



17 November 2023

Committee Secretariat
Senate Standing Committee on Community Affairs
PO Box 61000
Parliament House
CANBERRA ACT 2600
By Email: community.affairs.sen@aph.gov.au

QIFVLS Submission

1.Social Security (Administration) (Enhanced Income Management Regime - Volunteers) Determination 2023

2.Social Security (Administration) (Enhanced Income Management Regime – State Referrals) Determination 2023

3.Social Security (Administration) (Enhanced Income Management Regime – Commonwealth Referrals and Exemptions) Determination 2023

Dear Committee Secretary,

The Queensland Indigenous Family Violence Legal Service Aboriginal Corporation (QIFVLS) is pleased to write in relation to the review of the three legislative instruments made by the Minister for the purposes of Part 3AA or Part 3B of the *Social Security (Administration) Act 1999* (the Determinations).

We understand that the Determinations will allow for:

- Volunteers Determination – allow for eligible welfare recipients who are residents of declared voluntary enhanced income management areas to enter into an agreement with the Secretary to be voluntarily subject to enhanced income management (IM) for a minimum period of 13 weeks.
- State Referrals Determination – enable the operation of the Child Protection and Supporting People at Risk (SPaR) measures under the enhanced IM regime.
- Commonwealth Referrals and Exemptions – enable the operation of the vulnerable welfare payment recipient, disengaged youth and long-term welfare payment recipient measures under the enhanced IM regime.

Our submission raises points for the Committee to consider prior to the Determinations commencing. Most notably, we believe that implementation of the enhanced IM reforms needs to be supported by a tailored education and awareness campaign co-designed with Aboriginal and Torres Strait islander Community-Controlled Organisations

We stand by the approach we took earlier this year in our submission regarding income management reform (Attached and marked “A”). Our core point was that an approach to income management reform grounded in self-determination and consultation should be the guiding factor in the legislative process. We believe that income management should not be seen as a tool in isolation. Rather, it should form a component among a suite of measures and ideally be the option of last resort when an individual and their circumstances warrant it.



Who we are

The Queensland Indigenous Family Violence Legal Services Aboriginal Corporation (QIFVLS) is a Family Violence Prevention Legal Service (FVPLS) and an Aboriginal and Torres Strait Islander Community Controlled Organisation (ACCO) that fills a recognised gap in access to culturally appropriate legal and wraparound support services for Aboriginal and Torres Strait Islander victim-survivors of family and domestic violence and sexual assault. We are a member of the Coalition of Peak Aboriginal and Torres Strait Islander peak organisations (Coalition of Peaks), and we are dedicated to achieving the priority reforms and socio-economic targets outlined in the [National Agreement on Closing The Gap](#).

Of the 19 socio-economic targets outlined in the National Agreement, our aim is to work with governments and the community to achieve Target 13 (ensuring families and households are safe and that domestic and family violence against Aboriginal and Torres Strait Islander women and children is reduced by at least 50% by 2031 as we progress towards 0) alongside the other inter-related targets. Target 13 is not an isolated objective and we highlight that in seeking to achieve all the socio-economic targets, a combined and coordinated approach between the government, communities and the community-controlled sector is required. To this end, efforts to meet the targets are underpinned by a set of four priority reforms that government parties to the National Agreement must meet:

- Priority Reform 1 – Formal partnerships and shared decision-making;
- Priority Reform 2 – Building the community-controlled sector;
- Priority Reform 3 – Transformation of mainstream institutions.
- Priority Reform 4 – Sharing data and information to support decision-making.

QIFVLS' Case Management Practice Model

Our feedback to you is informed by our model of care. At QIFVLS, we utilise our unique case management practice model to support our clients to address legal and non-legal needs. With a joint team of Lawyer and Case Management Officer (an identified position), QIFVLS clients entering case management are assisted to address their non-legal needs whilst also responding to and addressing their legal needs. This is a holistic, wrap-around service delivery model that utilises strong referral pathways with existing service providers in community, whilst allowing a client to set achievable goals at a pace determined by the client, thereby achieving self-efficacy and self-determination.

The case management support that is provided to QIFVLS clients is delivered by duly qualified Aboriginal and Torres Strait Islander QIFVLS staff within a trauma informed and culturally safe manner.

Our observations on the ground

Given the geographical spread of Queensland, QIFVLS provides services to over 90 communities, from the urban south-eastern corner of the state, out west to communities surrounding Mount Isa, reaching the Northern Territory border, and north to the outer islands of the Torres Strait, neighbouring Papua New Guinea.



Through our staff's observations in these diverse communities, the unique difficulties regional, rural and remote communities face in service delivery emphasise the necessity of governments working together in a coordinated approach that empowers the many diverse local communities to develop solutions and systems to combat family and domestic violence. Leaning into the National Agreement is vital in this regard.

Our feedback regarding the Determinations

Education and awareness

It is vital that the commencement of the Determinations as part of the implementation of the overall suite of legislation is supported by a tailored education and awareness campaign for communities. By stating that the campaign must be 'tailored', we emphasise the necessity of developing tailored campaigns which account for the uniqueness and rich diversity among the many Aboriginal and Torres Strait Islander communities on the mainland and in the islands, most notably the islands of the Torres Strait. Too often, broad-brush campaigns have tried and been found wanting in their effectiveness.

To assist in the preparation of the education and awareness campaigns, we encourage the government to co-design campaigns with Aboriginal and Torres Strait Islander Community-Controlled Organisations specialising in media, communications and marketing. In Queensland, the Queensland First Nations Media Coalition is a member of the Queensland Aboriginal and Torres Strait Islander Coalition of community-controlled organisations. On a national level, we encourage the Government to work in partnership with [First Nations Media Australia](#). They are the peak body for First Nations not-for-profit broadcasting, media and communications and a national member of the Coalition of Peak Aboriginal and Torres Strait Islander community-controlled organisations (Coalition of Peaks).

Acknowledging the historical mistrust

Implementation of the Determinations and the associated education and awareness campaigns must also acknowledge the history of mistrust between governments and Aboriginal and Torres Strait Islander communities. Furthermore, as we are dealing with the most vulnerable in our community, it must be imperative that the mistakes of the bureaucracy in the Robodebt scandal are not repeated.

Consultation

We note that the Explanatory Statements for the Determinations reference extensive consultation taking place, and that consultation has included Senator the Hon Patrick Dodson, Senator the Hon Malarndirri McCarthy, and Ms Marion Scrymgour MP.

We stress that for the overall legislation to be effective, consultation must be a genuine two-way deliberative process of dialogue that are Indigenous-led and reflect the priority reforms in the National Agreement on Closing the Gap. We refer to Article 19 of the *United Nations Declaration on the Rights of Indigenous Peoples* (UNDRIP) which articulates that states should consult and cooperate in good faith with indigenous peoples in order to obtain their free, prior and informed consent before adopting and implementing legislative or administrative measures that may affect them.



The ability to genuinely influence the outcome of the decision-making process is a fundamental ingredient towards ensuring there is genuine consultation pursuant to Article 19 of UNDRIP.

State Referrals Determination

We understand that the State Referrals Determination will operate on the basis of a decision made by a State or Territory authority child protection officer (or officer of a recognised State/Territory) to refer an individual onto the enhanced IM regime after an assessment of their particular circumstances.

Section 123SB of the *Social Security (Administration) Act 1999* (the Act) defines a ‘child protection officer’ as follows:

“child protection officer means an officer or employee of a State or Territory who has functions, powers or duties in relation to the care, protection or welfare of children.”

We understand that the determination gives effect to sections 123SCA and 123SCJ. Nevertheless, it is not clear how broadly a *child protection officer* is defined.

In that regard, we have concerns over what would appear to be the power of a regular child protection officer (a child safety officer in Queensland) to provide notice to the Secretary recommending that an individual be placed on the enhanced IM regime. In terms of the day-to-day procedures and operation of the Determination, we would feel comfort if the notice to the Secretary were provided by a child protection officer of significant seniority, preferably the Chief Executive of the relevant child protection department, at least as a safeguard.

Given that the State Referrals Determination enables the operation of the Child Protection and Supporting People at Risk measures, we would strongly advocate for programs in place that would assist parents to transition out of the enhanced IM regime.

Conclusion

We take this opportunity to thank you for considering our feedback. We trust that you appreciate our viewpoint as both an Aboriginal and Torres Strait Islander Community Controlled Organisation and Family Violence Prevention Legal Service.

If you would like to discuss our response further, please don’t hesitate to contact me at

Yours faithfully

Queensland Indigenous Family Violence Legal Service

Thelma Schwartz

Principal Legal Officer