

31 March 2023

Senate Standing Committees on Community Affairs  
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Canberra ACT 2600

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**Re: The Social Security (Administration) Amendment (Income Management Reform) Bill 2023**

I note that the explanatory memorandum for the present Bill states that:

‘Firstly, the Bill extends the enhanced IM regime to include all of the measures that are in place for the IM regime in Part 3B of the Administration Act. This will allow eligible welfare recipients to enter an enhanced IM regime that offers improved technology and access to over one million outlets across Australia as well as ‘Tap and Go’ transactions, online shopping and BPAY.

Secondly, the Bill gives people subject to the IM regime under Part 3B the choice to move to enhanced IM from the commencement date, thereby allowing them to access the BasicsCard bank account and superior SmartCard.

Thirdly, the Bill directs all new entrants to the enhanced IM regime while further consultation is undertaken on the long-term future of IM.’

I welcome the opportunity to make this submission as an academic with a disciplinary background in law whose research focuses on issues of social policy, inequality, social justice, human rights and Indigenous peoples.

I have undertaken research about social security and welfare conditionality that has been supported by two Australian Research Council grants.<sup>1</sup> Work on these grants has included interviews with people from numerous field work sites who have been subject to the BasicsCard and the Cashless Debit Card (CDC). The vast majority of these people had lived experience with being on the receiving end of compulsory income management programs, with a small number of people who had volunteered for income management.

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<sup>1</sup> Australian Research Council Discovery Early Career Researcher Award (DECRA): *Regulation and Governance for Indigenous Welfare: Poverty Surveillance and its Alternatives* (DE180100599), and Australian Research Council Discovery Project (DP): *Conditional Welfare: A Comparative Case Study of Income Management Policies* (DP180101252).

During the course of this research the overwhelming majority of interviewees who had experienced being placed on either of these cards as a compulsory measure was overwhelmingly negative and they expressed a preference for cash transfers as a payment mechanism.

By contrast, those who had volunteered for some form of income management were more inclined to give more positive feedback about these sorts of programs. However, even some of these people reported problems in terms of card functionality and restrictions on purchasing outlets.

Stakeholder opinions varied. Many grassroots advocacy groups reported numerous problems with the mandatory application of such programs to people receiving social security payments. Some stakeholders stated that the BasicsCard and the Cashless Debit Card were ineffective at addressing alcohol and drug issues where these were a problem for some people.

Concerns expressed by those opposed to mandatory income management have included points about the practical difficulties for cardholders paying for everyday goods and services that were not meant to be prohibited in theory but were in practice, stigma experienced by cardholders, human rights violations, and the sense of injustice that people felt over their budgetary autonomy being removed based on unevicenced assumptions about their capacity to manage their finances.

I make the following observations about the new Bill:

**The Bill extends income management even though there is no evidence that it provides positive outcomes as a broadly applied measure for thousands of compulsory cardholders**

Although the Bill elaborates upon enhanced income management it looks very similar to old income management in many significant ways. There are the same compulsory categories that have been standard under the BasicsCard, the same 12 month exemption application hoops for program participants subject to some of the compulsory income management categories, the same lack of autonomy fostered for most of the BasicsCard captured cohort.

Under Part 3B of the *Social Security (Administration) Act 1999* (Cth) the overwhelming majority of BasicsCard holders have been on the income management program as a compulsory measure, irrespective of their actual budgetary capacities. The vast majority of BasicsCard holders have been Aboriginal and Torres Strait Islander Peoples. The scheme has always operated in a way that delivered indirect racial discrimination in practice (see **Appendices A, B & C**).

The Northern Territory categories of long term unemployed (s [123UCC](#)) and disengaged youth (s [123UCB](#)) have long constituted the bulk of compulsory income management program participants. As of December 2022, there were 15,599 long

term unemployed people and 4,540 disengaged youth on income management.<sup>2</sup> I note that the new Bill retains these and the other compulsory income categories. In doing so the new Bill ensures that Indigenous Peoples will continue to be grossly overrepresented under the enhanced income management regime.

People on the BasicsCard have experienced consumer purchasing problems, bill payment problems, intensive regulation, long-term disempowerment, erosion of autonomy, denial of self-determination, loss of control over their socioeconomic futures, and systematic stigmatisation through the dominant law and policy discourse about income management programs. Such discourse portrays cashless welfare cardholders universally as substance abusers, gamblers, and prone to pornography. These negative stereotypes have been unjustly applied to people under compulsory income management since the commencement of the Northern Territory Intervention in 2007. However, empirical evidence demonstrates that cardholders do not typically have these problems.<sup>3</sup> In interviews numerous people stated that they felt that it was unfair and a violation of their human rights to be put under mandatory income management irrespective of their actual behaviour. Many Aboriginal people I have interviewed for my DECRA pointed out that they did not have problematic alcohol consumption – despite prevailing negative stereotypes (see **Appendix D**).

People with lived experience of being placed on these cards often described how they experienced deeper poverty and disempowerment as a consequence. One cardholder explained ‘we want cash in the hand you know’. This was a common interview response in terms of how people addressed the question of what they wanted to see happening next in terms of how the government addresses these issues.

### **The new Bill does not address the problem of technology not being accessible for cardholders needing to manage their income and payments online**

It is evident that cashless welfare cards can intensify the vulnerability of people on social security payments (**Appendix C**). I have seen this first hand when travelling to locations around Australia where these programs were introduced and it came up regularly in interviews.

In each field work site I have travelled to people have experienced challenges with low social security payments. Interviewees mentioned that it is difficult for those on a social security payment to cover the cost of mobile phones, computers and internet connection.

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<sup>2</sup> Australian Government, ‘Income Management Data Summary – December 2022’, data.gov.au, <https://data.gov.au/data/dataset/fd464dd1-0031-4e4a-abdd-c08282192d86/resource/3ab3be57-84b8-42b2-a3bb-33f45d833c87/download/income-management-data-summary-december-2022.pdf>.

<sup>3</sup> Marston, G., Mendes, P., Bielefeld, S., Peterie, M., Staines, Z. and Roche, S. (2020) *Hidden Costs: An Independent Study into Income Management in Australia*. School of Social Science, The University of Queensland: Brisbane, Australia.

Although the new Bill has Services Australia as the provider of the SmartCard, not a privatised financial services provider, the government's background assumptions about digital literacy and technology affordability for people on low incomes remain unchanged. This has been a problem mentioned by several older interviewees who are First Nations people during my DECRA work, and under the new SmartCard this problem would not be addressed. The SmartCard would continue to generate a risk of older people with digital literacy issues having their money stolen when requesting help from others. It is wrong to put people in this situation through compulsory income management.

Let people choose their own financial services products based on their actual rather than perceived needs – that would better foster self-determination than telling people they must choose between one compulsory cashless social security payment card or another. Several of the older Aboriginal people I interviewed expressed a clear preference for cash payments and said they can keep track of their money better that way. Real promotion of self-determination requires respect for different preferences with budgetary arrangements.

### **Family Violence and Cashless Social Security Payment Cards**

During my field work numerous Aboriginal women interviewed stated that cashless social security payment cards can make issues of family violence worse. For example, one woman explained that violent partners can take off with the card leaving women and children without income, with the card being used as a tool of financial abuse. Another woman explained that if her female relation does not have cash to give her partner who has addiction problems she gets beaten. Some women interviewed said that being on the BasicsCard or the Cashless Debit Card made no difference to the family violence context where those difficulties were experienced. These cards are not gender equalisers or general circuit breakers for domestic violence.

Although this Bill does provide for situations of family violence to be addressed differently to the previous cashless welfare legislation,<sup>4</sup> not everyone feels like it is safe to disclose domestic violence to authorities, because it can lead to retaliation from an aggressive partner. This may impact how many women are willing to come forward to seek special arrangements based on their experiences of family violence. This makes subjecting women to any of the compulsory income management categories as a default setting particularly problematic.

In one of my 2016 publications about compulsory income management and Indigenous women (see **Appendix E**) I explained that:

'Through its income management discourse, the government promotes the expansion of bureaucratic control over Indigenous women, ostensibly to

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<sup>4</sup> The Social Security (Administration) Amendment (Income Management Reform) Bill 2023 sections 123SLD(8), 123SLG(8), 123SLJ(8), 123SM(4), and 123SP(4).

‘support’ them, whether they desire this or not. Examination of income management reports shows that ‘hypocrisy’ stalks ‘the rhetoric’. Touted by government as a necessary form of support and protection for welfare recipients, their families and their communities, income management in the Northern Territory has instead brought greater difficulties for many of those subject to it, and failed to achieve the policy objectives unilaterally designed and imposed by the government. There are several persuasive and vivid illustrations of the negative effects of income management. Indeed, evidence shows that income management can create some of the problems law and policymakers claim it remedies so effectively. Yet despite deficiencies in evidence, income management continues to be lauded by leading politicians.’

It is concerning that this commentary is still relevant all these years later with even more evidence compiled and communicated to government about the problems with compulsory income management.

### **Exemption Processes for Income Management**

As has previously been the case under the BasicsCard arrangements, with the SmartCard there are 12 month exemptions possible with the government policing behaviour related to parenting, school enrolment and attendance, work or study, indicators of financial vulnerability etcetera in terms of eligibility.<sup>5</sup> This continues a cycle of constant surveillance for social security recipients, and generates additional stress for people already dealing with multiple challenges.

During my research numerous interviewees stated that they found the government’s exemption processes inaccessible when they were trying to escape the strictures of compulsory income management. Some people find them so inaccessible in terms of the amount of paperwork required that they do not bother to apply at all. Some Indigenous cardholders also relayed concerns about how much data was collected about their personal lives through income management exemption processes and what the ramifications could be – and they made it clear that this kind of surveillance was unwelcome and unnecessary.

### **Human Rights Issues with the Bill**

Concerns about human rights violations with the BasicsCard have been longstanding (see **Appendices A & B**). Numerous First Nations people in the Northern Territory have objected to compulsory income management with the BasicsCard as a racially discriminatory measure (see **Appendix A**). This has been reflected in a complaint made regarding Australia’s violation of the *International Convention on the*

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<sup>5</sup> See The Social Security (Administration) Amendment (Income Management Reform) Bill 2023 sections 123SDB, 123SDC and 123SDD and <https://www.servicesaustralia.gov.au/applying-for-exemption-from-enhanced-income-management?context=63998>.

*Elimination of All Forms of Racial Discrimination.*<sup>6</sup> The negative impact that compulsory income management has had on Indigenous peoples' right to non-discrimination in relation to social security is reflected in international criticism of Australia's conduct via the United Nations Committee on the Elimination of Racial Discrimination (see a summary in **Appendix A**).

In addition, the Parliamentary Joint Committee on Human Rights has long pointed to human rights compatibility problems with Australia's compulsory income management programs.<sup>7</sup> In their report on this Bill the Committee states that:

'by subjecting an individual to mandatory income management under the Part 3AA regime and restricting how they may spend a portion of their social security payment (including, in some cases, portioning 100 per cent of a person's welfare payment as 'qualified'), the measure limits the rights to social security and a private life insofar as it interferes with an individual's freedom and autonomy to organise and make decisions about their private and family life, including making their own decisions about the way in which they use their social security payments. The right to social security recognises the importance of adequate social benefits in reducing the effects of poverty and in preventing social exclusion and promoting social inclusion, and enjoyment of the right requires that social support schemes must be accessible, providing universal coverage without discrimination. The right to privacy is linked to notions of personal autonomy and human dignity. It includes the idea that individuals should have an area of autonomous development; a 'private sphere' free from government intervention and excessive unsolicited intervention by others.

Further, authorising the disclosure of personal information between relevant authorities, the consequences of which may be to subject a person to compulsory income management, would also limit the right to informational privacy, which includes the right to respect for private and confidential information, particularly the storing, use and sharing of such information. It also includes the right to control the dissemination of information about one's private life.

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<sup>6</sup> Shaw, Barbara, Marlene Hodder, Geoff Shaw, Harry Nelson Jakamarra, Valerie Martin Napaltjarra, Peggy Brown Nampitjimpa, Johnny Miller Japangardi, Ronnie Agnew, Philip Goodman, Neparnga Gumbula, Elaine Peckham, Irene Fisher, Rosalie Kunoth-Monks, Yingiya Guyula, Matthew Dhulumburrk, Keith Lapalung, Jane Miyatatawuy, Munyarirr Gurrampa, Peter Ganbung, and Ronnie Barramala (2009) "Request for Urgent Action under the International Convention on the Elimination of All Forms of Racial Discrimination – Submission in relation to the Commonwealth Government of Australia." Accessed August 10, 2022.

[https://www.uts.edu.au/sites/default/files/RequestforUrgentAction\\_28Jan09.pdf](https://www.uts.edu.au/sites/default/files/RequestforUrgentAction_28Jan09.pdf).

<sup>7</sup> Parliamentary Joint Committee on Human Rights, Human Rights Scrutiny Report - Report No 4 of 2023 (Australian Government) p 24.

The measure may also engage and limit the right to an adequate standard of living. This right is often engaged simultaneously with the right to social security and requires that Australia take steps to ensure the availability, adequacy and accessibility of food, clothing, water and housing for all people in its jurisdiction. The committee has previously noted that were persons subject to mandatory income management to experience difficulties in accessing and meeting their basic needs, such as food, clothing and housing, the right to an adequate standard of living may be engaged and limited.’<sup>8</sup>

The Committee continues:

‘The measures also engage the right to equality and non-discrimination insofar as they would have a disproportionate impact on certain groups of people based on their protected attributes. This right provides that everyone is entitled to enjoy their rights without discrimination of any kind, which encompasses both 'direct' discrimination (where measures have a discriminatory *intent*) and 'indirect' discrimination (where measures have a discriminatory *effect* on the enjoyment of rights). Indirect discrimination occurs where 'a rule or measure that is neutral at face value or without intent to discriminate', exclusively or disproportionately affects people with a particular protected attribute. The eligibility criteria set out in the bill include a criterion relating to a person's usual place of residence and, in the case of disengaged youth, a criterion relating to age. In this way, the measures would treat participants differently based on the protected attributes of place of residence within a state and age. Further, due to the large number of Aboriginal and Torres Strait Islander persons participating in mandatory income management, the measures would have a disproportionate impact on this group ... In particular, the measure relating to the Ngaanyatjarra Lands would disproportionately impact Aboriginal and Torres Strait Islander peoples, noting that the majority of the population residing in this area are Aboriginal people.

Further, noting that 'disengaged youth' (which includes children aged between 15 and 17 years) are a class of participants who are to be subject to the enhanced income management regime, the measure would engage the rights of the child. Children have special rights under human rights law taking into account their particular vulnerabilities. Children's rights are protected under a number of treaties, particularly the Convention on the Rights of the Child. All children under the age of 18 years are guaranteed these rights, without discrimination on any grounds. For the reasons outlined above, the rights of a child to social security, privacy and equality and non-discrimination would be engaged and limited by subjecting disengaged youth to mandatory income

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<sup>8</sup> Parliamentary Joint Committee on Human Rights, Human Rights Scrutiny Report - Report No 4 of 2023 (Australian Government) pp 14-15. (references omitted)

management. Additionally, noting the eligibility criteria relating to disengaged youth do not provide for an individual assessment of those participants who would be subject to the enhanced income management regime, the measure would appear to raise issues regarding Australia's obligation to ensure that, in all actions concerning children, the best interests of the child are a primary consideration.<sup>9</sup>

The Human Rights Compatibility Statement accompanying the new Bill *asserts* that to the extent to which human rights are impacted by the income management measures embedded in this Bill these are proportionate – but it does not *demonstrate* this.

As the Parliamentary Joint Committee on Human Rights (PJCHR) has noted, limitations can be placed on human rights in some circumstances:

‘In general, any measure that limits a human right must comply with the following criteria (the limitation criteria):

- be prescribed by law;
- be in pursuit of a legitimate objective;
- be rationally connected to its stated objective; and
- be a proportionate way to achieve that objective.

Where a bill or instrument limits a human right, the committee requires that the statement of compatibility provide a detailed and evidence-based assessment of the measures against these limitation criteria.<sup>10</sup>

With respect to the current Bill, the Parliamentary Joint Committee on Human Rights stated:

‘A key aspect of whether any limitation on rights can be justified is whether the limitation is proportionate to the objective being sought. In this respect, it is necessary to consider a number of factors, including whether the measure provides sufficient flexibility to treat different cases differently. The bill provides that a person must participate in the enhanced income management regime if they meet certain eligibility criteria. The criteria do not provide for an individualised assessment, rather participation is broadly based on geographical location and the type of social security payment received. ... There appears to be little flexibility to consider the merits of an individual case and questions arise as to whether this approach is sufficiently individualised.<sup>11</sup>

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<sup>9</sup> Parliamentary Joint Committee on Human Rights, Human Rights Scrutiny Report - Report No 4 of 2023 (Australian Government) pp 16-17. (references omitted)

<sup>10</sup> Parliamentary Joint Committee on Human Rights (PJCHR), *Review of Stronger Futures Measures* (Canberra: Commonwealth Parliament, 2016) v.

<sup>11</sup> Parliamentary Joint Committee on Human Rights, Human Rights Scrutiny Report - Report No 4 of 2023 (Australian Government) p 20.



This Committee also commented with respect to the issue of proportionality that:

‘it is not clear whether, and to what extent, affected communities and individuals were consulted about those aspects of the bill which relate to mandatory participation in the enhanced income management regime.

As the committee has previously reported, for consultation to be an effective safeguard, it must be a two-way deliberative process of dialogue in advance of a decision to progress the measure. This is particularly the case where Aboriginal and Torres Strait Islander people are affected by the decision. Article 19 of the United Nations (UN) Declaration on the Rights of Indigenous Peoples provides 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 right of indigenous peoples to be consulted about measures which impact on them is a critical component of free, prior and informed consent. Genuine consultation in this context should be 'in the form of a dialogue and negotiation towards consent'. ... it is not clear whether communities and individuals affected had the opportunity to genuinely influence the outcome of the decision-making processes affecting them or whether consent was achieved prior to introducing the measures. The ability to genuinely influence the decision-making process is a fundamental component of good faith consultation and important for realising article 19 of the UN Declaration on the Rights of Indigenous Peoples.<sup>12</sup>

Further to this theme of proportionality, the PJCHR stated:

‘A further consideration is the extent of any interference with human rights. The greater the interference, the less likely the measure is to be considered proportionate. Compulsory income management, including under the enhanced income management regime, represents a significant interference with a person's autonomy and private and family life. The regime imposes stringent conditions on the provision of income support payments, including what goods or services a person may purchase and where, as well as to whom a person may transfer money. In relation to participants who are subject to the regime due to receiving a written notice by a child protection officer or because they have failed to ensure that their child is enrolled at school or there is an unsatisfactory school attendance situation, 100 per cent of their welfare payment would be qualified (unless a lower percentage is

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<sup>12</sup> Parliamentary Joint Committee on Human Rights, Human Rights Scrutiny Report - Report No 4 of 2023 (Australian Government) pp 21-22. (references omitted)

determined by the minister by legislative instrument), meaning there may be no amount available to be used at the person's discretion.’<sup>13</sup>

Removing *all* access to cash for people who do not comply with the government's parenting expectations and school enrolment and attendance expectations would be a disaster for people impacted given that Australia is not a cashless society.

Finally, the Committee point out that proportionality requires the least 'rights restrictive alternatives' to be undertaken<sup>14</sup> – and compulsory income management applied to broad categories of people irrespective of their behaviour does not meet that threshold.

The concept of proportionality is increasingly significant in the human rights domain.<sup>15</sup> Although there are varying ways in which the concept is delineated, it is often considered to involve four key questions:

- ‘1. Does the legislation (or other government action) establishing the right's limitation pursue a legitimate objective of sufficient importance to warrant limiting a right?
2. Are the means in service of the objective rationally connected (suitable) to the objective?
3. Are the means in service of the objective necessary, that is, minimally impairing of the limited right, taking into account alternative means of achieving the same objective?
4. Do the beneficial effects of the limitation on the right outweigh the deleterious effects of the limitation; in short, is there a fair balance between the public interest and the private right?’<sup>16</sup>

In my view criteria 2, 3 and 4 are not satisfied with respect to the compulsory income management categories embedded in the proposed Bill.

Furthermore, the points about self-determination contained in the Statement of Compatibility with Human Rights accompanying the Bill show a fundamental lack of understanding about the importance of self-determination involving *free* choice. What the government is currently providing affected social security recipients who are already on the BasicsCard is a choice between one card or the other - the

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<sup>13</sup> Parliamentary Joint Committee on Human Rights, Human Rights Scrutiny Report - Report No 4 of 2023 (Australian Government) p 22.

<sup>14</sup> Parliamentary Joint Committee on Human Rights, Human Rights Scrutiny Report - Report No 4 of 2023 (Australian Government) p 23.

<sup>15</sup> Grant Huscroft, Bradley Miller and Gregoire Webber (eds), *Proportionality and the Rule of Law: Rights, Justification, Reasoning* (Cambridge University Press, 2016) 1.

<sup>16</sup> Grant Huscroft, Bradley Miller and Gregoire Webber (eds), *Proportionality and the Rule of Law: Rights, Justification, Reasoning* (Cambridge University Press, 2016) 2.

BasicsCard or the SmartCard but not no mandated card for the overwhelming majority of people who are captured under the current compulsory IM categories - with the government describing this *curtailed choice* as fostering self-determination. With respect to First Nations cardholders this does not comply with Article 3 of the *United Nations Declaration on the Rights of Indigenous Peoples* which states: 'Indigenous peoples have the right to self-determination. By virtue of that right they freely determine their political status and *freely* pursue their economic, social and cultural development.' (emphasis added)

### **Compulsory Income Management Stigmatises Social Security Recipients Irrespective of the Card Used**

I note that the Statement of Compatibility with Human Rights accompanying the Bill claims that: 'Updated technology reduces the likelihood that a welfare payment recipient will be subject to undue harassment in relation to their welfare payments or stigma of a BasicsCard.' Stigma stems from the government's discursive framing of cashless social security payment cards being necessary to limit access to alcohol, illicit drugs, gambling, and pornography – it is not simply the card technology that leads to stigma. The SmartCard has the same stigmatising policy rationale as the BasicsCard and the CDC and the same restrictions as the BasicsCard plus a restriction on cash like products like the CDC (so no gift cards).<sup>17</sup>

### **Possible Expansion of the Largest Compulsory Income Management Categories Under the Bill**

There is expansion language in the Bill allowing the Northern Territory categories of long term unemployed and disengaged youth to be applied outside that jurisdiction (see s 123SDA) - and although the explanatory memorandum states that it is not currently the government's intention to apply those categories outside the Northern Territory<sup>18</sup> it is possible down the track if this Bill passes in its current form. This warrants further consideration given the lack of evidence that compulsory income management is effective in achieving the government's law and policy objectives.

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<sup>17</sup> See <https://www.servicesaustralia.gov.au/using-your-smartcard-for-enhanced-income-management?context=63998>.

<sup>18</sup> 'Item 52 amends the heading for Subdivision B of Division 3 of Part 3AA by omitting the term 'Northern Territory' and substituting it with the phrase 'disengaged youth and long-term welfare payment recipients'. This change reflects the revised scope of these 2 measures which can potentially apply to locations other than the Northern Territory. This is consistent with the equivalent provisions in the IM regime (that is, sections 123UCB and 123UCC). The Minister intends for this measure to continue to operate only in the Northern Territory.' Explanatory Memorandum, Social Security (Administration) Amendment (Income Management Reform) Bill 2023, p 50.

## **Is the SmartCard really a superior banking product compared to other bank account options for low income earners?**

I note that the Explanatory Memorandum states that the SmartCard is 'a superior banking product'. Given the well documented problems with both the BasicsCard and the Cashless Debit Card it would not be hard to improve on either. However, has there been a comparison done between the SmartCard and all the other banking products currently available for low income consumers? Research indicates that there are a range of bank accounts developed by the banking sector for low-income earners.<sup>19</sup> The real test of superiority needs to take into account all the other financial products and packages that consumers could access were they not subjected to compulsory income management.

## **The Financial Cost of Yet More Mandatory Income Management**

I note that the financial implications of this Bill are described as unavailable due to the 'commercial implications for contracted service providers', which continues a trajectory of limiting transparency. However, the cost of welfare conditionality of this type has historically been expensive with very little to show for the staggering amounts invested in such schemes. If people want to volunteer for income management that is their choice, however, to have many more thousands of people subject to mandatory income management categories irrespective of their actual behaviour or budgetary capacity is wasteful expenditure.

## **Recommendations**

1. That all compulsory income management categories be revoked and replaced with a voluntary income management program where individuals have a choice as to how much they have placed on any cashless social security card and can easily opt out of the program if it is not providing demonstrable positive outcomes.
2. That the government eradicate all legislation that is discriminatory, both directly and *indirectly*.
3. That any social security laws, policies and programs be community led with 'bottom up' policy design with specific attention paid to the voices of those who would be on such programs.
4. That any consultation with affected First Nations communities about welfare conditionality measures take place in accordance with the *United Nations Declaration on the Rights of Indigenous Peoples* – in 'good faith' and with the goal of 'free, prior and informed consent'. Consultations should not be mere information sessions where the government just informs people what is about to be done to them but should provide people on social security payments with the opportunity to shape program outcomes.

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<sup>19</sup> David Tennant and Gerard Brody (2020) 'The Fraught Relationship Between the Cashless Debit Card and Basic Transaction Accounts' 39(1) *Social Alternatives* 14.

5. That the government disclose the financial implications of the Bill proposed to better inform timely public debate through the parliamentary inquiry process.

If I can be of any further assistance, I would be happy to oblige.

Yours sincerely,

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## **Appendices**

### **Appendix A**

Shelley Bielefeld (2017) 'The Intervention, Stronger Futures and Racial Discrimination: Placing the Australian Government under Scrutiny' in Elisabeth Baehr and Barbara Schmidt-Haberkamp (eds), *'And there'll be NO dancing'. Perspectives on Policies Impacting Indigenous Australia since 2007* (Newcastle upon Tyne, Cambridge Scholars Publishing) 145–166.

### **Appendix B**

Shelley Bielefeld (2012) 'Compulsory Income Management and Indigenous Australians – Delivering Social Justice or Furthering Colonial Domination?' *University of New South Wales Law Journal* 35(2): 522–562.

### **Appendix C**

Shelley Bielefeld (2018) 'Cashless Welfare Transfers for "Vulnerable" Welfare Recipients – Law, Ethics and Vulnerability' *Feminist Legal Studies* 26(1): 1–23.  
<https://doi.org/10.1007/s10691-018-9363-6>

### **Appendix D**

Shelley Bielefeld (2018) 'Government Mythology on Income Management, Alcohol, Addiction and Indigenous Communities', *Critical Social Policy: A Journal of Theory and Practice in Social Welfare* 38(4): 749–770.  
<https://doi.org/10.1177/0261018317752735>

### **Appendix E**

Shelley Bielefeld (2016) 'Income Management and Indigenous Women – A New Chapter of Patriarchal Colonial Governance?' *University of New South Wales Law Journal* 39(2): 843–878.