



"Solidarity" by Barbara Shaw

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Submission to the Inquiry into Social Security and Other Legislation Amendment (Welfare Reform and Reinstatement of Racial Discrimination Act) Bill 2009 and the Families, Housing, Community Services and Indigenous Affairs and Other Legislation Amendment (2009 Measures) Bill 2009 along with the Families, Housing, Community Services and Indigenous Affairs and Other Legislation Amendment (Restoration of Racial Discrimination Act) Bill 2009 (introduced by Senator Siewert).

Introduction

The Intervention Rollback Action Group is based in Mparntwe-Alice Springs. Our group of volunteers (made up of Aboriginal and non-Aboriginal people) has been working with people from areas prescribed under the Northern Territory Emergency Response Legislation to help them understand the NTER legislation, how it impacts on their rights (particularly now that the Australia Government supports the United Nations Declaration on the Rights of Indigenous Peoples) and assisting them in dealing with the impacts of the Intervention.

We work with the people 'on the ground', the 'grass roots' people, the people whose voices are not being heard for many reasons -

- repression: fear of speaking out against government;
- distrust: weariness from being continually consulted and not listened to;
- disempowerment: undermining of local decision-making structures and disregard and disrespect by government for cultural brokers and cultural aspects; undermining of Aboriginal community organisations;
- 'shame' being felt at being treated as less equal than other Australians;
- communication difficulties: people have a right to speak their own languages, to be heard and understood in their own languages and in their cultural context including decision-making methods;
- negative stereotyping, particularly in the media, both locally (Central Australia) and nationally.

Income Management

From the outset of the Intervention we became aware of the intense dislike for the income management system by which people receive half their social security entitlements under, initially, store cards and subsequently by Basics card. Incomes are split many ways, it is a confusing system and money disappears from accounts for no apparent reason.

It is difficult for people to check up on details of their accounts. Most Aboriginal people don't have easy access to transport or telephones, and they often have to travel long distances to access a Centrelink office. It is difficult for them to question details and account activities in an alien bureaucratic environment in another language.

There are continuing media reports that many women in prescribed areas like income management. This is not our experience and there is little evidence to back up these reports.

The evidence most referred to by the Minister for Indigenous Affairs when promoting income management is the report titled "*Northern Territory Emergency Response: Perspectives from Six Communities*" undertaken by the Central Land Council from February to June 2008.

Whilst the Minister states that a majority of people surveyed actually liked income management, this is not actually the case. Only 141 residents were surveyed in the six communities, one of which was not under income management at the time of the survey. 29% of residents thought income management was good, 21% thought the measure should be changed a little, 16% thought it should be changed a lot, 6% were unsure and 28% thought the income management measure should be scrapped - not the overwhelming support that the Minister espouses.

It should be noted that the majority of people surveyed who said income management was good were actually employed and not themselves experiencing welfare quarantining.

What people do like is having access to a banking facility, some method of setting aside an amount of money. This could be managed on an individual basis on request rather than imposing an expensive and unwieldy system on everyone. Some communities already had their own methods of income management well before the implementation of the Intervention.

The report also found that the measure reduces people's ability to financially manage their money, impacts on Aboriginal people's mobility and imposes an added administrative burden for many people.

Community organisations need investment to be able to provide financial services to their members rather than funds being wasted on punitive measures that are not improving people's lives.

Social Inclusion

The proposed new welfare reform legislation will be counter to the principles of the government's own social inclusion policy. Imposing such a scheme on disadvantaged segments and individuals in our community will actually add to their social exclusion.

The huge amount of money which would be expended in implementing and maintaining such a scheme could be better utilised in providing social support for the disadvantaged and 'vulnerable' in areas such as job creation, personal and family support, education assistance, training programmes, more community infrastructure etc.

Overall findings in the aforementioned Central Land Council's report show that "deeper social issues in communities remain unaddressed".

Special Measures

Although the government is planning to class other measures under the NTER such as 5 year leases and alcohol prohibition as "Special Measures" for the requirements of the Racial Discrimination Act, this can only be allowed if the measures promote the interests of a particular racial group and have that group's consent.

The government has stated that the changes to the measures of the NTER are the result of a thorough consultation process and are what Aboriginal people living under the Intervention want. This is not the case. Two reports have shown this "consultation" process to be a complete sham. CIRCA, an organisation employed by the government to monitor the consultation process, reported that the consultations were carried out by public servants. The "key messages" they delivered to those being "consulted" included describing the benefits of the Intervention and in some cases openly defending the government from criticisms made. CIRCA also reported that some of the reports on the consultations were distorted in favour of the Intervention. For example, reports "did not clearly indicate the extent of negativity towards income management that CIRCA consultants observed in the meeting." A third of all public consultations did not have interpreters.

The consultation process was divided into four "tiers". Tiers 3 and 4 were meetings with Aboriginal leaders and peak Aboriginal organisations. According to the government, tiers 3 and 4 opposed compulsory income management. Tier 2 meetings were public meetings. Three transcripts of these consultations have been made public and were analyzed by legal experts in the *Will they be heard?* Report. The analysis found that these communities opposed income management.

Tier 1 meetings were private meetings between small groups and individuals from communities and government authorities employed to administer the Intervention (Government Business Managers and Indigenous Engagement Officers). The content of these consultations has not been made public. Attempts by community members who participated in these meetings to gain access to the government reports have been ignored and both Labor

and Liberals voted down a motion in the Senate calling for the public release of these reports.

It is not genuine consultation when the agenda is set beforehand, there is inadequate notice given for meetings and an invalid decision-making process is followed, when there is misinterpretation of community responses and poor communication and cross-cultural understanding.

Under the proposed new legislation any compulsory imposition of income management in the Northern Territory will still be discriminatory as it will in the main impact on Aboriginal people, they being the largest segment of unemployed people in the Northern Territory.

Recommendations

- (1) **That** welfare quarantining as a blanket measure be abolished **and that** any such measure only be implemented on a voluntary basis.
- (2) **That** resources be made available to communities to enable the provision of financial services for community members.
- (3) **That** the Racial Discrimination Act be reinstated immediately **and that** any measures to positively discriminate in favour of Aboriginal and Torres Strait Islander people be drawn up in genuine consultation with the people who are to be affected.
- (4) **That** government policies in relation to the Indigenous Affairs portfolio be reviewed and revised in order to adhere to the articles in the United Nations Declaration on the Rights of Indigenous Peoples.

References

Will they be heard? - a response to the NTER Consultations June to August 2009: Nicholson, Alistair *et al*, November 2009.

Northern Territory Emergency Response: Perspective from Six Communities: Central Land Council Alice Springs, July 2008.

Statements from Aboriginal People regarding the Australian government's policies: Intervention Rollback Action Group, Alice Springs, 2009.

Marlene Hodder
1 February 2010.