



North Australian Aboriginal Justice Agency

- 1. We all know Income management started with colonial mission managers stealing our wages, enslaving and controlling our people, which continued with John Howard's apartheid style military and economic invasion of the Northern Territory. Your submission talks about how income management today continues to segregate, discriminate and disadvantage our people, denying our opportunity to lead a dignified, self-determined and healthy life. Are First People signing up to these schemes with free, prior and informed consent as per this country's human rights obligations under the United Nations Declaration on the Rights of Indigenous Peoples?**

The concept of consent, including specifically *free, prior and informed consent*, is completely absent in the legal and policy measures of compulsory income management (CIM).

CIM involuntary places social security recipients under conditions which limit their ability to access their own income. CIM does this without first asking their consent and the legal and policy measures do not require that any enquiry is made of the social security recipient of whether they consent or what their views are prior to CIM being applied.

This is particularly evident in the Northern Territory where the legal and policy measures operate to place a broad section of social security recipients under CIM.

CIM also does not allow any permanent exemption or exit for a social security recipient who falls under the legal and policy measures of CIM. At most an individual can apply for a 12 month exemption through a process which requires extensive evidence and intrusive inquiry in their personal and financial affairs.

- 2. Do you see these schemes as a mechanism of racist control that creates further despair, shame, stigma, injustice and colonial trauma for First Nations People?**

Compulsory income management commenced 17 years ago as part of the NT Intervention, specifically targeted to remote Aboriginal communities.

We have heard stories about how humiliating and belittling it was for these Aboriginal Territorians to be issued with a Basics Card, and how this created stigma and an additional hurdle in their lives, and in their ability to make their own decisions to manage their finances in their families' best interests.

Today compulsory income management continues to disproportionately apply to the Aboriginal people of the NT:

- 91% of people under income management are NT residents;
- 82.37% of people are Aboriginal, despite Aboriginal people making up only 3.8% of the general Australian population, and 30.8% of the NT population.
- 85.97% of people on income management are on it because of two measures, which the legislation specifically states ONLY apply to the NT.

Our clients have informed us that they experience feelings of despair, shame, stigma, injustice and trauma. These experiences are also supported by published information on the effect of CIM in academic articles, previous governmental reviews and the Department of Social Services / Services Australia's recent consultations with affected social security recipients which they gave evidence of on 5 July 2024.

3. Could you explain what you said in your submission about how the vast majority of your clients have been placed on income management without their consent, as a result of their home location directly related to their Aboriginality?

As stated above the concept of consent is completely absent in the legal and policy measures of compulsory income management (CIM).

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The legal and policy measures of CIM were specifically designed in 2007 to target residents of remote Aboriginal communities in the NT. They continue to target residents of Aboriginal communities today.

The legal and policy measures do this by:

- Applying CIM to geographic locations with high percentages of Aboriginal people, including the NT, but also including Anangu Pitjantjatjara Yankunytjatjara (APY) Lands (SA), Cape York (QLD), Greater Shepparton (VIC), The Ngaanyatjarra Lands (WA), among others, each of which are areas with one of, if not *the* highest percentages of Aboriginal people for those States;
- These locations are also ones where the majority of the residents are there because of their Aboriginality, either because it is a precondition of residing in that location permanently, or because due to their spiritual and cultural connections to that location they would not choose to live elsewhere;
- These locations are also ones that have been historically neglected and therefore have little or no employment opportunities which would allow a social security recipient on CIM to find employment and no longer need social security.

4. So much of income management comes from white supremacist ideas, that First Nations people can't be trusted to handle their own affairs and need the government to control them. Do you think this scheme is intentionally targeted towards First People?

For the reasons given above, as well as the public statements and policy measures from the beginning of CIM, we consider that the scheme is intentionally targeted towards First Nations People.

5. What is your view of the Family Responsibilities Commission model, which fundamentally still facilitates non-voluntary income management, despite all calls from experts and the community?

- a. **Under their model, the Commissioner holds the power to deny someone being removed from even voluntary arrangements. Is this what you call free, prior, and informed consent and self-determination?**

NAAJA has expertise in the operation of compulsory income management in the NT.

The Family Responsibilities Commission (FRC) model is complex and established under both the Family Responsibilities Commission Act 2008 (QLD) and the Social Security (Administration) Act 1999 (Cwth).

NAAJA does not have the expertise to comment on how the FRC model operates and refers Senator Thorpe to the submissions made by the FRC and the evidence of Commissioner Williams on 5 July 2024.

6. **What policy and investment should the government focus on instead of these systems of colonial control, which keep us in poverty?**

NAAJA, through its membership of Aboriginal Peak Organisations Northern Territory, has for many years advocated to the Commonwealth Government to invest in real jobs in remote communities to increase job opportunities and to align work opportunities with community identified priorities. The APO NT submission outlining our "Fair Work Strong Communities" proposal can be found at the following link: [APO-NT_FWSC-Refreshed-Proposal-2023.pdf](https://apont.org.au/APO-NT_FWSC-Refreshed-Proposal-2023.pdf) (apont.org.au).

NAAJA supports ACOSS' advocacy around raising the rate of Commonwealth income support. NAAJA also supports the Central Land Council's calls for an increase to the remote area allowance.