

# Antipoverty Centre Inc

Social policy on our terms.

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10 August 2022

To the Committee Secretary,

Please find enclosed the Antipoverty Centre submission to the Senate Community Affairs Legislation Committee's inquiry into the *Social Security (Administration) Amendment (Repeal of Cashless Debit Card and Other Measures) Bill 2022*, prepared by Kristin O'Connell and Jay Coonan.

We are grateful to have the opportunity to contribute and acknowledge that many voices are excluded due to the short timeframe available for consultation as part of this inquiry.

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Regards,

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# ***Collective punishment is never the answer***

Antipoverty Centre submission to the Senate Community Affairs Legislation Committee  
inquiry into the *Social Security (Administration) Amendment (Repeal of Cashless Debit  
Card and Other Measures) Bill 2022*

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## Acknowledgement of Country

The Antipoverty Centre acknowledges the original peoples of this unceded continent, who have been custodians of Country for thousands of generations. First Peoples have connections to place, land, water and community that have been unbroken for 120,000 years.<sup>1</sup> We recognise Indigenous sovereignty and the cultural significance inherent in these connections, historical and contemporary.

We pay respect to Elders past and present and stand with all First Peoples in the quest for self-determination, justice and truth-telling in the face of ongoing colonial violence, including that inflicted through racism in the social security system.

## About the Antipoverty Centre

The Antipoverty Centre was established to counter problems with academics, think tanks and others in the political class making harmful decisions on behalf of people they purport to represent.

We are activists, advocates and researchers with lived experience of poverty and disadvantage. We defend and fight for the rights of people like ourselves who experience violence at the hands of an economic system designed to oppress us. It is our mission to shift how people speak about and respond to poverty in this country.

We work closely with peer support groups, activists and grassroots civil society organisations to complement their work. Our goal is to help ensure the voices and rights of people living in poverty are at the centre of social policy development and discourse. We believe there should be no decision made about us without us.

The Antipoverty Centre is not politically aligned and does not accept funding that places political constraints on our work.

## Terminology

Policymakers have sought to soften the perception of cashless welfare by using terminology that invokes benign budgeting or financial counselling programs. We reject this practice.

In this submission the term “income control” is generally used to indicate compulsory participation in cashless welfare programs such as the Cashless Debit Card and BasicsCard, described by the Australian Government as income management programs. When referring to opt-in participation we have specified this by including the term “voluntary”.

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<sup>1</sup> Bowler, J., Price, D., Sherwood, J. and Carey, S., ‘The Moyjil Site, South-West Victoria, Australia: Fire and Environment in a 120,000-Year Coastal Midden — Nature or People?’, *Proceedings of the Royal Society of Victoria*, 130/2 (2019), 71–93, <https://www.publish.csiro.au/rs/rs18007>.



## 1. Introduction

The Antipoverty Centre strongly supports the end of compulsory income control imposed via the Cashless Debit Card. We welcome the Labor government's swift action to deliver on this election promise. The the *Social Security (Administration) Amendment (Repeal of Cashless Debit Card and Other Measures) Bill 2022* is a step in the right direction towards ending all forms of income control across the continent.

The CDC repeal bill is a win for every person subjected to this card against their will. It is a win for every person who will never have to be on this card. It is a win won hard and long.

The Antipoverty Centre acknowledges the leadership of Aboriginal-controlled organisations in the campaign against cashless welfare and extends deep gratitude to all welfare recipients and other advocates who fought for this change, particularly those who have shared their personal experiences.

We are sorry the fight is not yet over and will continue to work in solidarity with all people subjected to income control until it is ended.

The Antipoverty Centre's view is that in its current form this bill represents a missed opportunity to allow for all programs to become genuinely voluntary. We fear that maintaining the infrastructure of this system will permit future governments to easily re-establish or expand income control.

We urge the government not to leave the door open to continue forced participation in these harmful programs. What people need is higher social security payments and better support services. Income control does nothing to meet those needs.

## Recommendations summary

- Increase all social security payments to at least the Henderson poverty line and abolish "mutual" obligations requirements.
- Take all possible steps, both by amending this bill and exercising available ministerial powers, to ensure that people can exit the CDC as quickly as possible and that no one is moved from the CDC to the BasicsCard unless they choose to do so.
- Give communities genuine choices without financial or any other form of coercion.
- Commit to and define robust consultation processes that put welfare recipients at the centre of decision making.

These recommendations and supporting information are discussed in more detail below. **The Antipoverty Centre also endorses the recommendations made in submissions to this inquiry from the Accountable Income Management Network, Dr Elise Klein and Anglicare Australia.**



## 2. Continuing income control is a choice

The CDC repeal bill does not end compulsory income control. In practice, it doesn't even end it for people on the Cashless Debit Card. More than 4000 people on CDC in the Northern Territory, 78% of whom are Indigenous, can be forced on to the BasicsCard even though the government could easily give them the option to exit income control immediately.<sup>2</sup>

A cynical and manipulative debate about the CDC has been played out by politicians preying on the fears of people who were never at risk of having it imposed, while erasing the depth of harm caused to welfare recipients already in income control programs. This boosted racist tropes, creating a dichotomy between “deserving” welfare recipients on the age pension and the predominantly Indigenous communities who are currently subjected to collective punishment through these programs. This in turn has contributed to a false perception that it is acceptable to apply different treatment to the two classes of welfare recipients who have their income controlled – those on CDC and those on the BasicsCard.

The BasicsCard is enabled by a number of instruments that sunset in October 2022, providing the government with the opportunity to dismantle the scheme. Instead, this bill and repeated public commentary from social services Amanda Rishworth indicate an intention to continue this racist Intervention-era policy.

It operates on the principle that some people must have their agency undermined by the government if they meet certain “undesirable” criteria. The use of “long-term welfare recipient” as a category in the context of income control policy is particularly obscene and ignores that many people in affected communities, particularly those living in isolated areas, do not have access to employment. It ignores that barriers to employment are broadly structural, punishing welfare recipients for macroeconomic policy, systemic racism, disability discrimination and other matters beyond their control.

The Labor party made much of the harms caused by income control both before and since the election. The move to abolish the Cashless Debit Card is itself an admission that cashless welfare harms people.

Now the government must walk its talk. **Amend the bill to ensure that no person who is currently on the CDC will be forced on to the BasicsCard. Make a firm, unambiguous commitment to urgently do what is necessary to abolish compulsory income control in all forms. Provide people with voluntary options, material resources and other supports that will meaningfully improve their lives.**

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<sup>2</sup> Department of Social Services (DSS), 'Cashless Debit Card Data Summary - July 2022', Australian Government Cashless Debit Card Program, 19 December 2019, data.gov.au, Canberra, <https://data.gov.au/dataset/ds-dga-e5a6ca38-b17c-4e65-af70-84e7759a0ffa/details?q=>. Arthur D., *Social Security (Administration) Amendment (Repeal of Cashless Debit Card and Other Measures) Bill 2022*, Bills Digest No. 001, 2022–23, 1 August 2022, Parliamentary Library, Department of Parliamentary Services, Canberra, <https://parlinfo.aph.gov.au/parlInfo/search/display/display.w3p;query=Id%3A%22legislation%2Fbillsdgs%2F8706391%22>.



## A racist experiment

Senator Malarndirri McCarthy rightly called the BasicsCard “discriminatory and racist” when she condemned it during a senate debate in December 2020.

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*The hurt was palpable. The anger has never gone away. That sense of deep oppression, of racism, has gone on for 13 years since that Intervention, in the policy of the BasicsCard. – Senator Malarndirri McCarthy<sup>3</sup>*

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Compulsory income control is a failed experiment. Tens of thousands of First Nations people have been subjected to it over more than a decade now. It is a brutal continuation of the colonial violence that dates back to Invasion and every politician who has voted for it should feel shame.

In its current form, this bill will move income control from disproportionately affecting First Nations people to make them the primary target once again. Income control will be more racist after this bill passes unless the government chooses to act.

## 3. The BasicsCard is not a different beast

Keeping the BasicsCard is cruel, unnecessary and ineffective. It perpetuates the same paternalism that has seen First Peoples subjected to harmful and discriminatory policies since Invasion.

The assertion that ending the BasicsCard must be delayed because more consultation is needed ignores the reams of evidence presented before and since its implementation showing it isn't wanted.

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*We are against continuing with welfare quarantining... The BasicsCard and the Cashless Debit Card take away freedom from the people who are told that they have to use it. It enslaves people's choices and stops them making decisions about their own lives. – Milingimbi/Yurrwi Island community members<sup>4</sup>*

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A report commissioned by former community services minister Jenny Macklin was released in 2014 showing that it was a failed project.<sup>5</sup>

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<sup>3</sup> Australian Senate, *Debates*, 9 December 2020, <https://parlinfo.aph.gov.au/parlInfo/search/display/display.w3p;query=Id%3A%22chamber%2Fhansards%2Ffd2295d6-3f93-487a-95ba-ab6d5334b30f%2F0016%22>.

<sup>4</sup> Milingimbi/Yurrwi Island communities, Submission 106, *Social Security (Administration) Amendment (Income Management to Cashless Debit Card Transition) Bill 2019* [submission], October 2020, [https://www.aph.gov.au/Parliamentary\\_Business/Committees/Senate/Community\\_Affairs/CashlessCardTransition/Submissions](https://www.aph.gov.au/Parliamentary_Business/Committees/Senate/Community_Affairs/CashlessCardTransition/Submissions).

<sup>5</sup> Bray, J. R., Gray, M., Hand, K., & Katz, I. (2014). *Evaluating New Income Management in the Northern Territory: Final Evaluation Report* (SPRC Report 25/2014). Sydney: Social Policy Research Centre, UNSW Australia.



The government had the CDC repeal bill ready to go on the first day of parliament. Why was the BasicsCard not given equal priority? It is frustrating and inexplicable that on the one hand the government has consulted enough to scrap the CDC but not enough to scrap the BasicsCard. There is no good reason to privilege one group of people over the other. They share many similar problems.

It is more expensive to live.

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*The nearest place I can use the BasicsCard for buying petrol is Berry Springs. So I have to drive 75km to get petrol and 75km to get back again. – Andrew Walton, Bynoe <sup>6</sup>*

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Guardian Australia reported on a study, published a decade after the BasicsCard was introduced, that said most compulsory participants found income control “harmful” even though some who volunteered for cashless welfare benefited.

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*The majority of people didn't have a problem with spending or budgeting, what they had a problem with was inadequate income support payments... most of the people we spoke with were very good at budgeting, they just didn't have enough money to cover all their expenses. – Professor Greg Marston <sup>7</sup>*

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Like the CDC, the BasicsCard is part of a long legacy of paternalistic, colonial welfare policy. A Menzies School of Health Research population study found lower average birthweights and a higher probability of low birthweights in areas subjected to the BasicsCard, and that the introduction of income control may also have increased the probability of prematurity.<sup>8</sup>

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*[The community] are very passionate about the fact that income management that is forced upon them is unfair, is discriminatory and racist. The BasicsCard was imposed as an income management measure under the Northern Territory Intervention in 2007. Twelve years later there has been no evidence to show any success of the BasicsCard. – Senator Malarndirri McCarthy <sup>9</sup>*

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- 6 Terzon, E., 'Australians on Basics Card anxious for welfare support change ahead of federal election', *ABC News*, 8 October 2019, <https://www.abc.net.au/news/2019-05-08/basics-card-welfare-cashless-northern-territory-darwin/11087340>.
- 7 Henrique-Gomes, L., "Stigma, shame and frustration': cashless welfare card found to do more harm than good', *Guardian Australia*, 26 February 2020, <https://www.theguardian.com/australia-news/2020/feb/26/stigma-shame-and-frustration-cashless-welfare-card-found-to-do-more-harm-than-good>.
- 8 Doyle, M., Schurer, S. and Silburn, S., 2017, *Do Welfare Restrictions Improve Child Health? Estimating the Causal Impact of Income Management in the Northern Territory*, Life Course Centre Working Paper Series No. 2017-23, Australian Research Council Centre of Excellence for Children and Families over the Life Course, <https://lifecoursecentre.org.au/working-papers/do-welfare-restrictions-improve-child-health-estimating-the-causal-impact-of-income-management-in-the-northern-territory/>.
- 9 Collard, S., 'Cashless Debit Card: 'No hard evidence' it is working, say Senators', *NITV News*, 1 December 2020, <https://www.sbs.com.au/nitv/article/2020/12/01/cashless-debit-card-no-hard-evidence-it-working-say-senators>. Office of Senator Malarndirri McCarthy, 'Disturbing evidence on the birth weights of our Territory babies is reason enough to say no to Cahless Debit Card' [media release], 10 November 2019, <https://malarndirimccarthy.com.au/media-hub/media-releases/disturbing-evidence-on-the-birth-weights-of-our-territory-babies-is-reason-enough-to-say-no-to-cahless-debit-card/>.



Given there was no consultation when the BasicsCard was imposed under the Intervention, and there is no evidence that it works, why is additional consultation now needed to justify its removal? The card already has a mechanism for voluntary participation – **it should be used to give people subject to it across the country the choice to opt out.** .

## **4. No such thing as a good outcome that breaches rights**

It seems Australian governments have gone out of their way to use the welfare system to perpetrate human rights violations, and compulsory income control is one of the most violent examples.

These programs violate economic, social and cultural rights and undermine the right to self-determination, no matter what form they take; no matter who they are or aren't applied to. They are a form of collective punishment. Continuing such programs is a continuation of the Australian government's failure to uphold its international obligations.

Welfare recipients must have their agency respected. The need for income support must not come at the expense of giving up control over their own lives and finances.

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*When you take away people's ability to make decisions about their lives, to look after their families' interests, to govern their communities and to decide what to spend their money on, it has a deeply profound effect. – Senator Malarndirri McCarthy<sup>10</sup>*

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You cannot collectively forfeit rights. Even one person having compulsory income control imposed on them is a violation of their rights, no matter what the majority says.

Income control, whether the CDC or BasicsCard, is just a modern-day rations program.

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*It's like we're back in the sugar and flour and tea leaf days. Other people shouldn't be making choices for anybody. You should be able to make your own choices. – Martin Ah-Fat, Darwin<sup>11</sup>*

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Imposing any income control program at the community level, regardless of whether the community has chosen to adopt the program, inherently means there are individuals who will be forced on to it. That is a violation of the rights of any person subjected to it.

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<sup>10</sup> Australian Senate, *Debates*, 18 September 2019, <https://parlinfo.aph.gov.au/parlInfo/search/display/display.w3p;query=Id%3A%22chamber%2Fhansards%2F4a8e85ee-b24d-4337-90dd-d2070cd34e88%2F0049%22>.

<sup>11</sup> Terzon, E., 'Australians on Basics Card anxious for welfare support change ahead of federal election', *ABC News*, 8 October 2019, <https://www.abc.net.au/news/2019-05-08/basics-card-welfare-cashless-northern-territory-darwin/11087340>.





The Antipoverty Centre conducted a survey of disabled people in or unable to access the welfare system in 2021. One young person, a teenager who has been homeless, explained that they do not access a social security payment due to fear of cashless welfare:

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*If I could claim JobSeeker I would except living in Kalgoorlie-Boulder guarantees going on to the cashless system. The state has managed to demoralise us so totally that we would prefer to avoid the traumatising violent experience of dealing with the government.*

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We urge the government to abandon these policies in favour of tailored responses that don't impose blunt measures on whole communities.

There is no evidence that income control directly led to positive changes in the community, particularly in a context where other programs have been implemented over the same period. But it is irrelevant. Even if there were positive outcomes, it is the government's responsibility to find alternative ways to achieve these outcomes without relying on collective punishment or other rights violations.

**The government must amend the CDC repeal bill to ensure it demonstrates a clear commitment to ending all compulsory income control.**

## **5. There are answers**

Communities that have been subjected to cashless welfare experiments face many complex challenges. But there are obvious steps that can be taken to immediately alleviate strain and better place people to work together on the toughest problems.

According to the Royal Australian and New Zealand College of Psychiatrists, more than 50 years of psychological research shows positive reinforcement strategies are more effective than punitive strategies in bringing about behavioural change.<sup>12</sup>

Continued punishment for unemployment is not the solution. Unconditional, liveable welfare is.

### **Crime and the COVID supplement**

Crime statistics published by the Northern Territory government encapsulate both the problem and a necessary part of the solution: people need enough money to live.

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<sup>12</sup> The Royal Australian and New Zealand College of Psychiatrists, Submission 15, *Social Security (Administration) Amendment (Income Management to Cashless Debit Card Transition) Bill 2019* [submission], October 2020, [https://www.aph.gov.au/Parliamentary\\_Business/Committees/Senate/Community\\_Affairs/CashlessCardTransition/Submissions](https://www.aph.gov.au/Parliamentary_Business/Committees/Senate/Community_Affairs/CashlessCardTransition/Submissions).



People living in poverty and those without paid work are not preternaturally disposed to commit “crime”, however, acts related to deprivation and survival are criminalised as property offences on this continent.

During the period that the Coronavirus Supplement lifted the JobSeeker payment to the Henderson poverty line and “mutual” obligations were not enforced, property offences plummeted in the NT.

The average figure was 1104 between April and September 2020, and for the corresponding periods in 2018, 2019 and 2021 the average was 1823, 1604 and 1773 respectively.<sup>13</sup>

The below chart uses a colour pattern to demonstrate the extreme harm caused by the deep poverty imposed on people who rely on income support to survive. The highest figures in each offence category are deep red, and the lowest are deep green. Looking at data for the years 2018–2021, across every category the lowest number of offences recorded was during the period of the full COVID supplement.

We are not claiming that this effect is wholly attributable to increased social security payments as more investigation is required, however, it is notable that communities in the NT were not subject to strict or extended lockdowns during the relevant period.

					WELFARE PAYMENTS AT THE POVERTY LINE																							
Number of offences	Dec-19	Jan-20	Feb-20	Mar-20	Apr-20	May-20	Jun-20	Jul-20	Aug-20	Sep-20	Oct-20	Nov-20	Dec-20	Jan-21	Feb-21	Mar-21	Apr-21	May-21	Jun-21	Jul-21	Aug-21	Sep-21	Oct-21	Nov-21	Dec-21			
0711 House break-ins	257	348	280	285	145	98	70	73	69	144	197	208	217	273	244	234	191	190	157	152	230	244	260	233	222			
0711 Commercial break-ins	160	259	230	220	109	75	62	44	91	114	145	152	149	251	183	187	183	181	128	115	160	160	193	215	201			
081 Motor vehicle theft and related offences	125	149	178	180	101	84	53	47	55	107	147	116	123	137	138	139	122	126	128	101	137	144	167	145	149			
08* Theft and related offences (other than MV)	639	739	750	753	404	331	317	297	346	415	625	613	584	709	645	785	640	700	557	573	665	683	685	631	620			
12 Property damage offences	711	744	782	797	458	421	450	487	528	627	814	761	714	747	600	761	704	656	533	602	748	729	731	775	690			
Total property offences	1,892	2,239	2,220	2,235	1,217	1,009	952	948	1,089	1,407	1,928	1,850	1,787	2,117	1,810	2,106	1,840	1,853	1,503	1,543	1,940	1,960	2,036	1,999	1,882			

The compound effect of poverty-level payments, alongside participation requirements that lead people to drop out of the welfare system altogether,<sup>14</sup> is that communities with limited resources and

<sup>13</sup> Antipoverty Centre analysis of Northern Territory Crime Statistics data published by the Department of the Attorney-General and Justice. The data can be accessed via: <https://www.pfes.nt.gov.au/police/community-safety/nt-crime-statistics/statistical-publications>.

<sup>14</sup> “Mutual” obligations penalties disproportionately affect First Nations people in employment services, about 50% of whom had a demerit as of December 2019 when an inquiry into the system was underway. Despite representing 13% of the total caseload, Indigenous people comprised 28% of those in the penalty zone. SOURCE: [https://www.aph.gov.au/Parliamentary\\_Business/Committees/Senate/Education\\_and\\_Employment/JobActive2018/Report/section?id=committees%2freportsen%2f024217%2f26935](https://www.aph.gov.au/Parliamentary_Business/Committees/Senate/Education_and_Employment/JobActive2018/Report/section?id=committees%2freportsen%2f024217%2f26935).



who are also burdened with impossibly high food prices are under extreme financial strain.<sup>15</sup> This financial strain creates the conditions that end in criminalisation and incarceration, creating a self-perpetuating cycle of poverty. It is government-imposed social murder.

The idea that people need enough money to live should not be a radical one. **All income support payments must be at least the Henderson poverty line** so that people can meet their basic needs while work is done to develop a sophisticated measure of poverty for the 21st century. **Penalties and participation requirements must be removed.**

## Unconditional support for community-led programs

Since cashless welfare was first introduced there has been an enormous amount of work done to understand and implement meaningful social supports in affected communities. The most successful projects have been led by people living in community.

Support for these and new programs that are designed and led by the community must be adequate and never tied to punitive programs like cashless welfare.

The funding for these programs should be increased by diverting funds intended for the CDC to them, diverting resources from income control to supports and resources.

There are also many unmet needs that have been long-identified and remain unresolved, such as the lack of access to a rehabilitation centre for Ceduna residents. People who want and need support are unable to get it.

Every cent of the \$287 million the CDC was expected to cost should not be used to help the government make further savings off the backs of welfare recipients, but be spent on programs chosen, designed, controlled and led by people in communities subjected to these policies.<sup>16</sup>

The government must commit to **fully fund all existing community-supported programs introduced as part of agreements tied to income control, and provide resourcing for those that were promised but never delivered.**

**Make access to all support programs unconditional** – it must be clear to a person that they can still participate, even if they choose to reject voluntary income management options.

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<sup>15</sup> Allam, L., "Lack of money": 43% of Aboriginal people in remote communities have gone without food in past year', *Guardian Australia*, 13 July 2020, <https://www.theguardian.com/australia-news/2020/jul/13/lack-of-money-43-of-aboriginal-people-in-remote-communities-have-gone-without-food-in-past-year>.

<sup>16</sup> Karp, P., *Guardian Australia*, 'Labor pledge to scrap the cashless debit card will save budget \$286.5m over four years', 14 July 2022, <https://www.theguardian.com/australia-news/2022/jul/14/labor-pledge-to-scrap-the-cashless-debit-card-will-save-budget-2865m-over-four-years>.



## 6. Consultation and consent

There has never been free, prior and informed consent in cashless welfare policy. This bill leaves the door open to expand income control further under the guise of “community consultation” – when it’s never the voices of people subjected to these programs at the centre.

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*Governments routinely use “consultation” as a label for what are essentially information sessions, with no alternatives on the table, in an effort to signal broad-based support. – Dr Elise Klein <sup>17</sup>*

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The government should pursue a transparent path regarding their intentions for income control in the welfare system. **Release in full the advice provided to the minister in relation to ending the Cashless Debit Card including the reason for delaying the end of other forms of compulsory income control. Publish clear guidelines and expectations for consultation.**

### Who is being heard?

The fundamental principle must be that the primary group consulted on new welfare policies are the people who will be subjected to them, and be given a leading role in their design. This applies to all social policy.

The most vocal stakeholders in support of cashless welfare are the big corporations who stand to profit – corporations who wield great power and influence over government policy while those affected by these decisions have none.

We have been made aware by members of the community in Ceduna that the current government has been “consulting” with the same people who were originally “consulted” when CDC was introduced, some of whom personally gained from income control programs. We are also aware that powerful organisations not from the community have been pushing to insert themselves into other consultation processes currently underway in the Kimberley.

The government has made the decision to make CDC voluntary immediately, but says that the BasicsCard cannot be made voluntary because consultation is required. There has been no case made as to why the two forms of income control must be treated differently in the amount of consultation needed.

**Guarantee that the opinions of service providers who stand to make a financial gain from policy changes are not given precedence and play a minimal role in decision making.**

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<sup>17</sup> Klein, E., ‘Has Labor learnt from the failure of the cashless debit card?’, *The Conversation*, 3 August 2022, <https://theconversation.com/has-labor-learnt-from-the-failure-of-the-cashless-debit-card-188065>.



## What does 'community consent' mean?

"Community consent" is the basis on which the Coalition justified the Cashless Debit Card. This justification has been used as a fig leaf to draw attention away from the fact that the paternalistic program was imposed at the behest of mining billionaire Andrew Forrest who has a vested interest in controlling and exploiting certain Aboriginal communities, and who has no experience or qualifications related to social policy.

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*The community self-selected. The cashless debit card trial sites in the four areas that we have been discussing were put in place at the request of the community leaders in each of these communities. – Senator Anne Ruston <sup>18</sup>*

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This is necessary to maintain the charade that income control isn't just another form of colonial violence inflicted through another racist welfare experiment, but is instead a self-determined response to challenges faced as a result of harms caused by generations of genocide and dispossession.

When shadow social services minister Linda Burney said during the election that Labor would make all income control voluntary, it wasn't everything we wanted but many were overjoyed and relieved.<sup>19</sup> We believed the shift signalled a genuine commitment to giving people agency and creating an opt-in system. Later these comments were walked back, returning to the past-abused concept of "community consent".<sup>20</sup>

This language of "community consent", as with the term "income management", is carefully chosen and can be used to make a system that punishes and violates people's rights seem benign. It comes down to how you define "community".

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*In the East Kimberley, the cashless debit card was rolled out following little consultation with a select few. – Tyrone Garstone, Deputy CEO, Kimberley Land Council <sup>21</sup>*

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Right now, East Kimberley, where 84% of people on CDC are First Nations, has supposedly given "consent". Right now, Ceduna, where 75% of people having their income controlled via the Cashless Debit Card are First Nations, has supposedly given "consent".<sup>22</sup>

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18 Australian Senate, *Debates*, 9 December 2020, <https://parlinfo.aph.gov.au/parlInfo/search/display/displayw3p;query=Id%3A%22chamber%2Fhansards%2Ffd2295d6-3f93-487a-95ba-ab6d5334b30f%2F0330%22>.

19 Henriques-Gomes, L., 'Cashless welfare: Labor vows to end compulsory use of basics card', *Guardian Australia*, 19 April 2022, <https://www.theguardian.com/australia-news/2022/apr/19/cashless-welfare-labor-vows-to-end-compulsory-use-of-basics-card>.

20 O'Connor, T. and Mills, V., 'Cashless welfare card in East Kimberley could be wound back if Labor wins election', *ABC News*, 11 May 2022, <https://www.abc.net.au/news/2022-05-11/cashless-welfare-card-labor-election/101052674>.

21 Garstone, T., 'Cashless Debit Card opening statement', 16 November 2017, Kimberley Land Council, <https://www.klc.org.au/cashless-debit-card-opening-statement>.

22 DSS, 'Cashless Debit Card Data Summary - July 2022'.



Decisions to “consent” have been made by people with power and whose lives are unaffected, except where they may profit. This pattern is repeated again and again. To date, “community consent” supposedly given for cashless welfare has been dominated by a small number of people, including business owners and others who stood to gain from the card.

**Community-led and community-controlled processes must mean those affected by a decision are the ones who get to make it.** To meaningfully seek and gain consent the government must view and treat welfare recipients as equal partners in policy development.

## **7. Involvement of private financial institutions**

The government has identified that one of the fundamental problems with the Cashless Debit Card is the use of private organisations to administer it. The Antipoverty Centre agrees and believes all forms of privatisation must be removed the system.

To distinguish the CDC from the BasicsCard by calling it the ‘Indue card’ is a misnomer – both cards are issued by Indue, despite being administered differently.<sup>23</sup>

Income control programs are cruel regardless of who runs them. Involving private organisations in running the welfare system increases risk to people who depend on social security while helping the government avoid accountability. If any program cannot be administered by the public sector that’s more reason to get rid of it as a priority.

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<sup>23</sup> Arthur, D., *BasicsCard and Cashless Debit Card: What’s the difference?*, FlagPost, 23 June 2017, Parliamentary Library, Department of Parliamentary Services, Canberra, [https://www.aph.gov.au/About\\_Parliament/Parliamentary\\_Departments/Parliamentary\\_Library/FlagPost/2017/June/BasicsCard\\_and\\_Cashless\\_Debit\\_Card](https://www.aph.gov.au/About_Parliament/Parliamentary_Departments/Parliamentary_Library/FlagPost/2017/June/BasicsCard_and_Cashless_Debit_Card).