



**Australian
Human Rights
Commission**

**Aboriginal and Torres Strait Islander Social
Justice Commissioner**

June Oscar AO

10 August 2022

Committee Secretary
Senate Community Affairs Legislation Committee
PO Box 6100
Parliament House
Canberra ACT 2600

By email: community.affairs.sen@aph.gov.au

Dear Secretary

**Senate inquiry into Social Security (Administration) Amendment (Repeal of
Cashless Debit Card and Other Measures) Bill 2022 (Cth)**

The Commission welcomes the opportunity to make comments to the Senate Community Affairs Legislation Committee in relation to the above inquiry.

The Commission supports the repeal of the Cashless Debit Card (CDC) and would like to draw the Committee's attention to the submissions the Commission provided on this topic in 2017 (Appendix A), 2018 (Appendix B), 2019 (Appendix C) and 2020 (Appendix D), each of which raised human rights concerns in respect of the CDC trials, particularly in relation to the right to social security, the right to a private life and the right to equality and non-discrimination.

As stated in our previous submissions, in terms of the limitations it placed on human rights, the application of the CDC has not been shown to have been reasonable, necessary and proportionate, nor has the evidence demonstrated that the trials of the CDC were warranted.

The Commission is of the view that the causes of social disadvantage are complex and require policies that take a multidimensional approach in collaboration with the people and communities affected. Investment in community-led solutions aimed at targeting root causes and enhancing cultural protective factors and social and emotional wellbeing have more efficacy and evidenced success in reducing alcohol harms, as well as addressing a range of social and economic issues.

The Commission continues to recommend the preferred features of an income management system:

- An approach that enables participants to voluntarily opt-in to the scheme, rather than an automatic quarantining model. The current exemption application process is arduous on individuals.
- An approach that utilises income management as a 'last resort' strategy, particularly for targeted risk areas such as child protection (that is supported by case management and support services). The approach should be that, where income management is not voluntary, the onus is on government to demonstrate why the individual should enter the cashless welfare arrangements on a case-by-case basis.
- Measures that are applied for a defined period and in a manner proportionate to the context.

The Commission supports a community-driven approach, so that if a community chooses to introduce income management measures, there is participation in decision-making, based on free, prior and informed consent and good faith. Community governance structures and processes should be developed and supported with the aim of empowering community members to take control of their own identified issues and aspirations. The Commission considers that income management measures should be applied on a case-by-case basis, with opt-in and non-arduous opt-out processes, upon assessment of particular circumstances of individuals and with access to appropriate support.

I am available to attend a Senate Hearing (virtually) should you have need of further information.

Yours sincerely,

June Oscar AO
**Aboriginal and Torres Strait Islander
Social Justice Commissioner**