

Parliamentary Joint Committee on Human Rights
Response to Questions on Notice from Senator Thorpe:
Professor Matthew Gray & Dr J. Rob Bray
17 July 2024

Question. 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? (For example, the Commissioner holds the power to quarantine someone's income without their consent, and deny requests to be taken off even the voluntary program if the commissioner believes it is not in the "best interests" to do so)

Response:

In the first instance we consider that the question misstates the range of perspectives which have been expressed in submissions and other evidence provided to the committee, and which has been voiced more widely in public debate. Specifically the implication that "all calls from experts and the community" oppose all "non-voluntary income management" is not correct. Rather, the principal focus has been on the mass imposition of income management on a population through simplistic algorithms which take account of a person's location, form of income support, and duration on this, rather than the particular circumstances, behaviours, and needs of the individual.

This is the position we have taken, as detailed in the Summary of our submission to the Committee:

As such, we consider that compulsory income management in Australia is not compliant with Australia's Human Rights obligations, and we recommend that the Committee make such a finding and call for the immediate cessation of all compulsory elements which do not involve open and transparent individual assessment and identification of the program as an appropriate response to the needs of the individual (Gray and Bray 2024, i)

It is an approach which reflects the breadth of evidence about these policies, and the findings of the evaluation of New Income Management in the Northern Territory:

There is some evidence to show that income management may be a successful intervention when used as part of an individually tailored program for some individuals who have been specifically targeted as a result of their identified individual vulnerability or problem such as child protection. The evidence is that some people within this group can use it as an effective tool, including to stabilise their situation while other initiatives seek to address underlying problems. However, taken as a whole, there is no evidence to indicate that income management has any effects at the community level, nor that income management, in itself, facilitates long-term behavioural change. (Bray et al 2014, 320)

Approaching the application of income management by the Families Responsibilities Commission (FRC) from a Human Rights perspective recognises that while the use of income management does constrain a number of human rights, this needs to be considered in the context of the key questions of whether this is a proportionate response with respect to a legitimate objective. In these terms we consider that the nature of the arrangements suggests that it can be considered as a proportionate response. This includes:

- a. there being initial grounds for referral of a person to the FRC based on an identified individual adverse outcome;
- b. the individualised assessment undertaken by the FRC, including the ability of the individual to engage in this process;
- c. the application of income management by the FRC only in those cases where they consider it to be beneficial (with the evidence from the FRC being that this is only in a minority of cases); and
- d. the limited time period associated with the imposition;

As such it differs totally from the main forms of income management which take none of these individual factors into account, nor whether the application of the program would be beneficial for that person, and applies indefinitely.

This we consider was clearly presented by the FRC to the Committee by Commissioner Williams:

In closing, I respectfully ask the committee to use this opportunity to properly distinguish in your findings the Family Responsibilities Commission from the other well-known approaches of income management. We are not a blanket model. We are not a compulsory model. We have a conditional element of income management. (Hansard 2024, 2)

We also note the earlier statement of the Commissioner, which we have cited in our submission to the Committee, where she emphasised: “CIM is applied as a decision of last resort. It is an extraordinary decision. It is an extraordinary power to intervene and to say, ‘Part of your money should be protected under the technology of a card.’ It has always been applied as a decision of last resort” (Queensland Parliament 2023, 7). This level of caution in application stands in direct contrast to the automatic imposition of the program.

In recognising a potential role for some application of this type of highly targeted and individually assessed income management, we also would emphasise that the application of income management, even under these circumstances, is not in itself an effective measure to address the more fundamental problems which are generating the adverse outcomes for the individual. As cited above, we found in the Northern Territory that, at best, “some people within this group can use it as an effective tool, including to stabilise their situation while other initiatives seek to address underlying problems” (Bray et al 2014, 320). Similar is the finding of the evaluation of the FRC in 2012:

... the evidence suggests that the impact of the local FRC Commissioners is in their listening, guiding and supporting role, rather than in the exercising of their punitive powers to order income management. (FaHCSIA 2012:50)

References:

- FaHCSIA (Australian Government Department of Families, Housing, Community Services and Indigenous Affairs) (ed.). 2012. *Cape York Welfare Reform evaluation – 2012*. Canberra: FaHCSIA.
- Queensland Parliament, Community and Services Committee. 2023. *Public Briefing—Inquiry into the oversight of The Family Responsibilities Commission, Transcript of Proceedings, Monday, 27 March 2023*. <https://documents.parliament.qld.gov.au/com/CSSC-0A12/OFRC-F556/Transcript%20-%2027%20March%202023%20-%20CSSC%20-%20Public%20Briefing%20FINAL%20-%20Oversight%20of%20the%20Family%20Responsibilities%20Commission.pdf>
- Bray, J. Rob, Matthew Gray, Kelly Hand and Ilan Katz. 2014. *Evaluating New Income Management in the Northern Territory: Final Evaluation Report* (SPRC Report 25/2014). Sydney: Social Policy Research Centre, UNSW Australia.
- Gray, Matthew, and J. Rob Bray. 2024. *Submission to: Parliamentary Joint Committee on Human Rights Inquiry into Compulsory Income Management*. Canberra: ANU
- Hansard. 2024. Proof Committee Hansard, Parliamentary Joint Committee on Human Rights Inquiry into Compulsory Income Management, Friday, 5 July 2024 Canberra. Canberra: House of Representatives.

