

Discussion Paper: Remote Employment and Participation.

Response from Fred Chaney AO and Bill Gray AM.

9 February 2018.

We have made submissions to the Senate Inquiry into CDP and Bill Gray has given direct evidence to the Senate Committee in relation to our submission.

We have also been in direct contact with the Minister for indigenous Affairs, Senator Nigel Scullion, making known our strong preference for a wage-based scheme which would provide jobseekers in remote Australia with wages, commensurate with the national minimum wage, for work undertaken within local communities. We also support the simplification of the scheme and the transfer of its administration to local Service Providers who would be accountable to the Indigenous communities and individual jobseekers and accountable to the Government.

We do not propose to make comment on the various options canvassed in the Discussion Paper, but rather we want to stress the need for early action on the part of the Government to mitigate the more onerous and punitive elements of the current CDP scheme. Regardless of the Minister's protestations that the Senate report 'misses the mark' and is 'partisan and misleading' we believe no-one can reasonably dismiss the evidence of so many CDP stakeholders, including the sworn testimony of police officers, service providers, members of parliament, academics and most importantly indigenous individuals living in remote communities, that the programme in its present form is causing harm to CDP recipients and their families, and that there is an urgent need to mitigate that harm.

While the Minister has indicated that he wants to move to improve and reform the present scheme, we anticipate that it will take a considerable time before the formal consultative period mentioned in the Discussion Paper (page3) can be concluded and before any amendments or reforms find their way through the bureaucracy and the Parliament, if indeed they ever do before the next election. In the meantime, there remains all the same issues and negative elements of the CDP which have been identified, both by the Minister in 2015, when he unsuccessfully introduced amendments to the Social Security legislation, and the various reviews and reports since that time. In short, regardless of all the comment and stated intentions to reform the CDP, nothing has changed for the individual jobseekers on the ground and they remain as vulnerable to the negative impacts of CDP as they have ever been. This is particularly so in relation to the disengagement of youth.

The CDP scheme operates within a framework of Commonwealth legislation and Ministerial discretion. We take the view that while it is unlikely that any amendments to the Social Security Act will find swift passage through the Parliament to facilitate any reforms or changes to the

current scheme, it is possible for the Minister to exercise his discretion immediately to mitigate many of the more problematic elements of the CDP. By way of example, it would be open to the Minister to exercise his discretion to modify the number of days and hours that jobseekers are required to work under CDP. It would also be open for him to make changes to the IT reporting obligations of Service Providers regarding daily attendance of jobseekers and the linking of Service Provider payments to their recommending penalties for non-attendance.

We would recommend that the Minister initiate an immediate audit of all those aspects of the current CDP scheme that are subject to ministerial discretion and for the Minister to then initiate action within his discretion to address and mitigate the more onerous and punitive aspects of the current CDP all of which have been identified in a variety of reviews and reports, including the most recent Senate report.

Fred Chaney

Bill Gray