Work for the Dole placements could only be in non-profit organisations and could not be in jobs normally done by paid workers.

performance score in CDP was based on the performance of administrative tasks. For example, Target 1 ('100% of Eligible Job Seekers have been provided with monthly Contact') assessed only whether an appointment had been scheduled. It did not matter how long the appointment was for, 'only that it should occur at least monthly' (PM & C 2015b, p.6). Provided an appointment 'result' was entered in the IT system, the appointment need not have been actually attended (PM & C 2016a, p.4). Similarly, Target 2 – that '100% of all Eligible Job Seekers have an individualised Job Plan' was assessed on the basis of the presence of system codes that showed that job seeker obligations had been included in the job plan rather than whether it was 'individualised' (Figure 32)¹⁶¹. Target 5 measured whether job plans included sufficiently specific terms to obligate participants to Work for the Dole for set hours.

Figure 32: Extract from PPR3 Guide – calculation of Target 2

Target 2 ***100% of eligible job seekers have an individualised job plan that complies with the requirements set out in the Funding Agreement***

Under the Funding Agreement you are required to develop a job plan for every job seeker.

In general, monthly appointment (AI12) and Job Search (JS09) codes are required for all job seekers (exceptions are detailed in the CDP Guidelines on the Provider Portal), and Work for the Dole (WE12) is mandatory for all WfD required job seekers.

How will results be determined?

To determine a rating for target 2 we will assess whether all commenced job seekers on the caseload have a compliant job plan.

As with a number of other targets, we will assess performance against this target in October 2016, November 2016, February 2017 and March 2017 with results from each month combined to determine an overall rating for PPR3.

Refer to the CDP Guidelines on the Provider Portal for guidance on how to correctly negotiate compliant job plans with job seekers.

These transactions contributed directly to the construction, monitoring and enforcement of legal obligations of participants. It was through individual job plans with detailed obligations (identified by specific codes) that the legal basis for holding job seekers to account was established. The terms of these plans (provided that they were compliant) were considered sufficient notice to participants of forthcoming appointments and their Work for the Dole activities. When non-attendance was reported it triggered enforcement action, and the report itself became evidence to be considered in determining penalties. These measures were not

¹⁶¹ Note, however, that Target 3 did include greater examination of look at whether tailored support was given.

indicators of services being delivered, or outcomes being achieved. They were critical elements in a system of surveillance and punishment.

The disciplinary intent of the performance framework was also evident in establishment of targets of 100%. An alternative would have been to measure ‘improvement’. As one interviewee said:

...it doesn't take into account where communities are at so there would be some communities that come from a really low base level where no one was engaging and they are getting pockets of activity up and running – but on the surface you could be comparing them to another place elsewhere in the State and they wouldn't look all that great – but what they have achieved is quite significant for that community – and hopefully will continue to build... that's where it needs to be based – on improvements for that community... (senior manager Indigenous provider)

However, this accommodation of local diversity would have been inconsistent with the government's insistence that it was only through enforced daily activity – of ‘normalisation’ – that community dysfunction could be addressed. Moreover, any flexibility might have allowed providers scope to minimise the policy's coercive effects. Setting targets at 100% meant that those that were not rigorous in their application of obligations or enforcement could not succeed. Those with clients that were less compliant – that failed to attend their appointments or activities – were also more likely to be marked as failing. The performance framework measured the willingness and ability of organisations to discipline job seekers – not just to work, but to comply with government directions.

Summary

The development of performance frameworks for, first, the RJCP and then the CDP, highlight the discursive power of numbers – of the ways in which the ability to compare figures side by side gives particular types of measures a weight that bears little relation to the actions being compared. Much of what was measured under these performance frameworks was administrative activity and, as a result, that activity was the focus of greater provider attention. Targets described as designed to foster greater engagement with individuals, employers or community members, kept provider staff glued to their computer screens.

The work done by providers to ‘perform’ against targets did more than generate administrative artefacts. It was the legal architecture that enabled the policing of job seeker compliance to occur. It was through performance under the PMF that the government ensured that contracted

organisations would discipline their clients. The adoption, under the CDP, of uniform targets emphasised the assimilationist intent of the program. Both individuals and organisations that failed to offer 'complete' compliance with the behavioural demands of the program would be subject to government discipline.

Chapter 6

‘Leading them to employment’ – case management in remote employment services

The remote employment services office in this small town is a shopfront, with a room just big enough for two desks and a waiting area by the door with two chairs. There is a back room with a kitchen and toilet, but it is dark and dirty. Patricia¹⁶², a local Aboriginal woman in her 40s, is working alone, although another worker will start in a couple of weeks. The office door is kept open through the day, and people are putting their heads around the door every now and then on their way up and down the main street. The people who come in are family, friends, clients and sometimes all three.

At 9.30 a middle-aged woman comes in for her appointment. Patricia looks at her computer, tapping away and waiting for it to respond. They talk about a funeral that is happening tomorrow and the family of the person who has passed. The woman tells Patricia that her daughter will be coming back to town next week and that she will bring her in for an appointment. The daughter’s boyfriend has been hitting her and it will be good for her to be home. While they are talking, Patricia is tapping and waiting for the computer, which is painfully slow. The woman explains that she has to leave town for an operation soon. Patricia tells her that she should ring if there is a problem coming in. They schedule another appointment, she is given an appointment slip, and leaves.

The next woman comes in, also mid-40s. She tells Patricia that she needs to head out of town to pick up her uncle who will otherwise end up in a home. The woman’s own health is poor, and she is pleased when Patricia tells her that Centrelink might give her a temporary exemption from her activity obligations. They talk about the funeral. Again, Patricia is looking at the computer, at times typing and other times waiting. At the end she prints a ‘job plan’ which the woman signs.

¹⁶² Pseudonyms are used for workers throughout this chapter.

In 30 minutes of appointment time, most is spent with Patricia typing and waiting for the computer, and in passing the time talking about various people and events in the community.

The next person to come in is a young man, late teens. Patricia greets him with: 'What's happening D?' 'D' grunts and sits. Patricia is stern: 'You were supposed to attend TAFE¹⁶³ – you agreed. I have the attendance sheets here and it says that you haven't been once. You agreed to go to TAFE – that was a legal document that [job plan]. You have just been walking around, haven't you? Government doesn't pay you to just walk around. The thing is, you have to go. The Government is focussed on you because you left school early. Really, ESLs [Early School Leavers] are supposed to be doing 50 hours per fortnight – the TAFE course isn't even quite that – you should be doing more. But there is no activity at the moment, so TAFE is it. The only other option is that you go back to school. Look I have to tell Centrelink. I have to cover myself. The attendance sheet from TAFE goes to my manager also. If you want to keep getting paid you have to attend every time, and get there on time. In the end I don't make the decision – Centrelink does. But I have to cover myself.'

As the day goes on Patricia talks with people, records appointments, updates job plans and makes more appointments. She knows everyone that walks through the door. With some she chats, talking about who will be at the funeral and what their families are up to. With others little is said. It is 2014, before the introduction of mandatory Work for the Dole, so Patricia has some discretion over the types of activities she refers people to. It is clear that she reserves her stern speech and stricter requirements for those who are younger, without family responsibilities. If people have not been attending their activities Patricia says that she has to report them, and that Centrelink will – in the end – decide.

After lunch a woman in her late 20s comes in. After the initial tapping and waiting Patricia asks what she wants to do for her activity. Patricia mentions the TAFE Language Literacy and Numeracy ('LLN') course. But the woman explains that she has already done that course. She wants to do a business course, but TAFE doesn't have the numbers to run it. Patricia asks if she has a birth certificate so that she can run a 'working with children' check. She explains that there may be some work coming up at the school and that the provider will pay for the check. The

¹⁶³ 'TAFE' (Technical and Further Education) is a national system of public vocational education institutions.

woman sounds keen and says she will pop the certificate in the next day. Several minutes pass as the computer is updated.

A man in his early twenties comes in. He says about three sentences during the 25-minute appointment and Patricia says only a few more. Patricia asks if he has been looking for work and he says he has applied at the pub and the club. His job plan says that his job goal is to be a motor mechanic. Patricia tells him to go around to the TAFE and ask about courses. She clicks through screens and makes notes in the job plan. She then spends a few minutes reformatting the plan so it can be printed. He signs without reading and I ask if he knows what is in it. He says, 'Sort of.' Patricia later tells me that she knows that TAFE doesn't have any motor mechanics courses, but she hopes that, by sending people there, it will put pressure on TAFE to run more programs.

As the day winds up, Patricia works on her paperwork and I notice an ad for a stores worker at the council. I ask her if she might get her clients to apply. But she says she won't. The last couple of young Indigenous men that worked there were bullied. She won't put any more in that position.

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Patricia's day as a remote employment service case manager was unique to her, but also typical of the days of her counterparts across the country. Over the day she modified the way she dealt with people according to who they were, her knowledge of them, and her own view of how she should deal with them. Their experience of assistance under the program was shaped by her. If they went to another office, it would be different. But Patricia's approach was also shaped by the technology she worked with, the rules of the program, the resources available to her and what she understood to be her organisation's and the government's agendas in relation to the people she worked with.

This chapter looks at the group of frontline workers who worked one-on-one with people in RJCP and CDP as 'case managers'. Lipsky described these workers as 'street level bureaucrats' – the people through whom the targets of government policies directly experience their effects (Lipsky 2010). Each day, these workers interpret rules, make decisions, implement practices that impact on citizens and their interests, and the way they experience government programs. Lipsky argued that street level bureaucratic work is characterised by large and essentially unbounded service demands and continual pressure to reduce staffing costs. This work is, as a result, almost inevitably under resourced. In this setting, he argued, street level bureaucrats develop practices to

cope with irreconcilable demands, adopting routines and simplifications in their dealings with clients. For Lipsky:

... understanding public policies in street-level bureaucracies requires analysis of how unsanctioned work responses of bureaucrats combine with rules and agency pronouncements to add up to what the public ultimately experiences as agency performance (Lipsky 2010, p.xii)

Hasenfeld has described case management as a 'people changing technology' (Hasenfeld 2000). Case management seeks the transformation of the 'dispositions, attributes and aspirations of unemployed people' from welfare dependents to 'active worker-citizens' who take responsibility for their own 'journey' to employment (Marston et al. 2005, p.142). But, as Marston et al have shown, while there has been convergence in rationalities of contemporary employment services, these conceal significant variation in the micro-politics of case management (Marston et al. 2005). The daily practices of particular case managers have been found to vary according to factors including local organisational settings (workload, decision making authority, intensity of client contact, knowledge and skill, incentives) (Jewell & Glaser 2006); political and organisational cultures (May & Winter 2009; Hasenfeld 2000; Marston et al. 2005; Brodtkin 2011) and personal and professional identities (Thornton & Marston 2009; Watkins-Hayes 2009a; Watkins-Hayes 2009b; Dias & Maynard-Moody 2007). These variations have significant implications for individual citizens.

Figure 33: Images of remote employment services offices



Who is delivering case management services?

This study involved visiting and spending time in remote employment services offices in 11 service regions with a range of different staffing configurations. According to the 2017 provider survey, the largest group of workers in remote employment services was local Indigenous employees (49%), followed by non-Indigenous workers (40%) and non-local Indigenous workers (6%)¹⁶⁴. However, at the sites visited, local Indigenous workers were less likely to be in case management roles than in other jobs, and some sites had no local Indigenous case managers at all. There was a high level of turnover in these roles. One office that had an Indigenous manager and all local Indigenous case managers when I visited in 2014 had predominantly non-Indigenous case managers and a non-Indigenous manager in 2017. Providers identified factors like workload, level of IT required and program changes as the major contributors to turnover (Table 8).

Table 8: Most frequently identified causes of turnover

Four most frequently identified causes of CDP staff turnover (substantial and moderate impact) Provider survey 2017			
	Substantial impact	Moderate impact	Total (substantial or moderate impact only)
Too much admin/IT	19%	31%	50%
Workload too heavy	16%	28%	44%
Too many rule changes / program change	22%	19%	41%
Pressure from family (local staff)	9%	28%	38%

n=32

A range of different types of people were observed to hold case manager roles— people with very different personal histories, circumstances and futures and very different relationships with the clients they served. There was a significant group of people who were transient, staying a few months or even a couple of years, but with no intention of settling in the area. These included young non-Indigenous people who had landed in town either as part of a wider ‘adventure’ or because they had decided to try their hand at ‘helping work’ – like the young woman who had

¹⁶⁴ 5% were unspecified. Note that the distinction between local Indigenous workers and non-local Indigenous workers in these figures is likely to be unreliable. Senior managers who were filling out the survey did not always know their workers well, and larger organisations tended to collect data on Indigeneity rather than whether workers were local.

managed a McDonalds on the Gold Coast then decided to do a Youth Work qualification, finding her first related job in a remote North Queensland Aboriginal community. At the other end of their careers, there were the non-Indigenous people whose children had grown up and who had decided to combine their own ‘adventure’ with work that interested them. They were often couples, with one or both taking on roles in the organisation – like the former small business owner who managed case management services for an Indigenous organisation while her husband supervised one of the Work for the Dole crews. Then there were those who had worked in employment services or Centrelink in several remote communities, moving from place to place, using their experience to get work, often showing little interest in the local people or the work itself.

There was also a group of Indigenous case managers who moved around. A small number, particularly in more senior roles, came with no personal connections to the area. But more often these workers had local ties through marriage or extended family. They might not stay in these jobs or in the community, but nor were they necessarily able to stand apart from the locals in the way of their non-Indigenous colleagues.

Then there were the locals. Many local Indigenous case managers were young women, with limited or no other work experience, but with a high school education, and literate, with computer skills. There were also older women who, while having limited formal education, had extensive work experience. Local Indigenous men were rare in case manager roles. Local Indigenous workers drew on personal knowledge of the familial backgrounds and, often, the individual stories, of the clients they worked with. Local Indigenous staff knew most of their clients (often much better than they knew their – usually transient – managers) and they were also known *to* clients – who had their own understanding of these workers’ lives and authority.

In the larger non-Indigenous towns there were also local non-Indigenous workers. Like their Indigenous co-workers, they knew many of the people who came into the office – knew where they lived, and who they socialised with. But in these socially segregated communities, they were far less likely to have an ongoing family or social connection with clients¹⁶⁵. While they may have shared their Indigenous counterparts’ experience of living in a depressed labour market with

¹⁶⁵ This may be different in the small number of regions with larger non-Indigenous client bases. In this study, very few of the sites or regions visited had many non-Indigenous clients.

limited opportunities, white residents in these communities were, on average, much more likely to be employed and to enjoy higher incomes (Hunter & Gray 2016; Markham & Biddle 2018).

Shared occupational identities and workplace experience are often described in the literature as important to generating common organisational practices. Hasenfeld argued that:

... personal belief systems and moral rationalizations are shared among groups of staff members because they have similar backgrounds, training, and experiences; they face the same work exigencies; and they communicate with each other about their work situation. It is through this process of sharing that personal moral entrepreneurship becomes institutionalized in organizational practices (Hasenfeld 2000, p.337)

However in remote employment services offices, different groups of workers often have very different backgrounds and relationships with clients. Watkins-Hayes has documented the way that US welfare workers from minority backgrounds selectively deployed shared racial identities, alongside organisational authority, to try to bring about behavioural change in their clients:

... these bureaucrats clearly infuse tailored, discretionary advice and guidance into their interactions with certain clients. All clients receive attention and resources, but clients of color receive a message that goes beyond the standard language of time limits, work requirements, and sanctions from these workers. (Watkins-Hayes 2009b, p.299)

Working class African American welfare workers' lives were, she argued, 'entwined' with the, predominantly African American, welfare recipients who were the 'face' of problematic welfare dependency in the US (Watkins-Hayes 2009a, p.125). Shared racial identity gave the fates of these clients particular salience for black workers both because their successes might contribute to the 'elevation' of the group and because any failures could reinforce stereotypes that continued to shape the lives of the welfare workers themselves. For many minority workers, the 'uplift' of those with whom they shared a racial identity had both a political and personal significance.

However neither Hasenfeld's or Watkins-Hayes' accounts radically disrupted Lipsky's assertion that, in the construction of expectations of frontline workers, clients are never amongst the primary referents (Lipsky 2010, p.47). While street level bureaucrats brought their professional and personal identities to the workplace, and were influenced by organisational settings, they maintained considerable control over the identity or identities they presented to clients

(Goffman 1956). In remote employment offices it was not just shared racial identity that was in play, although Watkins-Hayes' analysis has relevance. Local Indigenous staff in remote employment offices usually knew (and were known by) everyone who walked through the door. Not only this, they knew them as part of a wider network of personal and kinship relationships, which brought their own pressures and obligations. When local Indigenous people performed the role of case manager in their own communities, the 'working assumptions' of disinterest that normally accompanied that role were precarious. In the example above, Patricia constantly shifted the way she presented herself – from a friend who helped people navigate the social security system, to an authority figure backed by the power of government, disciplining younger members of her own community and even her family. Her work, as for many other local Indigenous case managers, was shaped by the relationships that she had with her clients outside the office. She could not escape the 'real world' consequences of the program of which she was a part.

Routines and rituals of frontline work

Tell me about your day.

Our calendar is our day. The computer drives what we do. (Carmen, local Indigenous case manager)

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The remote employment services funding agreement required organisations to:

provide individual integrated case management and support to each Eligible Job Seeker to build their 'job readiness' and make them more employable over the longer term so as to lead them into sustainable employment...¹⁶⁶.

The people who did this work are called here, for convenience, 'case managers', but they had a range of job titles: Employment Consultant; Pathways Adviser and Employment Mentor – titles that suggested that they would offer a combination of both personal support and labour market expertise that could 'lead' people to ongoing work (sample job ad at Figure 34).

¹⁶⁶ Remote Jobs and Communities Program Funding Agreement, Remote Activities Conditions 1, Clause 2. Unchanged by CDP amendments.

Figure 34 Example of case manager job ad

CDP Employment Consultant (Case Manager)

COMMUNITY DEVELOPMENT PROGRAMME (CDP) EMPLOYMENT CONSULTANTS

(Full Time and Relief roles)

Exciting opportunities across APY Lands Communities, SA

Individuals and Couples

An exciting opportunity to work with Regional Anangu Services Aboriginal Corporation (RASAC) in the delivery of Community Development Programme, (CDP) for **Region 19 across the APY Lands in the far north west of South Australia.**

We are **RECRUITING NOW** and we are seeking suitably motivated **Individuals or Couples** to join us in this exciting and rewarding opportunity.

RASAC is a not-for-profit Aboriginal Corporation with over 30 years experience in remote service delivery on the APY lands. RASAC is owned and governed by the Anangu people of the APY Lands.

RASAC is the biggest employer on the APY Lands, creating real jobs within local communities.

EXCITING BENEFITS WHEN YOU WORK WITH US!

- Attractive salary package based on your amazing skills!
- Great Not-For-Profit Salary Sacrificing opportunities
- Furnished self-contained accommodation including internet, utilities and telephone packages
- 6 weeks annual leave with leave loading
- The opportunity to work with a collaborative and supportive organisation

CDP EMPLOYMENT CONSULTANTS

The CDP Employment Consultants will act as Case Managers working with our CDP participants to meet their mutual obligations with Centrelink by providing highly quality, individually tailored pre-employment related, services in accordance with CDP guidelines.

Applicants must:

- Have a broad knowledge of the Community Development Program (CDP) or other Government employment programs
- Be passionate, enthusiastic with an open communication style, and enjoy working with people from diverse backgrounds
- Enjoy living and working in a remote Indigenous community environment
- Hold a Current Drivers Licence (preferably manual) and ability to safely drive a vehicle on unsealed remote roads
- Be able to obtain a SA Working with Children Clearance

If you are excited by this opportunity, please contact RASAC on [08 8950 5400](tel:089505400) or email jobs@rasac.com.au. You can download the information pack for the positions from the RASAC website www.rasac.com.au.



But it was the management of appointments through the IT system that dominated their working days. Case managers spent most, if not all, of their working time in front of a computer, entering and reading information as they talked with clients, ‘resulting’¹⁶⁷ and rescheduling appointments when people didn’t show. The structuring of case management into appointments conducted at prescribed intervals was a practice carried over from mainstream employment services. Remote employment service providers were required to schedule monthly appointments with each client, be available to meet on that day and record the result of that appointment in the IT system by close of business¹⁶⁸. The processes for scheduling and managing appointments were contained in a 12-page guide for case managers on managing appointments in the IT system, and another 18-page document on using the online appointments diary¹⁶⁹. From July 2015 the importance of scheduling and reporting of monthly appointments was reinforced by its inclusion as a specific measure under the performance framework (see Chapter 5, p.199).

While the ‘Electronic Diary’ might have given the impression of an orderly procession of people through the office to meet one-on-one with their case manager, the actual work flow in offices was quite different. Around 40% of scheduled appointments were recorded as not attended on the scheduled day. And while ‘no shows’ were a feature of all employment services, they were more frequent in CDP than its non-remote counterpart (jobactive) (Table 9).

Table 9: Attendance at appointments 2016/7 jobactive and CDP compared

Attendance at Appointments with Employment Service Providers (1 July 2016–30 June 2017) (Excludes re-engagement appointments)								
Program	Attended		Not attended					Total Appointments
	N	%	Valid Reason (%)	Invalid Reason (%)	Discretion applied (%)	N	Total (%)	N.
Jobactive	7,117,518	67%	10%	18%	5%	3,490,314	33%	10,607,832
CDP	286,089	59%	16%	21%	4%	200,013	41%	486,102

Source: PM&C Administrative data (supplied)

¹⁶⁷ ‘resulting’ was the term used for entering an appointment result in the IT system. Possible results were ‘attended’, ‘did not attend – valid reason’, ‘did not attend – invalid reason’ or ‘did not attend – discretion applied’ (i.e. Penalty not recommended).

¹⁶⁸ PM&C, *Managing and Monitoring Job Seeker Appointments*, v1.0 effective 1 July 2015 (note that the RJCP Guidelines allowed greater leeway for reporting appointment results).

¹⁶⁹ PM&C *Online Diary Supporting document*, v1.5 effective 1 September 2015 and PM&C, *Managing and Monitoring Job Seeker Appointments*, v1.0 effective 1 July 2015.

Some people with appointments turned up, some didn't, some rang the office, some sent a message that they couldn't come. Staff exchanged information about whether people were in the community or whether something was happening that might have prevented them coming. Often people dropped in to ask if they had an appointment. Many providers posted a list of people with appointments that day on the office door, or at outreach locations, allowing people to check their names and those of friends and family (Figure 35). This was effective but led to warnings from PM&C officials about breach of privacy. Rather than come to appointments at their allotted times, people often came in groups – for example when they could get a lift, or accompanying others. Often people travelled between different communities, so they might miss an appointment in one location, but show up in in another. One office visited turned people away when they did not attend at the scheduled time and place. But most conducted appointments whenever people came, as long as it was close enough to the right day. Similarly, few providers observed the rule under CDP that appointments must be held outside Work for the Dole hours, which would have pushed most appointments into a few hours in the afternoon.

Figure 35: List of appointments posted on door of CDP office



Missed appointments meant rescheduling, increasing the total number of appointments made. Often those who had been suspended because of a missed appointment would walk in. Along with appointments generated by the provider or walk-ins, Centrelink could make appointments for clients directly in available slots in the Electronic diary. Providers were advised to check the

system 'in the morning and throughout the day to stay up to date with appointments'¹⁷⁰.

Centrelink workers sitting in interstate call centres sometimes made next day appointments for people at offices hundreds of kilometres from where they lived, adding to the confusion. Rather than making it easier to allocate case managers' time, the appointment system made it more chaotic. Most organisations gave up on assigning clients to specific case managers. Case managers found it hard to leave the office in case there was an unexpected rush of clients.

Under social security legislation, conditions are applied to income support recipients through individual 'job plans', the negotiation of which has been delegated to employment service providers¹⁷¹ (refer Appendix D). Case managers were required to review and update job plans at each appointment, secure a signature and set a new appointment, recording each step in the IT system. The need to complete these specific transactions – those measured by PM&C in the performance assessment process – meant that most appointments followed a set routine, familiar to both workers and clients:

What do you talk to people about when they come in?

Their next appointment, how they like the activities, if they need any help, if they have any problems (Leah, local Indigenous case manager)

∞

What happens when you go into the office?

They ask the same questions over and over.

Do they help you find work?

No, not really. They ask if you like the activities, whether you want to change.
(Indigenous participant)

Each time a person failed to show up on the right day the administrative workload increased because a person could not be recorded as having 'met' unless the appointment had been scheduled in the IT system, and each appointment 'result' had to be reported. Slow and unreliable internet exacerbated already cumbersome administrative processes:

¹⁷⁰ RJCP IT System User Guide, Version 4, 14th July 2014, p.177.

¹⁷¹ In practice there was little negotiation. Participants who refused to enter into a job plan could be penalised.

What happens in a typical appointment?

They know me. I say ‘hello, are you still in an activity? Have you been attending?’ I’ll have a look at the system and tell them ‘OK, I need to update your JSCI, or extend your dates.’ I try not to talk that much because I am doing stuff on the system and I need to concentrate. When I am on the system they tend to get bored and off track so it’s hard to keep them engaged. You try not to do that, but you need to get everything into the system. (Tasha, local Indigenous case manager)

∞

It’s hard to engage with job seekers because the job is so heavy on IT. It can get very frustrating because the system goes down and then people are waiting. By the time we have got through the computer screens there is not a lot of time left to talk with people about what is going on for them. (Rachel, local Indigenous case manager)

Case managers that conducted outreach visits in places without internet access were further penalised:

I have about 6 hours in community, plus the travel, then I spend another 2 hours attending people when I get back, then it will take another full day entering in all the job plans and other information. (Luke, non-Indigenous case manager)

These transactions so dominated the working day that some workers were flummoxed when asked what they might do if they just focussed on helping people:

What would the job look like if the only thing you had to do was get people ready for, or into work?

I don’t know. I spend so much time in front of the computer I can’t picture myself without it. (Toni, Indigenous case manager)

Leanne paused for a long time before saying that she wasn’t sure her job would exist. But then she said:

I guess I would talk to employers, reverse market¹⁷², talk with them about wage subsidies. I could also start talking to people about jobs in Darwin – setting things up for them there. (Leanne, non-Indigenous case manager)

¹⁷² ‘Reverse marketing’ refers to the process of marketing specific people to employers, as opposed to waiting for employers to come forward with vacancies.

Like Leanne, when imagining a world where employment, rather than administration, was at the centre of what they did, most case managers talked about getting out of the office, talking to people, reaching out into wider networks. But the structuring of frontline work into a series of appointments, the timing and content of which must be continually reported online, made this practically impossible.

Figure 36: Case manager conducting an outreach visit



Provision of tailored assistance

In a large remote Aboriginal community, 20 men were turning up every day at the provider's office for a 13-week civil construction course. They had been told that a mining company had committed to taking 75% of participants that passed. Many of the men on the course told me how important this opportunity was to them because, even though some had done this type of training before, this time there were real jobs in prospect. But no timeframe had been set for the job offers and no-one had pre-screened the participants to ensure they would pass medical or police checks. Later in a senior staff meeting one of the managers (a local) expressed concern that the same course had been run less than a year ago in two other nearby communities. The same promise had been given, but no-one had been offered work. What, she asked, would happen to those participants, who had already achieved all their 'tickets' but were still waiting for their jobs? Her new boss, only weeks into his job, brushed aside her concern. That was then, this is now, and they had to move forward. Six months later the new boss was gone. Forty five per

cent of those who finished the course had found work, but none were working with the mine. It had stopped recruiting shortly after the course ended.

∞

Most case managers recognised that the chance of employment for most of the people they worked with was slim:

When they come in, we look up what jobs are available. There might be 8 jobs that come up locally and a lot of them are for skilled people. If they have skills, we will try to refer them, otherwise they have to sign into [Work for the Dole]¹⁷³. There are a lot of drug and alcohol issues. There is a sense of hopelessness – there aren't enough jobs for people and they get sick of going nowhere. (Pete, non-Indigenous case manager)

∞

Yes, we are ticking the boxes but in reality there is nothing for people. There aren't enough activities for women. There aren't a lot of jobs around. Why should people have to turn up to appointments when their [job plans] are up to date. A typical appointment goes – 'so has anything changed?' 'No' 'OK – here is your next appointment.' (Carmen, local Indigenous case manager)

Where clients did find work, it seemed that they usually found it themselves¹⁷⁴.

¹⁷³ This interview took place prior to 1 July 2015. From 1 July 2015 these people would have been sent to Work for the Dole immediately.

¹⁷⁴ This is reinforced by administrative data at January 2015 that indicates that of over 10,000 placements, providers had claimed placement fees for only 10% (RJCP National Administrative Data, January 2015). The ANAO reported that only 20% of eligible employers had received incentive payments (over Jan-April 2016), again, suggesting limited proactive negotiation of employment with employers by providers (ANAO 2017a, p.61).

There are only really jobs at a few places – the shop, the school, the clinic. It’s a matter of them putting themselves forward – they have to FOE¹⁷⁵ – we don’t have a lot of time out there. (Karen, non-Indigenous case manager)

With average caseloads of 94¹⁷⁶, and substantial administrative work, case managers often told me that they did not have time to help with resumes, let alone with interview preparation or contacting employers on behalf of clients. Many organisations had ‘employment officers’ in larger centres although their roles and activities varied. Some had strong relationships with key employers and were contacted for candidate referrals. Most employment officers were responsible for delivering ‘post placement support’ (PPS) – that is, following up with the employer and employee to see if the placement was ‘at risk’. All spent a lot of time managing contractual and system requirements: lodging vacancies and placements in the IT system; collecting evidence that 13 or 26 weeks had been worked and that PPS had been provided; and tracking down clients who had found their own jobs so that the details could be lodged in the IT system and claimed¹⁷⁷. Following the disbanding of the RJCP’s Workplace Development Strategies¹⁷⁸, the collection of information about local employer needs, let alone their incorporation into case manager practices, was ad hoc. Case managers did not generally engage with employers, rarely leaving the office. They relied on information from others about what jobs might be available locally:

How do you hear about jobs?

We don’t hear much – there might be some on the noticeboard, or if they give us posters or flyers. Or they might have a certain form they want people to fill out. (Tasha, local Indigenous case manager)

¹⁷⁵ ‘Found Own Employment’ – i.e. they have to find their own job, rather than be referred or placed by the organisation

¹⁷⁶ Provider survey 2017, from 31 responses. Reported caseloads ranged from 40 to 175. In 2014 the average reported caseload was 101.

¹⁷⁷ To claim an employment outcome the provider was only required to have ‘commenced’ the client, and have evidence that the 13 or 26 weeks had been worked. In fact under CDP, where a person was off benefits for 13 or 26 weeks there was no evidence requirement – a payment was automatically generated by the IT system.

¹⁷⁸ Under the RJCP providers were required to develop Workforce Development Strategies. Initial documents were completed at the end of 2013, but they, along with CAPs, were discontinued with the introduction of the CDP changes.

Figure 37: Job boards in remote employment services offices



One of the questions I asked of case managers was whether they could provide an example of where they had helped a client get work. Few were able to give even one. There were exceptions:

... there is a young woman, she isn't even on my caseload – I am helping her apply for a job at TAFE in facilities management. I saw it advertised, I thought she had the skills and called to speak to her and she said she was interested. So now I am working

on her online application for her – it will take about 3 hours over this week. (Laura, local Indigenous case manager)

These exceptions were often presented as examples of the worker going ‘above and beyond’ to help a particular person. Often the participant was known to the case manager outside the office.

Despite the lack of available jobs in most locations the funding deed required that employment related assistance be provided to all participants. Performance Target 3 required that ‘100% of Eligible Job Seekers have been given tailored assistance and quality training to overcome barriers to employment.’ PM&C advised providers that:

In assessing whether you are providing job seekers with tailored support, we will sample a number of job seeker records in the CDP IT system and request evidence from you to demonstrate that tailored support has been provided to job seekers. We will consider a job seeker’s JSCI, ESA and time on your caseload to determine what, if any, tailored assistance would be suitable for the job seeker. (PM & C 2016a, p.6)

The appropriateness of ‘assistance’ was assessed, it seemed, not in relation to labour market opportunities, but on the basis of the extent to which clients met an abstract standard of ‘employability’. A common provider response was to develop lists of things that might be needed for work should it arise – things that might be offered by the site or required of individuals in order for participants to be considered ‘job ready’ (Figure 38).

Figure 38 Example of ‘job readiness’ checklist

JOB READINESS

1. RESUME > Ross
2. BLUE CARD, BIRTH CERTIFICATE > Zara; WHITE CARD
3. POLICE CRIMINAL RECORD CHECK > Employer
4. DRIVER LICENCE > Mark
5. TAX FILE NUMBER > Ross
6. ID DOCUMENTS
Medicare > [redacted]
Health Card > Centrelink
Bank Account > Bendigo Bank
Photo ID > Council
7. CURRENT MEDICAL CHECK > [redacted] Clinic
8. WORK CLOTHES/EQUIPMENT/GEAR > [redacted]
9. CONTACT NUMBER ACCESS/COMMUNICATION > Self
10. SKILLS AUDIT > Self

Tangible assistance, for example to get identification, to get a driver's licence or to get 'Working with Children' clearances, was often highly valued by participants, but it was not always necessary (and rarely sufficient) to help them get work. And the provision of this assistance was never ending – documents frequently went missing and certificates expired. It was an ongoing task that could absorb the energies of frontline workers indefinitely.

Figure 39 Barriers checklist

Consultant Barriers Checklist

Name Participant: _____ JS ID: _____

Name Consultant: _____ Date: ____/____/____

Time: ____:____ am/pm (circle)

Location: _____ office/community

Last Appointment Date: ____/____/____ Time: ____:____ am/pm (circle)

Next scheduled Appointment Date: ____/____/____ Time: ____:____ am/pm (circle)

Tick	Follow-up (Y/N)	Questions & Conversations
		ID Assistance Do you have Photo ID ? Have you got your birth certificate ?
		Driver's License, Transport Is your license up to date? Can we help you with your license Matters (fines/renewal/training)?
		Health Wellbeing Can you tell me when you last went to doctor for check ? Do you think it would be useful to see a GP, would you like me to assist?
		Relationship Support If you are experiencing some trouble with someone or your partner we can refer you to a specialist, would you like me to get someone to talk about it?
		Financial Support Can you tell me how your money story goes? Would you like some help with money plans?
		Housing Support Can you tell me how things are at home? If you have any maintenance issue?
		Disability Support Is there someone in your house or family that might need some additional care or would you like some additional help or care with your disabled/sick family member?
		Training Support There are a range of courses available to help you obtain work, courses are (show list and location) Let me explain them more and see if you are interested
		Drug/Alcohol/Gambling Support Would you like additional information regarding Drug/Alcohol/Gambling?
		Is there anything else we can do to support?

Job Seeker Signature: _____ Consultant Signature: _____

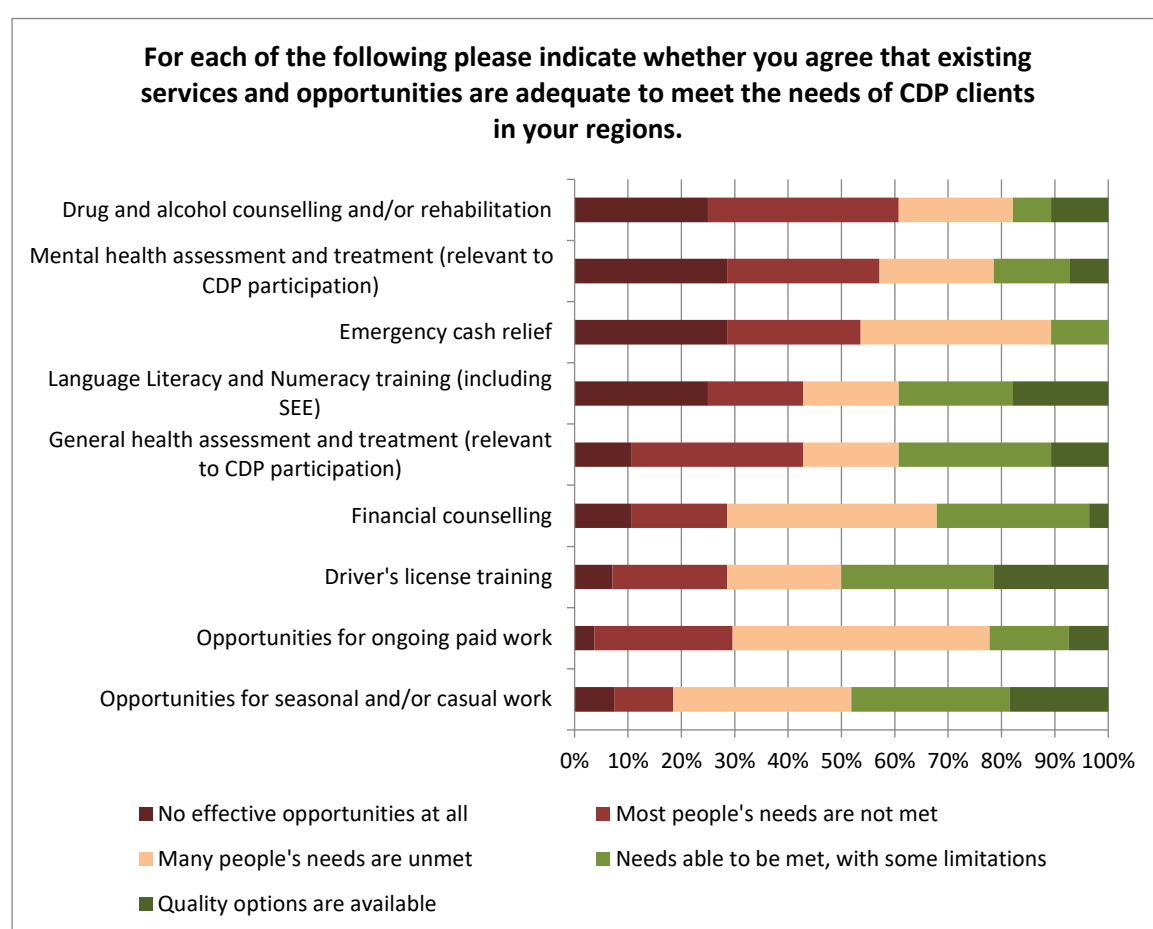
Handwritten notes on the right:
Medicare
HCC
Key Card
Bank State
Birth
Photo ID
D/L
WWCC

Figure 39 is another example of an assistance checklist, this time with an emphasis on what were referred to as 'non-vocational barriers' to employment. Case managers responded to these issues by referring people to other services. But actual assistance was often lacking:

... we are finding more people that have huge barriers – whether DV [domestic violence], mental health, drug dependence, homelessness, and my biggest issue is that there are not enough services in community, even though people say there are – there are not. We had 43 people prior to Christmas that needed counselling, but the counsellor that comes out comes out every 8–12 weeks and can only take 5–6 clients. How the hell am I supposed to get these guys job ready when I can't address their health, and mental health needs. (Joan, local Indigenous senior manager,)

In response to a 2015 survey conducted for peak bodies, providers reported widespread shortages of services, particularly in the areas of mental health and substance abuse (Figure 40):

Figure 40: Provider reports of availability of services



Source: NESAJA provider survey 2015, n=28

The limited skill and experience of most case managers meant that many were ill-equipped to identify or respond to the circumstances of many clients in communities characterised by high

levels of disability and psychological distress¹⁷⁹. One case manager reported that he had done ‘Mental Health First Aid’ training and was confident that he could identify depression¹⁸⁰. However, he considered referral to Work for the Dole an effective ‘treatment’ for those who were depressed. Another said:

We don’t have any training in mental illness and there is a lot of it here. Apparently, it is because people are inbred... (Reg, non-Indigenous case manager)

More qualified workers frequently expressed concern about the quality of case management:

What we are doing here is just not good work. You need to build relationships with people, work with them to get somewhere. The [case managers] here just don’t have the skills. I have offered to mentor them, but it’s just not taken up. They just do compliance. I have a lot of skills and qualifications – I love helping people, when people open up to me, and I can help them find work, but this just isn’t the place for me. (Laura, local Indigenous case manager)

One case manager with social work qualifications had been assigned a caseload of people who had been penalised more than 100 times. Her role was unusual – an example of an organisation trying to provide a more specialised service for those most vulnerable and having a skilled person available to do it. This case manager told me of a man on her caseload whom she discovered to be profoundly deaf. He had been in the program for months, but his deafness had not been identified by previous case managers.

Lack of appropriate training for participants was another significant constraint on case managers’ ability to assist. Over the period of this study TAFE offerings in many communities declined, and providers expressed concerns about quality and price of alternatives. Under the RJCP training was an approved mutual obligation activity: costs of training could be reimbursed and some training completions were counted as outcomes. Under CDP, there were no claimable education or training outcomes, the ability to count training towards mandatory hours was limited, and providers had to meet any training costs from their service fees. These program

¹⁷⁹ For example, ABS (2010), ‘Psychological distress high for Aboriginal and Torres Strait Islander people’ Media release (29 October 2010); Biddle et al. (2012) for disability statistics.

¹⁸⁰ Mental Health First Aid is a course of around 12 hours which provides basic mental health literacy and some skills for responding to an immediate crisis (e.g. panic attack). The Commonwealth funded the industry body to deliver this training to frontline workers across CDP.

changes were justified on the basis that they would end ‘training for training’s sake’ (PM & C 2014). Providers became more conservative in their approach to offering training:

It’s a bit of a vicious circle because there is not a lot of funding for training up here. TAFE is winding down so there is not much at TAFE. I have a job seeker who wants a job on the wharves. He spoke to them and they said you would have a much better chance if you had a crane operator ticket. The training costs \$2000 so he came and asked if we could help. I asked if he had a guaranteed job, but he doesn’t and we won’t provide training unless the job is lined up – we don’t do training for training’s sake. I had another guy who wanted to get his Heavy Rigid License but it’s too costly to send him to training.... It’s just a vicious circle – very frustrating. To be honest I don’t think its training for training’s sake if they are really keen to get a job in the area. (Jenny, non-Indigenous case manager)

Group programs – like the civil construction program mentioned above (p.216) – could be offered as long as they were linked to a specific job or Work for the Dole activity, and continuous supervision was provided. These courses were often popular and well attended, and some led to employment. However, it was rare for individual participants to be offered more specialised training or supported to do higher level qualifications.

In the end, the scarcity of job opportunities meant that no matter how hard people tried, most of those assisted would not find work. Some did not really want work, particularly when they had health problems or were caring for others in their family. Yet the funding deed and its associated systems of recording and measurement were structured to require that appointments be made and that there be evidence of some form of ‘assistance’ to everyone. Ironically, the time spent on processes of verification of ‘assistance’ tended to crowd out work that might have been of value, like building stronger relationships with employers and with participants themselves.

What appointments are for

In a very remote community 550km from the provider’s office, case managers were packing their computers to fly out after a two-day outreach visit. As they locked the door of the community office from which they had been working, a man ran up and said that he thought he might have had an appointment that day. He had been at his activity and forgotten to check. Jon, one of the case managers, explained that he had packed up his computer, so he couldn’t ‘attend’ him. He would see what he could do, but the man’s payments would probably be suspended. Later I asked Jon’s manager whether they might get better results if they held appointments with people at the places where they were doing activities. She said:

Hmm... but it's not real. They need to take responsibility for getting to appointments... if you were to go to hospital and get referred to a specialist, you can't expect that person to come to you. You have to get there yourself. (Angela, non-Indigenous senior manager)

∞

The central importance of the IT system meant that almost all appointments were conducted in provider offices. But case managers reported that many participants found this setting uncomfortable. Offices lacked privacy and were formal. One local Indigenous case manager told me that most of her meaningful conversations about employment took place when she met people socially. She explained:

A lot of them are closed in the office. They get shy. It's like they lose their voice all of a sudden. (Brooke, local Indigenous case manager)

One Indigenous site manager told about other local programs which were delivered outside offices to make people feel more comfortable:

So why don't you do that here?

I don't think [Head Office] would let us.

Why not?

Because it is not like the real world. If people get a job, no one's going to drive them in, or meet with them somewhere else. They need to start behaving like it's a job. Sometimes people have an excuse of 'it's raining' to not come to an appointment. That's not an excuse to not go to work.

... we are at one end of town and its about 1.5 kilometres down to the other end. If people have kids, or have trouble walking, it is a bit of an issue. I would be happy to have meetings down in the main precinct on Wednesdays – but I don't think [Head Office] would allow it.

Conducting appointments outside the office was burdensome on staff because of the additional data entry work required. Prevailing working arrangements also reflected a view that attending the office was valuable in itself – a key technology in the transformation of unemployed people into potential workers. Attendance was often used to judge whether someone was employable:

How do you know who to refer to jobs?

Personal experience, who turns up every time on time. Then we know that they will be able to work. (Tina, non-Indigenous case manager)

So while appointments may have been a means of organising provision of individual assistance, they were also an end in themselves. In the face of limited capacity to actually provide ‘individual integrated case management and support’, many case managers relied on enforcement of attendance at activities and appointments to do the work of making people ‘employable’:

With 70–80% you need to prepare them to work. A lot of our clientele have never worked. They wake up and think – I don’t really feel like going to work today. You have to train them to understand that it’s a responsibility. It’s since they were small – they have no idea because no-one in their household is working. (Cath non-Indigenous case manager)

Case managers sometimes expressed frustration when participants failed to take appointments seriously:

About 50% know what is in their job plans. They are getting good with appointments. The job plans – they don’t give a shit. ... Our job seekers will sign whatever we put in front of them. They know the drill. (Josh, Employer Liaison, non-Indigenous)

∞

I think people tell us what they think we want to hear. They will just agree with what we are saying. (Lynda, local Indigenous case manager)

But others – particularly more experienced local Indigenous workers – shared their clients’ scepticism:

Do you see these appointments as being about getting people into work?

No. They are about getting people to get up and move around – to do something for their payment. (Clara, local Indigenous case manager)

∞

Do you see your main job as helping people find work?

No. It’s mostly talking about what they have to do. (Margaret, local Indigenous case manager)

The making and enforcement of attendance at appointments was a technology carried over from mainstream employment services. It reflected the approach of ‘help and hassle’ – the combination of light touch assistance and enforced obligations that would, at least in theory – overcome the principal barriers to work (Productivity Commission 2002, sec.2–4; Mead 1997)¹⁸¹. However, in this remote context the absence of job or skilling opportunities that might make more local jobs accessible meant that much of what was called ‘assistance to find work’ had little or no relationship with actual labour market opportunities. It became a sort of ritual, demonstrating that a work discipline was being applied and confirming that ‘something was being done’ for the target group, despite lack of real employment prospects (Yanow 1993, p.51; Schram et al. 2010; Handler 2005). Regardless of what went on within appointments, the mere fact that attendance required self-discipline meant that it could be seen as contributing to participants’ transformation into employable citizens. Penalties for non-attendance were part of the ‘lesson’.

Sanctioning/breaching

Case managers interviewed accepted that reporting non-compliance of clients was part of their job. Most described this as a reflection of an external, government-driven agenda – a gradual cracking down by government on people ‘getting something for nothing’. Many non-Indigenous case managers were strong supporters of breaching, emphasising its importance as a tool for change – ‘teaching them’ what was needed to function in the ‘real world’:

So this is about re-education... As cruel as it sounds, definitely the only way is the hip pocket. To the mainstream – people in Sydney or Melbourne – that might sound harsh – they have no idea. Unless there is a consequence change is not going to happen. (Tracy, Case Manager, non-Indigenous)

∞

I support breaching. I think it should be harder. We need to re-teach the parents about work. It will mean more work for us at first, but it should pay off. (Rhonda, Site Manager non-Indigenous)

Not all were as wholehearted in their support:

¹⁸¹ Note also Mead’s dismissal of structural barriers to work at Mead (2004, pp.48–50).

What do you think about cutting peoples benefits?

It's the only way they have at the moment of conditioning people to turn up. You have to desensitise yourself to people not having money. You have to explain to people that if they don't come they won't get the dole.

Does it work?

It does get them in here, but it doesn't change the things that hold people back.

(Luke, non-Indigenous case manager,)

∞

Unfortunately, this is what needs to be done. I think some people know how to work the system. Others need a lot of help... In the past they let it slide, now government is cracking down. Having their benefits suspended and stopped might make people realise that they have to do activities. But there is a flow on effect to kids and families... I haven't really got the answer. (Jenny, non-Indigenous case manager)

Local Indigenous case managers also expressed a range of views about breaching. Younger local Indigenous workers were often sanguine, seeing compliance with obligations as straightforward. Kym, for example, initially said she had no concerns about breaching people. But then, when asked what impact it had on those penalised, admitted that she tried 'not to think about it'. Leah found it hard at first, but then got 'sick of hearing people's excuses'.

More mature workers tended to find sanctions more difficult. Margaret expressed deep discomfort about having to implement a 2014 policy change that meant that providers, rather than Centrelink, would suspend people's income support. She was considering resignation. I asked her whether her concern was because she didn't want to be the one making the decisions, or because she thought the rules were unfair. She told me:

Both. A lot of older people have had their time working. They don't need to go through this.

These older Indigenous workers frequently expressed concern about the impact of breaching on families. If they spoke about 'teaching people' it was almost always in relation to young people. But they did talk of people needing to 'learn'. They saw themselves as explaining and mediating government policy, helping their own people try to avoid its harsher effects. Patricia used her community identity and personal authority to deliver stern speeches for younger clients. She also used it to make compliance less galling for older clients:

Do you get flak from people if they get cut off?

No – only one, maybe two? I have been there when a fella went off at one of the white women in the office. He said, ‘Why should I have to do stuff when you sit there on your white arse doing nothing’ and then she walked out in tears. I just said, ‘Look, it’s the system – you just have to do it.’ He said, ‘Ok pass me the bloody form’ and signed it.

Does it make a difference that you are a local Aboriginal woman?

Yes. They know me. They know I am not hard.

Older local Indigenous case managers often saw breaching as appropriate for younger people or those who were heavy drinkers or drug users, but they were worried about others who were trying to manage family, health and other pressures. Some worked around the system to try to help people comply:

You need to put your feet in their shoes, not look down on them. Most people have issues. What I do if a person doesn’t contact me and doesn’t turn up is reschedule that person, but then I will go and look for them if there is a spare car. But they say you are spoiling them. But it is their money. It’s what they live on. If you go to visit they feel more comfortable, less shame. (Faith, local Indigenous case manager)

Laura coached one of her clients over the phone about missing appointments. She told me ‘I said to her just don’t say that you didn’t turn up because you were shopping. We don’t want to hear that.’ Laura went on to say:

You have to be cruel to be kind, help them understand the system... And they can’t tell us ‘oh I missed my appointment for shopping’ – that’s not an excuse – I tell them it needs to be legal, or family or health. We have to help them learn. Some of them won’t – they are just lazy. But you know they are just on their ‘social’¹⁸² – so we have to give them the benefit [of the doubt].

She added that this client was generally ‘pretty good’ and that she lived with a violent partner. At the same time, Laura was careful to be seen to be following the rules, worried that she might be seen by her non-Indigenous manager as favouring family members.

¹⁸² ‘social’ – i.e. social security payments.

In July 2015 the Government introduced changes that meant that providers could recommend that suspended benefits not be back paid. Clara, a local Indigenous woman who had worked in employment services for many years told me:

I refuse to take compliance action. Now it's just suspending their payment – but after 1 July they won't get backpay. I won't... recommend that. The government don't like it but I won't take that action.

Have you been told that the government doesn't like it?

PM&C have said so: 'You are not taking enough compliance action – cut their payments off.'

Others were rarely this forthright, but, as a group, local Indigenous case managers were reluctant disciplinarians. They were not as inclined to buy in to the organisational myth that 'work-like' attendance at appointments was likely to improve people's job prospects. Nor were they as willing to take on the task of 'people changing':

Does it bother you that when you mark people as not attending they lose their payments?

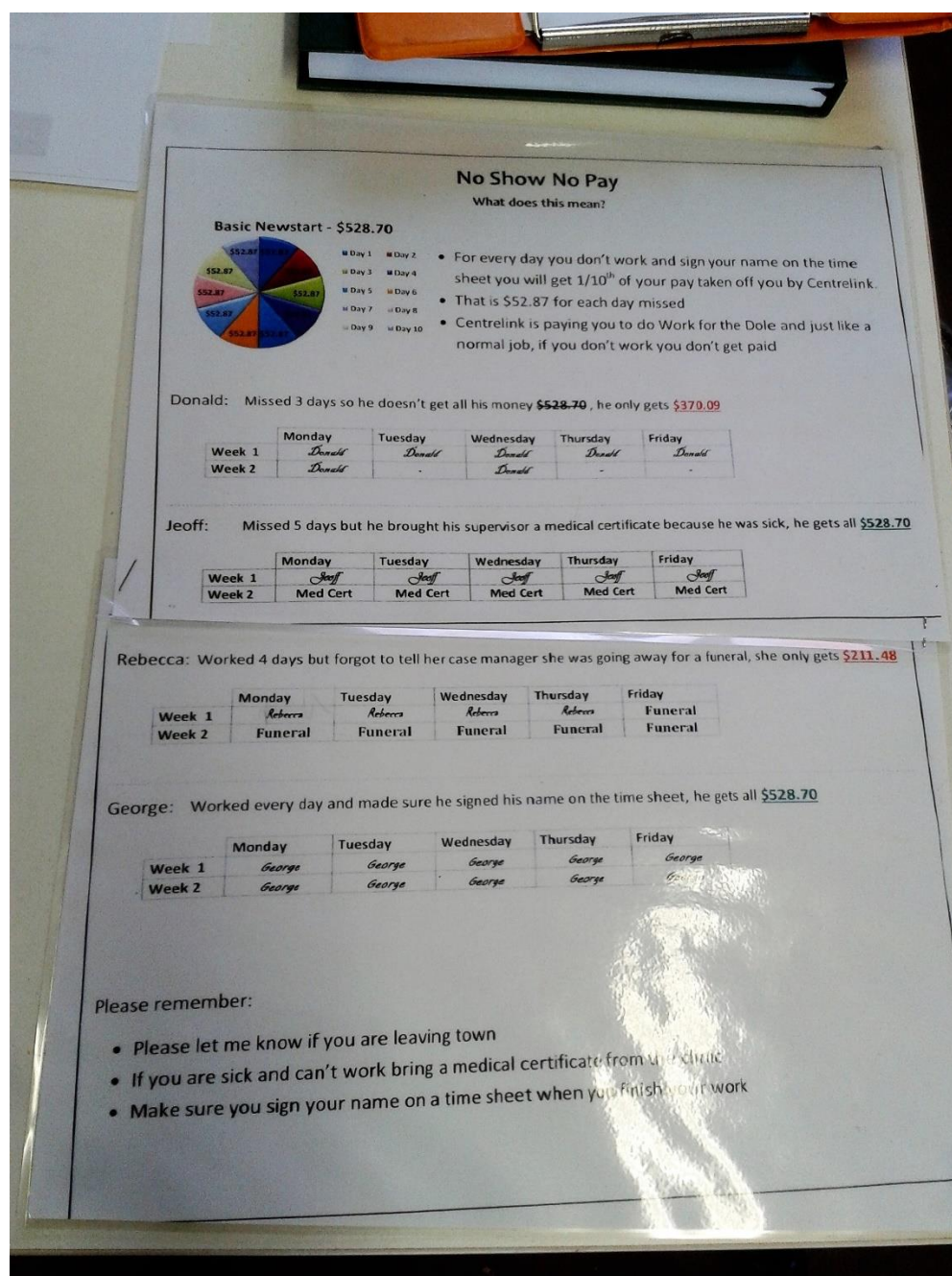
Yes, it saddens me. If they tell me a reason then I say OK, I will let them know.

Do you ever push them to see if it is real?

No, you shouldn't be pushing into people's personal business. If they choose to drink, then that is their business. But they will lose their payments. (Elizabeth local Indigenous case manager)

There was a strong sense amongst local Indigenous workers that participants should be able to hold something in reserve, to make their own decisions – even when these led to being penalised. Most described themselves as helping their own people to navigate an externally imposed system, rather than using penalties to change the people themselves.

Figure 41 Sheet used by case manager to explain penalties to participants



Over the course of this study the focus of breaching activity shifted. Changes to the national rules in relation to job seeker compliance in late 2014 led to an increase in the rate of attendance at appointments and reduction in related penalties. With the introduction of CDP in July 2015, penalties in remote areas for non-attendance at Work for the Dole increased dramatically, swamping those related to appointments. These Work for the Dole penalties were not usually generated by case managers but by separate compliance teams, often working off site (Chapter.7 p.285 et seq.). Case managers became more removed from the process and perceived themselves

as having little or no control over it. At the same time, they were much more likely to experience client aggression as the pressure on local people mounted.

The precarious position of local Indigenous workers

As I sat chatting with some case managers in an office during a lull in activity, one of them asked, ‘Where has Brooke gone?’ They sighed and agreed that she ‘must have had childcare problems again’, implying that they did not completely accept that these were real. This was one of several occasions when I witnessed exasperation or eye-rolling by non-Indigenous staff at the absence of a local Indigenous co-worker. Brooke was a single mother, a former participant who had been working at the office as a case manager for just under a year. In our interview she spoke of wanting to do more for local people, of how uncomfortable they felt in the office and their challenges dealing with Centrelink. She spoke of drawing on her own experience of being unemployed for two years and how hard that was. She also showed me the ‘cashless welfare’ card into which her family payments continued to be made, telling me how much she hated it, and how humiliating it was to be working, but still have to use it. Brooke, unlike her non-Indigenous counterparts, lived and socialised daily with the people she met as clients. She told me she got daily pressure about penalties, but she said, ‘I have made it clear that this is their responsibility... we are doing what we are told to do.’ She carried the burden of her work outside the office in a way that her non-Indigenous co-workers didn’t. At the same time, within the office, her own attendance and compliance was being closely scrutinised.



In the 2017 provider survey ‘reliability and attendance’ were, alongside ‘lack of basic literacy and numeracy’, the most frequently identified obstacles to the employment of local Indigenous people within provider organisations. Indigenous and non-Indigenous managers alike recognised that local Indigenous people often faced real challenges in attending and holding on to work. From visit to visit I would be told of, or run into, people who had left for health reasons, because they needed to look after sick family, because of a jealous husband or, in one case, because the worker had never recovered from a close family member’s suicide. Some had been sacked: the woman whose partner had been seen driving her work car on the weekend; the man who had been caught in a ‘dry’ community with beer. On one occasion when I visited a worker was reprimanded because she had become embroiled in a feud between two family groups and had left the workplace to avoid another local co-worker. Local Indigenous workers faced many of the same challenges as their clients: poor and overcrowded housing; poor health; caring

responsibilities; lack of transport; family and community violence. There were different levels of recognition and accommodation of these challenges by managers. Some told me that they refused to apply different rules to locals. Others, particularly in organisations with strong local Aboriginal leadership, were more willing to negotiate through the complexities for local staff in managing competing pressures.

Watkins-Hayes' account of the precarious position of many Black and Latina welfare workers appears relevant to the position of many Indigenous workers in remote employment services (Watkins-Hayes 2009b; Watkins-Hayes 2009a). The minority workers in Watkins-Hayes' study worked in offices where clients were more often Black or Latina than white. The welfare agencies offered jobs that were relatively well paid and stable – a hard won 'step up' into the lower middle class, the protection of which was critical to them (Watkins-Hayes 2009b, p.292). These workers perceived their prospects of promotion and vulnerability as shaped by their racial identity. One spoke of having to pull her own weight and others' too, in order to defy stereotypes of African American workers as not working hard.

In remote employment services offices, absences of local staff occurred in a context of obsessive attention to 'turning up', and a narrative of Indigenous people lacking the ability to work. Local Indigenous workers who were confident and outgoing in their dealings with clients were often reserved and anxious in dealings with their managers and co-workers. Patricia, who was assiduous in her attendance and very experienced, felt constantly under scrutiny from her own organisation. Several local Indigenous workers spoke of their skills being undervalued and of being passed over for higher level jobs. At the same time, these workers could not escape from the effects of the work they did when they left the office. Local Indigenous case managers trod a difficult path, balancing their work identities and roles, with their – longer lasting – membership of their community. They often paid a high personal price for this work:

It's good to get people employed – it is a majority Indigenous workforce in [the provider organisation]. But it takes a toll. C... and that mob don't go to the pub because they know that they will be hassled. (Patrick, local Indigenous senior manager)

∞

There is a lot of pressure on people like me – personal pressure and work. Pressure from family members to help them out when they lose money. And pressure about work. Those people [non-Indigenous co-workers] they are not here for the people,

they are here to make some money and then to go. We are here for the long term.
(Clara, local Indigenous case manager)

When I met Patricia's sister-in-law, Sue, she told me that Patricia had been very unhappy in her job. She felt isolated, and she took what people in the community said to her about it hard. 'I don't want any part of that,' she told me, 'that work is not for me.'

White case managers and culturally appropriate services

Is it important that you know something about the history and culture of people in this community?

Very. You need to know when people are using culture to get away with things – like funerals. (Reg, non-Indigenous case manager)

The remote employment services funding deed and service guarantee required that case management services and support be delivered:

(ii) within a framework that recognises and is sensitive to all factors relevant to the Eligible Job Seeker, including their cultural and community context, parental and caring responsibilities, age, language, skills and experience... (Funding Deed 2015–2018 RAC 1 Part A, 1.2)¹⁸³

Across substantial areas covered by remote employment services program participants spoke an Indigenous language at home. Despite this, use of interpreters was rare¹⁸⁴. White case managers often struggled to understand what their clients were saying to them and to explain the complex and changing requirements of the program. Some asked bilingual staff (often in more junior roles) to help out. But most people just struggled on, aware that the exchange of information was limited.

While non-local case managers almost always lived in the region they worked in, at least most of the time, they often lived in workers' compounds or dedicated housing that was set apart from local Aboriginal residences. A few socialised with local people on the weekends, but often they kept to themselves or mixed with other outsiders. Despite living and working in Indigenous

¹⁸³ Note that this requirement remained the same over the period of RJCP and CDP.

¹⁸⁴ Administrative data from December 2014 indicated that only two of the 60 regions had spent more than \$1000 from the Participation Account on interpreter services.

communities, non-local case managers knew most local people only through their dealings with them in the office.

Most providers reported giving non-Indigenous case managers some form of cultural awareness training or orientation, although only a few workers reported receiving it. One who did, told me:

I am married to a bloke from [local Indigenous community]. It has taken me years to understand. Only this year I went to a language course – I wished that I had done it years ago – it opened my eyes. Cultural awareness courses should be compulsory.

(Carla, non-Indigenous case manager)

Another dismissed her training as ‘a joke’.

White case managers gathered bits and pieces of information in the course of their work or in their travels, frequently applying what they understood of cultural practices in one location to others. Much of what they said reflected familiar colonial narratives about history and culture inhibiting Indigenous peoples’ ability to work:

We are asked to make a change after generations. You or me, we have been brought up to know that we have to be tethered to something – to school, or work. Here even school has shorter days – there is not even an expectation of a full day of school. Suddenly you throw people into the real world. They have an expectation that everything will be provided – they expect to be picked up, to be fed. That everything will be given for free. Even with training, they will ask if they are going to be paid while they are on training. I tell them if you were in Darwin you would be paying for training – not being paid. So this is about re-education. (Tracey, non-Indigenous case manager)

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People have never worked. There is a big cohort of younger people with no work culture. There are cultural identity issues – they won’t walk down the same side of the street as a particular person. But they are going to have to work with these people. ... The problem is how long people have been allowed to not work. In CDEP, people have been allowed to come in the morning, sign in, go home, then come back later and sign out. People need to get across the fundamentals of what it means to work.

(Sophie non-Indigenous case manager)

Indigenous cultures were rarely described by white case managers in positive terms. In some locations, some white workers expressed the view that there was no Indigenous culture left in

the area. When I asked Indigenous interviewees in these areas about this, they sometimes expressed concern about passing on culture and the loss of elders with cultural knowledge, but none said that their culture was gone. In some communities, artwork might be admired, or weekend hunting trips mentioned, but the idea that local Indigenous people might have different, legitimate, ways of seeing the world, or alternative views of the value of work, was rarely countenanced (McRae-Williams & Gerritsen 2010).

Finlayson's late 1990s case study of non-Indigenous workers in a remote Indigenous community described a group set apart from local people: living, socialising and shopping separately, often fearful for their own safety, or anxious about whether social connection with locals might impact on their daily work (Finlayson 1997). She said:

Few staff I interviewed had any idea of the community's indigenous history or the countless reports, assessments and evaluations of programs and policies and community-development projects that had started and failed there. Somehow, for each generation of service staff, the immediate was the only moment that mattered. Policy and action were for now; the community's past and future were irrelevant. This approach to community administration and service provision was, in my view, not only endemic, but deeply embedded in collective and mundane practices to the extent it was rarely questioned or discussed. (Finlayson 1997, p.13)

Her comments about those workers could be equally applied to many non-Indigenous staff working on the frontlines of remote employment services twenty years later.

Shaping street level practice in remote employment services

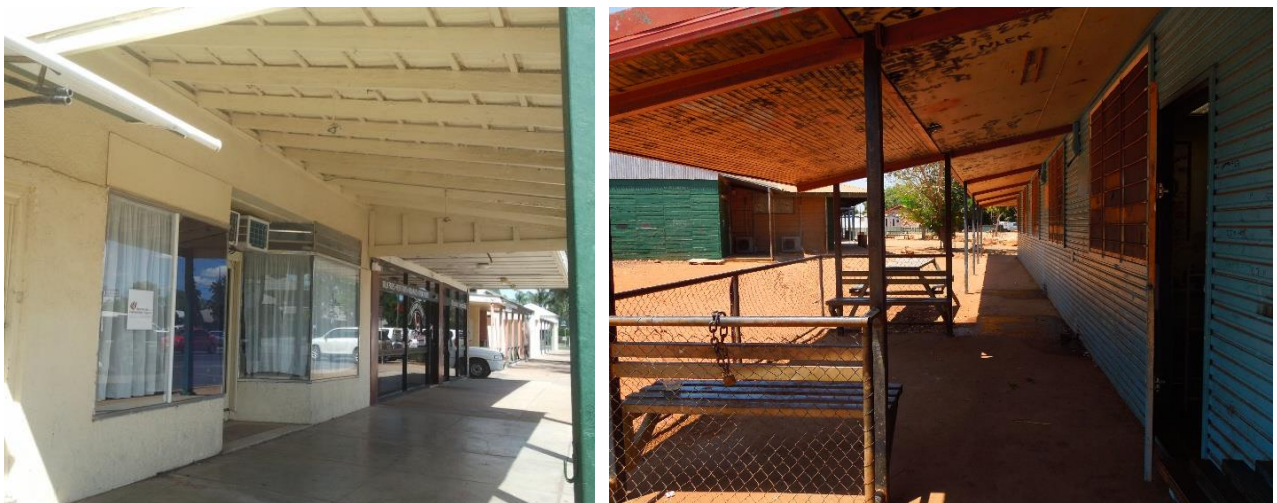
To enact the agenda of neoliberal paternalism, case managers do not need to become neoliberals or embrace paternalism. They need only do what strikes them as permissible, reasonable, and right as they put in their workdays at organizations that have been structured to pursue this approach to poverty governance. At the frontlines of welfare reform, neoliberal rationalities do not govern mentalities by imposing all-encompassing worldviews; they do so by organizing fields of practice so that the ambivalent subjects who occupy them can be relied upon to do the work of disciplining the poor. (Schram et al. 2010, p.751)

Despite the fundamentally different positions of local Indigenous workers and others in remote employment offices, and the vastly different communities in which the program operated, patterns of practice were more similar than different. Program rules and the IT system structured the way that office work was done. The importance of transactions within the IT system was

reinforced by their centrality in performance assessment under CDP. The appointment was the core of case management practice. The ritual of making and ‘attending’ appointments and going through standard ‘job ready’ menus deflected attention from the limited availability of jobs or services, becoming ends in themselves. Appointments became central in part because they were observable, verifiable by government officials from their desktops. They assured people in Canberra both that ‘something was being done’ and that the targets of the program were ‘doing something’ in return for their income support. More than that, attendance at these appointments was a demonstration that remote Indigenous people were prepared to comply with the disciplines of the labour market. Obedience, even in the absence of meaning or of reward, was a marker of the ability to self-govern.

Case managers, as Schram et al have argued, were not required to accept the mythologies that they enacted (Schram et al 2010). The web of structures, surveillance and measurement was enough to ensure that they did what they were expected to do. But the ambivalence, and sometimes resistance, of local Indigenous workers created potential instabilities. They were part of the communities that the government wished to transform. Performance of their roles as part of those communities had, potentially, higher stakes than those of the office. Just as their presence was seen as helpful to legitimising the program, their ambivalence and their departures, could undermine it.

Figure 42: External images of remote employment services offices



Chapter 7

'Working' in CDP

Just outside town, an Aboriginal couple run a Work for the Dole activity on a small property with some livestock, farm machinery, a garden and a homestead. Today the men are working on machinery. On other days they could be fencing, working with livestock, building or using machinery depending on who shows up and what needs to be done. Until recently the women have been sewing and jewellery making but the local PM&C contract manager told the couple that the women's activities were not 'work-like' enough so the women are doing gardening instead. When I visit, two women are in an area under a shade cloth, surrounded by pots. One is checking the plants, while the younger of the two is sitting, looking at her phone. They tell me they like coming up here, but that there are others who haven't turned up:

P1: A lot of these young girls they don't like to do gardening, but there is nothing else for them to do. They all just come out here – half of them probably got no interest in gardening... We should have something else for them. Sewing things for their house. It should be alright. You can sell those things in the shop.

P2: It's alright here – you can take the pots home. But when you got 13 girls – you just imagine – you are standing around. That's why I said to [manager] you need something else for them to do.

P1: I think jewellery is just part of a hobby – if she had some other things going on here...even cooking, I tell her we could do the smokos. I used to do cooking at stations, used to work with the Red Cross mob, used to teach people how to prepare the meals for the old people. I want to work somewhere I feel comfortable. I went to get a job at frail aged but... they had already got someone else.

Do you think Work for the Dole will help you get work?

P1: I suppose.

P2: It gets us up in the morning and gets us out of the house.

P1: Most of these places, they have Asians working there... but I suppose if some courses come along. We thought they were going to do a Ranger program, but nothing happened. Gardening might be good for people to do in their own communities, on their own places.

Another woman, who is watering some saplings when I meet her, tells me she has been coming here for a year:

What sort of work are you interested in?

P3: I am an artist – I would like to keep going with that. I sell art through the art centre, I used to work at the art gallery... I like showing people how to make bush medicine, find bush tucker. I would like to work in art again, but we have to do gardening now...

What do you think about the move to 5 days per week?

It's too much. But it's something to do.

What would you be doing if you weren't here?

Painting, doing my art work, looking forward to market days, selling at the park. I'd like to do some more jewellery to sell, to collect seeds – but I think you have to go through Conservation and Land Management to do that.

What is the best thing about coming here?

Its relaxing, quiet – out of town.

∞

In another town I meet three men who are in the provider compound, waiting for their 'community beautification' activity to start:

P1: Why do we have to do this bullshit? Why should we be working 5days per week for \$400 a month? We are not doing anything around here anyway. Can't even do TAFE.

What would you be doing if you were at home?

P2: Sitting around – but we do a lot of sitting around here.

P1: Why can't the government do things to help us get a real job – instead of coming here.

P3: I wouldn't like to do real work for little pay. And I would like to get real pay for a real job. This is more relaxed – 2 or 4 people doing one job. When we went and

cleaned up the old peoples' centre – I felt good about that. But in that other job, [it] felt like just cheap labour for the government.

Will this kind of work help you find a job?

P3: I am not interested in this work, but happy to chill here for a couple of weeks.

∞

These extracts reflect the diversity of views among participants about the activities they were involved in. They raise questions about government objectives for Work for the Dole and the extent to which these were shared by participants. For the women, there was a possibility of making some things for the home or for sale, but there was little or no connection to jobs that interested them. Similarly, for the men, the activity was not seen as particularly 'work like' in its intensity, nor did they see it as relevant to job opportunities. Some did not mind it – for example seeing value in helping at the old people's home – but they also felt exploited. Of course, those interviewed were the people that had chosen to attend. At least as many had stayed away.

This chapter looks at government ambitions for group activities in remote employment services and how the practice of 'working' in program activities reflected or diverged from these intentions. It considers how Indigenous participants spoke of the value or otherwise of 'work' that might be done under the auspices of RJCP or CDP. It highlights the limitations of Work for the Dole as a technology for reforming the subjectivities of Indigenous people, as well as the problem of defining what work actually is, and on what basis it might be valued.

Government objectives from Work for the Dole 'activities'

When the Coalition introduced Work for the Dole in the late 1990s, it was described as a means of changing both the behaviour of the unemployed and their character:

What this Government is trying to do is change a culture of welfare to a culture of work. We're trying to replace an ethic of entitlement with an ethic of responsibility...

Tony Abbott, Minister for Employment Services, 13 July 1999 (cited in Fowkes 2011, p.6)

Through Work for the Dole, the unemployed would develop work habits and learn to be active citizens, while taxpayers could be assured that they were 'giving back' (Warburton & Smith 2003). When Labor established JSA in 2009 it made Work for Dole an option within a 'work

experience' phase that started after 12 months of unemployment. It emphasised its use as a means of improving the employment prospects of participants, more than their moral character¹⁸⁵. Participation in Work for the Dole declined as participants took up alternatives like vocational training.

In its approach to remote employment services, the Labor Government did something different, requiring 'activity' from day one. The operational guidelines for RJCP mirrored guidelines for JSA in stating that 'job seekers must participate in activities which improve their employment prospects, address vocational and non-vocational barriers to employment and help them ultimately gain sustainable employment' (DEEWR 2013b, p.3). But they went on to specify a number of hours of activity that would 'typically' be required of people from the start of engagement in the program¹⁸⁶. Lack of 'meaningful activity' was constructed as a problem in itself, while 'activity' was necessary to 'strengthen' communities (Macklin et al. 2012, p.4).

While 'activities' were central to the RJCP policy framework, the IT systems and processes that underpinned the program were designed for JSA which focussed on individuals. Initially DEEWR expected that group activities would be only one option within RJCP, partly because of the limited funding available:

CDEP activities are very expensive. I think we will get high quality activities – a number are already doing great activities... but not everyone will be in a group activity. Some will be in non-vocational activities (like drug and alcohol counselling) or training. (Senior DEEWR official to RJCP providers, August 2013)

Many former CDEP providers took their lead from DEEWR. They dismantled group-based organisational structures and dismissed relevant staff, modelling their services on JSA.

¹⁸⁵ For example, the 2014 JSA guidelines stated that 'all Work Experience activities must be focussed on at least one of the following as their ultimate outcome: skills in demand in the local labour market leading to sustainable employment, addressing non-vocational barriers, and/or genuine work-like experiences and/or training.' DoE, Work Experience Activity Types Guidelines 4 June 2014.

¹⁸⁶ For example, 'The level of participation that is typically expected of [full time activity tested job seekers] job seekers is: activities of around 40 hours per fortnight.' (DEEWR 2013b)

The Abbott-led Coalition went to the 2013 election promising to make Work for the Dole mandatory for all long-term unemployed people under 50 years old (Loughnane 2013b p.21). This time, it encountered more questions about its value as an employment strategy. An independent evaluation of the initial Work for the Dole pilot was used by the Government to argue that it had a positive employment effect (Kellard et al. 2015). But it was costly and, following Abbott's removal as leader, Work for the Dole was scaled back and partially replaced with a youth training and work experience program¹⁸⁷.

Again, the value and purpose of Work for the Dole were framed differently in the context of remote Indigenous communities. Scullion argued that there had been a return to 'passive welfare' under RJCP (Scullion 2014). In December 2014 he announced the introduction of 5 days per week Work for the Dole. A 'Questions and Answers' document produced by PM&C to help its staff talk about the change explained its policy intent as follows:

The reformed RJCP will give job seekers the opportunity to be continuously engaged in Work for the Dole activities, five days a week, all year round – just like a real job.

Often remote communities have limited or no real labour markets, as well as unique social problems that stem from passive welfare. These social problems stem from idleness and are making communities unsafe and dysfunctional.

We need to set expectations in remote communities that build the same behaviours and norms of workers in ordinary Australian workplaces.

(from PM&C 'RJCP Q&A 2 December' 2014)

¹⁸⁷ Malcom Turnbull defeated Abbott in a leadership ballot on 14 September 2015. In the 2016–7 Budget a new youth scheme was announced—described by the Treasurer as 'real Work for the Dole'—which included combination of training, short term work experience with employers and a \$100 per week income support 'top up' (Treasurer's Budget Speech, 2 May 2016).

Figure 43: PM&C promotional material for CDP changes (extract)

Making your community a better place.



Extract from flipchart given to providers to promote CDP Work for the Dole to community members, August 2015

Scullion argued that Work for the Dole would lead to people moving into jobs, but he acknowledged that some participants might stay on the program for decades:

“I don’t think that is a bad thing,” he said. “They are engaged in purposeful activities in their communities, where they choose to live, and they are choosing to live in an area where there is no economy and a growing population. And while people may say, ‘How can you possibly do this to people?’, there are no alternatives.”(Martin 2015)

Idleness was constructed as the problem, and it was a problem, not just of particular individuals, but of whole communities. In the absence of paid employment, the ‘solution’ was to enforce behaviour that mimicked employment and which, according to the ‘program logic’, would eventually bring about a change in attitude and then restoration of social order (Figure 10 p.140). Along with the requirement to do something each day, the fact that penalties would flow from non-attendance was crucial:

Job seekers will learn the behaviours expected of workers, for example by there being immediate consequences for passive welfare behaviour. (PM&C ‘RJCP Q&A 2 December’ 2014)

According to PM&C, in October 2016 there were around 33,000 CDP participants of whom 24,000 participated in Work for the Dole¹⁸⁸. In the first two years of CDP nearly 300,000 income support penalties were applied to participants for failing to attend Work for the Dole. More than twice as many were recommended by providers but not applied¹⁸⁹. In two years, 50,551 ‘serious non-compliance’ penalties were applied to over 15,000 participants who had breached the rules at least three times in six months¹⁹⁰. On average, at best, around 40% those required to attend on any particular day actually turned up¹⁹¹. Much of this ‘non-attendance’ may be explained by health, social and communication challenges in remote Indigenous communities (Fowkes & Sanders 2016; Kral 2016). But some was because people decided to stay away.

Work for the Dole as a pathway to work

Over time, a Work for the Dole activity should build a set of skills and experience for the job seeker that provides them with a pathway to real employment. CDP Guidelines. (PM&C 2015c, p.8)

∞

In 2013, Sanders observed that the work of ‘even mildly successful CDEPs’ had been built around ‘sheds and crafty classrooms’(Sanders 2013b). Male participants would turn up to a central location and go from there to do outdoor work like fencing, basic construction, landscaping, collecting firewood or rubbish removal. Sometimes they might stay at the shed and do woodwork or produce art. Female participants were more likely to stay in one spot (the ‘crafty classroom’) and practise ‘cooking, sewing, art work or a literacy-based activity’.

These patterns, both in the types of work done and their gender distribution, still applied to the activities in which many, perhaps most, CDP participants were involved (refer survey data Table 10).

¹⁸⁸ Senate. Finance and Public Administration Legislation Committee, Supplementary Estimates (21 October 2016), transcript pp.54–5.

¹⁸⁹ In a 9-month period 1st July 2016 – 31st March 2017 (that is 9 months) providers recommended 431,150 penalties to DHS in relation to CDP participants. Only 128,504 of these penalties were applied following the DHS process (Senate Community Affairs Legislation Committee, Budget Estimates, 1 June 2017, Answer to Question on Notice, Department of Human Service Ref HS 3 (SQ17-000084)).

¹⁹⁰ Senate Finance and Public Administration Legislation Committee, Supplementary Estimates 2017–18, Answers to Questions on Notice No 215, Oct 2017 (Sen Dodson).

¹⁹¹ Government data, various dates, refer Figure 58 at p.299.

Table 10: Six most frequently identified CDP activities by gender

Which of the following types of activities are run on an ongoing basis in a typical area in which your organisation delivers CDP (exclude small outstations) (Top six most frequently identified))					
Men's group	%	Women's group	%	Mixed group	%
Community beautification e.g. landscaping/ fencing/rubbish removal	76%	Craft and sewing	78%	Horticulture/community garden	59%
Building, repairs and maintenance	73%	Cooking	76%	Community beautification e.g. landscaping/fencing/rubbis h removal	46%
Conservation and land management	51%	Artefacts and art production	70%	School attendance (excludes RSAS)	38%
Horticulture/community garden	51%	Administration	41%	Artefacts and art production	35%
Woodworking/carpentry	46%	Horticulture/com munity garden	38%	Conservation and land management	35%
Artefacts and art production	43%	Retail	32%	Multimedia/web design/IT	35%

N=37

Every location visited in the course of this project included a version of these types of activities and usually the gender division of labour was the same. There were variations, particularly in 'one off' projects for which a specialist trainer might be brought in: small machinery courses; mustering projects; civil construction training; multimedia production. These were often popular, but the ability to deliver them on a sustained basis was limited by cost, access to equipment and to qualified supervisors or trainers. Inevitably most projects involved work that was not only unskilled, but able to be supervised by people with limited formal skills, and with existing equipment.

∞

Do you think Work for the Dole could help you get a job?

No, I don't think so. The way these guys see it, they been doing it for a while and no change. (Male participant)

Many participants agreed that the aim of participation in Work for the Dole was to help them get work. But the connection between what they were doing on their projects and employment opportunities was usually unclear. Many expressed frustration at the lack of opportunity to learn

or practice skills that they thought might be useful. This was particularly striking in women's activities which were dominated by 'domestic work', arts and crafts:

They are not learning anything. It's good for a couple of oldies up there. I enjoyed it – it was a hobby – but I can do that at home. (Former (withdrawn) participant women's art and sewing project)

When I visited women's activities there were often one or two younger women sitting looking at their phones rather than participating. Many women enjoyed coming to a place, meeting with others and working on projects that they enjoyed. But the activities they were doing were rarely related to their employment goals:

Is this related to anything you want to do?

No. They ask what you want to do – I don't know if they do what they say or not. I am good at computers and answering the phone. I rang up [group training company]– went to see them for a business admin traineeship. I said I don't want to work for the dole – [the provider] said 'there is nothing you can do, you just have to go there.' (Indigenous female participant, painting activity)

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When I go in for my appointments [I] tell them I already know how to sew, I don't want to do that. I am being trained up in doing digital archive work [through membership of board of the art centre], but we need funding to do that. (Indigenous female participant)

∞

Look at some of the stuff that we have been doing, it's just childish [shows me masks that have been painted and decorated with glitter]... see this stuff it's just like primary school stuff. I guess the idea was that it was going to be donated to the preschool – that would have been OK, but it's here isn't it. At least if it had been donated people could have felt OK about it. (local Indigenous supervisor, women's group)

When offered, many women took up opportunities to train or work in non-traditional areas like civil construction, building, and carpentry. Some women were placed in 'hosted' placements in administration or community services. But most were involved in practising handicrafts and domestic skills – things that their grandmothers and great-grandmothers might have been doing on missions or pastoral stations.

There was a stronger link between the work done in men's activities and unskilled work that might become available with local government or with visiting contractors. But again, it wasn't clear that activities would improve participants' prospects of getting this work. Many already had work experience. Those interviewed had worked in everything from casual labouring, shearing or mustering through to senior roles in mining, health and TAFE. Several had part-completed trades apprenticeships. The highly seasonal labour markets in most areas meant that, at certain times of year, activities included significant numbers of skilled workers who would be back at work in a few months' time. Providers often recognised more skilled and experienced participants by engaging them as 'assistant supervisors' or similar, but many skills went unused or unrecognised: artists watered plants; miners mowed lawns; conservation workers built shelters; stockmen swept workshops.

Just as there were aspects of women's activities that seemed to be carried over from the past, men's activities were marked by an emphasis on manual labour (often using equipment no longer used in regular workplaces) or constructing goods, like furniture, by hand. Early in CDP PM&C placed an emphasis on incorporating literacy and numeracy (LLN) into program activities, but access to effective training varied¹⁹². Men who were interested in white collar work had few opportunities to practise this in activities:

I would like to do more office work, LLN, would like to help others with LLN... I want to be a role model for our kids...

Q: Have you asked the mob inside [the office] about doing office work?

They don't want to know. [shrugs] (Male participant)

Often participants expressed a desire for formal training – more 'tickets'. Some of the most well attended and valued activities involved training in new skills or accredited training for a specific qualification or license. At a graduation from a civil construction course, a group of men in their 30s-40s told me that they had worked on and off for many years:

P1: Farm jobs, odd jobs – working every way.

P2: Most of us have been on machines but we haven't had the tickets.

¹⁹² In October 2015, fewer than 40% of providers reported that their participants' needs in the LLN were able to be met or met with some limitations, 25% said reported that there were no effective opportunities at all (NESA JA survey).

P3: Most of the boys [the older ones] have a lot of skills but haven't got the tickets.

This gives us white card, first aid – lots of tickets.

There was evidence of people moving from this type of vocational training (in this case run through a group training organisation) into employment. Other times no work eventuated, or only work for a few. At another site, around 40 men had put up their hand for a 'white card' (construction industry induction), hoping they would be able to get jobs on an upcoming project. But the provider told me that only 10 jobs were likely to be available, lasting 6–9 months each. Elsewhere a group of men told me how angry they were that they had undertaken 8 weeks of training in the specific skills required for an upcoming government project in their community, only to find that the contract was awarded to a company that brought its own Aboriginal workers from Darwin. Several times I observed providers putting participants through training for projects that were expected to generate local employment (e.g. on a mine, road building), only to find that the projects were delayed or never eventuated.

Often the desire for additional education or certificates appeared to reflect participants' belief that it was lack of qualifications that was the obstacle to getting local jobs. Case managers and trainers often encouraged (perhaps inadvertently) the view that completion of LLN or vocational training would lead to work. Some participants wanted a pathway to better quality work:

It's not fair, we should go through processes like courses, and training.

What would be good about that?

Get many skills, develop skills. Get better jobs. We been mowing and whipper snipping forever... for twenty years. I was in my 20s and I was doing that. But we never got qualifications, skills.

The short-term training that was offered by CDP providers was unlikely to lead to skilled jobs. As one manager said, 'They think that 800 hours of LLN will let them get an admin job at the shire, or to be a project manager, but it takes a lot more than that.'

There is evidence that non-Indigenous workers in remote areas do not have substantially greater qualifications than Indigenous locals (Guenther & McRae-Williams 2014). The lack of 'certificates' appears to stand in for more long term, complex and possibly less palatable reasons for locals being unable to get jobs:

It's all whitefellas up there at the shop. Seems like they don't want to employ blackfellas. (Indigenous male participant)

At one town, I was told many times by participants, provider staff and other community members that it was ‘who you know’ that determined who got what jobs:

Q: So what sort of work are you interested in?

P1: I have a bit of shearing work, I just do this in between jobs.

Q: So is there a lot of work around?

P1: A bit here and there

Q: And how do you get it?

P1: Ask – but it’s who you know again

P2: We should be doing some of that repairs and maintenance work. They bring contractors from out of town for it. But we here could do that work

P1: keep the money in [town]

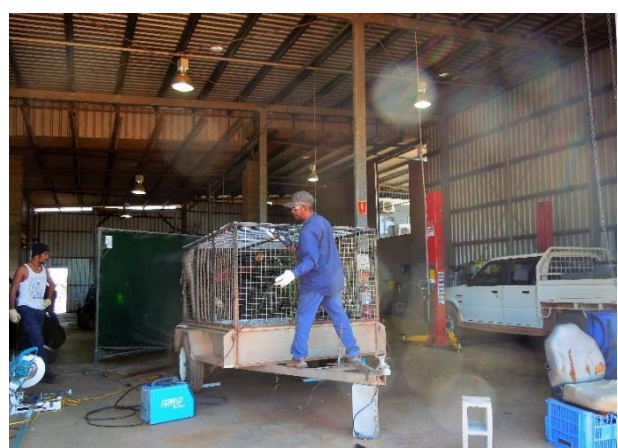
P3 You don’t see black faces in shops and things on the main street

P2: I worked for 8 years as an Aboriginal Educator in the school

Q: have you looked at community work?

P2 always the same people getting that work. Blackfellas are trying to get up off the bottom of the ladder, but we’ll still be on the bottom rung of the ladder the day we die. (men’s crew)

Figure 44: Work for Dole activity sites



One tangible link between activities and employment prospects was the use of activities as a means of identifying people to put forward for jobs that came up. Employment officers or case managers would ask activity supervisors to suggest someone with a good attendance record who might suit. Some supervisors used their personal networks to try to find work for people in their work group or would be approached directly by employers looking for labour. This mechanism for selecting candidates could not necessarily be revealed to participants:

And if they work hard, turn up, show initiative – like they will finish one thing and then ask, ‘So what can I do next?’ Then they might be able to get a job – we will let the [employment officer] know.

Q: Do the participants know that that is what could happen if they work hard?

Sort of.

Q: What does that mean?

Well no-one really says that

Q: Why not?

Because then you would have people saying ‘look, I turned up every day, worked hard and did extra – so where is my job?’ But we can’t guarantee that.

(Male non-Indigenous supervisor)

What is ‘work-like’?

All Work for the Dole activities should be work-like in that they reflect the typical daily work routines and expectation that one would expect to see in any workplace in Australia. This could include set starting times, a reasonable number of hours of activity each day, lunch breaks, meeting with and reporting to Supervisors each day and clear tasks and responsibilities. CDP Guidelines (PM&C 2015c, p.8)

In most workplaces the expectations of employees are driven by external factors: the requirements of the employer to complete certain tasks, to work within a budget and generate a profit; and an industrial relations framework that limits these demands and establishes rules about how labour should be recognised and rewarded. Supervisors and managers refer to the needs of the employing organisation to legitimise their authority over workers. Employer demands are constrained by the rights that workers have by virtue of their employment status. Working for the Dole was different. It was the government that had decided that people must

work for benefits, but it required no output, and nothing flowed from poor productivity. The government demanded participant labour but, unlike the community groups that had once run the CDEP, it had no use for it. Nor were the rights and obligations of those who ‘worked’ for the dole derived from their labour. Instead, they were bureaucratically defined and derived from their need for social assistance. It fell to providers and supervisors to try to make CDP activities ‘work-like’. They did this outside the legal and social frameworks that governed regular employment.

The variability of actual daily attendance militated against setting hard project deadlines or making ambitious plans for CDP outputs. Labour was free, but the cost of equipment and materials could not be recouped from sales. Both participants and supervisors talked about running out of things to do, or not having enough equipment for people to work effectively:

At the moment there is not enough equipment for the construction team. It can be hard to get them moving and working. Sometimes we run out of things to do through the day. I try to look for things to do. We are waiting for the barge for some new equipment. (local Indigenous male supervisor)

∞

I would like to get more places to do. We aren’t busy – people just get bored and walk. (local Indigenous male supervisor, community beautification project)

∞

We can’t paint at the moment – there is no canvas for painting... There is nothing to do, so we sit around tell stories.

Do people get bored?

Yes (women’s activity)

I visited projects with one computer for ten people, two sewing machines for twenty, two whipper-snippers for fifteen.

When there *was* work to do, the question of what it might be reasonable to expect of people ‘in return’ for income support was constantly at issue:

No matter how hard or slow you work here, you get the same thing. You are not going to bust your guts for that. Some people come and sign in and then wander off

and [supervisor] doesn't do anything about it. There are no incentives to do anything here. (Indigenous male participant)

∞

Some people come and do crosswords. I don't expect people to come in here and work all day. (Local Indigenous female supervisor, sewing project)

On a day to day basis, the supervisors were the ones who had to determine what expectations should be set. In one case, while I was talking to a men's outdoor crew, the supervisor took a call from the provider's office to tell him that the shire wanted the crew to do some more clearing:

Supervisor: I said bugger off, we are finishing up here and then the job's done. The shire just wants us to do the shit work. Those council workers don't want to do all that work.

Participant: Yeah, they just want us as slave labour.

Some supervisors attempted to enforce rigid work regimes. One explained to me that he put tea and coffee out early and then removed them at 8am to try to force people to turn up on time. At another site the supervisor tried to enforce restrictions on mobile phone use (Figure 45). But most told me that it was pointless to try to push people around:

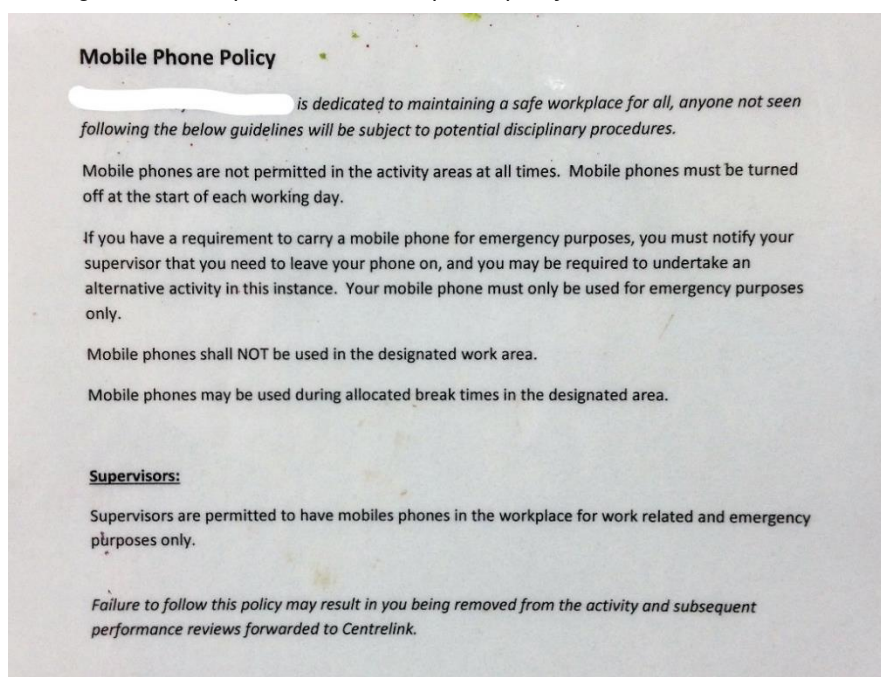
I find that 2 or 3 people will be working, 3 or 4 over there [sitting under the shelter], and then some people will stop, and others will sort of rotate through. At the end of the day most of the work gets done. If you are on their backs all the time, then it doesn't get done. (non-Indigenous female supervisor, mixed gender team)

∞

I don't expect them to work really hard for 'social'¹⁹³. But I tell 'em that if they turn up it keeps my bosses off my backs, and it keeps the social off theirs. If I really bossed them around, then they would resist. (Local Indigenous male supervisor)

¹⁹³ Income support

Figure 45: Example of local mobile phone policy



Posted in women's arts and crafts activity area

The problem of figuring out what 'work like' meant in the context of working for the dole also emerged in thinking about what support or assistance should be offered to participants. I was often told that that participants were supposed to make their own way to the activity site because 'that's what they would have to do in a real job'. But adhering too strictly to this meant practical problems in getting attendance, particularly where other transport options for participants were not available or where weather was extreme. One provider tried to deal with this by attempting to manage perceptions:

[The Community Liaison Officer] picks people up from pick up points. But we make sure they know it is a courtesy, not a right. (non-Indigenous Women's supervisor)

Another supervisor worked around her organisation's rule that there be no pickups because it was not 'work like' by taking her vehicle on a circuitous route through the community, sounding the horn as she passed participants' houses so they could 'happen' to get a lift to the site.

The provision of meals was similarly problematic. Under RJCP providers were not allowed to claim reimbursement from program funds to provide meals for participants. However, many found ways around this – for example by creating an activity that involved some participants preparing food for others. Under CDP, meals came out of providers own fees, but then they also had a bigger stake in people attending. About 35% of 2017 survey respondents reported that they 'normally provide meals for participants in their activities'. But some argued that giving

people food was not ‘work like’ and that participants should either go home for lunch or bring lunch ‘just like at a job’. One organisation allowed participants to use income generated through their activities to buy food for the group. Others provided meals, but charged a fee. Where meals weren’t provided several supervisors told me that they paid for food for their participants from their own pockets. On one women’s project participants would shout each other meals when someone had a few dollars in their pocket.

Policy materials also reflected the problem of determining what was ‘work like’ in the absence of actual employment. For example, CDP guidelines directed that cultural activities could not be considered Work for the Dole and that ‘cultural leave’ should be taken instead. However, ‘activities that support culture’, like ‘language preservation’, were allowed¹⁹⁴. Taking one’s children to school could be included in Work for the Dole, although the logic was strained:

Developing routines conducive to and reflective of work like behaviours, in parents of school age children is integral to a seamless transition into employment. The task of preparing children for their school day and conducting the school drop off is part of this work-like routine. (PM&C 2015c p.11)

The difficulty that both Government officials and providers faced in establishing ‘work-like’ activities reflected the very ‘un-work-like’ conditions under which CDP participants laboured. The government’s power over participants in Work for the Dole was more complete than had they been employees. They could lose access to the income support safety net, not only for failing to attend activities, but for refusing to enter into a job plan or refusing particular types of activities. However, neither government nor providers could influence the level of effort invested or skill applied by participants. Beyond simply turning up, any application of effort required their co-operation. Often some degree of co-operation was forthcoming. But this did not necessarily mean that the government was succeeding in its agenda of reforming the dispositions of participants, or their values in relation to work.

¹⁹⁴ Refer to PM&C, *CDP Guidelines Handbook* September 2015 at p10 and PM&C, *Advice on Managing Leave for Cultural Business*, Ver 3, 20 August 2016.

Work in 'real' jobs

Since the first pilot in 1997, 'mainstream' Work for the Dole had been restricted to working for non-profit or government agencies, in jobs that were not normally performed by paid workers¹⁹⁵. However, this restriction did not apply to remote Work for the Dole projects under CDP¹⁹⁶. The CDP Guidelines allowed participants to be assigned to Work for the Dole projects that were in 'real workplaces' and involved 'real work', including 'doing things that are: done by paid workers; produce goods or services for sale; help deliver government services' (PM&C 2015c pp.27-28). There were restrictions on the ratio of Work for the Dole workers to ordinary employees in a workplace and an initial time limit of six months. Although these placements were not supposed to replace paid employment, employers could advertise for workers or negotiate with providers for particular job seekers. Employers received fees for 'hosting' these placements. Negotiation of host placements with local employers was included in the performance framework for providers (Target 8). The Government encouraged employers to take on Work for the Dole participants so that participants could 'demonstrate their abilities'¹⁹⁷. It included the ability of local businesses to secure Work for the Dole labour as part of its strategy to promote the commercial development of northern Australia (PM & C 2015a, p.109)

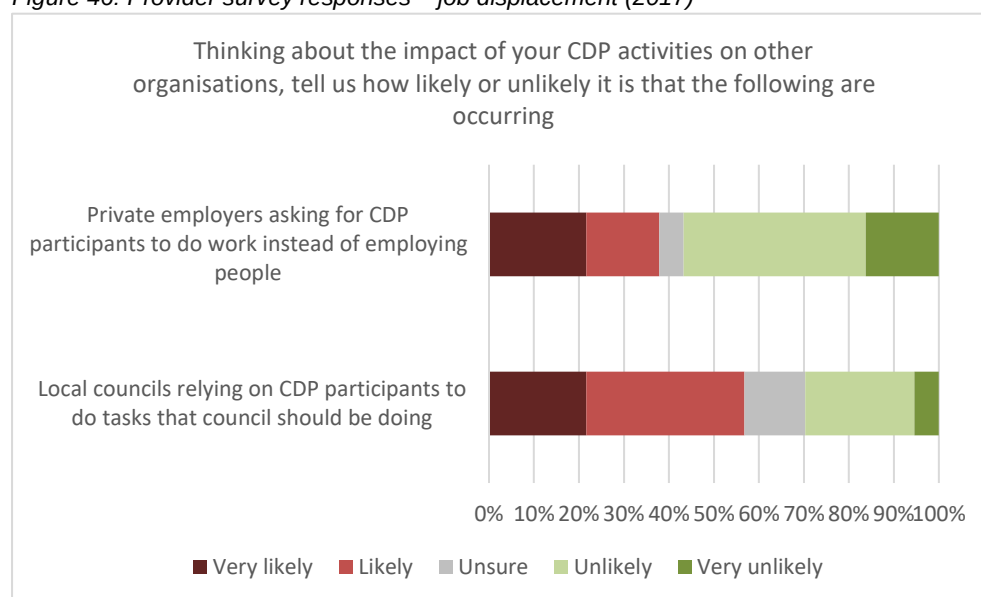
On site visits I observed examples of private employers using and asking to use Work for the Dole participants to do work for them. For example, one construction company doing site clearance asked that participants with chainsaw tickets be assigned to help clear trees from the site. Nearly 40% of surveyed providers reported that it was likely or very likely that private employers were asking for participants in place of paid workers (Figure 46). Fifty seven percent (57%) reported that participants were doing local government work. I was told of some local councils that had reduced their outdoor workforce, relying instead on Work for the Dole crews.

¹⁹⁵ Department of Jobs and Skills, *Work for the Dole Factsheet*, downloaded 2/5/2018 available at www.docs.jobs.gov.au/system/files/doc/other/program_fact_sheet_about_work_for_the_dole_2.pdf

¹⁹⁶ This change was made under the Coalition Government as part of the introduction of CDP from 1 July 2015.

¹⁹⁷ PM&C, CDP Opportunities for Employers, Fact Sheet. Downloaded 2/5/2018. Available at www.pmc.gov.au/sites/default/files/publications/CDP%20employer%20factsheet%2029%20September.pdf

Figure 46: Provider survey responses – job displacement (2017)



N=37

The government sought to recruit employers in its efforts to discipline remote Indigenous labour. But, despite their performance targets, many providers were reluctant to put participants in jobs that were normally paid. One manager told me of having placed a young man in a host placement with the shire. When, after a few weeks, the young man found out that he would not be paid or offered work, he became angry and left. Not only did he leave the placement, but he left income support altogether, and was relying on family for support. PM&C reported that nearly 3,000 CDP participants had been placed in host placements in the first 18 months of CDP, of whom – at that stage – only 3% had subsequently secured paid employment lasting 26 weeks¹⁹⁸.

What is valued: social connections, culture and working in our own place

While government and providers struggled to operationalise ‘work like’ activity, participants had their own views of what was valuable or not about what they were doing.

When asked what they enjoyed most about their activity (in the case of participants) or the job (in the case of local supervisors), it was working with family that was mentioned most often:

Everything that works on the projects is all family. Keeping family together is the way to go. (Men’s supervisor)

¹⁹⁸ Senate Finance and Public Administration Committee Additional Estimates 2016–17. Question Reference 186 (Senator Dodson).

∞

What is the best thing about this activity?

P1: The family members come in and visit, the kids come in and dance, we laugh.

P2: Looking at the kids and talking, instead of looking at the road, the violence. We like each other's company. (Participants, women's activity)

Family or kinship ties underpinned participation and, if not accommodated, could undermine it:

I am the only link between the people here. It took me a while to work it out.

[Former CDEP] split the groups because they couldn't work together.

Why?

Family stuff. They fight. (Local Indigenous men's activities supervisor)

∞

One of the barriers with the ladies is that because of the 5 clans certain people won't come past a certain point in the town – they won't come up here. (Activities Manager)

Who benefited from activities was also important. Some activities were considered valuable because they benefited the whole community – like a community event, or a vegetable farm. Participants strongly supported activities for elders and for schools. But in locations with several communities within a broader locality or with diverse populations, participants often wanted to work for their own people and place:

I have 6–10 at [community], they are doing fencing – it's what they want to do. It's in their own community. The housing company doesn't have the money to fence, and lots of people have dogs. They are fencing their own house, their aunties' houses. It's a lot easier to get engagement in their own place – there is more motivation. (Activity manager)

∞

So what do you think of having to work for your Centrelink money?

... It's OK... [but] we want to work in our own area – to beautify that. [Activity supervisor] can be our mentor with the garden here. (local Indigenous female – currently not participating)

∞

The shire doesn't look after the parks down at the Reserve. [Supervisor] always makes sure that area is looked after. (Local Indigenous male participant)

Rather than 'working for the community' in the abstract, participants tended to value work for particular communities or for kin.

Participants worked 'for' or 'with' particular supervisors. The quality of the relationship between supervisors and participants relied on how much the skills of the supervisor were valued, and their ability to negotiate an effective cultural and/or intercultural relationship with participants:

A lot of us guys, we are very close. We need to get to know the leader, respect the leader. Like this guy [name], he came up from Adelaide. It took us about three weeks to get to know him, then it was good, he was like a father figure to us and he could really teach us about cabinet making. (Indigenous male participant)

At one location (a community with a number of different clans who were often in conflict), rather than describe the choice of activities, male participants were asked which of the three local supervisors they wanted to work with. Many providers consulted senior family members over choice of supervisors, and organised different teams to accommodate preferences about where, and with whom, people might work.

Often, providers employed local Indigenous supervisors (or assistant supervisors) to work with non-Indigenous supervisors or managers. The non-Indigenous workers tended to manage administration and ordering, and sometimes had relevant work experience or qualifications. Indigenous workers might be selected because they were respected or seen as influential, capable of getting people to attend:

[name] only supervises because she is from the top family. She is the aunty or niece to everybody. (Activity manager, mixed gender activity)

These arrangements frequently involved the non-Indigenous worker enjoying more pay and status. As Work for the Dole became more centrally controlled and bureaucratic, authority tended to shift in favour of those with administrative skills, who could understand bureaucratic language and who could navigate complex contract arrangements. This privileging of white workers was not always received well by participants. One group poured scorn on the work skills of their supervisor who was the brother-in-law of the non-Indigenous manager. They told me of an incident where a participant refused a direction because he thought it was unsafe, and the supervisor had shouted at him, calling him a 'black cunt'. Their former supervisor was a local

Indigenous man who (according to the provider) had been fired for inconsistent attendance and poor administration. Participants were angry, and attendance had dropped. On a number of visits participants told me of similar cases where non-Indigenous managers had employed family and friends rather than locals. In several women's activities I came across senior local women who were highly skilled and respected who had been subordinated to non-Indigenous supervisors or managers. I met several long-serving former CDEP supervisors who had ideas for the program, but had become marginalised from decision making:

Do you see [provider] as an Indigenous organisation?

Not really... CDEP was an Indigenous organisation – this sort of took over. [There are] a lot of people with skills that aren't really being used now. (Male Indigenous supervisor)

Activities that took people out onto country, practising or passing on culture were highly valued and well attended. Many participants wanted to do more of that work, and to draw on the knowledge of older members of the community:

It would be good to do some pandanus weaving, making some dilly bags.

Some more cultural activities?

Yes! Even getting food and fishing. We don't have vehicles or boats to do those things. But it is our responsibility to pass those things on to the younger people. We really want to pass on our culture to young ones but they are slacking off. It would be good for people to tell stories about the mission days, what it was like. In those days we did things like this – we did weaving, collecting shells to make into beads, and we collected red berries for necklaces. (Indigenous female participant)

But it was hard to incorporate these activities in Work for the Dole, and this was rarely given priority:

We would like to have more practicing culture, we could go and pick up some of the older women, and the young girls and go down to the river or to the women's centre and talk about our business. Or we could go down the centre and look at the artefacts.

Have you suggested this?

Them mob at the office want these girls to learn sewing, ironing. They think that they are going to do that at home. But they don't have those things at home. They are not

going to save up and buy a sewing machine. Or the gardening... they only do it when they come here. They are not going to do that at home. (Indigenous female supervisor)

∞

We need more room for cultural activity – hunting and gathering. But it's not in the system. We would like to go bush, get buffalo, turtles, dugong, bring it back for the old people. I would like to put that in the program, but I think that we need special license for guns. (Indigenous male participant)

I had been told of providers negotiating job plans that allowed people to participate in ceremonies as a 'mutual obligation' activity under RJCP and JSA. But this was not allowed under CDP:

Initiation can last up to 3 months. We asked PM&C about it, how we can address activity requirements – they said, 'That's for you to negotiate – you are better situated than us because you are out there.' We do include cultural activity in the activities: like bush tucker collection; and growing in the market garden. But we don't stipulate it as such. We don't draw attention to it. (Indigenous Activity Manager)

Some providers made space for cultural activity by making it a 'reward' – for example designating a day each month for hunting, or visiting country – a sort of concession, rather something recognised as important or meaningful in itself.

Whatever its national objectives, local people brought their own sense of purpose to CDP. The value placed on working for and with kin, respect for personal authority rather than a formal position, and the strong desire to 'work at' culture reflected cultural norms and values that – while by no means universally held or nationally consistent – were different from the political rationalities that were embedded in the CDP's architecture. Providers, participants and supervisors navigated competing values systems, with varying degrees of conflict and co-operation. However, despite these site level accommodations, there was a strong sense that the system, as a whole, was deeply unfair.

Disempowerment, unfairness and loss

Every day the men's activities at this site start the same way. The men meet at the compound and are addressed by Activities Manager and Farm Manager – both white men. Every day they are told 'Remember, miss one day, lose one day's pay, miss two days, lose two day's pay, miss three days, you get an 8-week penalty.' Today the

Activities Manager announces that the outdoor crew will be going down to clean up in preparation for a ceremony to mark the bombing of Darwin – an event to be attended by dignitaries from interstate. One man asks: ‘so will we get paid for that? Cleaning up for that ceremony?’

Manager 1: No, it’s not like that...

Participant: Those mob coming over, the Governor General, those people coming for ceremony, they got money, they should pay us for that.

Manager 2: They are coming to recognise your people... to lift [your people] up.

Participant: For this special ceremony we need something, maybe even just a carton of beer.

Manager 1: No, that’s not going to happen. (laughs)

Participant 1:(angry) I am serious about my job – we should get paid for that.

Manager 1: Well, I tell you what, you don’t have to go down there. Problem solved!

Participant 2: Maybe they can give us some more clothes.

Participant 3: We are sick and tired of this.

Participant 1: Yeah, forget it, I am going now.

I see this participant later on, not at his activity. I say to him – you know it’s the government that has made the rules about working for the dole, not the organisation. He knows, he tells me, but he is sick of the managers’ attitudes:

‘It is OK for them, they get \$30-\$40,000 each year but we don’t have enough for food, rent, power.’

The idea that people should be doing some form of organised work in return for payment was usually supported by interviewees. Arguably, CDEP was the first Commonwealth Government program to require some form of welfare conditionality¹⁹⁹. But participants saw Work for the Dole as a different, and inferior program to CDEP:

¹⁹⁹ In theory CDEP had operated on a ‘one in all in’ basis so that in CDEP communities unemployment benefits were not paid. In practice this broke down almost immediately. In 1997 HREOC noted that the program was voluntary (Antonios 1997).

Our people don't like this. Want to work for real money. If they had real money, then more people would be involved. They come and go [from activities] because its Centrelink. I said that to the bosses – when CDEP wages [were there] then everybody was working. Especially Work for the Dole – it look like they lost a bit of their skins. Because they lost CDEP. It's been a long time now. That's what everyone in the community say. (Indigenous Male Supervisor)

∞

Some guys who were on CDEP were heartbroken going off CDEP back to Centrelink. They enjoy[ed] the extra money. But the worst is that you have to go to Centrelink, sign the paper every week. (Indigenous Male supervisor)

The most common complaint about 'activities' was lack of wages. This became more acute with the imposition of daily Work for the Dole under CDP:

So what do you think of work for the dole?

P1: Yeah, it's good. We clean up the town.

P2: I don't mind

P4: I reckon they should put up the social by a couple hundred dollars

What about the move to 25 hours?

P2: I would work every day if they put a couple more dollars on the dole.

P1: Yeah, we do a lot of work that the shire people do. But we only get an extra \$10 per week. [all agree] (Men's crew)

∞

I don't agree with coming here afternoons every day. We should get extra money for that. We have food, rent, electricity, school fees. It is hard for us to do this on Centrelink money. Even just \$200 on Basics Card²⁰⁰. (Women's group)

Those who had participated in CDEP contrasted the experience of getting a wage with working to keep their income support:

²⁰⁰ Card into which benefits were paid for those subject to income management.

People worked for CDEP because they got paid money. This one, they come in because they don't want their pay to get stopped. (Local Indigenous engagement officer)

∞

It was good when there were CDEP wages – people got extra, could earn a good income. If you are working for wages you are looking forward to employment. As I see it working for Centrelink doesn't meet their requirements. By the time you are looking at rent and shopping, there is nothing left. (Male Supervisor)

∞

I think it's terrible, working every day, Monday to Friday for the dole... for \$270 per week just the same money – just \$20 top up now. Seems like there are no jobs around here, they are just making up stuff for us to do. It was better in CDEP. We got paid wages. And CDEP was keeping money in the community. (Male participant)

Work for the Dole was often described by participants as being forced to work for government. One participant, having said that she agreed that people should work for the dole, then said that she didn't believe in people losing Centrelink money when they didn't turn up:

I don't agree with it. It's just government telling us what to do. (Female participant)

When I asked a respected elder in one community why he thought the government wanted people to work for the dole he said he didn't know, but then:

Government looking at us working, thinking, 'We don't want to give them top up pay.' They must be sitting there making fun of us.

Work for the Dole was often contrasted with 'working for our own mob' under CDEP. This was the case even in places where the provider organisation was the same one that had delivered CDEP:

In CDEP days people were everywhere. It's completely different now. The rules are made by government. You can't blame the organisation for that. (Male participant)

Loss of CDEP was seen alongside other changes that had reduced community control like the closure of local CDEP organisations, loss of local community government structures, income management, the NTER and lack of funding for small community bodies. CDP was just the latest change that seemed to have increased the role of white 'bosses' in decisions and reduced local authority:

When CDEP was here people took pride in what they did, took pride in the community. Then the Shire was brought in. They didn't think about how people were going to cope with all the new things in the community. they didn't come out and consult, they just came with their big political talks. I talked to Mal Brough ²⁰¹— I told him 'why are you bringing all these changes without talking to us?'... Governments come here and change things around in their way – non-Indigenous way. But they don't think about how we could blend Indigenous and non-Indigenous ways. (Female participant)

∞

I developed my community. My people listened to me. 'Don't play cards' I tell them. Those women from NT they love playing cards. I told them 'here! you go home and do housekeeping and then, afternoons, you can do that after.' I was the Community Liaison Officer. No whitefellas running the show – only doing the books and the store. That's what everybody wants. (Senior Indigenous man)

Figure 47 Sign in CDP office



²⁰¹ Coalition Minister for Indigenous Affairs who presided over the Northern Territory Emergency Response (NTER)

Idleness and purpose

Work for the Dole was framed as a response to idleness and the ‘pernicious effects’ of reliance on income support (Forrest 2014, p.197). While most participants considered it none of their (or my) business why other people were not attending, most would tell me about why they sometimes stayed away. Some told me that when they were not at activities they were likely to be ‘walking around’ or recovering from drinking:

Sometimes I don’t come, but then next day I will come.

Why don’t you come?

Sometimes I have too much to drink on the weekend. Next day I feel sick. But I will come after that. (Male participant)

More often they would talk about looking after their home and their family:

I missed 2 days last week... and I am already on a warning.

Why did you miss them?

Slept in, cleaning up, helping my mum who is sick.

Who looks after her if you are not there?

My little brother sometimes helps– he is 26 years old.

Is he on Work for the Dole too?

Yes, he has to go to activities, and he has a 2-year-old to look after as well.

At one activity I met a man who had just started activities. I asked him what he had been doing before. He told me that he had been looking after his partner and helping with the children because she had been sick. But they needed the money, so he said to her, ‘You will need to look after them now.’

I asked participants what they would be doing if they weren’t at activities:

They have said that we have to work through the week. We can’t sit down with our own family, or go away for the weekend. We got our own things to do. If I tell them mob I need to go and help my old mum, clean up her place they say ‘No, you have go to this activity.’ I want to do my own thing – clean up round my own place. (Male participant)

∞

What would you be doing if you weren't here?

Probably sitting at home. I love sitting at home, cleaning up, looking after grandkids. I have six grandkids. Some are at school – but when they are sick. Me and my wife, we find it hard to come to work every day. (Male participant)

∞

Hunting, fixing up my outstation. (Male participant)

∞

Helping out family, helping out the community. when I am not there I am like a taxi for the oldies, or disabled people. There are always things to do giving oldies a lift. (Female participant)

∞

What do you think about 5 days per week?

I don't reckon its fair. We are only working for the dole. We should be able to sit at home and do stuff.

What would you be doing?

Family, funerals – cultural stuff. We don't have time to do all these things. We have to manage two different cultures. (Male participant)

Activities like looking after family, culture, home, even earning an income through art work, were crowded out by Work for the Dole²⁰². Participants sometimes valued the work that they were doing in activities, but there were other priorities which needed attention:

I missed a lot of days when I found [the activities] frustrating. I tried to explain that to the case manager, that I wanted to do something different. But they don't do anything. Lately I have had a lot of stress with my [teenage] kids not wanting to go to school. I would rather be at home dealing with that. I don't mind coming here, but I don't want the kids to get out of line. (Male participant)

The same structure that refused to see activities done outside Work for the Dole as valuable or purposeful also got in the way of valued communal activities. In one remote community I was

²⁰² It is worth bearing in mind that 'cleaning up my home' in each of these communities typically meant cleaning up a house that was overcrowded and in poor condition.

told that no one had been doing their activities for weeks because ‘people out here have been working their balls off over the sports carnival’. Had these hours been captured in their job plans and activity diaries, they might have counted towards Work for the Dole. As it was, these participants faced being breached. One provider told me that a participant wanted to count her voluntary activity as a local community housing board member towards her hours. PM&C would not agree because of lack of supervision. Another told me of a member of a church committee who, similarly, was unable to have her voluntary church work counted.

I asked one CDP manager whether the program could be described as community driven. She said:

I would say I work within the system to try to make it community driven. Because it has to be like that, we have to have control – that’s not a good word – we have to *look after* 190 people. We can’t just say ‘go out into the community [and do things]’, we have to have structure, we need to have activities. They can be community based, can be looking after elderly, youth, but we need to have structure around it. We work *within the structure* for community benefit.

Over and over, I was told that people got frustrated when activities that had community support were not done while all the paperwork and the budgets were sorted out:

The difference with CDEP was that we could do things straightaway. People would say ‘let’s fix this’ and then we’d get the gear together and do it. Aboriginal people want to turn up, do the job and then get on to the next thing (Community CEO).

Sometimes people would come to participate in a project in their community but then get sent home or to the providers’ office because, until their job plan was updated and they were formally connected to the activity, their participation did not count. Participants who had been cut off their payments sometimes started attending again, but stayed unpaid because they had not been formally re-connected in the IT system.

Work for the Dole as a tool of reform

Now a breach isn’t there to be mean, a breach is there to create an incentive to actually turn up to an activity and we can put purpose in your life.
(Nigel Scullion, in Browning 2016)

Work for the Dole was an attempt at moral and ethical transformation. In the mainstream program, this transformation was sometimes framed in terms of acquiring new skills and

activities were often individualised. However the disciplinary focus of remote Work for the Dole was more overt, aimed at securing the physical presence of Indigenous participants in order to accustom them to the rigors of Western industrial work. As the Minister himself said, penalties were not ‘meant to be mean’, but punishment was required in order that, eventually, Indigenous people might be ‘given purpose’ by learning to appreciate the value of work. In non-remote areas Work for the Dole was reserved for ‘riskier’ individuals, but, in the CDP it was generally applied, despite its cost. Whole communities required intervention to restore order and to embed ‘social norms’. The task was so great as to require the enlisting of private employers in applying the discipline of working for the dole.

However, as a ‘reforming technology’, Work for the Dole had severe limitations. Once people turned up to their activity (provided ‘the system’ recognised that they had done so), nothing generally turned on what they did. The provider had no right to demand anything other than attendance, and the participant had no right to earn anything other than the dole. The forms of meaning and value that attach to paid work in wider society were absent, as were the structures that legitimise managers’ exercise of power. It was a sham and seen by most participants as such. Despite this, some participants found and created meaning through participating in CDP activities. Sometimes individuals saw value in particular skills, the opportunity to make things for sale or to increase their chance of being put forward for work. But more often, people found value in pursuing connections with others, in improving things for their own families or community and, very occasionally, through learning and passing on culture.

Preference amongst those interviewed for the former CDEP program over CDP reflected both the view that the former was real – rather than sham – employment, and CDEP’s framing as an expression of communitarian values, working for each other, not for government (Deacon 2004). Because CDEP was more devolved and less prescriptive in its delivery, it was also more able to accommodate patterns of work that had evolved from the particular circumstances of remote Indigenous Australia (Rowse 1993, p.283, Jordan 2016, Ch4). CDP involved the assertion, by government, of the right to determine the definition and intensity of work in the name of the market. But it had over-reached. At the local level, rules continued to be negotiated, co-operation was conditional, and many people simply refused to attend.

Chapter 8

Seeing people in the computer

... I can see a lot in the computer. I guess that's my main reference – I can see a lot about them there about how consistent and reliable they are. I was asked by someone to give a reference for a client and I thought 'I don't know them at all'. But then I realised that it was there in the computer. (CDP Case Manager)

∞

In August 2013, at the very beginning of the RJCP and of this research project, I attended a meeting of providers. The meeting had been convened by Jobs Australia to see how the program was going. My 35 double-sided pages of observations and partial transcripts of these two days are scattered with passing references to the IT system. But whereas I wrote detailed notes of what was said in discussions about engaging community leaders, signing up clients, and relations with contract managers, I recorded little of what was said about the IT system. My notes include statements like '11am-11.30am discussion of problems with IT system' and 'group discuss priorities for IT improvements'. The actual content of these discussions seemed too technical; peripheral to my central concerns in understanding the evolving relationships between providers, clients, communities and government. In fact, I was slightly frustrated that so much time was spent by these senior managers talking about details that appeared irrelevant to the broader impact of the program.

When I started visiting RJCP offices my error became clear. One of the most striking features of work on the frontlines of remote employment services was the central place of information technology. In very different regions with different workers and participants, the IT system structured the action. The IT system was essential to understanding how and why providers operated in the way that they did. It shaped interactions between case managers and clients, activities managers and community representatives, providers and government officials. It affected who was recruited to work in organisations and what types of expertise were valued. In conversations with PM&C officials it became clear that, despite frequent references to the diversity and incomparability of regions, the IT system was being used to understand and shape provider behaviour, and to judge program success. The IT system was more than a mere instrument of government policy. It was, to use Henman's term, a 'non-human actor', affecting the practice and development of the program in ways beyond the scope of those anticipated by

its creators (Henman 2010). These effects were, paradoxically, both blindingly obvious and opaque. So integral was the IT system to the way that people worked that while ‘the system’ was frequently discussed, its wider effects on the program were almost never acknowledged. The ‘technical face’ of the system, its capacity to render a messy reality intelligible, obscured its embedded assumptions and the ways in which it shaped social relations.

Throughout this thesis, in its discussion of frontline work and of relations between providers and government, the IT system has emerged as critical to understanding how remote employment services were enacted. This chapter seeks to extend the analysis of the role of the IT system in remote employment services by looking at three operations: (i) assessment of clients; (ii) processing of breaches; and (iii) representation of the targets of policy action. These are not considered as operations in the IT system in isolation, but, following Henman, as ‘arising from the complex interweaving of humans and non-humans...’ (Henman 2010, p.7).

Before moving to these specific IT operations, the chapter gives a brief overview of Henman’s approach to information and communication technologies (ICTs) and then of the IT system that was used in remote employment services.

Technology as a non-human policy actor

Henman argues that ICTs need to be understood as a ‘governing technology’ – a means of translation of policy ideas and aspirations into operations and processes, and a structure through which the field of possible action is seen (Henman 2010). The information processing operations performed by ICTs are not new. Information gathering and processing have been central to the development of the modern state (Scott 1998; Henman 2010; Henman & Marston 2008). But ICTs have transformed the speed and reach of these processes and the complexity of the operations that can be carried out. Connections and calculations that were once impractical are now commonplace. This has allowed the imagining of new ways of governing. Henman shows, for example, how new forms of welfare conditionality have been made possible by the ability to link information held across different policy domains: like linking immunisation records from the health domain to welfare payments, or employment services to income support (Henman 2011; Henman 2010). ICTs have facilitated the collection, compilation and analysis of more, and more finely grained, information about those who access social assistance, allowing the application of new methods of risk assessment, exposing new areas of ‘misbehaviour’; and presenting new possibilities for more targeted intervention and control (Dean 2002; Henman 2011; Henman 2010; Henman & Marston 2008). IT systems have been central to new paternalism’s ‘supervision

[of the poor] within society’ – replacing the physical segregation or institutionalisation of targeted populations with close monitoring and supervision by welfare administrators (Mead 1997, p.9; Henman & Marston 2008; Soss, Fording & Schram 2011b). ICTs change the terrain of policy making, bringing new features of the poor into view, and making new forms of intervention imaginable.

ICTs have also been critical to the implementation of New Public Management (Henman 2010; Homburg 2004). The ability to rapidly generate, capture and manipulate data from dispersed locations has enabled governing to take place through multiple agencies and encouraged the rendering of ‘performance’ into quantitative measures that can be assigned a value (Espeland & Lom 2015; Henman 2010).

ICTs are increasingly flexible in their capabilities and have potential to disperse as well as concentrate power (Henman 2010; Henman 2013). However, they are often used for, and are particularly ‘good at’ certain operations, in particular the collection, aggregation and manipulation of information in databases. These systems reveal the world as ‘informatisable data, structured in specific, discrete, well-defined ways’ (Henman 2010, p.29). This involves decisions about what is to be collected and how it should be structured – what relationships need to be captured and what left out. Walter and Andersen argue that, in the production of Indigenous population statistics, these are likely to reflect and reproduce dominant settler-state narratives:

The quantitative methodologies that guide the collection, analysis and interpretation of data about Indigenous peoples both reflect and constitute, in ways largely invisible to their producers and users, the dominant cultural framework of the nation-state in which they (that is, statistics) operate. (Walter & Andersen 2013, p.9)

It is not inevitable that white cultural assumptions will be embedded in IT systems, just as Walter and Andersen argue that it is not inherent in population statistics that they are incapable of use by First Peoples to advance their agendas. But in the case of IT systems that have been designed by state agencies to facilitate central governing, like the one considered here, the conditions of production and use make it likely these systems will reproduce dominant cultural frameworks, and that these will appear ‘natural’ to their makers and users (Walter & Andersen 2013).

While IT systems have human ‘authors’ and their development may be guided by the policy intentions and ideas of decision makers, once implemented the systems themselves become part of the action – their embedded structures of representation and their business rules have an ongoing effect (Henman 2010). These include constraining future policy choices as, once an

information system is in place, there is often a significant cost involved in changing course (Collingridge & Margetts 1994). The systems themselves have a tendency to limit the imagining of possibilities outside what is already in view. The ways that particular information systems present the world and constrain frontline action become part of ‘how business is done’, obscuring their social and political dimensions.

ICTs have a special significance in the transformation of the possibilities for government action across the vast distances of remote Australia. As discussed in Chapter 2, policies in relation to unemployment assistance in remote Australia have been profoundly shaped by the difficulties in providing services to, or enforcing rules in, remote locations. Remote Area Exemptions and CDEP were, at least in part, practical solutions to the difficulties involved in delivering income support to people in places where government services and communications infrastructure had limited reach. Developments in ICTs make it possible to ‘govern at a distance’ in a literal sense, enabling policy makers to ‘see’ and ‘act on’ things instantly, even though they are thousands of kilometres away. And it is not just one far flung ‘reality’ that is being presented. In order to govern across many distant and diverse communities a common framework of understanding must be applied across them – a process that makes some differences invisible, and highlights others (Espeland & Stevens 2008; Scott 1998).

IT systems used in remote employment services

In the inter-departmental battle over the RJCP, it was DEEWR that won control over the detailed design of employment services (Chapter 3). It was its IT system, ‘ESS’, and the rules and practices that had developed around it that provided the basis for the systems and processes in the RJCP. There was a modified ‘user front end’ and some different system rules, but the underlying structure of the data collected and many core system functions, were already determined by the structure of ESS. When PM&C took over the program it continued to use the ESS system. PM&C relied on the Department of Employment to make system changes. The small scale of the remote program (at around 35,000 job seekers) compared with the mainstream program (at over 750,000) meant that priorities in the latter remained the dominant consideration in development and delivery of the IT systems.

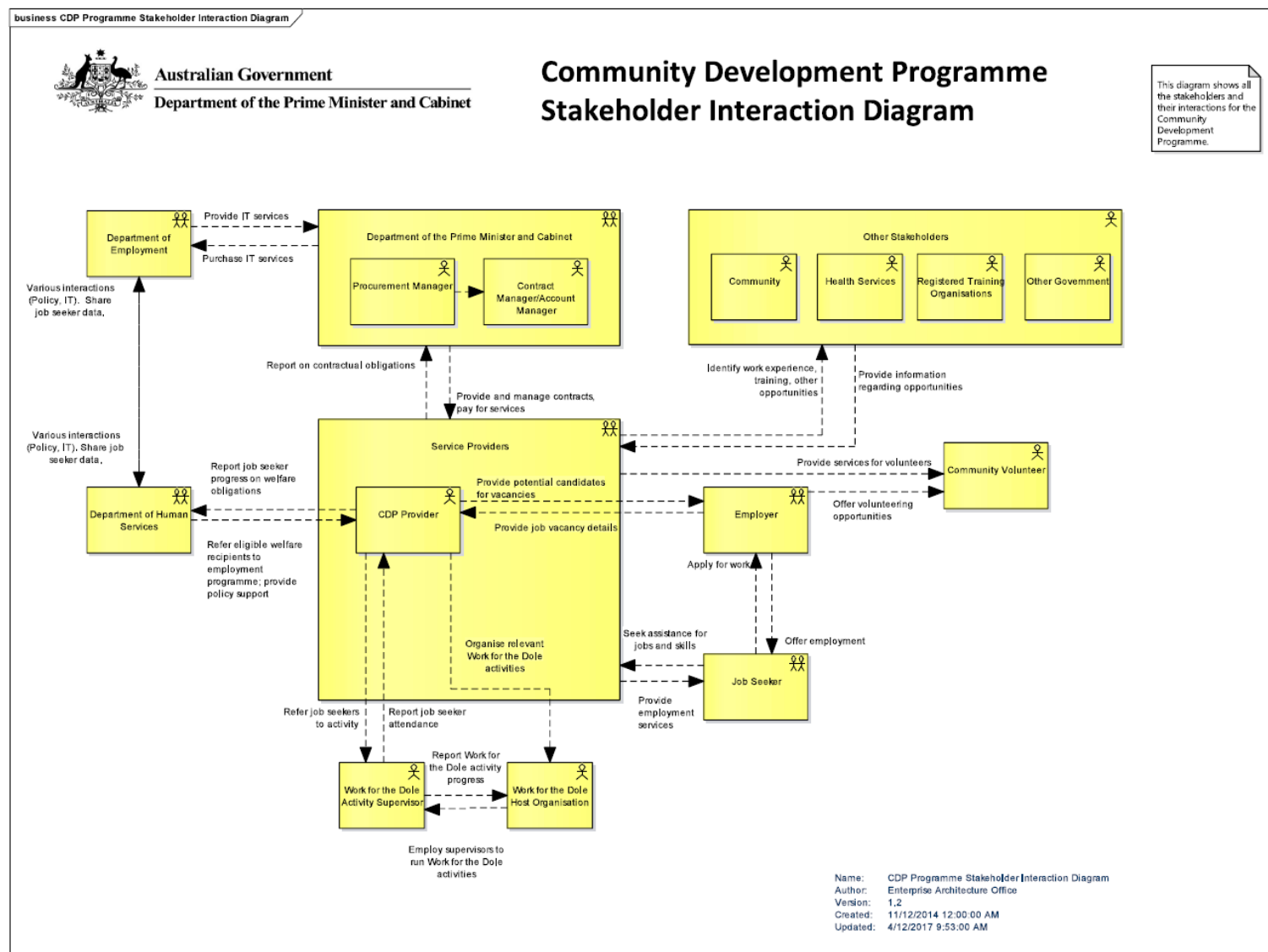
One of the primary functions of the ESS system (and its earlier incarnation, EA3000) was the sharing of information and reporting between the Department of Human Services (DHS, known as Centrelink) and contracted providers (Figure 48). DHS established each individual’s work capacity (and thus their level of mutual obligation), and this assessment was communicated to

providers through client records in the system. DHS made appointments for clients with providers directly through the calendar in ESS. It was through ESS that providers reported job seeker compliance and non-compliance, submitting 'Participation Reports' to DHS so that it could consider penalty action. ESS made it possible for the provision of income support by DHS, and employment services by contracted providers, to become integrated in 'real time'. This made application and enforcement of increasingly intense forms of obligation and surveillance of income support recipients possible (Henman & Marston 2008; Henman 2010).

ESS was also the vehicle through which the Government, in its role as 'purchaser' could manage provider contracts. Specific transactions in the system, like job placements, triggered payments or allowed them to be lodged. Others, like job plans, documented the exercise of legal authority delegated to providers by government. Through ESS, government officials could monitor these transactions, either in aggregate (for example by looking at trends or comparing data at national, regional, provider or site level) or through examination of individual client records. The IT system enabled the government to monitor millions of individual provider (and increasingly client²⁰³) transactions across the country, attaching payments and performance weightings to individual 'events', so that, in its volume and complexity, the employment services system did, indeed, come to resemble a 'market'.

²⁰³ For example, through monitoring job applications made by specific job seekers through the Government's on-line job site.

Figure 48: CDP Stakeholder diagram used in IT process design



In mainstream employment services the IT system has contributed to the increasing routinisation of frontline work (Lewis et al. 2016; Considine et al. 2015). This has occurred directly – for example in 2016, 64% of surveyed frontline workers said that the IT system dictates how they do their job (Lewis et al. 2016, p.23)²⁰⁴. But it has also occurred in response to the heightened risk to provider interests from the government’s use of the IT system to continuously monitor and audit their activities and transactions (Considine et al. 2011). As a result of this increased risk, frontline services have become, according to Considine et al, ‘doubly scripted, once by the regulator and then by the business model of their own company’ (Considine et al. 2015, p.67).

Many of the factors driving routinisation in mainstream employment services were even more pronounced in the remote program (Chapter 6). Burdensome administrative processes were made more time consuming by poor internet connections, power outages and, in some cases, no internet at all. Administrative and computer skills required to manage key processes were harder to come by in remote areas, narrowing the options for providers in recruiting for frontline roles. The counting of transactions associated with administering program obligations dominated financial and measured performance (refer Chapters 4 and 5). In the context of limited ability to offer much beyond a narrow menu of assistance and where standard approaches (like resume preparation) had little value, the job of frontline workers was often reduced to doing what was needed in the IT system. Frontline workers understood that what they ‘did’ in the computer may be scrutinised by government officials, and its high stakes for the organisation and for clients. This meant that ‘the system’, rather than the person sitting in front of them, was the focus of attention. The effects of this routinisation on two critical processes –client assessment and application of penalties – are analysed here.

Assessing client needs and capacity

In a remote community where most residents are Indigenous language speakers, Siobhan, a relatively experienced non-Indigenous case manager is interviewing a woman who has come in with her husband to register for RJCP. Neither of the couple is on income support. They have been surviving on family payments since the husband gave up work to look after his wife, who is unwell, and their four children. They are only here today because their oldest son needs to register for income support in order to take up an apprenticeship. They have been told that they must register as well. I have already seen the son come in twice over the last four days. He and

²⁰⁴ The survey used a 7-point scale, with 1 ‘to a small extent’ and 7 ‘to a large extent’. 25% of respondents marked a 7 (to a large extent), while a combined total of 64% marked between 5 and 7.

the company mentor that has been assigned to him have been ping-ponging between the provider office and the Centrelink agent, trying to sort out his situation. I have watched as they spent 45 minutes waiting on the phone for Centrelink, just to be told to get more information or call another number. But Siobhan is absorbed in her computer and doesn't seem to have made this connection. In any event, in the ESS system, there is no place to record family relationships, let alone bureaucratic frustrations.

Siobhan has told me that one of the ways that she helps is by showing clients what she is doing on the computer so they can learn what is going on. She says to the woman: 'oh so this is an 'initial' – so this will take a while... see there [she points to the screen] that says that you are pending – that's how I know that you will need an initial appointment.' The woman's husband says, 'No, she can't read that.' But Siobhan presses on... 'I see from the screen there that you are full time activity tested. Centrelink are going to want you to work 20 hours per week. So, the first thing I have to do is get you to sign this authority form. It says that we can talk to Centrelink, medical staff, other people about you. So, is it OK to give us permission to talk to those organisations? You can say no...' Once the woman signs the paper Siobhan 'attends' the appointment. She points to the screen and says, 'Ok that success message records your attendance with us. Now I need to make another appointment for you. If you don't attend that your Newstart Allowance will be suspended.' Here the husband interjects again, explaining that she is sick, and he has given up work to look after her. Siobhan asks if she can get a medical certificate, but the woman explains that her doctor is away, and she is not sure when she will be back. She does, however, have an appointment with a specialist who will be coming to the community in a few weeks.

After several more minutes on the computer Siobhan moves on, explaining that she will 'check the JSCI which is an assessment of your situation and whether Centrelink has to talk to you. No', she says, clicking the computer 'see there is nothing there, so I will have to create a new JSCI for you.'

Siobhan starts working through the questions in the Job Seeker Classification Instrument (JSCI) the first of which is 'What have you been doing for the last 3 years.' She has been sick for the last three years. The husband explains, again, that he gave up his job so that he could look after her and the children. The questions continue, and Siobhan asks (reading from screen prompts): 'Would you consider that you speak English well or very well?' She asks this twice, until the husband repeats the question in local language – at which point the client responds: 'very well'. They get to the questions about whether there are any issues that affect her ability to work full

time. The husband again explains that she is too sick to work, and he has taken time off to care for her and make sure their four children get to school each day. While this client clearly has significant health problems, she isn't able to describe these in a way that fits into the system's drop-down menu. They go back and forth and what goes in the system is 'insulin dependence' because diabetes has been mentioned. The client also mentions her failing eyesight and possible internal bleeding, but there doesn't appear to be a menu item for these.

Next Siobhan asks whether she has any children under 6, or between 6 and 15 in the house. The pair explain that they have four children and another adopted son who lives with them sometimes. But Siobhan is distracted by the computer, which has lost some data which she must now re-enter and doesn't ask anything more about the household.

Finally, she gets through the JSCI questions and moves on to the job plan. 'So, what are your goals? Would you say that they are to maintain your health, look after your kids?' She explains to the client, 'Centrelink can read this system, so we need to be careful about language.' Siobhan explains that she must attend monthly appointments, look for suitable work and 'you need to do 20 hours of activities each week, so I will put here that you will get a medical certificate, and you will do work around the house, and get the children to school'²⁰⁵. The husband (somewhat frustrated at this point) says, 'I drive the children to school that's why I left work.' Siobhan does not respond to this and moves on.

The interview continues for more than 45 minutes. Siobhan explains to the woman that the provider can assist with 'any training and equipment you need' and 'encouragement to keep good health'. Finally, she summarises the job plan, blowing it up to large print on the screen: 'Your goal is good health, you have to attend your appointments, your main activity at this stage is getting that medical certificate, and you need to look for suitable work. So, these three things make Centrelink happy. You have to do 20 hours per week – but that will just be getting information for Centrelink at this stage.' She prints out the job plan and points at sections of it, explaining that there is lots of information on the back that she has already explained. She then turns to the husband in order to repeat the whole process to register him. He is understandably reluctant – he had a job, but he gave it up to care for his family – but he eventually agrees for the sake of his son.

²⁰⁵ This interview was conducted under the former RJCP. Under CDP, she would have been immediately referred to 25 hours per week Work for the Dole.

‘Case management’ usually involves ‘assessment’ of a client’s current position and objectives so that some form of plan can be developed. There is a literature on different approaches to assessment and planning within case management relationships, including some which considers the challenges of assessment in an inter-cultural context²⁰⁶. But in remote employment services ‘assessment’ had come to mean the application of the Job Seeker Classification Instrument (JSCI) conducted, wherever possible, by working through a series of questions in the ESS system²⁰⁷. In measuring whether a provider had delivered assistance tailored to a specific client (Target 3), it was to the information recorded through the JSCI (and ESAt²⁰⁸ where relevant) that PM&C’s contract managers looked. Yet in Siobhan’s encounter with her client, her focus on what needed to be done in the computer prevented her seeing what was happening for the client and her family. No one looking at what had been recorded by Siobhan in the system would have had a sense of her client’s level of English, the nature of her family arrangements or her health. Nor would they have been able to see the significance of her husband’s care to her, or her family’s lives. A different worker might have been more attentive or empathetic, but the same questions would have been asked in the same way, and the same transactions completed in the system²⁰⁹. The JSCI structured what types of information were collected and how, what was considered important and what not (Henman 2010, p.30). It was the IT system and the processes embedded in it that required that the complex circumstances of this family’s life be documented in a way that treated each adult family member as an individual, ignoring their attempts to balance the needs of their children with their own; their extended family obligations; their

²⁰⁶ For example: Dingwall and Cairney (2010) Psychological and Cognitive Assessment of Indigenous Australians, *Australian and NZ Journal of Psychiatry*, v44, n1. Watts & Carlson, (2002) Practical strategies for working with indigenous people living in Queensland, Australia, *Occupational Therapy International* v9, n4; Hays, D, (2017).

²⁰⁷ The JSCI could also be printed as a questionnaire for off-line use, but then the data needed to be entered into the system afterwards.

²⁰⁸ Responses to the JSCI might also trigger a second assessment – the Employment Services Assessment (ESAt) conducted by a health or allied health professional employed by DHS.

²⁰⁹ The JSCI Guidelines require that questions be asked in the way that they are written.

poverty; and their struggle to get medical help. Once entered into the IT system however, this information contributed to what was known about the client – it became a form of ‘truth’ that would go on to inform other decisions, including judgments as to whether assistance was sufficiently tailored, her activity obligations sufficiently taxing, and whether, if she missed appointments or activities, penalties should be applied.

The JSCI itself had been developed within a different context and for a different purpose. It arose out of the shift to individualised service delivery. Increasing provider discretion over the allocation of program resources and reliance on incentives had increased the risk that the ‘hardest to place’ would be ‘parked’ by providers while those who could get a job without help received more attention (Considine 2001; OECD 2001). The JSCI was developed as a tool for assessing the relative risk of individuals becoming long term unemployed, so that those who needed it could be assigned to a higher level (or ‘stream’) of assistance²¹⁰ (McDonald, Marston & Buckley 2003, OECD 2012). A JSCI score above a certain threshold or specific question responses automatically triggered referral to an Employment Services Assessment (ESAt) which involved more detailed examination of evidence of health or other issues. The ESAt could lead to reduced obligations; and, in the mainstream system, access to the highest level of program assistance or specialist disability services²¹¹.

The JSCI used individual characteristics to predict unemployment risk. The factors included in the JSCI and their weightings were identified through regression analysis of job outcomes for different groups of employment services clients across the whole job seeker caseload, modified, on occasion, by the ‘expert opinion’ of Department of Employment officials and other ‘stakeholders’ (McDonald, Marston & Buckley 2003). It was a tool informed by statistical analysis designed to enable the identification of ‘risky’ sub-populations, enabled by and embedded in the IT system (Henman 2010; McDonald, Marston & Buckley 2003).

The JSCI was developed for the whole of the job seeker population. When applied to Indigenous people it performed poorly. For example a 2012 DEEWR report noted that remote Indigenous people were under-represented in the highest level of employment assistance (in what was then JSA) which was only accessible via assessment (DEEWR 2012b). The report suggested that

²¹⁰ Department of Employment, Assessments Guideline –Job Seeker Classification Instrument (JSCI) and Employment Services Assessment (ESAt). Version 2.0, 27 March 2017.

²¹¹ Stream C in jobactive or Disability Employment Services.

some contributing factors were lack of access to health and other services which were needed to document conditions for assessors, cultural differences in the identification of ‘disabilities’ and lack of face to face assessments (DEEWR 2012b, pp.31–33).

In 2015 the Department of Employment’s overview of the JSCI explained that an ‘Indigeneity’ factor in the JSCI had been included:

to take into account Indigenous disadvantages not accounted for by other factors in the JSCI that are related to a number of Indigenous specific issues including standards of health, cultural requirements, cross-cultural norms and language first spoken as a child (DoE 2015, p.9).

Similarly, an ‘Indigenous location’ factor was included to recognise disadvantages associated with living in remote communities (DoE 2015, p.9). Indigenous people, especially those living in remote areas, were identified as a ‘risky’ sub-group because of their Indigeneity. Even so, a Department of Employment review in September 2016 found that the JSCI was still failing to accurately reflect the level of Indigenous unemployment disadvantage (ANAO 2017b, p.54). Another re-weighting of the Indigenous factors in the JSCI was recommended.

In theory the weighting attached to factors associated with Indigeneity might have been beneficial because it enabled access to better resourced ‘streams’ of assistance in the mainstream system. But this was not the case in the remote program where no streaming existed. The use of an Indigeneity factor to compensate for failure to capture other relevant characteristics meant that the JSCI was of limited value in identifying those within the group of remote Indigenous clients that were in most need of assistance, let alone helping identify what assistance might be needed. Similarly, it was unlikely to identify those with restricted ability to participate, who might struggle to meet program obligations. Yet it was the basis upon which PM&C chose to make its assessments of client needs so that it could consider whether assistance was tailored. It was used by DHS to identify obstacles to participation, to identify whether work capacity should be reduced, or absences excused.

An examination of the JSCI questionnaire illustrates the extent to which the instrument reflected the culture in which it was constructed, rather than those to which, in the case of CDP, it was being applied. Question 31 in the JSCI asks ‘who lives with you?’ (Figure 49), then, if there are dependent children under 16 in the household, question 32 asks whether the respondent is the main caregiver or whether care is given equally by another person (DoE 2017a). Obligations that extended beyond the immediate household or caring arrangements that might involve others

were not captured, despite their importance in Indigenous communities and effects on employment aspirations and outcomes (Morphy 2016).

Figure 49: JSCI Question about living arrangements

31. Who lives with you?

Select ALL that apply.

☐ Partner/spouse (includes same-sex partner)
☐ Dependent child/children under 16 years of age
☐ Dependent full time student(s)—child/children who is a/are full-time student(s) aged between 16 and 24 years
☐ Parent(s)/guardian(s)
☐ Other family member(s) or relative(s)
☐ Others, not family

If answer includes 'Dependent child/children under 16 years of age' go to Question 32, otherwise go to Question 34.

32. Are you the main caregiver for this child/these children?

☐ Yes
☐ No
☐ Care is shared equally with another person

If answered 'No' go to Question 34.

Question 27 (Figure 50) was designed to capture the effects of housing instability or homelessness on job prospects. But it would not identify those many remote Indigenous Australians who lived in overcrowded or dangerous housing, or who could not sleep at night or get clean. Nor did it say anything about how settled the person was in a place. Were they on or near their country? Did they have obligations there?

Figure 50: JSCI question about housing stability

Living Circumstances

27. Have you been living in secure accommodation, such as rented accommodation or your own home, for the last 12 months or longer?

Note: *Does not necessarily have to be the one place.*

☐ Yes
☐ No
☐ Not sure/don't know

If answered 'Yes' go to Question 29.

Despite well documented cultural differences in definitions of ‘disabilities’ between Indigenous and non-Indigenous Australians (Biddle et al. 2012), the JSCI relied on self-reporting of disability (Figure 51) and, should a referral for further assessment be made, it was expected that the client would be able to argue their case, and back it up with medical documentation²¹².

Figure 51: JSCI – sample of disability questions

23. Do you have any disabilities or medical conditions that affect the TYPE OF WORK you can do? (VOLUNTARY DISCLOSURE QUESTION)

☐ Yes
☐ No
☐ Not sure/don't know
☐ Do not wish to answer

If answered ‘Yes’ or ‘Not sure/don't know’ go to Question 24.

If the job seeker answered ‘Yes’ or ‘Not sure/don't know’ to Question 21 go to Question 24.

Otherwise go to Question 27.

24. Do you think you need additional support to help you at work as a result of your condition(s)?

Note: Includes modifications to the workplace, changes to the job requirements or having someone come in on a regular basis to assist with work duties.

☐ Yes
☐ No
☐ Not sure/don't know

25. How long will your condition(s) affect your ability to work?

Note: DO NOT READ OUT RESPONSES. Select appropriate response based on job seeker's answer.

☐ Less than 3 months
☐ 3 months or more
☐ Not sure/don't know

The JSCI shed little light on the circumstances that might have had an effect on remote Indigenous unemployed people gaining work. It was designed, not as a means of informing a

²¹² The difficulty for remote Indigenous Australians in having health and/or disability assessed by DHS was documented in 2016 in Commonwealth Ombudsman (2016) *Department of Human Services: Accessibility of Disability Support Pension for remote Indigenous Australians* (December 2016), Canberra, ACT (Ombudsman 2016).

case management relationship, but as a population-based tool for identifying risk. Despite this, it was carried across into the architecture of remote employment services. It appears to have been used because it was there – part of the IT and process infrastructure that had grown up around employment services. The JSCI's representation of participants became a form of 'truth', naturalised through its production and representation in the system, and lent weight through its 'scientific' construction (Henman 2010).

Along with its use (misuse) in the identification of individual 'needs', the JSCI supported conclusions about participants as a group. For example the fact that the 'majority of participants had moderate to extreme barriers to employment as measured by the Job Seeker Classification Instrument' was listed by PM&C as a 'cause of joblessness' in remote communities (PM & C 2017e, p.4). Inherent in the construction of the JSCI was the measurement of each individual against the characteristics of those who were most readily employed across the whole unemployed population. In this sense it was of a piece with what Walter has called the '5Ds' that represent the 'statistical Aborigine' in policy discourse: 'disparity, deprivation, disadvantage, dysfunction and difference' (Walter 2016, p.80). Remote Indigenous unemployed people were being assessed, not against specific job opportunities, or in the context of their local labour markets, but against an abstract standard of employability – the 'invisible norm' of the white worker (to paraphrase Moreton-Robinson 2015). By definition, because of their Indigeneity, they were likely to be identified as 'at risk', or a risk to taxpayers. While some factors in the JSCI – like residence in a remote community, or lack of access to a phone – reflected the structural position of remote Indigenous people, once a JSCI score had been produced it was attached to individuals and became a measure of individual deficiency. At the same time, the JSCI was completely inadequate as a reflection of underlying levels of ill health, disability and psychological distress, which meant that many found themselves with obligations that they had no capacity to meet.

It is not clear that a great deal of thought was given to the use of the JSCI in the remote program. It was simply part of the way employment services were run. However, the application of the JSCI allowed the government to make two useful claims: that it was ensuring that services were being tailored to individuals; and that obligations reflected only what people were capable of doing²¹³. It was, in this sense, a useful tool for government. But these claims were ill-founded.

²¹³ See for example Senate. Finance and Public Administration References Committee 2017 Inquiry into CDP (Minority Report) at p.125.

Both the JSCI process itself and the conditions under which it was used meant that it bore little relation to the real obstacles and opportunities of the people it was intended to represent. Yet the way in which the information was produced gave it value to bureaucrats in their attempts to see and to justify what was being done. It was a ritual that showed that individual ‘need’ had been assessed. It was important that it exist, rather than it change individual outcomes.

Taking appropriate compliance action

Providers have flexibility to choose when they report non-compliance and when they use discretion and other strategies to re-engage or positively influence the job seeker’s behaviour. (Australian Government, *Job Seeker Compliance Framework User Guide*, v1.1, effective 24 February 2016)

In order to maximise service fees under the CDP, providers were required to enter each individual’s hours of Work for the Dole attendance in the IT system and, when a person did not attend, make an on-line report of non-compliance (Participation Report) to DHS so that it could decide whether to apply a penalty. Under the relevant legislative framework providers had discretion not to recommend a penalty in particular cases (refer Appendix D for more details on these arrangements). However, uniquely within CDP, failure to do so meant a reduction in service fees. In CDP, as a result, provider discretion to allow absences from Work for the Dole was hardly ever used²¹⁴.

In the month of November 2017 alone, providers entered attendance data from time sheets covering nearly 1.9 million hours of Work for the Dole²¹⁵. DHS advised the Senate that from 1st July 2016 to 31st March 2017 (9 months), CDP providers submitted 431,150 Participation Reports in relation to participants (of whom there were fewer than 34,000) – nearly 50,000 each month²¹⁶. The process of monitoring and reporting attendance was an exercise in managing enormous volumes of data. It was time critical because fees for hours not entered within the month would not be paid. Many providers established dedicated data entry teams to manage this work, often in non-remote areas like Perth or Darwin where internet access was reliable and data entry skills easier to come by. This meant that, not only were the processes leading to application

²¹⁴ Selected administrative data obtained for the period from October 2016-November 2017 shows an average of 1.9% discretionary absences over each reported period.

²¹⁵ PM&C CPL06r report November 2017

²¹⁶ Senate Community Affairs Legislation Committee, Budget Estimates – 1 June 2017, Answer To Question on Notice, Department of Human Service Ref HS 3 (SQ17-000084).

of penalties shared across both providers and DHS, but different parts of the process were managed by different people *within* provider organisations. The process of submitting Participation Reports became more routinised and more removed from those who dealt with clients. Because reporting of non-attendance was now a matter of organisational survival, management scrutiny of those doing this data entry and compliance work increased. Providers received regular updates from PM&C showing what percentage of their Participation Reports had been rejected by DHS (meaning that penalties were not applied) and comparing this rate with others.

The effects of provider organisational responses to the need to manage increased reporting can be illustrated by looking at one organisation's practices in relation to participation reporting. This organisation delivered CDP services to a large caseload, around 95% of whom were Indigenous identified, across nearly 150,000km². To manage reporting and compliance, it established a central unit with 5 staff in a large town in the region which had a relatively high non-Indigenous population. Each day, a time sheet for each Work for the Dole project was generated centrally from the IT system and sent to the relevant activity supervisor. Individual participants were expected to make sure they signed the sheet. Those who could not attend had to call their case manager or supervisor to provide a 'valid excuse' or face a penalty. In two of more than 50 communities and outstations within the service region, local people were employed to chase up those who didn't attend. But the numbers of non-attendees and the difficulty in locating people (combined with the thanklessness of the task) meant that only a small number of people were ever, actually 'chased up'. By mid-morning Work for the Dole supervisors sent signed attendance sheets back to the central unit for processing. The compliance unit entered attendance data into the system and then started to work through the people who had not shown up or provided an excuse, emailing the list to case managers to check that they had not received a call. In the month sampled there were an average of 250 unexplained absences on each day. There were three options available to the compliance staff in dealing with these: submit a Participation Report (PR) to DHS recommending a penalty; determine that a 'reasonable excuse' existed; or exercise discretion to allow the 'invalid' non-attendance. In each case these had to be recorded and/or submitted in the IT system.

Program guidelines required that the provider attempt to contact each participant by phone or email at least once on the same day as their non-attendance in order to determine whether a

reasonable excuse for non-attendance existed²¹⁷. In this, as in most CDP regions, participants were not usually reachable by phone. Some didn't have phones (let alone email addresses). Some areas had no mobile coverage or local phone network. Phones were often shared or out of credit. Staff estimated that one in 20 attempted contacts might get through.

If they determined that a Participation Report should be submitted, the compliance worker had to supply DHS with the information that it needed to consider whether to apply a penalty. The IT system included prompts to elicit information from provider staff assuring DHS that the participant had been advised of their obligations and that any identified client 'vulnerabilities' had been taken into account. In this compliance team, as in many others, none of the workers were locals. They had no contact with most clients except through their follow-up phone calls. They used client records in the system and any 'free text' case notes made by case managers in the system to respond to the system prompts. In order to make the job of processing PRs faster and to minimise administrative rejections by DHS, the workers in this unit created a document with standard responses to the prompt questions that could be cut and pasted into the system

²¹⁸(Figure 52).

DHS, in turn, relied on what they could see in the IT system (including the JSCI and provider notes) and their own conversation with the participant if they could reach them, to determine whether a penalty was appropriate. The DHS Participation Solutions Team, which handled this process, was centralised in a non-CDP area.

²¹⁷ Australian Government, *Job Seeker Compliance Framework Guide*, v1.1, February 2016 pp.6–7.

²¹⁸ Similar strategies were used in other locations visited. Some compliance workers simply cut and paste from previous PRs in the system.

Figure 52: Compliance unit pick list of responses

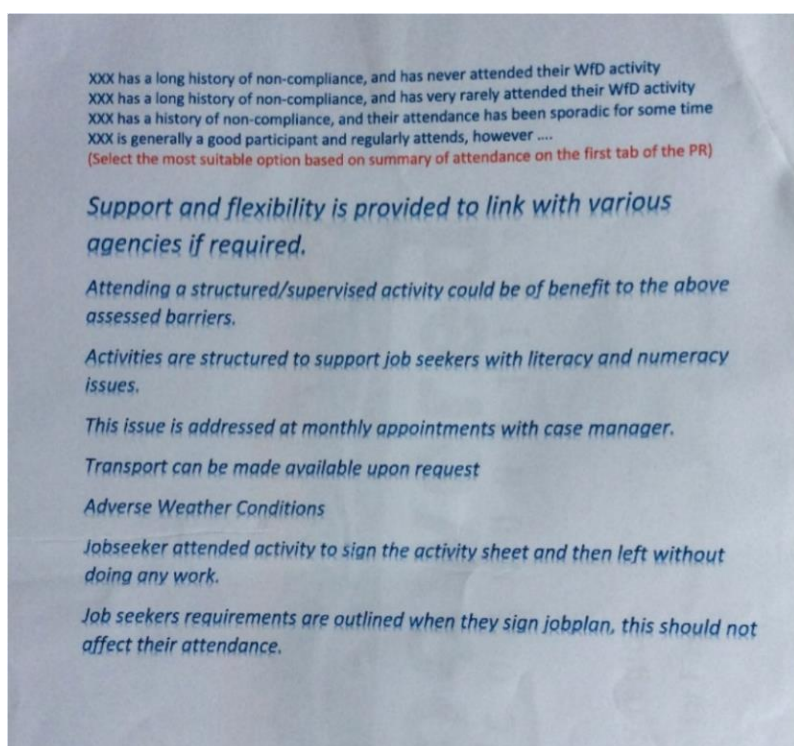
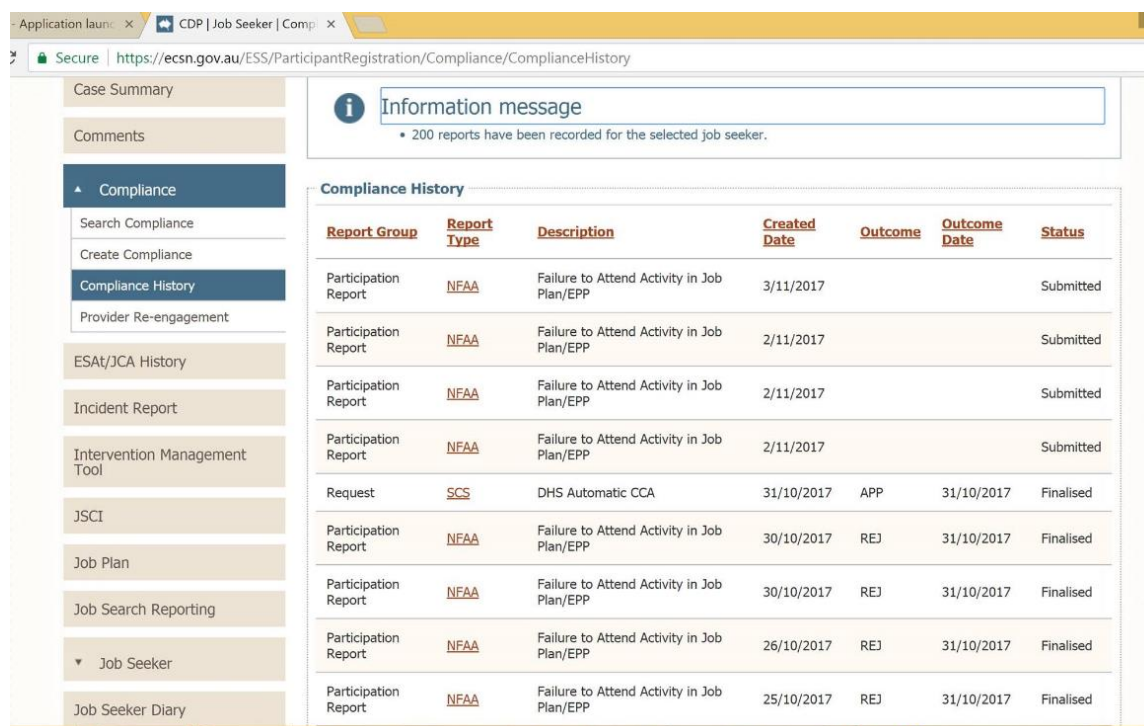


Figure 53 shows the compliance record of a 24-year-old Aboriginal man as represented in ESS – a history that included 200 Participation Reports. This client’s history of non-attendance meant that the staff in the compliance unit were unlikely to spend a lot of time trying to contact him or checking whether a reasonable excuse existed. His address was over 400km from the town where the compliance unit was located so staff had little or no personal knowledge of his community, let alone his individual circumstances. There was a ‘Vulnerability Indicator’ attached to his record because he had received an 8-week penalty within the last 12 months²¹⁹. The system prompted the provider to take this ‘vulnerability’ into account before they recommended a penalty (Figure 55). However, by mid-2017 over 15,000 people in CDP had received at least one 8-week penalty

²¹⁹ A Vulnerability Indicator is a flag applied to a client record by DHS which indicates that a job seeker may have personal circumstances or a diagnosed condition that may affect their ability to meet participation requirements. Providers and DHS are required to take this into account before recommending or applying penalties.

and nearly 70% of these had received two or more²²⁰. To decide not to penalise this group on this basis would have had a significant impact on provider fees²²¹.

Figure 53: Compliance history screen shot



Information message

- 200 reports have been recorded for the selected job seeker.

Report Group	Report Type	Description	Created Date	Outcome	Outcome Date	Status
Participation Report	NFAA	Failure to Attend Activity in Job Plan/EPP	3/11/2017			Submitted
Participation Report	NFAA	Failure to Attend Activity in Job Plan/EPP	2/11/2017			Submitted
Participation Report	NFAA	Failure to Attend Activity in Job Plan/EPP	2/11/2017			Submitted
Participation Report	NFAA	Failure to Attend Activity in Job Plan/EPP	2/11/2017			Submitted
Request	SCS	DHS Automatic CCA	31/10/2017	APP	31/10/2017	Finalised
Participation Report	NFAA	Failure to Attend Activity in Job Plan/EPP	30/10/2017	REJ	31/10/2017	Finalised
Participation Report	NFAA	Failure to Attend Activity in Job Plan/EPP	30/10/2017	REJ	31/10/2017	Finalised
Participation Report	NFAA	Failure to Attend Activity in Job Plan/EPP	26/10/2017	REJ	31/10/2017	Finalised
Participation Report	NFAA	Failure to Attend Activity in Job Plan/EPP	25/10/2017	REJ	31/10/2017	Finalised

Because this participant had received more than three penalties, he had been through Comprehensive Compliance Assessment (CCA), the results of which were recorded in the system (Figure 54). This process was conducted by DHS and was designed to determine whether there were underlying problems that had given rise to non-participation (e.g. mental illness, trauma) that might mean that an option other than a penalty (for example referral to support services) should be pursued (Disney et al. 2010). The CCA report for this client was presented in summary form in the prompt screen (Figure 54), although the full text was also available if the worker chose to check it. In this case it said that he had missed Work for the Dole because he had to help organise his Uncle's funeral.

²²⁰ Senate Finance and Public Administration Legislation Committee, Supplementary Estimates 2017–18, Answers to Questions on Notice No 215, Oct 2017 (Sen Dodson).

²²¹ Providers were paid service fees for those who attended, gave a valid excuse, or those who did not attend where the provider lodged a Participation Report and re-engaged the person within two weeks.

Figure 54: CCA outcome system summary

MR [Name] Age: 24 Referrals: CDP(RFE)-COM

Further information related to the incident can be included here. It will be used by DHS to help determine the outcome of the Participation Report.

Job Seeker Requirements

Assessed Barriers

CCA

1. Mentoring
2. Other pre vocational assistance
3. Recommend a change in activity in same stream
4. Other Support/Engagement
5. Assistance with transport

Tell us how the requirements were reasonable given the current barrier(s) above.

Attending a structured/supervised activity could be of benefit to the above assessed barriers.

Job seeker identified vulnerability(s):

1. Served 8 week NPP in previous 12 months

☐ Job seeker's vulnerability(s) did not impact their ability to comply. ☒ Job seeker's vulnerability(s) could have impacted their ability to comply, but I am submitting a report because

The CCA identified one 'barrier' as follows:

Cultural issues: From time to time needs to attend cultural events and advises he has been away for 2 weeks for his uncle's funeral.

It noted that the client had not identified any other 'barriers'. The CCA assessor recommended that the provider take a series of actions to support the client. These were summarised in five brief points under 'assessed barriers' as shown in Figure 54. The full report included only a little more detail. It said, under 'mentoring', that the client 'may benefit from mentoring assistance to encourage his personal and vocational development through the sharing of knowledge expertise and experience'. Under 'pre-vocational assistance': 'it appears that [client] leaves the community frequently please discuss filling in a leave form each time he needs to leave'. It suggested that a change in activity might be beneficial because of his poor attendance.

In the process of submitting the latest PR for this client the compliance worker at the provider site was prompted to tell DHS 'how the requirements were reasonable given the current barrier(s) above'. The response can be seen in Figure 54: 'Attending a structured/supervised activity could be of benefit to the above assessed barriers.' This response was generic – cut and paste from the site's menu of responses shown at Figure 52.

Further down on the same page the worker was prompted to specifically address the identified vulnerability (Figure 55). Again, a standard response was given: ‘Support and flexibility is given to link with various agencies if required.’

Figure 55: Participation report prompts, second screen shot

It has been argued that one of the effects of technology has been to reduce frontline worker discretion (Bovens & Zouridis 2002)²²². However, in the case of participation reporting the IT system did not replace human discretion, in fact the system prompted workers to consider client vulnerabilities. But the IT system was pivotal in structuring the environment in which these decisions were made in a way that made exercise of discretion in the interests of specific clients less likely. The processes were designed to protect vulnerable clients from unreasonable obligations or from penalties that might do further harm. But these ‘checks’ had become empty rituals, taking place under enormous workload pressure and at a distance from the individuals affected.

²²² A recent example was the automatic issuing by DHS of debt notices in a process that had once required human intervention. See Eltham, (2017) ‘Robo-debt and denial, the protocols of Centrelink’ *New Matilda*, 21 June 2017.

The IT system made it possible for providers to provide real time reporting on job seeker attendance, and for the work of applying penalties to be managed by people in multiple locations, via screens that asked only for what was necessary for the process to move forward. It made it possible for PM&C to conceive of, and implement, a scheme that attached payments to millions of system transactions – which, in turn, had led to providers establishing processing units. The mediation of communications via the IT system narrowed each person's view of what was going on and, in particular, of the client and their context. In this case, the client was an Aboriginal man living in a small town with one of the country's highest suicide rates, who (as could be seen by a worker who had time to look) had had a recent death in the family, who was in the highest risk category for suicide and who had already been reported to Centrelink 200 times. It was possible that someone in the compliance team might have wondered about the possible consequences of applying yet another penalty to this man, but the narrow definition of their role, their workload, their distance from the person affected and their small part in the process that led to penalties made this highly unlikely (Dillard & Ruchala 2005; Adams & Balfour 1998). The IT system facilitated the application of penalties on an extraordinary scale, so that, in the first 3 years of CDP alone, nearly 560,000 penalties had been applied to its participants.

Adams and Balfour coined the term 'administrative evil' to describe actions that inflict pain and suffering on individuals, but are cloaked in expertise or in organisational rules and procedures, so that those who participate may be unaware of the harm that they inflict (Adams & Balfour 1998; Dillard & Ruchala 2005). The fragmentation of roles and responsibilities within and between organisations, and the logic of instrumental rationality allow people to be responsible and effective administrators, while contributing to violation of others (Adams 2011). IT systems facilitate this fragmentation. IT systems tend to represent human beings through abstraction and quantification, enabling those who use them to distance themselves from human consequences of what is apparently 'rational' action (Dillard & Ruchala 2005). The authorising environment may even, according to Adams and Balfour, bring about a moral inversion, whereby the harm being done is seen as in the interests of those affected (Adams 2011; Adams & Balfour 1998). Those involved in recommending breaches in the CDP often justified these actions by reference to the need to 'teach people' to work, but they also knew its importance to their own organisation's survival. Under enormous workload pressure, most 'saw' individuals through what was written about them in the IT system, including – and most importantly – their compliance history. If they had reservations about the effect that penalties would have on those who received them, they drew comfort from the fact that they were only making a report. It was DHS that would make the final decision, and some provider staff hoped that they would reject the

penalties they recommended. But the cumulative effect of the organisational rules, incentives, role specialisation and distancing from those who were affected led to punitive action on a significant scale.

Racial division of welfare surveillance

Henman has argued that ICTs have been critical to the rise of targeted forms of government, based on risk profiles of particular sub-populations (Henman 2010, chap.12). Governments selectively apply particular forms of surveillance and control on the basis of historically based predictions of risk (Henman & Marston 2008; Henman 2010). Long standing social divisions – for example of race – become naturalised and justified through ‘evidence’ without regard to how that evidence is produced (Henman 2010, p.234; Walter & Andersen 2013). More targeted and intensive surveillance generates new data which reproduces and reinforces social divisions (Henman 2010, pp.231–238). In this way, according to Henman, ICTs contribute to the ‘fragmentation of the social’, making it easier to justify use of coercive measures against marginalised sub-populations, and undermining wider community support for social protections (Henman 2010, chap.12). The development of remote employment services is an example of this dynamic of mutually reinforcing tendencies of risk targeted government, welfare surveillance and of long standing constructions of Indigenous deficiency.

The initial benchmark for ‘activities’ under RJCP was greater than that applied to participants in mainstream services at the time, but there was flexibility in the nature of activities to which participants were referred. Only ‘structured activities’ required continuous supervision and keeping of timesheets, and the ability of the ESS system to generate attendance reports for these was limited. Renewed emphasis on Work for the Dole by the incoming Coalition Government brought a new level of investment in Work for the Dole reporting functionality and made it easier to monitor attendance centrally. At the end of 2014 nearly two thirds of RJCP participants were in an ‘approved activity’, but only around a third of these were in a ‘structured activity’ which would enable officials to apply this new functionality to monitoring their attendance (ANAO 2017a, pp.25–26). According to the ANAO, it was PM&C that identified this as a program flaw, and recommended that the Government implement ‘comprehensive full time Work for the Dole’. PM&C justified more onerous Work for the Dole rules by noting:

... that implementing Work for the Dole for only six months of each year would not work in remote communities which often had virtually non-existent labour markets and where there was a need to establish social norms. Consequently, PM&C advised that ‘Only a comprehensive full time Work for the Dole program applied to all

jobseekers will work in remote regions.’ ‘Continuous’ Work for the Dole activities was also considered a key factor in reducing the ‘high level of idleness in communities’.(ANAO 2017a, p.27)

There appears to have been no specific evidence for the Department’s claims that there was a high level of ‘idleness’ in remote communities or that social norms needed to be ‘established’²²³ – although it was undeniable that job opportunities in most of these regions were scarce. It appeared that these understandings of remote Indigenous communities were sufficiently entrenched in the higher reaches of PM&C to be accepted as true. They were part of a ‘discourse of Indigenous pathology’ that had enabled Indigenous poverty ‘to be rationalised as a product of dysfunctional cultural traditions and individual bad behaviour’(Moreton-Robinson 2015, p.161).

The introduction of continuous Work for the Dole in CDP meant that the burden of welfare surveillance that was applied to its participants, of whom 83% were Indigenous, was substantially greater than that applied to their counterparts in jobactive or disability employment services (in which around 90% of participants were non-Indigenous²²⁴). For the first year, participants in jobactive were expected to attend provider appointments and to look for work, but they could only be referred to Work for the Dole after a year, at which time they became subject to an ‘annual activity requirement’. Nearly 80% of jobactive participants left before this obligation arose, while their CDP counterparts had an activity obligation from day one²²⁵. Once in that ‘phase’ of assistance jobactive participants were required to participate in between 200 and 650 hours of activity over a 26-week period – that is, between 15 and 50 hours per fortnight (depending on age and work capacity) for 6 months of the year. Most CDP participants, on the other hand, had to work 25 hours per week, spread over 5 days of the week, for at least 46 weeks in each year – that is, at least 1150 hours per annum (comparison of obligations is at Table 3

²²³ The Department later referred to the Forrest Review as the source of its ‘evidence’ – see Jordan 2014, and Klein (ed) 2014 on the credibility of ‘evidence’ in that review.

²²⁴ Figure for DES at 31 August 2017 from PM&C (2018) Closing the Gap Report accessed 5 April 2018, jobactive September 2017 figures downloaded from Department of Employment’s labour market information portal www.lmip.gov.au accessed 5 April 2018.

²²⁵ Senate Standing Committee on Education and Employment, Additional Budget Estimates 2016–17, QON, Ref EMSQ17-001953

p.125). It was not just the number of hours, but the rigid scheduling of those hours over five days in each week which made the CDP requirements so much more onerous.

Jobactive participants also had more options. The Department of Employment reported that in the year ending 31 August 2017 Work for the Dole accounted for only 26.5% of the approved activities of the approximately 235,000 jobactive participants people who had an ‘annual activity obligation’ in that year²²⁶. Most went into part time work or accredited training instead. Hours in these alternative activities had to be reported, but only on a monthly basis, and often using third party information (e.g. reports from training providers) (DoE 2017b, p.27). It was only Work for the Dole that required daily submission of timesheets under jobactive, but even here, there were no immediate financial consequences for providers who failed to report, nor was their performance judged on this basis²²⁷. In CDP, Work for the Dole, with its more rigorous daily reporting requirements, was the only allowable option for most participants (PM & C 2016b, p.8) and those who had other options in theory often found it was the only option offered in practice²²⁸. The combination of more rigid requirements and provider incentives meant that surveillance of remote participants was far more intensive and far reaching.

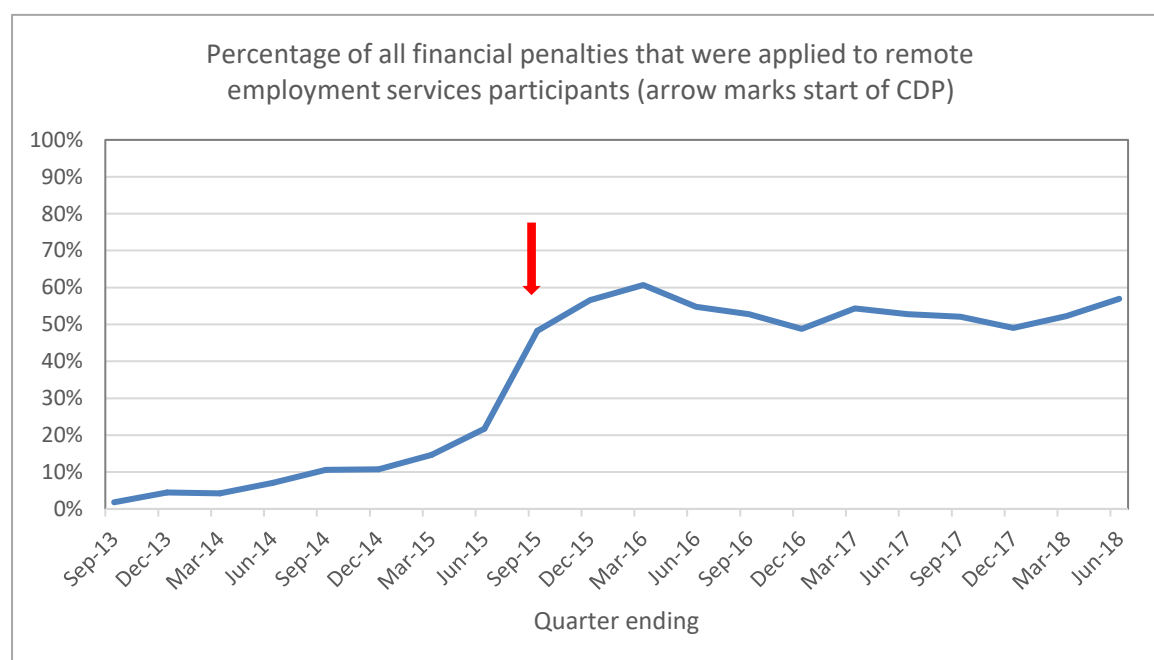
One of the effects of more intensive surveillance and enforcement of participation in CDP can be seen in the rate at which income support penalties were applied to participants (Figure 56). Participants in the remote employment services program made up, at any given time, less than 5% of the total group of people that were subject to income support penalties. Yet from the time that the CDP was introduced (quarter ending September 2015) they averaged over half (53%) of all penalties imposed under social security legislation.

²²⁶ Senate Standing Committee on Education and Employment, Supplementary Budget Estimates 2017–18, QON, Ref EMSQ17-004468

²²⁷ It may have been considered in quality assurance processes, but was not part of star ratings.

²²⁸ For example those aged 50-59 could choose another activity, but supervision and hours requirements often meant that none was available.

Figure 56: Percent of all social security penalties applied to people in RJCP/CDP

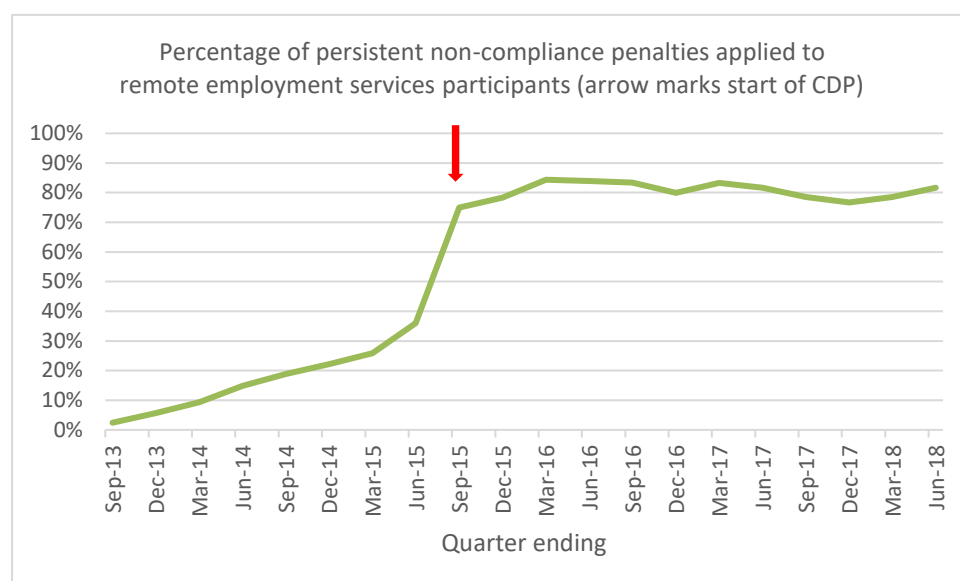


Source: Department of Jobs and Skills, Job seeker compliance data, various dates. Blue line marks CDP.

The comparison rate for application of serious failure penalties for ‘persistent non-compliance’ was even more stark (Figure 57). Participants became subject to these penalties after having been penalised three times in the preceding 6 months (or since the last ‘serious failure’), where DHS had determined that the failures occurred ‘intentionally, recklessly or negligently’²²⁹. Eighty percent of these penalties, which meant up to 8 weeks without income support, were applied to participants in the remote program (Figure 57).

229 Section 42M Social Security (Administration) Act 1999. Refer Appendix D for more detailed explanation.

Figure 57: Percent of persistent non-compliance penalties applied to people in RJCP/CDP



Source: Department of Jobs and Skills, Job seeker compliance data, various dates

Within CDP penalties were more likely to be applied to Indigenous people. While 83% of CDP participants were Indigenous, 90% of penalties were applied to Indigenous people²³⁰. Of 15,127 individuals who had a serious penalty applied to them in the first two years of CDP, 92% (13,964) were Indigenous²³¹. But only 68% of those who were placed into employment lasting 26 weeks or more were Indigenous²³².

Despite mounting concerns over the impact of penalties on remote Indigenous communities, including evidence of falling food sales²³³, and of rental arrears²³⁴, the Minister repeatedly denied that penalties were causing serious harm and instead, claimed that the program was a success:

The rate of job seekers actively participating in the programme has increased from less than 7 per cent in July 2015 to 62 per cent in November 2016 – reversing the failed arrangements of the former RJCP that facilitated passive welfare at the expense

²³⁰ Senate Finance and Public Administration Legislation Committee, Supplementary Estimates 2016–17, Answers to Questions on Notice No 126, December 2016 (Sen McCarthy)

²³¹ Senate Finance and Public Administration Legislation Committee, Supplementary Estimates 2017–18, Answers to Questions on Notice No 215, Oct 2017 (Sen Dodson)

²³² Senate Finance and Public Administration Legislation Committee, Supplementary Estimates 2017–18, Answers to Questions on Notice No 214, Oct 2017 (Sen Dodson)

²³³ Davidson (2016)

²³⁴ Kral, I (2016) in Jordan & Fowkes (2016)

of community engagement. “We estimate the Government provides about \$400 million every quarter in welfare payments to remote communities covered by the CDP. Less than 1 per cent of this is deducted as a result of financial penalties imposed because of non-attendance at CDP work-for-the-dole activities.” (Scullion 2016)

PM&C told the Senate Inquiry into CDP:

Remote job seekers are now standing up and participating, building daily routine and establishing social norms. Many remote job seekers have a renewed sense of pride as they are contributing to their communities. (PM&C 2017d p.7)

However, the foundations for this claim were thin. The principal claim – that participation had leapt from 7% under the RJCP to 70% under CDP²³⁵ – was largely an administrative artefact. The use of the online activity diary to report hours attended had not been mandatory under RJCP, and, as noted, most people were in activities that did not require daily timesheet reporting. For the first six months of CDP providers were paid a guaranteed fee based on 75% attendance to allow for a transition to the new system, including daily reporting. In October 2015, 18% of providers reported that they were not consistently using the on-line diary to report attendance²³⁶. In the last quarter of 2015 more than 24% of hours had no result entered²³⁷. It was unremarkable that, as providers increased the rate at which they reported attendance in the IT system, reports of attendance increased. But this did not mean that a transformation was underway on the ground. Figure 58 shows the percentage of required Work for the Dole hours that were reported as attended or not attended by CDP participants from early 2016 to early 2018. It shows no significant improvement in actual attendance over that time, although ‘valid non-attendance’ rose. On the other hand, penalties for failing to attend Work for the Dole stayed high (Figure 59)²³⁸. People were being penalised over and over again, but it was making very little difference to whether they turned up.

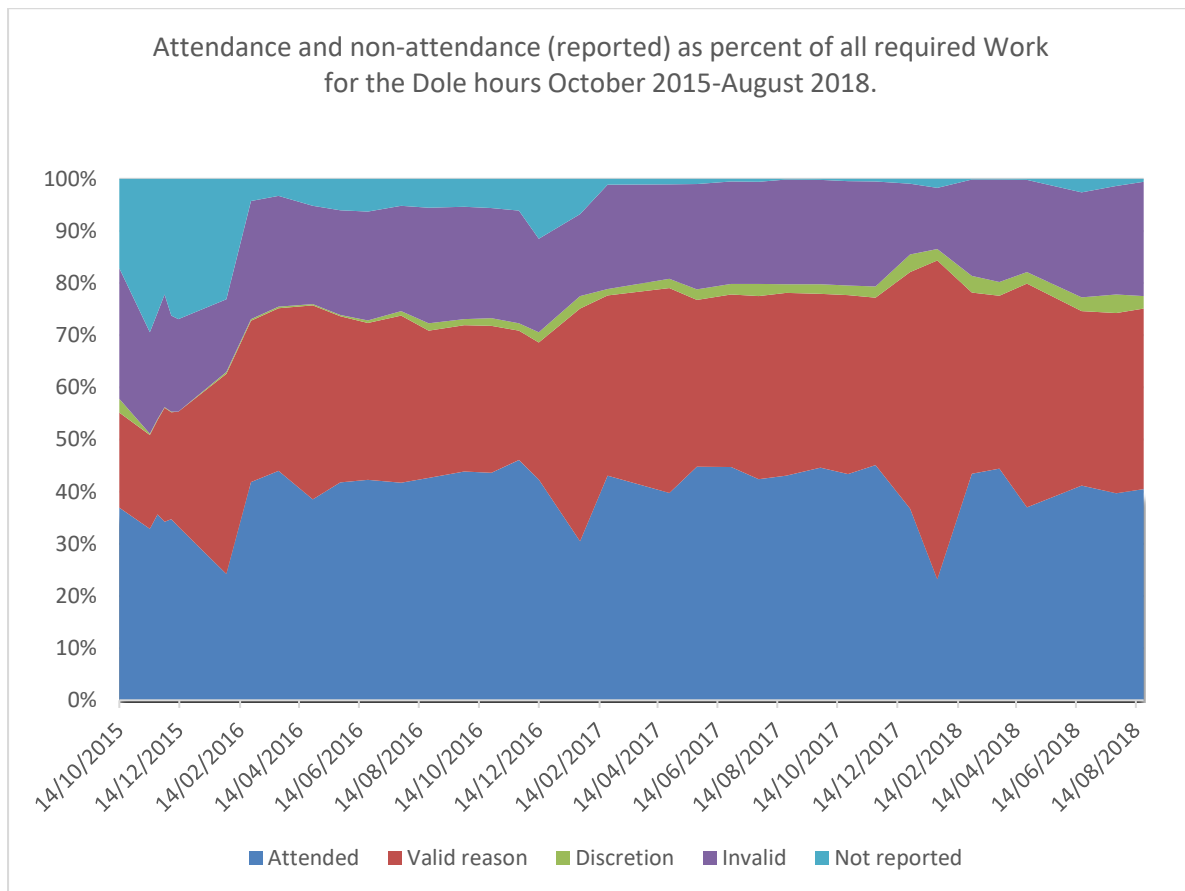
235 Senate Finance and Public Administration References Committee Inquiry into Appropriateness and Effectiveness of the CDP. Transcript of proceedings 8 September 2017 at p.51.

236 NESA JA survey. Of 28 respondents, 5 said that they used the activity diary sometimes or not at all.

237 Estimated from administrative data from beginning October 2015.

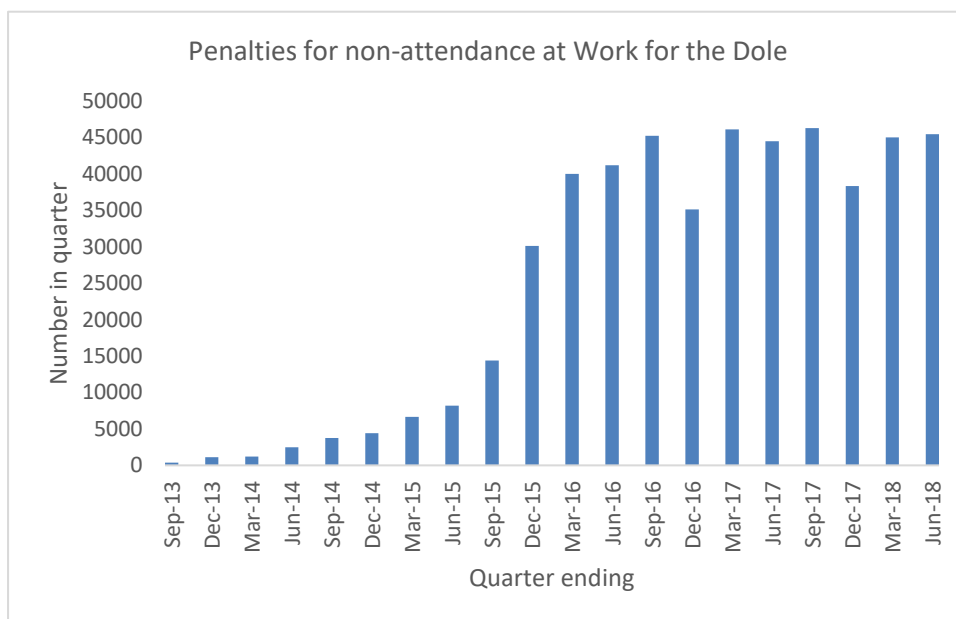
238 However, note different time scales. Data for periods prior to 31 January 2016 was excluded from Figure 56 because ‘no report entered’ (NRE) rate was above 20% of expected hours for this period. The average for reports since then has been under 3%.

Figure 58: Reported attendance and non-attendance



Source: IT system reports CPL06r, various dates

Figure 59: No show no pay penalties for non-attendance at CDP Work for the Dole



Source: Department of Jobs and Skills, Job seeker compliance data, various dates

While Minister Scullion argued that penalties were not harmful and that the program was working well, he also said that more needed to be done to break the cycle of welfare dependency (PM & C 2017a; Chalmers 2017). In early 2016, PM&C said that '[w]hile attendance rates have improved, the pattern of attendance is sporadic and remote job seekers are not receiving the full benefits that the CDP has to offer' (PM & C 2016b, p.6). It explained:

In practice, the three main issues with the current system are that remote job seekers do not immediately feel the impact of non-compliance, there are limited incentives to transition from income support to intermittent work and decision making is not made locally and feels inconsistent and removed from the local context.(PM & C 2016b, p.6)

It was proposed that the Minister for Indigenous Affairs have greater control over the social security rules applying in remote areas and that providers take over the administration of income support penalties from DHS (Haughton 2016). PM&C proposed a 'show pay' system where income support would only be available to those who turned up on a particular day²³⁹. This would have involved a substantial reconfiguration of the income support safety net that applied to remote unemployed people. After the initial failure of its 'CDP2' legislation, PM&C continued to advocate for similar proposals in 2016 and 2017 (PM & C 2016b; PM & C 2017d; Haughton 2016). In each case, it was the complexity of the checks and balances in the income support system, rather than the unfairness of the CDP, that was identified as the cause of extraordinarily high rates of penalties being applied to Indigenous people²⁴⁰.

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The application of more onerous obligations and more rigorous enforcement under CDP was justified on the basis of the lack of labour market opportunity and the dysfunction and idleness

²³⁹ This would only apply to those considered to have work capacity, however mechanisms for identification of disabilities or other obstacles were, as shown, inadequate.

²⁴⁰ In the May 2018 Budget the Government announced that all job seekers should be covered by the same compliance system 'no matter where they live in Australia' (PM&C 2018). In the interim, the Government had amended the overall compliance system to remove provider discretion and to strengthen penalties for those who were 'persistently non-compliant' (of whom, in 2017, over 80% had been in CDP). CDP participants were initially excluded from these rules but the May 2018 Budget announcement proposed to realign the arrangements. The reversal of position in relation to CDP participants appears to have been a desire to achieve savings from DHS that could be directed into new employer subsidies. Legislation to give effect to the May 2018 Budget decision has not passed.

of remote Indigenous people. The employment services IT system allowed decision makers to ‘see’ the activities of remote Indigenous people in ways that had not been possible before. But what was available to be seen was shaped by the cultural assumptions that were embedded in the IT system itself, including through mechanisms like the JSCI. When increased scrutiny revealed non-compliance, even in the face of penalties, an attempt was made to justify further differentiation and diminution of citizenship rights to social security. Non-compliance was ‘read’ in the context of prevailing narratives of Indigenous dysfunction and misbehaviour and served to reinforce these narratives, justifying further exercise of coercive and ‘authoritarian’ power over this group (Moreton-Robinson 2015; Walter 2016; Hindess 2001; Henman 2010). The extraordinary rate of penalties now applying to remote Indigenous income support recipients ensures that their behaviour is the subject of ongoing government ‘reform’ efforts. At the same time it has provided a focus for those arguing for an end to CDP (see Conclusion).

The ‘action’ of the IT system

The selection of an IT system to support the operations of remote employment services was not an exercise in considering what might work in these settings, but a by-product of the contest between DEEWR and FaHCSIA over whose governing technologies should prevail. As discussed here, and throughout the thesis, the IT systems deployed had far reaching effects. They affected who was employed to deliver, which organisations succeeded, relations between clients and case managers, between contract managers and organisations. Some of these effects – for example in the routinisation of employment services work – are evident across employment services. In remote contexts these effects were intensified. Cultural assumptions embedded in system design reinforced the view that Indigenous people were inherently deficient, while eliding factors like kinship, culture and place that were centrally important. Indigenous organisations became enmeshed in the architecture of administrative control of their constituents, forced to establish work processes to manage volume, rather than human relations. At a national level the IT system made Indigenous unemployed people visible to policy makers in a way that they had not been before. Lack of opportunity to work in the ‘real’ labour market was used to justify more onerous, ‘work-like’ obligations in return for income support. When these obligations were applied, the level of non-compliance became clear and the idea that these were ‘dysfunctional’ communities that needed external direction so that they could learn how to work was reinforced. What government officials saw on their computer screens was continuing dysfunction, warranting ongoing central intervention and continuing ‘reform’.

Conclusion

Giving them purpose

You can say what you like – people will not leave their community. If that means that you want to put them into poverty, be that on your head and your government's head. This country, in my view, to move forward, has to accept Aboriginal people and their culture, and decide that it wants to support that and fund it. Otherwise we're forever going to be having this assimilation discussion: 'You need to be like us.' Clearly, we aren't. We all live in this country; we all understand that. However, we need to accept Aboriginal culture and what goes with that. Yes, we need to start to move forward and create economies, but on our terms with our cultural framework intact.

Marty Sibisado (Baard and Ngarluma) in evidence to Senate Inquiry into CDP.
Transcript of proceedings 23 August 2017, p.63

Remote employment services and the ethical transformation of Indigenous peoples

The decision to establish a new remote employment program arose from the desire to abolish CDEP, thereby exposing remote Indigenous people more fully to the discipline of the market. In practice CDEP had often facilitated labour market participation (Jordan 2016), but its commodifying effects were suspect. Within CDEP the organisation of work was not determined by market pressures or by employers, but by a blend of surviving traditions, government requirements and the daily 'working out' of industrial practices within locally run organisations (Jordan 2016, chap.4; Rowse 2001b). CDEP also recognised a more fundamental refusal of subordination to the market – the unwillingness of Indigenous people to leave their country for work. By 2011, after years of government attempts to reshape CDEP along market lines, key figures on both sides of politics had come to the conclusion that remote Indigenous people would not submit to the market until CDEP and its organisational culture had been dismantled.

While the decision to review remote employment services was politically expedient, it carved out a particular group of unemployed people for policy attention. In the transformation of public employment services that occurred from the 1990s, the specific circumstances of remote Australia were largely ignored. For the most part the market produced willing providers and if these failed to deliver the narrowly defined outcomes that were demanded, replacements could be found. If job outcomes were low, and predictive tools inaccurate, this population – which

accounted for less than 5% of the unemployed – made little difference to the system's performance at an aggregate level. The 2011-2 review of remote employment services placed the small sub-population of remote unemployed people – more than 80% of whom were Indigenous – at the centre of policy analysis and, in doing so, altered the nature of the discussion. The assumption in the broader program that the market would, over the long run, deliver sufficient employment for those who sought it was implausible here. The 'different' character of this population was visible. During the review process some suggested that the program might need to depart from the 'hassle and help' approach that characterised Job Network and JSA. But this proved unacceptable within bureaucratic cultures in which market mechanisms triumphed over other forms of 'truth'. In the design of what was to become the RJCP, as one official said, 'the usual assumptions kicked in.'

The initial design of the RJCP drew on the logics and techniques of mainstream employment services under Labor, deploying a mix of tutelary, pastoral and disciplinary power in the effort to make people more 'employable'. In RJCP, as under the mainstream program (then JSA), individuals were expected to improve themselves under the guidance of case managers. Pressure on the unemployed was maintained through appointments and mandatory activities ostensibly aimed at improving employment prospects. Obligations in remote communities were intended to be more intensive than those under JSA because the government had identified a greater need, in these places, to 'build community norms'. CDEP would no longer be available as a non-market alternative to employment – no matter how unrewarding or limited market opportunities were. Labor offset the abolition of CDEP with increased public investment in projects to generate jobs, for example in housing, and through allocation of development funds through the CDF. Potential opposition from Indigenous organisations to the abolition of CDEP was managed through their incorporation in the new arrangements. Like their unemployed clients, Indigenous organisations were expected to participate in 'capacity building' activities to improve their ability to operate as providers in the market – in this case the quasi-market for employment services constructed by government itself.

The Coalition Government's CDP changes were more stridently paternalist and coercive. Scullion claimed that Labor's individualised approach had led to a return to 'passive welfare'. Rather than rely on case managers and unemployed individuals to develop plans for individual improvement, the Coalition opted for uniform application of 'continuous' Work for the Dole. Training was wound back. The CDP sought to direct the physical presence of the unemployed, forcing them to labour so that, eventually, they might become habituated to work (Valverde

1996). The program logic for CDP showed the transformation of remote Indigenous people as proceeding from enforced behavioural change to attitudinal change and then, in the long run, to a state in which ‘children are going to school, adults are working and communities are safe’ (Figure 10 p.140). The government sought to mobilise employers in this disciplinary effort by allowing them to access free Work for the Dole labour. Funds that had been set aside for community development were allocated instead to development of Indigenous businesses (Scullion 2014).

Just as the Coalition’s approach emphasised direct discipline of participants rather than tutelage or pastoral care, it moved from using ‘capacity building’ to encourage Indigenous organisations to adopt preferred practices, to structuring contracts in a way that penalised organisations which failed to discipline the unemployed. Provider autonomy was curtailed both formally, through contracting arrangements which heightened organisational risk; and indirectly through crowding out other activities. The Government was emboldened by the apparent ease of making and monitoring program change. It embarked on a course of continual adjustment of performance targets to ‘steer’ providers towards a ‘more perfect’ result. The Minister continually spoke of (but did not always achieve) ongoing program ‘reforms’. As it witnessed providers responding to its directions, the government congratulated itself on ‘a resounding success that has exceeded our expectations’ (in Michael 2018). The government had largely succeeded in annexing the operations of Indigenous organisations to its own, although they were, at best, ambivalent conscripts.

The government measured its successes by counting transactions in its computer system. However, the daily practices of remote employment services, both in case management and in Work for the Dole, suggested that the program was failing as a means of re-shaping the subjectivities and behaviours of the remote Indigenous unemployed. Case management was reduced to rituals of attendance and of making people ‘job ready’, even where there were few jobs available. And while some people turned up for Work for the Dole each day, they did so for their own reasons. After nearly three years of daily work expectations and rigorous application of penalties, actual attendance in Work for the Dole stagnated, while the number of people enrolled in the program declined. CDP found few supporters amongst those who made submissions to or appeared before a 2017 Senate Inquiry into its workings (Senate Finance and Public Administration References Committee, 2017). Allegations that CDP violated international and domestic laws against racial discrimination continued (UN Special Rapporteur, 2017, Human Rights Law Centre, 2017). The program was also vulnerable because of its cost. The ANAO

reported that \$1.6b was allocated in the four years from 2014/15 to 2017/18 to the CDP (ANAO 2017a, p.21). It estimated that the administration costs of the program were \$10,494 per job seeker, more than twice the cost of the RJCP and five times the cost of its mainstream counterpart – jobactive (ANAO 2017a, p.41)²⁴¹.

The Government's response to these criticisms was to assert the program's success and to promise ongoing reform. But the problems with remote employment provision were more fundamental. The disciplinary technologies of contemporary 'workfare' operate in concert with labour market discipline and the willingness of the unemployed to discipline themselves. In remote Australia demand for labour is limited and sporadic. As was the case 230 years ago, it is land rather than labour that offers the most lucrative opportunities for exploitation. Nor are many Indigenous people willing to accept the pre-eminence of market values over their own life projects, their attachments to culture, land and kin.

Freedom, market participation and the ethical citizen

Market participation has a central place in liberal governmentality. It is through participation in the market that individuals are expected to develop and demonstrate their capacity to function as citizens:

... the market is... seen as promoting the capacity for autonomous, self-directing activity – first, by encouraging individuals to calculate the costs and benefits of their own decisions and thereby... fostering the cultivation of prudential virtues, and secondly, by undermining relations of dependence and subservience.(Hindess 2001, p.99)

In considering how Western imperial powers should govern subject peoples, lack of market participation has been seen as evidence of incivility – the lack of the qualities of a free citizen (Hindess 2001). In these cases, liberal rule accommodated – even required – authoritarian modes of governing. John Stuart Mill argued that:

Despotism is a legitimate mode of government in dealing with barbarians, provided the end be their improvement. JS Mill [1859], cited in Valverde (1996, p.360)

²⁴¹ For comparison, the annualised base rate of Newstart Allowance at April 2018 was \$14,190.80 for a single person with no children and \$12,812.80 for a partnered person without children.

Even slavery might be justified as a means of 'giving a commencement to industrial life' (JS Mill in Hindess 2001, p.105).

In Mill's analysis the 'dependence and subservience' of the bonded servant, the beggar or housewife was contrasted with the freedom of 'wage-labourers' who demonstrated their capacity for independence by selling their labour (Hindess 2001). The servants and beggars of Mill's era have their contemporary counterparts in those now described as 'dependent on welfare' (Fraser & Gordon 1994; Hindess 2001). For paternalists like Mead, their failure to participate in the labour market is evidence of a failure of capacity, warranting the assertion of the state's right to make decisions on their behalf (Mead 1997; Hindess 2001). New paternalist policies use joblessness to justify government control and surveillance of daily activities until people prove, through working, that they are capable of acting in their own interests and those of society. As Mead puts it: '[t]hose who would be free must first be bound' (Mead 1997, p.23). But this 'freedom' of the ethical worker-citizen is highly constrained. 'Free' wage labourers must subordinate themselves to an employer in order to survive. It is a status framed and valorised as 'independent', even while it involves 'dependence' in fact (Fraser & Gordon 1994). 'Freedom' in the liberal state also requires control of oneself, in this case, the internalisation of the obligation to work (Valverde 1996). The task of contemporary labour market programs involves, therefore, both the use of strategies to increase exposure of the unemployed to the external disciplines of the market, and the transformation of their subjectivities so that they come to accept the central value and importance of work (Dean 1998; Peck & Theodore 2000).

The work ethic and governing of Australian Indigenous peoples

[Our] sovereignty is a spiritual notion: the ancestral tie between the land, or 'mother nature', and the Aboriginal and Torres Strait Islander peoples who were born therefrom, remain attached thereto, and must one day return thither to be united with our ancestors. This link is the basis of the ownership of the soil, or better, of sovereignty. It has never been ceded or extinguished, and co-exists with the sovereignty of the Crown.

How could it be otherwise? That peoples possessed a land for sixty millennia and this sacred link disappears from world history in merely the last two hundred years?

From *Uluru Statement from the Heart*, 2017 First Nations National Constitutional Convention.²⁴²

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Every Australian has the right to choose where they live, but not to disregard the law of the land or accepted social norms wherever they live. The accepted social norms for families and communities all across Australia are that children go to school, adults go to work or are meaningfully engaged, and residents feel safe and secure in their homes and neighbourhoods. (Forrest 2014, p.192)

In 1905, Weber argued that the rationalities of the modern economic order so determined the lives of those born into it that it had become an ‘iron cage’ (Weber 2005, p.123). When neither religion nor economic necessity provided a rational foundation for labour, he argued, ‘the individual generally abandons the attempt to justify it at all’ (Weber 2005, p.124). Weber’s famous account of the development of the capitalist ethic is a reminder that the moral obligation to pursue employment or profit is a creature of culture, of history and of economic power relations. While naturalised, it is not natural. Instead, as Weber said, ‘the idea of duty in one’s calling prowls about in our lives like the ghost of dead religious beliefs’ (Weber 2005, p.124). In the context of increasing job precarity and diminishing returns to labour, particularly for the low skilled, attachment to the ‘work ethic’ has become increasingly implausible – a ‘ghost’ of earlier eras (Standing 2016; Weeks 2011). As Weeks says, ‘[w]hat is perplexing is less the acceptance of the present reality that one must work to live than the willingness to live for work’ (Weeks 2011, p.2). Yet, as she says, it persists.

In the political narratives of remote employment services the ethics of work and industry are framed as post-racial, accepted by ‘strong sober leaders’ with ‘cultural authority’ in remote Indigenous communities (Forrest 2014, chap.8). The *Prime Minister’s Closing the Gap Report* linked paid employment to health, wellbeing and to good parenting:

Being employed improves the health, living standards and the social and emotional well being of individuals, families and communities. Employment not only brings

²⁴² Statement from meeting of over 250 Indigenous delegates to the first First Nations Constitutional Convention, Uluru, 26 May 2017. Available at www.referendumcouncil.org.au/event/uluru-statement-from-the-heart

financial independence and choice, it also contributes to self-esteem. Growing up in a household where one or both parents are employed gives children strong role models to shape their own aspirations.

(PM&C 2016c, p.24)

Neoliberalism and new paternalism converge in the framing of work as the ‘most basic civic obligation and the root of a well-ordered life’ (Soss, Fording & Schram 2011a, p.27). In non-remote Australia the focus of policy action for those who fail in this duty is the jobless individual, with more intrusive interventions reserved for the long-term unemployed and those whose characteristics (including Indigeneity) mark them as ‘risky’. But in remote communities, where there are not enough jobs to go around, the ‘pernicious effects’ of welfare dependence are seen to have infected whole communities (Forrest 2014 p.197, Tudge 2014). Continuous supervised activity and strict discipline in remote Indigenous communities have been justified, not so much because they might lead to work, but because of the need to establish social order, an ‘order’ that must be evidenced through patterns of attendance and ‘work like’ activity modelled on those of the European industrial age. A regime in which ‘children go to school and adults to work’, even if little is learned or produced, and if the resemblance of these performances to labour practices across the economy is increasingly faint.

The justificatory narratives of the work ethic ignore its cultural specificity, the ways in which it has been deployed in race relations, and the ongoing importance of race and geography in lived labour market experience. The ability or willingness of Indigenous people to work ‘like white people’ has shaped Australia’s history. The claim that Indigenous people had failed to ‘work’ the land was used to legitimise dispossession. Aboriginal people’s resistance to the ‘meaningless toil’²⁴³ of European workers and the limited need for their labour meant that they were not proletarianised (Lloyd 2010; Castle & Hagan 1998). Wherever possible, Aboriginal people chose work arrangements that provided some access to European goods, while not making ‘comprehensive claims on people’s time’ or ability to move across their traditional lands (Rowse 1998; Reynolds 1996; Lloyd 2012). Where the need for Indigenous labour was more acute, for example in the north of Queensland and the Kimberley, legislation described as being for the ‘protection’ of Indigenous people facilitated forced labour and the theft of wages (Kidd 2012; Gray 2007).

²⁴³ Griffith 1849 p131 cited in Reynolds 1996, p.131.

In the first half of the twentieth century, at a time when most Indigenous people were excluded from the ordinary rights of employees, white male workers used the idea of the ‘work ethic’ and the ‘dignity of labour’ to advance claims for industrial and social protections, including protection from unemployment. White superiority and racial purity sat alongside social security, trade protectionism and wage arbitration as critical underpinnings of the ‘egalitarianism’ of the Australian ‘settlement’ (Stokes 2004). Social mobility shored up the political legitimacy of the work ethic during the long post-War boom (Weeks 2011). It was a period when, in Australia:

... incomes rose faster on the factory floor than in the corner office. Home ownership increased and car ownership came within reach of everyday families.
(Leigh 2014)

Legal and moral arguments for Aboriginal wage equality, as in the 1966 NT pastoral workers’ case, relied on assertions of the capacity of Aboriginal people to adopt a European work ethic – to work like white men. But the formal inclusion of Indigenous people in the ‘wage-earner welfare state’ coincided with the end of the post-War boom and shedding of labour in the pastoral industry. The lack of a market into which those in remote areas might sell their labour led to the establishment of the CDEP. Even though many thousands were employed through the CDEP scheme, often performing the same tasks of those in regular waged work elsewhere, the conditions of their work only partly resembled those of the wider working class. Over a period when full-time work was the norm, most CDEP workers worked part-time. Their access to the wider benefits of work – like payments for skill and, later, superannuation – were restricted. For all its popularity and its many successes, CDEP also allowed the continuation of underinvestment in remote communities and the undervaluing of Indigenous labour. Government neglect and economic marginalisation were a price paid for a level of Indigenous control over local working arrangements.

Outside CDEP, labour market participation of remote Indigenous people has been consistently low, particularly in remote areas (Hunter 2004; Biddle et al. 2008). In 2011, not long before the establishment of the RJCP, only 28% of Indigenous people in remote Australia reported that they were employed (excluding CDEP employment), compared with 82% of non-Indigenous people in those areas (Gray & Hunter 2013). By 2016, following the abolition of CDEP, Indigenous employment rates had declined even further (Venn & Biddle 2018).

Having been systematically excluded from the benefits of employment until the 1970s, Indigenous people secured entry at a time when the material rewards to those who worked,

particularly at the unskilled end of the labour market, were in decline. Indigenous people continue to earn substantially less on an hourly basis than non-Indigenous people, to change jobs more often and to spend more time unemployed (Howlett et al. 2016). Even if the attractions of employment were more compelling, PM&C itself has acknowledged that:

Even if all jobs in remote communities were filled by job seekers there would be a significant labour over supply. (PM & C 2016b, p.3)

If the work ethic of the industrial age is increasingly implausible across the wider Australian post-industrial labour market, it is even less so in places where it has been used historically to deny or denigrate Indigenous people, and where work itself has often offered relatively little by way of material or psychological reward. And while the demand for access to employment has been made consistently and forcefully by Indigenous leaders over many decades, this has not necessarily meant widespread acceptance of the moral priority of market employment over other life projects, or the constraints on autonomy that Western work practices imply (McRae-Williams 2008; Peterson 2005; Peterson 2010; Jordan 2016; Jordan 2011). Even Noel Pearson, whose descriptions of ‘passive welfare’ and ‘social dysfunction’ have been used by successive governments to justify paternalist interventions, has argued that in communities like his own in Cape York, the settler-state government lacks the moral authority to enforce its norms:

I doubt that governments can successfully impose reciprocity in a unilateral way... [F]or reciprocity to succeed – it must be defined and imposed by the Aboriginal people of Cape York Peninsula and their leaders... Government must allow this flexibility and we should see our objective as being aimed at restoring our traditional values of reciprocity – rather than imposing alien white fella values. White fella protestants did not and do not have a monopoly on reciprocity. (Pearson 2000a, p.87)

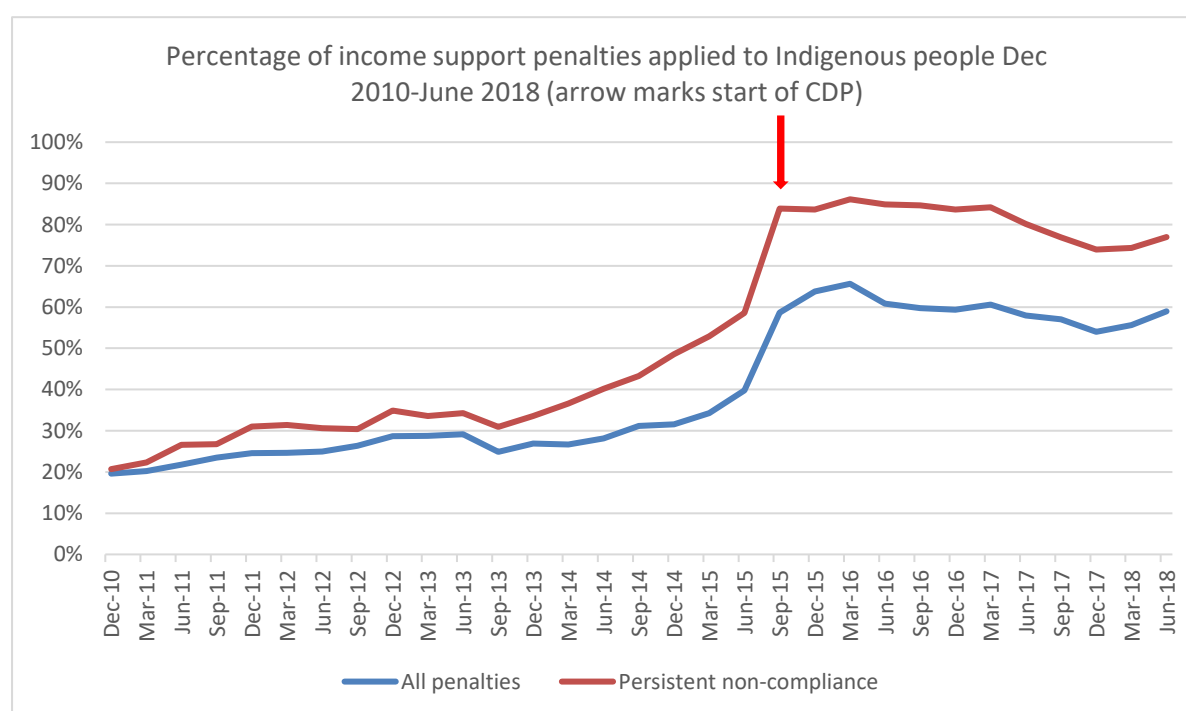
Remote Australia as a regulatory space

In their work on poverty governance in the United States, Soss, Fording & Schram have revealed how states and counties with larger African-American populations have applied more punitive forms of welfare reform (Soss, Fording & Schram 2011a). Devolution within states has combined with spatial separation and the persistence of social constructions of race to shape the way the underlying ‘problem’ in specific locations has been perceived by those making decisions (Soss, Fording & Schram 2011a, chap.5). In the same way, the carving out of remote populations for employment services reform in 2011 brought long-held ideas of the disordered and destructive lives of Indigenous people to the fore. It created the conditions under which a more

coercive program, one that deployed crude tactics of direction of physical behaviour and swift discipline, appeared appropriate. Tight control over Indigenous organisations delivering the program, likewise, appeared necessary, because of entrenched beliefs that they lacked the ability to govern themselves.

The Coalition Government used the geography-based, rather than race-based, service boundaries of remote employment services to reject arguments that the stringent Work for the Dole requirements of the CDP were discriminatory. However, the race-based effects of the program were clear. While around 11% of activity tested income support recipients were Indigenous, since the implementation of CDP half of all penalties have been applied to Indigenous people, and more than 80% of penalties for persistent non-compliance (Figure 60). More than half of the work of that part of DHS that is concerned with compliance concerns the application of penalties to people in the remote scheme²⁴⁴.

Figure 60: Percent of social security penalties applied to Indigenous people



Source: Department of Jobs and Skills, Job seeker compliance data, various dates

The diversity of Indigenous communities and the differences between remote and metropolitan circumstances have given geographically specific policies great appeal. Since the abolition of

²⁴⁴ Senate Community Affairs Legislation Committee, Budget Estimates 1 June 2017, QON Ref HS3 SQ17000084.

ATSIC, Commonwealth Indigenous affairs policy has frequently been framed as ‘place based’. The appeal of these approaches to Indigenous people has been their promise of greater local control and of the possibility that governments might better co-ordinate within and amongst each other. Geographically targeted initiatives have been characterised by government representatives as allowing for agreements to be made or consent to be secured – as ways of doing things ‘with’ rather than ‘to’ Indigenous people (Commonwealth of Australia 2018).

But the risks of such approaches are evident from the experience of remote employment services. While the people targeted by remote employment services were defined by geography, their voices were not heard. Instead they were ‘seen’ by others through the lens of the settler-state, through technologies of mainstream employment services structured around white-urban norms. Applied here, they reinforced the presentation of remote Indigenous people as deficient and non-compliant. These signs of pervasive ‘dysfunction’ were met with intensification of central control. Indigenous organisations were, like their constituents, seen as prone to inefficiency and non-compliance, and susceptible to local pressures. Claims for greater individual or community decision making were set aside so that government could restore order. Both Labor and Coalition Governments asserted that remote employment services had been designed with community involvement and support, but these processes – to the extent that they existed – were largely irrelevant. The experience of those involved was one of increasingly centralised decision making and intrusive surveillance. Following the 2018 Federal Budget, Minister Scullion’s Orwellian claim to have ‘co-designed’ yet another round of reforms with communities, having done no more than call for written submissions, highlighted the depth of the accountability deficit.

The implementation of remote employment services is only one of a series of directive policies over the last decade that have been applied to remote Indigenous Australians. During my research for this thesis interviewees drew connections between the CDP and the NTER, reduced support for outstations, proposed closures of WA communities, and income management. Many saw these initiatives as part of a wider attempt to get people to move from their land. Gadrian Hoosan, a Garrawa man from the Gulf of Carpentaria told a Sydney forum:

The way I see it – the way that Government is making it hard for everybody in the communities, in the outstations – it’s because they want everyone to move off the outstations to the town area because they want to mine that country... But... we got

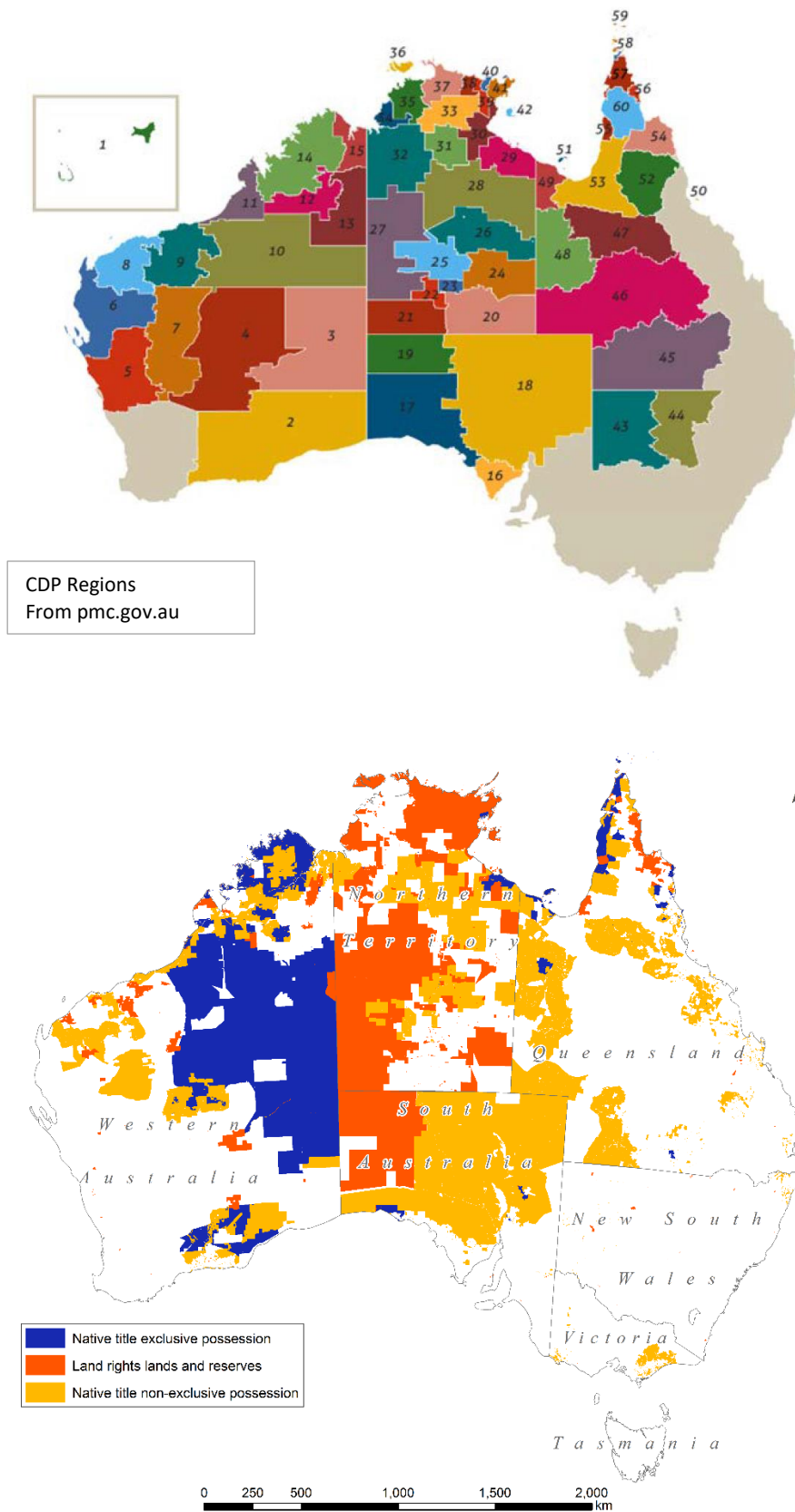
a lot of stories in that country – there is no way we can move out of that country.

(Gadrian Hoosan, 13 April 2018)²⁴⁵

Figure 61 shows a map of land over which Indigenous ownership has been successfully claimed next to a map showing the coverage of CDP. Not only is CDP a program with predominantly Indigenous participants, it is one which applies across lands upon which Indigenous law – through native and land rights titles – has been recognised as continuing. These are lands over which Indigenous people assert, not just ownership, but sovereignty. The assertion that the ‘social norms’ of the settler-state must prevail over all others in these places seems incongruous in the face of this acceptance that Indigenous laws persist.

²⁴⁵ Presentation to Forum on CDP hosted by Jumbunna Institute for Indigenous Education and Research, University of Technology, Sydney.

Figure 61: Indigenous land ownership and coverage of CDP



2016 update of 2013 map in Altman, J., & Markham, F. (2015) with thanks to Francis Markham.

These maps might also provide some clue as to why it is that a government which has been so keen to reduce the size of the welfare state has been so profligate in spending on programs to control the behaviour and spending of the remote unemployed. The description of Indigenous people as 'land rich but dirt poor' evokes settler-state anxieties about Indigenous people privileging other values of land over the economic²⁴⁶. The 'capitalist ethic' requires that neither the 'hands' of workers nor the assets of capital owners be left 'idle' (Weber 2005). The ability of Indigenous land owners to resist exploitation of mineral resources or the 'development of the north' makes their adoption of market values relevant, not just for government welfare budgets, but a broader set of national and international economic interests.

Resistance

In August 2016 the ACTU Executive met at Kalkarindji to commemorate the fiftieth anniversary of the Wave Hill strike (Chapter 2 p.53). Kara Keys, the ACTU's Indigenous Officer, descendent of the Yiman and Gangulu peoples of Central Queensland, told the gathering:

While the federally mandated maximum wage that oppressed the workers at Wave Hill is gone, the Community Development Program remains. A program which indentures remote Indigenous workers into forced labour, offers no wage, no federal [Occupational Health and Safety] and Workers' compensation protection, no superannuation and no conditions of employment.²⁴⁷

The ACTU vowed to campaign against the scheme and launched the First Nations Workers Alliance (FNWA) in June 2017 (images at Figure 63). The FNWA articulated its claims in labourist terms – the right to wage justice and to proper jobs. But, just as the 1966 Wave Hill walk off was about more than wages, Indigenous resistance to CDP has drawn connections which go beyond employment rights.

²⁴⁶ Forrest described Indigenous people as 'land rich but living in poverty' (Forrest 2014, p.192), but it has a longer history of usage in relation to First Nations people (see Perche, D 2016, *Land Rich, Dirt Poor?* Aboriginal land rights, policy failure and policy change from the colonial era to the Northern Territory Intervention, PhD Thesis, University of Sydney www.hdl.handle.net/2123/14313). The expression is also used by Indigenous leaders to assert the right to economically exploit their own lands.

²⁴⁷ Keys, K, 'Our history, our future', Speech to ACTU Executive and Indigenous Leadership Conference, 16 August 2016, www.fnwa.org.au/our-history-our-future/ downloaded 4 May 2018.

In October 2017, CDP workers from Alice Springs town camps issued the following statement:

We are happy we could meet with the First Nations Workers Alliance and talk about how to fight for proper jobs, wage justice and self-determination for our communities.

We have been suffering under the NT Intervention for 10 years now. This is a very racist policy that takes away our freedoms as Aboriginal people and puts us into deep poverty. It is having a serious impact on emotional and cultural wellbeing. The Intervention needs to end now.

One of the main things that the Intervention did was remove the old Community Development Employment Program which allowed us to live and work on our homelands and communities, to serve these communities.

With the new CDP scheme, we are being pushed to move into town to report to Centrelink and look for work.

This has taken many of us away from our homes, it has taken away pride in communities. We need rights to live and work on our own lands, with resources to build a better future for our children.

Under the Intervention we are on the Basics Card²⁴⁸ – we call it the racist card. This is about control of black people, it's very restrictive where we can shop and what we can buy. We have been pushed back generations, to the days of working for rations and not having citizenship rights.

Under CDP we have no rights to workers' compensation, superannuation, holiday pay or other rights many workers take for granted. We are paid well below minimum wage, half of it on our Basics Card. We need proper wages, paid in cash and equality between black and white workers.

Centrelink has so much power over us. We spend many hours sitting on the phone waiting to talk to someone in a far-away city. They have too much power to say whether our cultural leave or carers leave will be approved – these are decisions that should be made locally. We need self-determination – our Aboriginal organisations need to control employment programs, not private providers.

²⁴⁸ Card into which a portion of income support was paid in order to give effect to the Commonwealth policy of income management.

Very often, people are docked \$50 for missing a day's work and can be cut off for eight weeks. This causes problems not only for us but to our families. We can't access basics like food and power and we are threatened with eviction from our homes.

There is a strong connection between the large numbers of Aboriginal people going into prison under the Intervention and problems with employment. People are often locked up for no good reason. This makes it very difficult to get employment when you get out. Why will the government spend hundreds of millions of dollars to lock us up, but not to employ us building up our communities?

We are proud to join the First Nations Workers Alliance. We are calling for support from workers and their unions across Australia to join us in this fight to justice. The Intervention and CDP drives a division between Aboriginal and non-Aboriginal workers. Through the FNWA and the union movement we can unite and say this situation is unacceptable

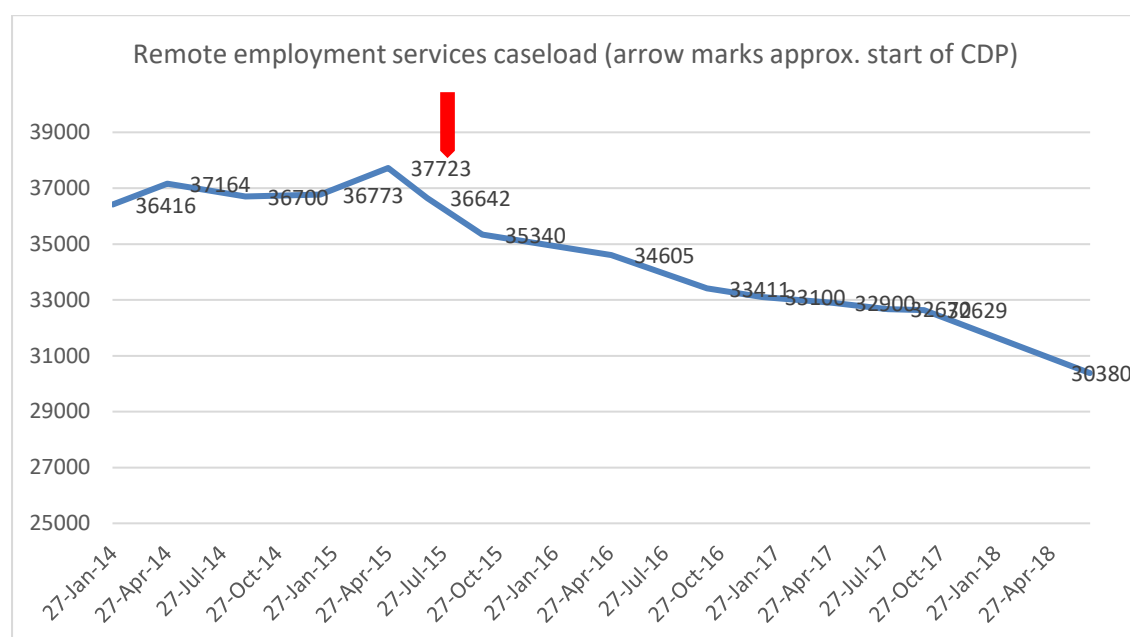
Throughout my interviews, participants identified the CDP as an example of government taking away community and individual control – another case of the government telling them what to do:

Q: What are the good things about Work for the Dole?

A: Nothing good, work for the dole. That's rubbish work. That hurts so much when people say you are on work for dole. This Government's rules. Government laws. Got to do the job for him. (CDP participant)

Across the country Indigenous people who have been subjected to the CDP have resisted its obligations. Many appear to have left the program altogether – with a dramatic decline, particularly amongst younger people – in the program caseload following the start of CDP (Figure 62). Some people come and go from the program, relying on sharing of resources within families to resist its demand. Some participate, but do so on their own terms. These things – the escalation of penalties under the scheme and its declining caseload are a reminder that Indigenous people have, over many years, refused to co-operate with colonial attempts to control their lives and dispositions even if it has meant living in poverty.

Figure 62 Declining remote employment services caseload



Source: caseload data released by PM&C under FOI. CDP started 1 July 2015.

Indigenous leaders, too, have articulated their rejection of the scheme and what it represents. The Yolgnu Board of the Arnhem Land Progress Association described the program as ‘broken and dysfunctional’:

We believe that the CDP model is having a negative impact on remote Aboriginal people and is a strategy from Government to either save money or keep Yolgnu subjugated or both.

The Chairman of the Ngaanyatjarra Council explained that:

The Ngaanyatjarra people have worked hard since before our grandparents’ time to learn how we can look after each other now that we live in communities. ... We now find ourselves in a situation where desert people cannot feed their families. People don’t know what they can do to fix this problem. They feel frustrated and helpless. This is bad because people move to places that have a Centrelink office and many get into trouble when they are away from their own country. We have learned from our history that we can do a good job of looking after our people in communities. We feel that the government stole our self-respect when CDEP was taken away and that we will sink even lower if we are forced to go on the Healthy Welfare Card... We want the government to let us manage our own communities. (Ngaanyatjarra Council Aboriginal Corporation, 2017).

For decades, under many guises, settler institutions have taken it upon themselves to give Indigenous people ‘a purpose’. Throughout, as reiterated forcefully in the Uluru Statement, Australia’s First Nations people have claimed that right for themselves. This doesn’t mean a lack of belief that people should contribute to their communities, or that ‘purposelessness’ is not a problem. But the engendering of purpose and the establishment of obligations are seen as tasks that are appropriately led by First Nations people themselves. The concerns of Indigenous people who resist the CDP will not be met by adjustments to program rules from within existing decision-making frameworks. This will only lead to the reproduction of current structures: empty rituals which, despite their ineptitude, have harmful effects. Addressing the claims of Indigenous people to the opportunity to work and live well on their land will require a deeper reworking of settler-state aspirations and technologies in light of continuing Indigenous sovereignty and society.



FNWA
FIRST NATIONS WORKERS ALLIANCE

POWERED BY THE ACTU

Fight for the rights of
Aboriginal & Torres Strait
Islander CDP workers.

**THERE IS
STRENGTH
IN NUMBERS!**

ARE YOU WITH US?

**First Nations Workers Alliance
CDP Wage Justice Workshop**

Thursday 5th October – 9.30am

Where:
Pioneer Shed
257 Nth Stuart Hwy
Alice Springs

9.30am for 10am Start
BBQ Lunch Provided

Contact: fnwa@actu.org.au

The Australian Council of Trade Unions (ACTU) CDP is racist and unfair! Through the First Nations Workers Alliance, CDP workers are getting organised around Australia to demand change and wage justice.

Come along and talk about your experience with CDP and join in the campaign for wage justice and proper jobs in communities.

Australian Unions
Join. For a better life.

ACTU Australian Council of Trade Unions

FNWA Join the Fight **FNWA.ORG.AU**








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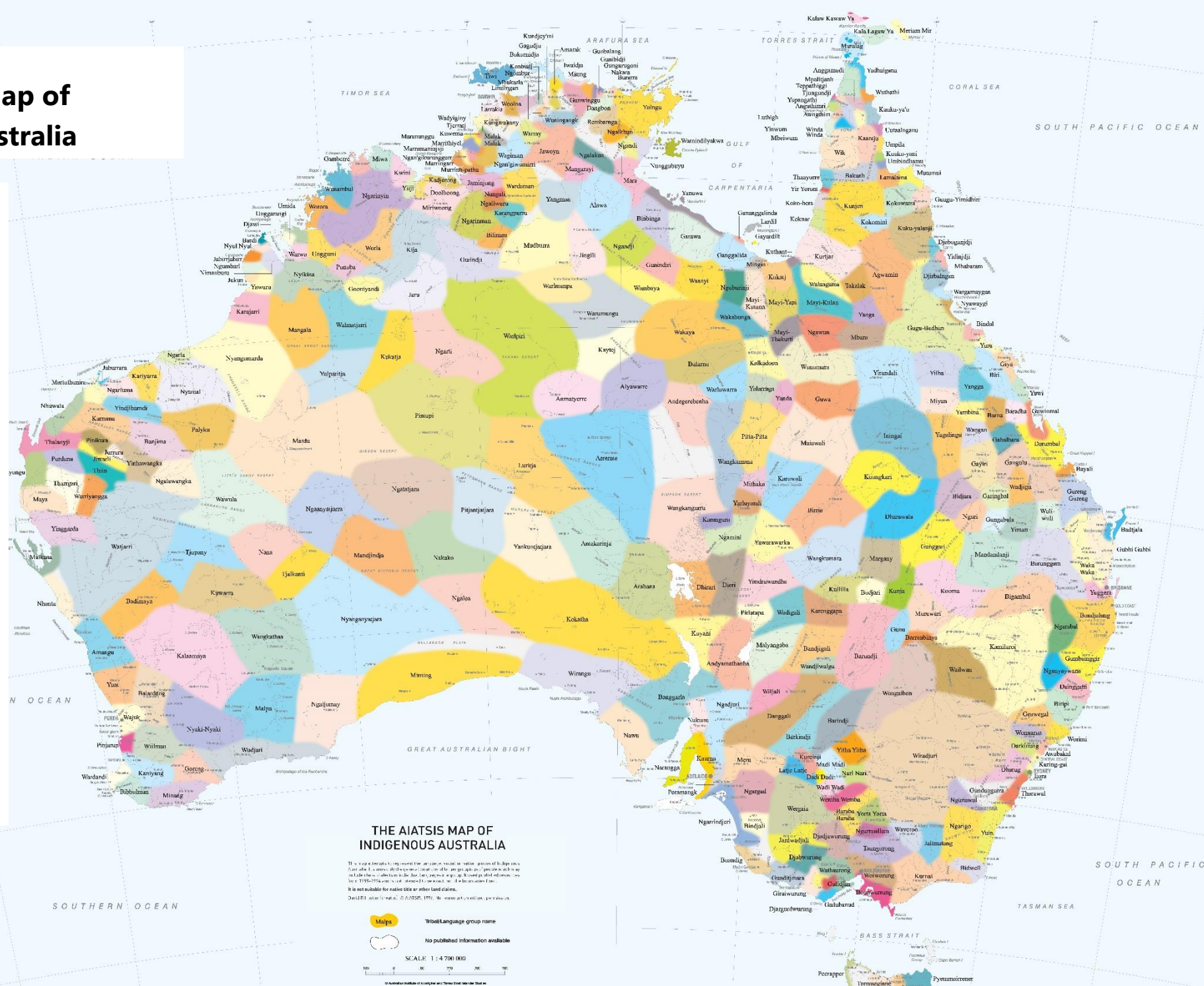
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Appendix A: Map of Indigenous Australia

This map attempts to represent the language, social or nation groups of Aboriginal Australia. It shows only the general locations of larger groupings of people which may include clans, dialects or individual languages in a group. It used published resources from 1988-1994 and is not intended to be exact, nor the boundaries fixed. It is not suitable for native title or other land claims. David R Horton (creator), © AIATSIS, 1996. No reproduction without permission. To purchase a print version visit: www.aiatsis.ashop.com.au/



Appendix B: Methods

This Appendix provides supplementary information on the methods and approaches used in different sections of the thesis. The following topics are covered:

- Industry linkage arrangements
- Approach to pseudonyms and anonymisation
- Site interviews and observations
- Interviews in relation to the development of the RJCP (Chapter 3)
- Provider Surveys
- Interviews and analysis of performance management regime (Chapters 4 and 5)

Timeline of research activities

Table 11: Data collection over the study period (2013–17)

Date	Activity
April 2013	Jobs Australia Indigenous Forces at Work Conference, Darwin
August 2013	Jobs Australia RJCP Forum
February 2014	Visit Region A
March 2014	Visit Region B
May 2014	First provider survey
June 2014	Provider Forum, Alice Springs
June 2014	Visit secondary locations F, G
August 2014	Visit secondary location H
August 2014	JA Conference
September 2014	Visit Regions C, D
October 2014	Visit secondary location I
October 2014	Visit Region A
January 2015	NESA Provider forum, Darwin

Date	Activity
May 2015	Visit Region E
March 2015	Visit Region B
March 2015	Alice Springs PM&C Provider conference and Jobs Australia conference
June 2015	Visit secondary location J
July 2015	Visit Regions C, D
September 2015	Perth PM&C Provider conference and provider caucus
October 2015	JA Conference
August 2016	Jobs Australia CDP Provider conference Alice Springs \
August 2016	Provider interviews (performance)
October 2016	Jobs Australia Conference
December 2016	APONT CDP Forum Darwin
December 2016	Visit secondary location K
February 2017	Visit Region E
February 2017	Second provider survey
June 2017	Visit Region A
July 2017	Visit secondary location L
July 2017	Visit Regions C, D
November 2017	Jobs Australia Conference

Industry linkage arrangements

This thesis formed part of an Australian Research Council Linkage project called 'Implementing the RJCP' (Linkage Project 130100226), awarded in late 2013. Dr Will Sanders was the Chief Investigator and Dr Kirrily Jordan co-investigator. The industry partner was Jobs Australia, the peak body for non-profit employment service providers. During the course of the project I met regularly with Jobs Australia to talk about findings and any emerging issues of interest or concern to the organisation. I made regular presentations to Jobs Australia forums about the research and attended numerous industry events as observer and participant (Refer Table 11).

Approach to pseudonyms and confidentialisation

With the exception of a small number of public officials, organisations and interviewees have been confidentialised throughout the thesis. I have not identified Indigenous/non-Indigenous status of government officials and other stakeholders in Chapters 3, 4 and 5. The numbers of Indigenous public servants, CEOs and senior managers means that there would have been a risk that they could be identified. In addition, it was the organisation, rather than the individual that I considered critical to this analysis. Being a *local* Indigenous person was important to positioning this group as case managers in Chapter 6, although it meant use of ‘non-Indigenous’ as a – somewhat unsatisfactory label for case managers who were not always white, and sometimes Indigenous, but not of that place.

Site interviews and observations

A series of open ended questions or topics for (i) case managers, (ii) site managers (iii) activity supervisors and (iv) participants was prepared for each visit. While some core questions remained (e.g. ‘describe your usual working day’), other questions were amended over time as new questions and themes emerged and earlier questions had become ‘exhausted’ (in the sense that no new/different data was emerging). Early visits focussed on case management and what went on in the office, and an effort was made to conduct at least a brief interview with every case manager, as well as observing their practice and sitting in on staff meetings etc. Detailed notes of these interviews were analysed using NVivo and became the basis of the early draft of Chapter 6.

On later visits smaller numbers of case manager interviews were conducted to confirm earlier findings and/or check on the impact of program changes. In later visits activity supervisors and participants were the central focus of observation and interviews. While guiding questions were used as a starting point, much material gathered flowed from what was happening, and the ongoing conversations I had with people as I watched them work during the course of each visit.

SAMPLE OF QUESTIONS/THEMES FOR SITE VISITS:

FRONT LINE WORKERS – ACTIVITY SUPERVISORS

Tell me about you – local? Work history? Quals

[if CDEP, ask about differences between CDEP and RJCP including impact on wages]

Describe a ‘day in the life’. (Esp. details of attendance and breaching, timeliness, pickups, food)

What is the purpose of your job?

How do you think your performance is judged by the organisation? What is most important to them? What about to participants? To Government? To the community?

Would you say that activities are like a 'real job'? Why/why not

Best thing and worst thing about your job? [are there other things you would prefer to be doing?]

How far can you push people? Timeliness? Effort?

What is the link between what you do and what people in the office do?

Who comes up with activities?

What are the most popular activities/ what would you like to do more or less of?

Do you think that local people have a lot of say in how this program works? Why/why not? What about government?

Do you think that people doing the sort of job you are doing should know about local Indigenous culture and history? Why?

What would you like to see change, if anything?

Interviews in relation to the development of the RJCP (Chapter 3)

Semi-structured interviews were conducted with nine public servants, three former Ministers and four members of the Expert Panel involved in the development of the RJCP. These interviews were recorded, transcribed and analysed and ranged from 40 to 90 minutes. Publicly available information was supplemented with material provided to the Expert Panel which was obtained following a Freedom of Information request.

Surveys

Two surveys of providers were conducted for the thesis. The purpose of the surveys was to: elicit basic operational information (eg. staff numbers, Indigenous staff levels); to identify factors that might influence each providers approach to the program (whether Indigenous/non-Indigenous, level of reliance on program); to capture manager attitudes and key features of how operations were structured (eg time spent on different tasks).

2014 Provider survey

The first provider survey was conducted over May and June 2014. A list of organisations that had been awarded contracts to deliver RJCP published by DEEWR on its website was used to identify providers, joint venture partners and sub-contractors.

Online surveys (via Survey Monkey) were sent to every organisation that was identifiable as a lead provider (i.e. an organisation operating on its own or with sub-contractors). The survey was also promoted by Jobs Australia through its newsletter and mailing list. A total

of 72 organisations were approached, however a list of active subcontractors was not available. It emerged that many the initial contact list had no direct role in service delivery, so the effort focussed on maximising coverage of regions.

In total, 45 organisations responded, with 49 responses in all. These organisations delivered services across 58 of the 60 regions. Large multi-region providers were given the option of passing the survey to their regional managers. Multiple responses from a single organisation were only included where each related to different service regions.

Some organisational responses related to more than one region (often adjacent). In a small number of regions two organisations in a group delivery arrangement each responded.

Survey instructions asked for completion by a senior staff member with a good knowledge of RJCP. In their responses, survey participants identified themselves as holding senior roles ranging from CEOs to managers responsible for delivery in a single region.

Respondents were required to identify themselves and their organisations in the survey.

Table 12: Respondents to 2014 provider survey by organisation type

	Per cent	N
Indigenous non-profit	65%	32
Non-Indigenous non-profit	16%	8
Non-Indigenous for profit	14%	7
Local Government	4%	2
Answered question	100%	49

Table 13: Respondents to 2014 provider survey by delivery arrangements

Which of the following best describes the arrangements that your organisation has in place to deliver the RJCP?		
Answer Options	Percent	N
Sole provider for whole RJCP Region	51.0%	25
Part of a joint venture or consortium formed to deliver RJCP	24.5%	12
Lead organisation with one or more sub-contractors performing a significant portion of the work	14.3%	7
Sub-contractor to another organisation	10.2%	5
Answered question	100%	49

The survey had up to 54 questions (depending on responses), most of which were voluntary. Response rates varied between questions, but the proportion reaching the end of the survey was high, with 43 responding to the second last question (the final question was a general, open ended question).

Generally the survey presented groups of statements to these managers probing various aspects of RJCP which had emerged from policy statements, public debate, exploratory interviews and existing knowledge. Respondents were variously asked to rank statements in importance or to indicate on a five-point scale how strongly they agreed/disagreed or were positive/negative about statements. Occasionally questions were more open-ended or elicited information that respondents supplied.

The survey covered:

- basic arrangements and characteristics of provider organisations
- ideas about joblessness in remote areas and welfare conditionality;
- provider relationships with Government officials;
- program delivery and details about money, staffing and operational challenges, such as the focus on information technology and compliance;
- broader influences on the shaping of program delivery, like Community Action Plans (CAPs) and community perceptions;
- extent to which advocacy had been undertaken and its results;
- A small number of questions were included in relation to the Remote Schools Attendance Scheme at PM&C's request.

A question was asked in relation to number of employees, and the proportion who were Indigenous or local Indigenous. Organisations that failed to respond to the survey or which responded in part were followed up by phone to collect data on this item. An analysis of survey findings was published in Fowkes & Sanders, *A survey of Remote Jobs and Communities Program(me) providers: one year in*, Centre for Aboriginal Economic Policy Research Working Paper 97/2015, ANU, CAEPR.

2017 Provider survey

A follow up provider survey was conducted in February 2017. Again, Survey Monkey was used, and surveys were sent, via email, to all previous respondents, all providers identified by PM&C on its web site, and, again, via a link publicised by Jobs Australia. By this stage PM&C had identified 41 CDP providers in total. While fewer responses were received to this survey than the 2014 version, those who responded delivered across 56 of the 61 included regions – a similarly high overall coverage.

Table 14: Respondents to 2017 provider survey by organisation type

	Per cent	N
Indigenous non-profit	71.79%	28
Non-Indigenous non-profit	10.26%	4
Indigenous for profit	2.56%	1
Non-Indigenous for profit	10.26%	4
Local government	5.13%	2
Answered question	100%	39

Table 15: Respondents to 2017 provider survey by delivery arrangements

Which of the following best describes the arrangements that your organisation has in place to deliver the CDP?		
Sole provider for whole CDP Region/s	82.05%	32
Part of a joint venture or consortium formed to deliver CDP	5.13%	2
Lead organisation with one or more sub-contractors performing a significant portion of the work	5.13%	2
Sub-contractor to another organisation	5.13%	2
Involved in different arrangements in different regions	2.56%	1
Answered question	100%	39

The survey had up to 49 questions. Thirty two of 39 respondents reached the second last question (again the final question was an open ended general question).

Twenty-two questions were carried forward from the 2014 to the 2017 survey either unchanged or with minor contextual adjustments. RSAS questions were not asked.

Questions in relation to advocacy were expanded. Questions were added in relation to: the effect of the change to CDP on organisations and individuals; the performance regime and the nature of activities conducted.

Interviews and analysis of performance review documents (Chapters 4 and 5)

In addition to observations and interviews at provider sites and at industry forums, material for Chapter 5 (and a lesser extent Chapter 4) was gathered through structured interviews and a targeted document review. Over July and August 2016 ten semi-structured telephone interviews were conducted with 13 senior managers and CEOs from across ten organisations contracted to deliver CDP. The sample was selected purposefully to include a mix of provider types; a mix of locations; and a mix of Indigenous and non-Indigenous manager/interviewees. Eight of the ten organisations were Indigenous non-profit organisations, five of thirteen managers interviewed were Indigenous. The providers operated across the NT, WA and Queensland. Interviews were recorded and then transcribed and analysed. The interviews focussed on the performance management process. Each lasted between 40 minutes and an hour. At the time of interviews all providers had received written feedback for Provider Performance Review period 1 (PPR1) covering the period from 1 July 2015 to 31 December 2015. Some providers had been through the review process for PPR2 (covering January to June 2016), but none had – at the time of interview – received written feedback. Following the interviews, written Provider Performance Review 1 (PPR1) reports prepared by PM&C for 20 (out of a total of 60) regions and PPR2 reports for 6 regions were analysed. While the analysis in Chapters 4 and 5 is substantially drawn from these analyses, a small number of PPR3 and PPR4 reports were reviewed to check for significant changes. PPR Reports were obtained directly from the providers.

Appendix C: List of contracted providers

Purchasing outcomes for RJCP as listed by DEEWR 1 July 2013 and contracted providers as listed by PM&C in document tabled before Senate Inquiry on 8 September 2017.

Region	State	At 1 July 2013	Provider	at 8 Sept 2017
1	WA	Christmas-Cocos Islands	Indian Ocean Group Training Association	Indian Ocean Group Training Association
2	WA	Kambalda/Norseman	MAXNetwork Pty Ltd and MEEDAC Incorporated (JV)	MAXNetwork Pty Ltd and MEEDAC Incorporated
3	WA	Ngaanyatjarra Lands	Ngaanyatjarra Council Aboriginal Corporation	Ngaanyatjarra Council (Aboriginal Corporation)
4	WA	Yaaliku	MAXNetwork Pty Ltd and MEEDAC Incorporated (JV)	MAXNetwork Pty Ltd and MEEDAC Incorporated
5	WA	Mid West – West	Mission Australia	MEEDAC
6	WA	Gascoyne Region	The Salvation Army (Victoria) Property Trust and Gascoyne Asset Maintenance Consortium	MAXNetwork Pty Ltd
7	WA	Mid West – East	Mission Australia	Yulella Inc
8	WA	Karratha Region	Joint venture between REFAP Pty Ltd and My Pathway	REFAP Pty Ltd
9	WA	Port Hedland Region	Ashburton Aboriginal Corporation	Ashburton Aboriginal Corporation
10	WA	Western Desert Region	Ashburton Aboriginal Corporation	Ashburton Aboriginal Corporation
11	WA	Kullarri Region	Kullari Region CDEPInc	Kullari Region CDEP Inc
12	WA	Fitzroy Valley Region	Marra Worra Worra Aboriginal Corporation	Marra Worra Worra Aboriginal Corporation
13	WA	Halls Creek/Tjurabalan Region	East Kimberley Job Pathways (JV of East Kimberley CDEP and Wunan)	East Kimberley Job Pathways
14	WA	Derby/Gibb River	Winun Ngari Aboriginal Corporation	Winun Ngari Aboriginal Corporation

Region	State	At 1 July 2013	Provider	at 8 Sept 2017
15	WA	East Kimberley Region	East Kimberley Job Pathways (JV of East Kimberley CDEP and Wunan)	East Kimberley Job Pathways
16	SA	Eyre Region	Complete Personnel SA Pty Ltd (Career Employment Group, Community Bridging Services and District Council of Lower Eyre Peninsula, District Council of Tumby Bay and TAFE SA as subcontractors)	Complete Personnel SA Pty Ltd
17	SA	Far West South Australia Region	Complete Personnel SA Pty Ltd (Career Employment Group, Ceduna Aboriginal Corporation, Community Bridging Services, Scotdesco Aboriginal Corporation, TAFE SA and Yalata Community Inc as subcontractors)	Complete Personnel SA Pty Ltd
18	SA	Flinders and Far North Region	Complete Personnel SA Pty Ltd (Career Employment Group, Community Bridging Services, District Council of Mt Remarkable, Dunjiba Community Council and TAFE SA as subcontractors)	Complete Personnel SA Pty Ltd
19	SA	Anangu Pitjantjatjara Yankunytjatjara (APY) Lands	Skill Hire WA Pty Ltd (Regional Anangu Services Aboriginal Corporation as subcontractor)	Skill Hire WA Pty Ltd
20	NT	South East Alice Region	CatholicCare NT	CatholicCare NT
21	NT	South West Alice Region	Wana Ungkuntja Pty Ltd trading as Anangu Jobs	Wana Ungkuntja Pty Ltd trading as Anangu Jobs
22	NT	West Alice Region	Tjuwanpa Outstation Resource Centre Aboriginal Corporation (IST as subcontractor)	Tjuwanpa Outstation Resource Centre Aboriginal Corporation
23	NT	Alice Springs District	Tangentyere Council Incorporated	Tangentyere Council Incorporated

Region	State	At 1 July 2013	Provider	at 8 Sept 2017
24	NT	North East Alice Region	My Pathway	My Pathway
25	NT	North West Alice Region	Central Desert Shire Council	Central Desert Shire Council
26	NT	South East Barkly Region	Julalikari Council Aboriginal Corporation	Julalikari Council Aboriginal Corporation
27	NT	Far West Alice Region	Ngurratjuta/Pmara Ntjarra Aboriginal Council (Desert Peoples Centre; Ingkerreke Commercial as subcontractors)	Ngurratjuta/Pmara Ntjarra Aboriginal Corporation
28	NT	North Barkly Region	Julalikari Council Aboriginal Corporation	Julalikari Council Aboriginal Corporation
29	NT	Gulf Region	Gulf Savannah NT Assn Inc (a joint venture between Mabunji Aboriginal Resource Assn and Mungoorbada Aboriginal Corporation)	Gulf Savannah NT Assn Inc
30	NT	Ngukurr/Numbulwar Region	Roper Gulf Shire Council (Alawa Aboriginal Corporation as subcontractor)	Roper Gulf Shire Council
31	NT	Katherine Region	Jobfind Centres Australia Ltd (Kalano Community Association subcontractor)	Jobfind Centres Australia Ltd
32	NT	Victoria River Region	Victoria Daly Shire Council (IST as subcontractor)	Victoria Daly Shire Council
33	NT	Central Arnhem	Roper Gulf Shire Council	Roper Gulf Shire Council
34	NT	Wadeye	Thamarrurr Development Corporation Limited	Thamarrurr Development Corporation Limited
35	NT	Darwin Daly	Jobfind Centres Australia Pty Ltd (Ironbark, and Nauiyu Nambiyu Inc as sub-contractors)	Ironbark Aboriginal Corporation
36	NT	Tiwi	Tiwi Island Training and Education Board (Tiwi Enterprises as subcontractor)	Tiwi Island Training and Education Board

Region	State	At 1 July 2013	Provider	at 8 Sept 2017
37	NT	West Arnhem	Jobfind Centres Australia Pty Ltd (Warnbi Aboriginal Corporation as subcontractor)	Jobfind Centres Australia Pty Ltd
37	NT	West Arnhem		Yagbani Aboriginal Corporation (Warruwi community only)
38	NT	Maningrida	Bawinanga Aboriginal Corporation	Bawinanga Aboriginal Corporation
39	NT	Milingimbi/Ramingining	The Arnhem Land Progress Aboriginal Corporation (IST as subcontractor)	The Arnhem Land Progress Aboriginal Corporation
40	NT	Galiwin'ku	Marthakal Homeland Resource Centre	The Arnhem Land Progress Aboriginal Corporation
41	NT	Gapuwiyak-Yirrkala	Laynhapuy Homelands Aboriginal Corporation and Marngarr Resource Centre Aboriginal Corporation (Miwatj Employment and Participation Ltd)	Miwatj Employment and Participation Ltd
42	NT	Groote	GEBIE Services Pty Ltd	GEBIE Aboriginal Corporation
43	NSW	Far West	Murdi Paaki Regional Enterprise Corporation (MPREC)	MPREC
44	NSW	Upper Darling	Murdi Paaki Regional Enterprise Corporation (MPREC)	MPREC
45	QLD	South West Queensland Region	MAX Network subcontracting to Paroo Shire Council	RAPAD
46	QLD	Central West	Employment Services Qld in a partnership with Central Western Queensland Remote Area Planning and Development Board (RAPAD)	RAPAD
47	QLD	Cloncurry	MaxNetwork Pty Ltd	Rainbow Gateway Limited

Region	State	At 1 July 2013	Provider	at 8 Sept 2017
48	QLD	West Isa/Alpururulam	Rainbow Gateway Limited (Myuma Pty Ltd and Dugalunji Aboriginal Corporation as subcontractors)	Rainbow Gateway Limited
49	QLD	Doomadgee	My Pathway in a joint venture with Doomadgee Aboriginal Shire Council	My Pathway
50	QLD	Palm Island Region	Campbell Page Limited with Palm Island Community Company Limited and Coolgaree Aboriginal Corporation	Campbell Page
51	QLD	Wellesley Islands	Jobfind Centres Australia Pty Ltd	Jobfind Centres Australia Pty Ltd
52	QLD	Western Tablelands	Jobfind Centres Australia Pty Ltd	Jobfind Centres Australia Pty Ltd
53	QLD	Carpentaria	Bynoe Community Advancement Co-operative Society Limited	Bynoe CACS Ltd
54	QLD	Cook	My Pathway	My Pathway
55	QLD	Kowanyama/Pormpuraaw	Jobfind Centres Australia Pty Ltd	Jobfind Centres Australia Pty Ltd
56	QLD	Central Cape	My Pathway	My Pathway
57	QLD	Western Cape	My Pathway	My Pathway
58	QLD	Northern Peninsula Area	My Pathway	My Pathway
59	QLD	Torres Strait Islands	My Pathway	My Pathway
60	QLD	Aurukun-Coen	Cape York Institute of Policy and Leadership	Cape York Institute of Policy and Leadership

Appendix D: Overview of relevant social security rules

Source of obligations

Under social security legislation, certain categories of working age income support recipients (known officially as ‘job seekers’) have ‘participation requirements’. These include people on Newstart Allowance and Youth Allowance (other than students), those on Parenting Payments with children of school age, and some recipients of the Disability Support Pension. In addition to the requirement that they accept any ‘suitable work’, they must undertake any activities that are set out in their individual ‘Job Plan’.

The Commonwealth Government delegates authority to negotiate Job Plans to contracted employment services providers. Commonwealth agencies (in the case of the CDP this is PM&C) specify the way this authority should be exercised. This includes, for example, frequency of appointments, numbers of jobs that would normally need to be applied for, and which job seekers should be referred to Work for the Dole and for how many hours. These are set out in contracts and any guidelines issued over the course of the contract. These contracts and guidelines also set out providers’ obligations to monitor and report job seeker compliance with their obligations. The ability to apply penalties or suspend payments, however, is reserved to the Department of Human Services (of which Centrelink now forms a part). Table 16 summarises the source of different rules that apply to income support recipients in CDP.

Penalties under Job Seeker Compliance Framework

The Job Seeker Compliance Framework is the term used for the set of rules that govern the application of penalties for non-compliance with activity obligations. Most of these rules are set out in the Social Security (Administration) Act 1992. From 1 July 2018 there will be significant changes to this framework as a result of the Social Services Legislation Amendment (Welfare Reform) Act 2017. Having initially proposed different arrangements for CDP participants, the Coalition Government has now said that it intends that these apply to CDP participants from 1 February 2019. This section describes arrangements which applied to income support recipients during the study period.

Table 16 Source of CDP participant obligations and penalties

Social security legislation	CDP Funding Deed and Guidelines
Obligations	
Describes which categories of payment are subject to an activity test	Describes what activities must be put into individual job plans (eg monthly appointments, Work for Dole, job search) for different groups in the program to satisfy the activity test
Says that work capacity must be taken into account	Attaches specific obligations to different levels of capacity.
Places upper limit on hours that unemployed can be required to participate (25 per week) and limits the type of mandatory activity (eg cannot be required to undergo medical treatment)	Describes how many hours different people in the CDP scheme must have to Work for the Dole (within legislated limit) and what choice of activities they will have.
Describes under what circumstances participants can or must be exempted from activity test (eg cultural activity)	Sets requirements for daily (Monday to Friday) Work for the Dole and number of weeks each year to be worked
Defines 'reasonable excuse' for non-attendance (in regulations)	
Penalties	
Sets circumstances in which people may be penalised and rate of penalty	Requires providers to report daily on attendance in the IT system. Links payment to recommending penalties for non-attendance.
Sets out appeal rights	
Payments	
Establishes income support payment rates and frequency (normally fortnightly, but can be weekly)	

Under the Job Seeker Compliance Framework (to 1 July 2018) there were three main types of penalty: (i) suspensions, where payments are suspended, but may be backpaid; (ii) financial penalties (called here a 'minor penalty') which involves loss of 1/10th of the income support fortnightly payment; and (iii) serious penalties of up to 8 weeks without income support.

Failure to attend appointments

Since 1 July 2014 where a job seeker fails to attend an appointment without a reasonable excuse and the provider submits a non-attendance report (NAR), these result in an immediate suspension. The suspension is made by DHS after verifying that the obligation exists. Payments are suspended until the job seeker attends a 'Reconnection appointment', at which point payments restart and are backpaid. In addition, since 1 July 2015 a provider may recommend that, in addition to suspension, a penalty be applied – what is called here a minor penalty (ie. loss of 1/10th fortnightly income). Failure to attend a Reconnection appointment also results in a minor penalty.

No Show No Pay

No Show No Pay penalties are incurred when a job seeker fails to attend an activity set out in an individual plan without providing a reasonable excuse (e.g. fail to attend training or Work for the Dole). Following non-attendance, a provider may submit a Participation Report (PR) to DHS. DHS then checks the relevant Job Plan and attempts to contact the job seeker. The penalty is 1/10th of fortnightly income support. These penalties apply for each non-compliance 'event' – for example, missing three days of Work for the Dole in a row can mean three penalties.

Serious penalties

Serious penalties are either work related: for example refusing suitable work, or causing unemployment by one's own actions; or applied as a consequence of 'persistent non-compliance' with obligations. Under CDP almost all serious penalties are for 'persistent non-compliance'. Serious penalties mean loss of income support for 8 weeks. However payments can be reinstated where the job seeker agrees to participate in a 'compliance activity' – generally 8 weeks of Work for the Dole or similar for 25 hours per week. For most CDP participants this is, of course, no more than their usual level of obligation.

Persistent non-compliance penalties may be applied when there have been 3 minor penalties in the previous six months (or since the last 'serious failure'). After 3 minor penalties a referral to a Comprehensive Compliance Assessment is triggered. These assessments are conducted by specialist officers in DHS and are designed to determine whether non-compliance has been intentional or negligent, or whether non-compliance is as a result of other factors (like mental illness, disability) or inappropriate obligations.

Following a CCA DHS may (i) determine that a penalty should be applied (ii) refer the job

seeker for further work capacity assessment (ESAt) (iii) recommend a change to obligations or referral to other support service (iv) decide to take no action. Jobactive participants may be referred to another 'stream' of assistance.

Table 17 shows the higher percentage of CCAs that result in a serious penalty being applied by DHS for CDP jobseekers compared with all other jobseekers in the system over 2015/6 and 2016/17.

Table 17 Outcomes of CCA decisions 2015/16 and 2016/17

	CDP participants		All other participants	
	n	%	n	%
Referral for ESAt	863	0.9%	3,066	5.0%
Stream changed	0	0.0%	457	0.7%
Persistent non compliance	50,551	52.7%	2,3746	38.4%
Other outcome	38,739	40.4%	26,800	43.3%
No outcome	5,567	5.8%	7,839	12.7%
Total	95,835	100.0%	61,908	100.0%

Source: Department of Jobs and Small Business, job seeker compliance data

References:

Australian Government, *Guide to Social Security Law*, Version 1.245 - Released 1 June 2018, available at <http://guides.dss.gov.au/guide-social-security-law/3/1/13/70>

Department of Jobs and Small Business. The Job Seeker Compliance Framework – Explanatory Notes. Available at <https://www.jobs.gov.au/job-seeker-compliance-data>