



QUEENSLAND
INDIGENOUS FAMILY
VIOLENCE
LEGAL SERVICE

Submission to the Inquiry into the *Social Security
(Administration) Amendment (Repeal of Cashless
Debit Card and Other Measures)* Bill 2022

12 August 2022

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The Queensland Indigenous Family Violence Legal Service (QIFVLS) Submission to the Inquiry into the *Social Security (Administration) Amendment (Repeal of Cashless Debit Card and Other Measures)* Bill 2022

Executive Summary

Queensland Indigenous Family Violence Legal Service (QIFVLS) Aboriginal Corporation ('QIFVLS') welcomes the opportunity to provide a submission regarding legislative measures to abolish the cashless debit card (CDC) via the *Social Security (Administration) Amendment (Repeal of Cashless Debit Card and Other Measures) Bill 2022* (the Bill).

QIFVLS is one of fourteen (14) Family Violence Prevention Legal Services ('FVPLSs') across Australia and one of the thirteen (13) FVPLSs that are part of the National Family Violence Prevention Legal Service ('NFVPLS') Forum. Accordingly, this submission will draw on the experience of QIFVLS as one of two Aboriginal and Torres Strait Islander community-controlled family violence prevention legal service providers in Queensland. We are exclusively dedicated to providing legal and non-legal support services to assist Aboriginal and Torres Strait Islander victims/survivors of family violence and sexual assault with a breadth and scope of services being delivered to across 80+ communities including stretching to the outer islands of the Torres Strait, neighbouring Papua New Guinea. Together with its legal services, QIFVLS can be distinguished from other legal assistance providers through its advantage in providing holistic assistance from the front-end via a wrap-around model that embraces early intervention and prevention.

Our observations regarding the CDC program and income management are informed by our work on the ground servicing up to 80+ communities across Queensland. Given the diversity we encounter within different communities, we note that in some of the communities we service the CDC is despised, notably through its:

- severe curtailing of human rights and individual autonomy; and
- negative effects on mental health and wellbeing.

In other communities, we have been informed that it is seen as a welcome tool, performing a role in maintaining community safety. Despite the research and reports which contradict the last point, we still note a variance in viewpoints. In that regard, we support the human rights principles of self-determination in equipping an individual as well as the community with the power to make an informed decision on whether removal of the CDC program, and more broadly the income management system, is suitable or not. As an extension of this point, QIFVLS supports voluntary participation in future income management schemes with culturally appropriate support services to assist those involved in such programs.

QIFVLS acknowledges the Australian National Audit Office's (ANAO) report in June revealing that the CDC program had not demonstrated that it was meeting its intended objectives¹. This followed the

¹ ANAO Performance Audit Report, 2 June 2022, <https://www.anao.gov.au/work/performance-audit/implementation-and-performance-the-cashless-debit-card-trial-follow>

ANAO's 2018 report which was similarly critical of the manner in which the scheme was being handled. Additionally, we are aware that in the area of family violence prevention, there has been no evidence from the audit reports that the program's operation has reduced family violence in participating communities. In that regard, we welcome a process that addresses the concerns of the ANAO, multiple organisations and most importantly, community members who have had first-hand experience of the program.

We have also witnessed the observations by prominent academics and in particular, we reference the observation by Professor Marcia Langton that the rollout of the CDC was a tragic failure as a result of the scheme not being implemented in accordance with commitments made to Elders².

As an Aboriginal and Torres Strait Islander Community-Controlled Organisation ('ACCO'), QIFVLS is uniquely positioned to provide feedback from the standpoint of a family violence prevention legal service which provides a holistic model of attending to our communities' legal and non-legal needs. We emphasise the importance of utilising a wrap-around service as a model to assist our clients and their families' needs. Accordingly, QIFVLS advocates for focus to be placed on culturally appropriate support and wrap-around services for individuals transitioned out of the CDC program. This is imperative if we are to take effective steps to address the entrenched institutional disadvantage faced by people, and from our perspective Aboriginal and Torres Strait Islander victim-survivors of domestic violence, who have found themselves subject to the CDC program.

We regret that we did not have a greater amount of time to consider the Bill in greater detail, however, we greatly appreciate the opportunity to provide feedback and we keenly look forward to further consultation as the Bill and the proposed amendments progress through Parliament.

Summary of QIFVLS' Feedback

In providing our feedback, we desire that in the process of enacting this legislation, the Government and the Senate Committee acts in solidarity with the priority reforms contained within the [National Agreement on Closing The Gap](#) ('CTG Agreement')—

- 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.

Specifically, we submit the following:

- 1. The Government provide a clear rationale for the continuation of the income management scheme for residents in the Northern Territory and the Cape York/Far North Queensland region.**
- 2. The Senate Committee place an emphasis on wrap-around services and supports for Aboriginal and Torres Strait islander peoples transitioning out of the CDC program.**
- 3. Ensure that participation in future or continuing income management schemes is voluntary with clear guidance and support for opting-in and opting out.**
- 4. The Senate Committee ensures it consults broadly among Aboriginal and Torres Strait islander communities as part of its staged approach to the amendments. This consultation should include people directly affected by income management schemes.**

² <https://www.sbs.com.au/nitv/nitv-news/article/2019/09/26/its-brutal-marcia-langton-says-cashless-welfare-cards-are-failure>

- The Senate Committee consider the right to self-determination and the right of individuals and communities to make informed decisions about the future of the overall income management scheme.**

About QIFVLS

QIFVLS was established in 2010 when four (4) legal services became one (1), Cape York Family Violence Prevention Legal Service, Indigenous Family Violence Legal Outreach Unit, Indigenous Families Support Unit and Helem Yumba Family Violence Prevention Legal Service. This was followed in 2014 with additional service delivery to the Brisbane Local Government Area.

QIFVLS is a not-for-profit legal service formed under the Family Violence Prevention Legal Services Program ('FVPLSP') through the Department of Prime Minister and Cabinet's Indigenous Advancement Strategy ('IAS'). FVPLSP fills a recognised gap in access to culturally appropriate legal services for Aboriginal and Torres Strait Islander victims of family and domestic violence and sexual assault.

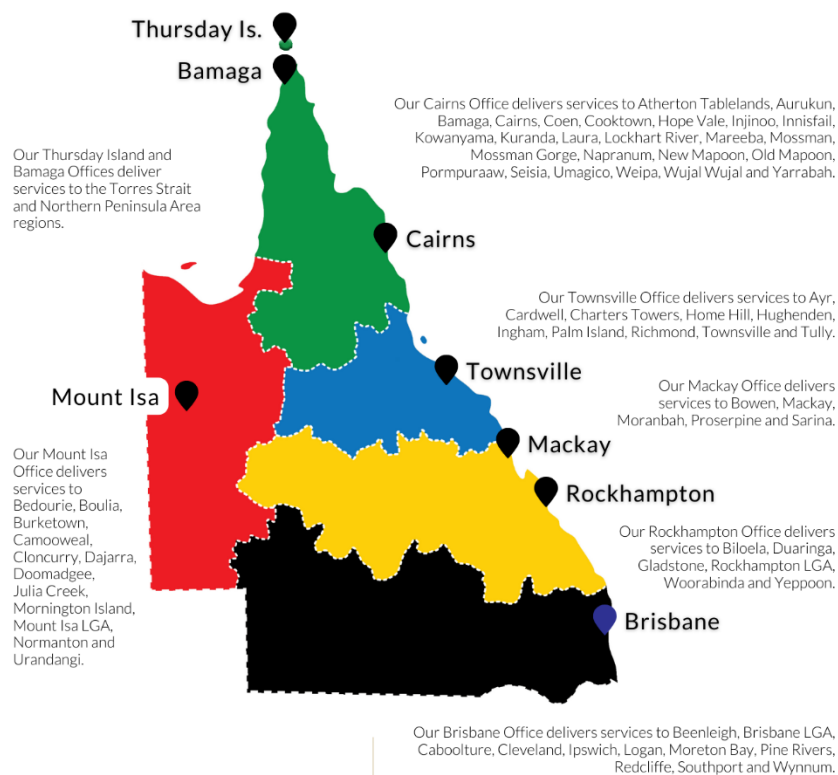
QIFVLS is an Aboriginal and Torres Strait Islander Community Controlled Organised, comprised of a 9-member board of directors – 7 identify as Aboriginal and or Torres Strait Islander and 2 specialist directors in the areas of Legal and Finance.

QIFVLS is a unique, specialised and culturally safe frontline legal service that supports access to justice and keeps victims of family violence safe. QIFVLS addresses the need to reduce violence and increase safety in Indigenous communities.

QIFVLS provides services in the areas of domestic and family violence; family law; child protection; sexual assault and Victims Assist Queensland (VAQ) applications. QIFVLS supports its clients through all stages of the legal process: from legal advice to representation throughout court proceedings.

QIFVLS provides a culturally appropriate service response to meet and support our client needs through the legal processes as well as in relation to addressing and meeting non-legal needs.

Another stand out feature of QIFVLS Case Management Practice is that our Case Management Officers as well as our Case Management Practice Manager, are all identified roles. 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.



As demonstrated by the above map QIFVLS is mainly an outreach service where our teams go into rural and remote communities to meet with clients. QIFVLS services over 80+ Aboriginal and Torres Strait Islander communities throughout Queensland. It is recognised that Queensland is nearly five (5) times the size of Japan; seven (7) times the size of Great Britain and two and a half (2.5) times the size of Texas³. Bearing that in mind, QIFVLS has eight (8) offices in Queensland –

- (1) a service delivery office in addition to its Head Office located in Cairns, responsible for servicing Cape York communities, Cooktown; Atherton Tablelands, Innisfail and Yarrabah (and communities in between);
- (2) a service delivery office in Bamaga responsible for servicing Cape York communities as far north as Bamaga and Umagico;
- (3) a service delivery office on Thursday Island responsible for servicing communities stretching to the Outer Islands of the Torres Strait, neighbouring Papua New Guinea;
- (4) a service delivery office in Townsville responsible for servicing Townsville, Palm Island, Charters Towers, Richmond and Hughenden (and communities in between);
- (5) a service delivery office in Rockhampton responsible for servicing Rockhampton, Wooralbinda, Mt Morgan, Biloela (and communities in between);
- (6) a service delivery office in Mount Isa responsible for servicing Mount Isa, the Gulf of Carpentaria communities, as far south as Bedourie and across to Julia Creek (and communities in between);
- (7) a service delivery office in Brisbane responsible for servicing the Brisbane local government area.

³ <https://www.qld.gov.au/about/about-queensland/statistics-facts/facts>

HEAD OFFICE	FAR NORTH QLD	NORTH QLD	CENTRAL QLD	BRISBANE	GULF & WEST QLD
PO Box 4628	PO Box 4643	PO Box 2005	PO Box 690	PO Box 126	PO Box 3073
Lvl 1, Ste 5, 101-111 Spence St	Lvl 2, 101-111 Spence St	Lvl 2, 61-73 Sturt St	Lvl 2A 130 Victoria Pde	201 Wickham Tce	19 Isa St
Cairns QLD 4870	Cairns QLD 4870	Townsville QLD 4810	Rockhampton QLD 4700	Spring Hill QLD 4004	Mt Isa QLD 4825
P: 07 4045 7500	P: 07 4030 0400	P: 07 4721 0600	P: 07 4927 6453	P: 07 3839 6857	P: 07 4749 5944
F: 07 4027 1728	F: 07 4027 9430	F: 07 4764 5171	F: 07 4807 6162	F: 07 3319 6250	F: 07 4749 5955

Clear rationale for continuation of the income management scheme

The Bill provides a mechanism for residents in the Northern Territory and the Cape York/Far North Queensland region to be transitioned onto income management schemes. In Queensland, we understand that despite Cape York participants being transitioned out of the CDC program, they are still subject to Queensland's Family Responsibilities Commission.

Upon reading the Explanatory Memorandum, we have gleaned that the overall intent is to end compulsory income management in most CDC program areas other than the Northern Territory and Cape York via legislative instruments before Part 1 of Schedule 1 of the Principal Act commences.

We call for the Government to provide a clearer rationale, explaining why residents in the Northern Territory and Cape York should be transitioned onto income management schemes as opposed to simply being transitioned out of the CDC program and income management scheme in its entirety. We understand from both the Explanatory Memorandum and the Minister's speech that further consultation will take place at a later date regarding the future of the income management scheme. We interpret this to mean that further consultation is required regarding the operation of the income management schemes particularly in the Northern Territory and in Cape York. Despite this, we would appreciate clarity around why that would not be possible through the current proposed legislative amendments.

Emphasis on wrap-around assistance

QIFVLS have noted that with the repeal of the CDC program, assistance will be provided to individuals involved in the program regarding wrap-around services, voluntary income management and other transition measures. The Explanatory Memorandum refers to the Stage 2 Amendments forming a staged approach which will provide the opportunity for the government to put in place supports and provide information for individuals transitioning from the CDC program.

QIFVLS stresses the importance of providing wrap-around supports and adequate resources for those transitioning out of the CDC program. We caution against adopting the view that the CDC program and cashless welfare arrangements are an isolated matter and instead point to our experiences working with our clients and their families. As an FVPLS, we have witnessed that family violence is the cornerstone or intersection, that links an Aboriginal and Torres Strait Islander person's connection to the child protection system, the youth justice system, the adult criminal justice system and the family law system. These 'connectors' are further compounded or exacerbated for those living in regional, rural and remote parts of Australia, where there are restrictions on the availability of actual on the ground services to assist a victim escaping a violent relationship⁴ (i.e., domestic violence support services and shelters; actual police presence within a community).

QIFVLS welcomes further discussion and input regarding the level of assistance to be provided to Aboriginal and Torres Strait Islander individuals and families transitioning out of the CDC program. We refer the Senate Committee to Priority Reform #2 (Building the community-controlled sector) of the [National Agreement on Closing The Gap](#) and note that there is room for further involvement from ACCO's such as QIFVLS in the area of wrap-around services and holistic supports.

⁴ Australian Institute of Health and Welfare (AIHW), Alcohol and other drug use in regional; and remote Australia: consumption, harms and access to treatment 2016-17. Cat.no. HSE 212. Canberra.

In the process of implementing transitional measures, we urge the Senate Committee to consider the wider intersecting factors and we seek the Committee’s and the Government’s support in ensuring that resources and support services are in place to assist individuals and their family members as they transition out of the CDC program.

Human rights principles – self-determination

The right to self-determination is contained in article 1 of the *International Covenant on Civil and Political Rights* (ICCPR) and in article 1 of the *International Covenant on Economic, Social and Cultural Rights* (ICESCR). Australia’s history of colonisation and the loss of First Nations peoples’ right to live according to a set of common values and beliefs, and to have that right respected by other Australians, is at the heart of the current disadvantage experienced by our First Nations peoples⁵. We note from the Explanatory Memorandum’s Statement of Compatibility that the Bill has been assessed as being consistent with the right to self-determination. This is a significant factor to consider given the framework of the CDC program and the associated income management scheme being overseen by Queensland’s Family Responsibilities Commission. Our position is that consistent with the right to self-determination, a scheme or set of arrangements which grant both the individual and the community with the opportunity to provide informed decision-making would be optimal.

As an extension of this point, we advocate for participation in future or continuing income management schemes to be voluntary with clear guidance and support provided to participants for either opting-in or opting-out. We support the notion that there should be no compulsion for an individual to give up their autonomy on the basis that wrap-around support is granted to them. Rather, as part of efforts to counter the systemic disadvantages faced by Aboriginal and Torres Strait Islander peoples, particularly those in the CDC program, QIFVLS advocates for culturally appropriate support and wrap-around services to be made available unconditionally.

Consultation with communities and individuals

QIFVLS supports the approach which will see the Senate Committee engage in consultation with communities over the future of the income management system. This closely aligns with Priority Reform #1 in the [National Agreement on Closing The Gap](#) (‘CTG Agreement’).

Community consultation will form a vital part in the process of informing the government’s future course with regard to income management. This is important when considering the rich range and diversity of cultures, tradition, leadership and opinions within the various Aboriginal and Torres Strait islander communities. We caution the government that adopting a one-size fits all approach risks leaving Aboriginal and Torres Strait islander communities feeling unheard through this legislative process.

In addition to communities, we reiterate that consultation should take place with people who have been directly affected by the CDC programs and broader income management schemes. This builds on the Australian Human Rights Commission’s *Wiyi Yani U Thangani* report, which highlighted that the current system of compulsory income management was imposed without consultation or consent. The *Wiyi Yani U Thangani* report elevated the voices of Indigenous women who advocated for income management underpinned by whole-of-community participation in decision-making based on free, prior and informed consent⁶. This echoes the critique of Professor Langton, reported in 2019, that the

⁵ <https://humanrights.gov.au/our-work/rights-and-freedoms/right-self-determination#>:

⁶ Australian Human Rights Commission (2020) *Wiyi Yani U Thangani Report*, p545

model imposed by the federal government ignored essential elements recommended by Indigenous elders⁷.

Conclusion

We take this opportunity to thank the Senate Committee for considering our feedback regarding the Bill. We trust that the Committee appreciates our viewpoint as both an Aboriginal and Torres Strait Islander Community Controlled Organisation and Family Violence Prevention Legal Service.

We keenly anticipate further updates and look forward to being involved in future consultations that will contribute to informing the Bill in a way that will benefit Aboriginal and Torres Strait Islander people and communities.

⁷ <https://www.sbs.com.au/nitv/nitv-news/article/2019/09/26/its-brutal-marcia-langton-says-cashless-welfare-cards-are-failure>