



COMMONWEALTH OF AUSTRALIA

Official Committee Hansard

SENATE

COMMUNITY AFFAIRS LEGISLATION COMMITTEE

Stronger Futures in the Northern Territory (Consequential and Transitional Provisions) Bill 2011

TUESDAY, 6 MARCH 2012

CAPITAL HILL

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SENATE
COMMUNITY AFFAIRS LEGISLATION COMMITTEE
Tuesday, 6 March 2012

Senators in attendance: Senators Boyce, Crossin, Moore and Siewert.

Terms of reference for the inquiry:

To inquire into and report on:

Stronger Futures in the Northern Territory (Consequential and Transitional Provisions) Bill 2011

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WALKER, Ms Melanie Jayne, Acting Chief Executive Officer, Public Health Association of Australia

Committee met at 09:17

CHAIR (Senator Moore): Good morning everyone. I declare open this public hearing and welcome everyone who is present, both here and in Darwin. Before we commence proceedings the committee acknowledges the traditional owners past and present and acknowledges that we are working and living on Aboriginal land. The Senate Community Affairs Legislation Committee is inquiring into the Stronger Futures in the Northern Territory Bill 2011 and two related bills. Today is the committee's seventh public hearing for this inquiry. These are public proceedings and although the committee may agree to a request to have evidence heard in camera or may determine that certain evidence should be heard in camera. Information on parliamentary privilege and the protection is available, and I know you know about it. We have your submission. Thank you very much. I invite any or all of you to make an opening statement and then we will go to questions. Because we have someone on the phone we are going to go to Senator Crossin first and then to Senator Siewert and Senator Boyce. We always jump in on each other anyway, just so you know how it works, and we try and make it as much a discussion as we can. That is the intent of our work, to have discussion with you about how you feel about the legislation. I would ask who wants to kick off and we will go into the session. Ms Walker.

Ms Walker: We each have some opening comments to make and then we will throw to you guys to have the discussion.

CHAIR: That is fine.

Ms Walker: Firstly, we would like to acknowledge the Ngunawal people, the traditional owners of the land on which we meet, and pay our respects to their elders past and present. The Public Health Association of Australia has put in a submission and so we thought we would give you some opening comments that give an overview of some of the key points that we raise in the submission. We note that the object of the act in the Stronger Futures in the Northern Territory Bill 2011 is to support Aboriginal people in the Northern Territory to live strong and independent lives, however, we are concerned that some aspects of the bill are likely to entrench discrimination and to undermine the self determination that so many Aboriginal and non-Indigenous people have worked very hard to achieve, and which solid evidence suggests is vital to good health.

Ms Lee: One of the issues is the Indigenous community governance and, as we all know, good governance is important to achieving the seven endorsed COAG initiatives and building blocks: early childhood; economic participation; governance and leadership; health, healthy homes, safe communities and schooling. Sound governance structures allow Indigenous people to make their own decisions about their long-term goals and objectives for their own communities as those affected, whether Aboriginal or non-Indigenous people, know their problems and are better placed to address these. Sound governance mechanisms include support and continual community engagement in the design and delivery of programs as well as participation in the decision-making processes.

It is our view that there is never a case for universal mandatory income management for moral, ethical and legal reasons and cost—particularly social and health costs. The Public Health Association of Australia believes that mandatory income management should be implemented as a last resort such as in situations of child abuse, neglect or alcohol related violence and as part of a case management process. It should be implemented by a properly constituted community organisation. Implementation should only proceed when there are established legal and ethical criteria to govern the process with safeguards against arbitrary decision making and the right to appeal and review.

Ms Moore : The Public Health Association strongly supports voluntary income management with safeguards such as clear and transparent processes that are understood by the communities and by those individuals who are directly affected. It should, for example, include clear entry and exit criteria, the opportunity for the individuals to agree to the terms of income quarantined, transparent processes of decision making and an integrated service delivery model with clear referral pathways as well as planned and articulated payment procedures and guidelines that link this to community leadership.

Another issue for us is that currently there is no rigorous prospective evaluation framework in place. We have no strong evidence that income management is effective and we will not be able to acquire this if we do not take action. Substantial funding should be allocated to evaluate the effectiveness and the cultural acceptability of the

voluntary income management and mandatory income management as a last resort. The evaluation should be conducted by an independent body with periodic review and reports to government that are made publicly available and which include the views of those directly involved or affected.

Ms Lee: Furthermore, prerequisites for good health and wellbeing include autonomy and self determination. Universal compulsory income management violates Australia's human rights commitments and the principles of citizenship.

Ms Walker: I guess we will now open to questions from the committee.

Senator CROSSIN: Good morning to the witnesses in Canberra. You said in your opening statement that you believe that with income management there needs to be clear entry and exit points. I am assuming you would think that is not currently the case, and perhaps you might like to outline for us where you think the entry or exit points at this point in time are not clearly defined or are confusing or unclear for people.

Ms Moore: We could not see any description of the processes in the legislation. At the minute, it says that the government or those who refer decide the terms of the income management for that individual. There is no mechanism in place that allows them to negotiate based on their individual circumstance or allows the whole community to see what the criteria are for being referred, what the criteria are for achieving a point of exit from that income management scheme, or how those decisions are made and who makes them. Part of the lack of trust is that there are no safety descriptions that let people know where they stand as they are referred in and as they are referred out. We recommend the case-management mechanism for that reason, because that is where you can negotiate with individuals about their circumstances and make their individual pathway clear. In addition to that there needs to be a disclosed, publicly available system so that people trust the process and know where they stand.

Senator CROSSIN: So, even if this may well be outlined in regulations or in some policy handbook that Centrelink are working from, you are saying that, on the ground, your belief is that it is very unclear to people how this system works?

Ms Moore: It is absolutely unclear. Very few people have access to the kind of education needed to understand that, even assuming they could get hold of those documents and they were publicly available. My understanding is that they are not.

Senator CROSSIN: In contrast to what happens in the Cape in Queensland, you think that that system is, not so much transparent, but is clearly better articulated and defined for participants?

Ms Lee: It works in Aurukun and in the Cape in North Queensland because that is the area it is in, but you are talking about a mandatory rollout in Australia and, in particular, in the Northern Territory. They are totally different circumstances, the education systems are different and the culture is different. There are no two Aboriginal or Torres Strait Islander cultures that are similar in this country.

Senator CROSSIN: No, but if you took the basis of the model in Cape York, do you think that that is a better system in providing people with transparency and an understanding of how the system works? In other words, do you believe participants in Aurukun are better informed about what income management is?

Ms Lee: I have no idea. I have not spoken to the participants in Aurukun. I have not found any evidence to suggest otherwise. I did have a chance to read the evaluation report very quickly that was done on the program by Mr Noel Pearson. I have spoken to some of the people that put in the bid for the evaluation and they could not give me any clear evidence that the people actually understood the basis of the program that was running in Aurukun.

Ms Moore: Another point is that, now that the government is thinking about rolling this out in five new sites beyond the Northern Territory and potentially including all of the population of those areas, it would be a great strength for there to be a publication, or a summary document, or a three-pager with a flow chart or some kind of communication that everybody can see. We would strongly suggest that there be engagement with the communities around that process so that the flow chart and the process is agreed to, as well as understood, by the communities affected.

Senator CROSSIN: Just one other question, if I can. Something you mentioned in your opening comments which I want to pick up on is the lack of a framework, or evaluation or research criteria, which can set a baseline upon which this can be evaluated down the track. You must have evidence of that in some other areas of research you have looked at. Perhaps you might talk to us about what you envisage could be done in this area.

Ms Moore: In establishing a framework you would need to see which aspects of the intervention lead to which kinds of outcomes. At the minute, there is no logic framework that links elements of the intervention to

very clear outcomes so that you can see that doing A should lead to measurements around B, C and D. The framework is structured around that. You would need to identify the sources of data that you can access such as where is information collected that is useful and would inform the evaluation. If there are no data presently collected, then you might consider what kinds of data you need to begin collecting.

It is opportune to do it now because it is an amended legislation that you will be rolling out and you will have five new communities, so the timing of it would be terrific. You would need advice also around what are the best methodologies for this kind of community intervention and you would need to include both the effectiveness of the program and the cultural acceptability—what is the experience of the recipients as well as things like cost effectiveness, opportunity costs, the value of those dollars compared to the value of investing them somewhere else—and whether you can demonstrate that.

Senator CROSSIN: I am assuming with SEAM, for example, your baseline data would be the number of children attending school. The evaluation may well be an increase in that number over time. What I am saying is: for some of the measures the outcomes are obvious, but you are saying that they are not stated or documented and that they need to be.

Ms Moore: Yes, and when you get into the detail of evaluation the underpinning assumptions have to be part of the measure. There is an assumption that, if you implement a school management program with parents to get their kids to attend school, but what are the barriers to their attending schools, what part of the intervention addresses that and how can you measure it? Then, what is the impact of attending schools on people's long-term health and wellbeing, which is the purpose of the intervention. It needs to be more than the number of kids changing around school, and capture what is facilitating the children who get there, what is the obstacle for the ones who do not get there and what is the impact both on the child's wellbeing and also on the community who are trying to manage that process. We do not have enough information yet to know which of those barriers is the significant one to progress and how we should address it. Whichever ways we do use to address it need to be evaluated so we are sure that what we are doing is causing the change.

Senator CROSSIN: I am just going to concentrate on this area again. If the education department in the Northern Territory has that framework or that criteria you are talking about, you are saying is that it needs to be publicly available or publicly known. I am fairly certain there are people who have spent many hours doing exactly what you have outlined but, from your point of view, it is not available for everyone to access.

Ms Moore: Yes. We would be thrilled if there were already a framework in existence. Jenny Macklin, at the end of last year, said she was going to release the findings of the emergency response intervention so that we could all see what we needed to learn about that. Part of the issue is that, when you are implementing the program, you are engaging with both service providers like us and communities on the ground. We need to be able to contribute to that evaluation, potentially, or at least to understand the relationship of the services that are or are not in place and how that links in with the progress of children and families. If it is there, that is terrific and seriously good, but we do not know that it is there. We do not have any idea how much expertise has gone into the structure. You want to know at the end of intervention whether it has achieved the health and wellbeing, whether the cost of that is reasonable and whether alternative investment may have made a different achievement, otherwise you will be investing a whole lot of money, the impact of which you cannot track.

The other thing is that we would encourage that to be public because there are a lot of public perceptions around what is going on in the intervention. As people can see change or no change in a particular area it is important to keep the community and the public on board with that and informed about that.

Senator CROSSIN: I just want to pick up on that. I think that is a good point you raise about the perception, really, of what is happening or what is not happening and the change out there. From a public health model of delivery, how do you improve that so that, I suppose, the improvements out there are well known to people and you diminish that risk that people make comments based on perception?

Ms Moore: From my point of view, I think the important thing is what we would call working in partnership. If you have a mechanism that links what you know and are doing to community representatives, both Indigenous and in the rollout in the new sites—those communities as well—the partnership model has been strongly tested. We know that it reduces the rates of chronic disease. We know that the longitudinal study in England that Mike Marmot did has shown that control and participation around the things that affect our own lives have a direct impact on health. So I would say that the best strategy for moving that perception issue forward is to have structures of communication in a partnership way that are in place from the beginning, and then you have a mechanism that gives you feedback from the communities and gives the communities feedback from you.

Senator CROSSIN: I am going to sneak another one in here. There are local implementation plans that have been developed in the Northern Territory. I am not sure if you are aware of those.

Ms Moore: No.

Senator CROSSIN: They are pretty extensive. They are now in about 25 communities and they underpin all of this. They are agreements between the community, the local government, the NT government and the federal government, so it is a four-way partnership.

Ms Moore: Does it include these mechanisms for regular exchange of views?

Senator CROSSIN: It is based on the community having to identify 15 priority areas for their community. Those areas were then put in order of priority, and then each of the four partners, where appropriate, had to sign up to what their commitment was. In a lot of LIPs—they are called LIPs, or local implementation plans—the first priority for a lot of communities has been getting children to school. The local government perhaps has no commitment there, but the federal government and the Territory government have a commitment and the communities say what they are going to do. I wondered if you had seen any of those at all. They are on a Northern Territory government website.

Ms Moore: Thank you very much; I would be delighted to follow that up and read through them.

Senator CROSSIN: Everyone is different. Every community's plan has been developed from the grassroots up, essentially.

Ms Moore: Yes. I will pass on to my colleague Vanessa just for a second. The thing I am not clear about from listening to you is the degree to which the communities can design that and work it through.

Senator CROSSIN: It is theirs; they own the document. When it is totally negotiated, there is a ceremony and all three partners sign on the dotted line.

Ms Lee: The mutual obligation arrangements developed under the Howard government were not specific in engaging with the Indigenous communities in the Northern Territory. So, when you say that there is a three-way partnership, to what extent do you mean there is a three-way partnership? When you speak to people on the community and at the grassroots level, the understanding of language and the jargon used is completely different to what the government initiates.

Senator CROSSIN: Yes. I would be interested for you to have a look at the local implementation plans. That is why I wanted to engage with you about the perception about some of this not actually working, because on the ground there is now an agreement in each community about what the priorities are going to be and how the parties are going to go about working on those priorities.

Ms Walker: I think that in terms of a broad principle the PHAA, from a public health perspective, is really interested not just in these formal agreements but in the support services that are provided to assist communities to reach those goals. I know that some of what we are talking about here had its genesis in the No School, No Pool policy back in the mid-2000s. Some of those areas identified priorities that communities were set to deliver as part of that mutual obligation framework. But I guess our question is: have those communities received the assistance that they need in order to achieve those goals in the particular areas, no matter what those goals are? For instance, if you are looking at alcohol management plans and the implementation of those, have complementary alcohol and other drug support services been provided to assist people to reduce their intake of alcohol? Are there those appropriate supports that make these sorts of identified priorities achievable and realistic within those frameworks? I think what Vanessa is saying is that the experience on the ground has been quite variable in that regard.

Senator CROSSIN: Okay. I will finish there.

Senator SIEWERT: I want to follow up on that. You were talking before about being in partnership and people's control and self-determination. If you are developing programs like LIPs, where one of the underlying tenets is compulsory income management, how do the two go together? You are working in partnership but you have already got these predetermined constraints on you in terms of how you can participate. How do the two go together, bearing in mind the comments you made about the issues about personal control and independence?

Ms Moore: We strongly support voluntary income management, on an opt-in basis. I think there is an issue still in the voluntary part of that around transparent processes. Nobody knows how that works, so the trust element is missing and so the participatory thing is not strong. In terms of income management, we only support that as a last resort and in the context of case management. That means that people have had every opportunity, with support and with the service structure, to get it right, to begin to change behaviours. If as a last resort in cases of child abuse and neglect and alcohol related violence—things that clearly are not going to resolve easily or the

participants are struggling with that and it is going to need extra intervention—I have lost my plot; what was the question?

Senator SIEWERT: If you have got underlying constraint that you have got have no say over, how does that affect people's involvement with LIPs, for example?

Ms Moore: I think you still can have participation. If the process of the design of that program and the delivery of that program is negotiated and agreed with the community, or at least there is involvement of the community in that process, then you are already establishing a different relationship from a punitive: 'We come in, we're going to assess you, we're going to mandate this change and you do not have any part in that conversation.'

Senator SIEWERT: I understand where you are coming from but, in these communities where they are doing LIPs, they are also applying compulsory income management. My question relates to how even the participation process is if you have already got a constraint on you over which you have no control?

Ms Walker: I guess that is what we are saying: we do not go along with that, which is part of the rationale set out in our submission for why we are not for compulsory income management at that level. We think that it is really important to work with communities to support them to achieve outcomes. Those outcomes, while you might have agreement of a notional idea that you want to get to—say a reduction in alcohol related harm or achievement of greater participation rates at school—if you are not working with communities to identify the barriers and find out why those things are not being achieved in the current environment, then I guess it is a little unrealistic to try and push them towards an outcome that is just unachievable.

So we are very much against the arbitrary application of targets where there is not a bigger analysis of why we are experiencing problems that we are currently experiencing. I think that goes to why an evaluation is so important as well, to set benchmarks around these things and look at what measures as part of the intervention are actually having a positive impact. The intervention was very multifaceted: there is income management; there are investments in communities. It really needs be unpacked what parts of that have been successful in achieving outcomes and what parts have been there in the mix but have not actually achieved those outcomes. We would argue from the analysis we have done and from the experience of our members that the parts of the intervention that have provided greater services and supports to communities are actually the parts of the intervention that are achieving the best outcomes and the more meaningful long-term change, rather than the blunt instruments such as compulsory income management that have been introduced as part of the picture.

Ms Moore: Senator, I think you are right and your point is really important. You are saying: how can you preach trust and partnership on the one hand and then expect that to work if you are simultaneously rolling out an obligatory thing where people cannot make a choice? What we are saying is that (a) you would limit the application of the mandatory to extreme, last-resort circumstances but that (b) if you come to the community as an equal voice and explain what the process is, why it is, how it works and under what circumstances it becomes mandatory then you are looking at a different relationship.

Senator SIEWERT: Which seems to me a bit more like the Cape York trial, where income management, as I understand it, is used further down the track. They do case management, identify barriers—

Ms Moore: Voluntary options.

Senator SIEWERT: and things like that and then income management is put in place, rather than first thing. I want to go to the issue of exits. The legislation was changed in 2009 so that compulsory income management did not just apply to the prescribed areas, it did not apply to age pensions and there were more criteria. Have you had a look at that legislation to look at the exit points? As far as I can tell, other than exemptions, which is a separate issue, there are really no exits unless you are exiting into employment or training.

Ms Moore: For us, there are two things there. One is that we would like those exit criteria, if they are predetermined, to be declared. You may well be right about the legislation; I am familiar with the 2007 legislation but not the 2009. Also, there is an opportunity we would like to see included. There is an opportunity in the school attendance legislation for change, so that as someone's circumstances change so might the degree to which they are having something imposed change. It basically says, 'As you say you are making efforts, we will respond by reducing constraints.' But that is not reflected in the Stronger Futures legislation. There is nothing there that says, 'We have a mechanism'—not just 'maybe you can talk to us' but, 'We have an established mechanism within a process that you know in advance: that as you come to the party, so do we.' Just having a clear set of exit criteria is great, because we know what they are, but we also need—and this is why we have the case management phrase in there—to have a mechanism where individual circumstances and change are recognised.

Senator SIEWERT: I am very interested in all you have had to say. You talked about measuring not just attendance as outcomes. I have a bee in my bonnet about measuring educational outcomes: why are we doing this? But I thought your point about measuring as we overcome the barriers to school attendance was one that other people have not made. You are saying you could set up an evaluation mechanism that does not just measure how many kids are now going to school and how long they are there; that meaningful intervention is also about how you start to overcome the barriers to that.

Ms Moore: Yes, and what made it work: when it worked, what was it that made it work? If you get someone in who has got the evaluation skills for that framework—and we know people and your contacts will as well—one of the first things they do is make sure that the links are evidence based, make sure that you can show a difference. For example, if I introduce a school bus that drives to the outside areas, what difference does that make? If I introduce this element and it is happening in a place where there are strong services, does that make a difference? In other words, what actually is it that allows behaviour to shift, beyond the will of the families which we do not believe is the single barrier to progress here. Trained people will be able to do what we call the logic pathway, where we will be able to see that this bit of the intervention will change X, and therefore we will measure it. We may already have access to collections of data to do that and, if we do not, we can certainly establish them. The effort that is involved, or the cost to get the experts to develop that framework and monitor it is a win-win situation for everybody, because what works you can fund in the long term and what does not work you can modify or cease. But everyone will know why and how any element of that is working or not working.

Ms Lee: Could I add to that: also in that process you would have to involve the community not just as the participants in the school but also in the teaching of the children, because that is how you have community engagement, and that is what makes it effective.

Senator BOYCE: I just have a couple of questions. You were talking earlier to Trish about the entry and exit problem, but the other comment you make earlier in that paragraph is that there is no clear commitment for capacity building—which is one of my bugbears. What would you like to see there as part of this? Assuming this legislation is going to pass, what should be done? 'Community ownership in the design of the scheme and no clear commitment between Indigenous and government for capacity building' is what you have said there, Ms Lee.

Ms Moore: I will give that question mostly to Vanessa, but one observation of mine would be that the implicit assumption here is that behaviours will change on the ground because of the intervention. But there is no additional structure around that about building people's capacity to take control of their own lives and run them independently well. There are also no measures or provisions in there about the structures that people need in place. There is another issue, which Vanessa will talk to, around community governance and the strength of having a community structure support the people whose behaviours you seek to change.

Senator BOYCE: Just to be clear, you are talking about an individual capacity building and community governance.

CHAIR: What does that mean? The theory is: great. That is fantastic, but what does that mean?

Ms Lee: Indigenous community governance is about working with the whole community, and that is what Indigenous people do. They work on a holistic approach to everything. They work from the child to the elder. When you put in these programs and you engage only a certain part of the community—say you are engaging with the CEO or the community service person and not actually with the person who is going to receive the services; you are not engaging that whole community. And that is what Indigenous community governance is. It is about engaging the whole community. It is involving the whole community in the whole process, from the data collection, the data design, the whole design of the project to the implementation and to the whole evaluation—so that the whole community has an understanding of what is going on, what is happening and how it is affecting them and their future generations. The biggest issue with the Northern Territory intervention is transgenerational trauma, and there is overwhelming evidence on it and it is repeating the processes of the past. It is something we really should avoid doing, because we want to learn from what we have done; otherwise, what are we doing?

Senator BOYCE: Perhaps to address your concern, Senator Moore, is there something practical in terms of a tick-a-box type effort that should go into the entry and exit requirements that you would like clarified that therefore demonstrates that someone has put some effort into building capacity.

Ms Lee: When you talk about tick a box—

Senator BOYCE: I am not suggesting that it is in any way not meant to be meaningful but that on the list of entry and exit information there would also be something that says, 'Have you done a course on household budgeting'—or whatever.

Ms Moore: I would be putting it the other way around. I would be putting on the tick list: 'Has this person had the opportunity to enter into employment?' I would put it onto not the individual side but on the side of the structure that is in place. 'Has this counsellor or referral person worked through with this person about what their strengths are, where they can go for employment, what likely supportive options there are'. The theory says that individual behaviour alone cannot sustain long-term change. It is not enough. What is missing in many of the Northern Territory communities, and possibly the other sites, is the rest of the skills set that they need to be able to sustain change. Some of that is some hope at all that they will acquire the skills that will make them eligible for employment—at least to put them in that kind of environment. We all get that growing up as a matter of course, but rural and remote people have much less access to those opportunities. On my tick list there would be: have these things been provided by not the individual but the government representative in that case?

Ms Walker: There are two aspects to this. Are we looking at it at the micro or at the macro-level.

Senator BOYCE: Both, I would think.

Ms Walker: At the macro-level, with the individual, we are saying: if you have to go down the road of compulsory income management because we had got to the point where there was alcohol related violence or there had been a decision made in that regard you would be looking at developing a case management plan to address that person's specific needs. If it is an alcohol problem, have they been provided with drug and alcohol services through the system to address that problem? And, as a continuum, after they have addressed that, are there other mental health problems that have contributed to the alcohol problem? Have they then been provided with employment support once they have addressed those problems that has helped them to move forward to either earning or learning—if we want to put it that way? It is a continuum for people, and the exit point would be the point at which they had achieved the desired goals—the desired goals they have for themselves but also the desired goals in terms of outcomes for that person. That would be an agreed exit point. In terms of the community, when we are talking about capacity building, we are not talking about the provision of services, be they employment services, drug and alcohol services et cetera—

Senator BOYCE: No, I am talking about social capacity

Ms Walker: It is also about providing employment opportunities and capacity building opportunities within the sector so that the community can grow and be able to address those issues for new people into the future.

Ms Lee: One of the biggest things about Indigenous community governance is providing autonomy and self-determination. The exit point of getting people to a point where they can actually go for employment in their own community is holistic in the whole notion of Indigenous community governance.

Ms Moore: Plus, I think there are some strong examples. I know there was one that won an award in New South Wales which was for Aboriginal women in situations of domestic violence where they developed a storytelling methodology that allowed the women to disclose things that they are not allowed to disclose in normal community life in a safe environment with other people. The women were both young and old age, but somehow, in that cultural setting, being able to tell their story out loud and finding strategies, like a supported strategy, made a big difference in their lives. Even access to that is missing, and we have models for lots of these practical interventions that are really quite good.

Senator BOYCE: I would be interested to hear about that example if you are able to—

Ms Moore: Yes, I would be very happy to forward it to you.

CHAIR: What you have just spoken about is extraordinarily valuable, should be encouraged and resourced—

Ms Moore: But is it part of the legislation?

CHAIR: Non of that would ever be in legislation.

Ms Moore: No. But you can capture that if you have something like a case management mechanism that is an obligatory part of it, and in legislation I do not know the degree to which you can specify implementation—

CHAIR: None of it is ever legislated to that degree. That is really—

Ms Moore: But the school's one is. The school's one has opportunities for negotiation around individual change.

CHAIR: That is within the process. What is spelt out in legislation is the core, the basis—all the things you are talking about must be put into the process.

Ms Moore: Yes. But you have got to have a driver in the legislation that makes that mandateable. If it is not in the legislation, it will not happen.

CHAIR: It is in the regulations and the guidelines from the department.

Ms Moore: So there has to be a link, I would say—

CHAIR: We would certainly accept the fact that has to happen and we acknowledge all the issues that you have put. Your evidence is extraordinarily valuable, but the argument that is has to be in the legislation is something—

Ms Moore: But a driver. I read through the school document, the third piece of legislation, and there is a lot more flexibility in that program, which is fantastic—there are five points around that—but, as people show progress in their changes, something like 'steps towards progress', the terms of the agreement can shift. That is in the legislation, but there is not a similar opportunity in the Northern Territory.

CHAIR: Your example about providing alcohol support is absolutely critical and your point about the domestic violence support in the wonderful case in New South Wales needs to happen, but it is not.

Ms Moore: I agree. I was just responding to the senator's question about practical options.

CHAIR: I am sorry, we really have to finish up. I appreciate your information. Is there anything that you need to tell us that was not covered in the questions?

Ms Moore: No. I thank the committee very much for the opportunity to speak to the submission and we are more than happy to provide additional information or references if there is anything you think of down the track.

CARTER, Miss Carol, Deputy Chairperson, Bankstown Aboriginal and Torres Strait Islander Advisory Committee

GILLETT, Mrs Suzanne Carol, Community Member, Bankstown Aboriginal and Torres Strait Islander Advisory Committee

GONEIS, Mrs Margaret, Chairperson, Bankstown Aboriginal and Torres Strait Islander Advisory Committee

[10:01]

CHAIR: I welcome representatives from the Bankstown Aboriginal and Torres Strait Islander Advisory Committee. Good morning. Thank you for coming to join us; we do appreciate it. Information on parliamentary privilege and the protection of witnesses is available to you, and we can always provide help with that through the secretariat. We are very grateful that you chose to come and talk with us. We do not have a submission from you but I understand you have something prepared as an opening statement. If you do that, we will then go to questions.

Mrs Gillett: My mum and I did submit something to the committee.

CHAIR: Was it under a personal name? We had a lot.

Mrs Gillett: It was a personal one.

CHAIR: Mrs Gillett, you can refer to that as well. Your submissions all go into the evidence base for this inquiry so, if you want to refer to your submission, that is fine. I did not relate to that because you came under the heading of the advisory committee.

Mrs Gillett: I thank the committee for the opportunity to appear today, and I also acknowledge the traditional owners of this land that we are meeting on today and pay my respects to elders past and present. The main reason we are here today is that we would like to state our opposition to the Stronger Futures legislation and related bills and any extension of the Northern Territory intervention. We believe it is punitive and discriminatory, and we consider that it would further add to the disadvantage faced by Aboriginal people in the Northern Territory. We do not consider that it was evidence based. Based on the evidence that we have gained through community members we do not believe the consultation was as thorough as we had been led to believe.

Mrs Goneis: As I have been campaigning against this income management from the word go, same with Auntie Carol here, we have met many of the Aboriginal people from the Northern Territory and have heard of the hardship they are going through, the pain they are going through and the disgrace of being shunned by their own communities for being put on this income management. Our aim in coming to talk with you people is to say that we do not want this for Bankstown. The reason why: there are 113 different communities in Bankstown. We are supposed to be the Stronger Futures next catchment, as they say, because we are a multicultural community.

You have to understand the disgrace that you have put on people with the income management going into the Northern Territory. We have had 30 per cent more deaths in custody. We have had 30 per cent more deaths of our young children through not being fed because of the fact that this legislation went through with Mr John Howard and should have been thrown out with Mr Kevin Rudd when he came in. That was the promise he made to his people in Queensland. It was a lie. For those of you who have not lived in Aboriginal communities, you should be totally ashamed of what you have done to our ancestral lands. You are destroying them. In the Northern Territory 76 per cent of our ancestral lands are being taken over by overseas interests, with a big US Army base going up in Darwin. How dare you allow this legislation to go through.

We are totally ashamed. If this comes to Bankstown, it will be your worst nightmare coming to fruition because we do not want it. Our communities did not ask for it. They keep saying to us, 'There are not 1,000 Aboriginals in Bankstown.' We are at between 300 and 350 in Bankstown LGA. There are 15,000 of them on the Northern Territory list. When we spoke to Ms Plibersek, she stated that there were only 629. We cannot handle lies. Our people never have and our people never will.

Always remember that the white people brought the disease, the alcohol and the drugs into this country. We lived off the land. We will not see our children suffer the disgrace of being taken away from their parents, from their homeland, as is being done now, by being put into juvenile detention centres for the crime of stealing something to eat because their mother and father do not have food in the house. You keep putting another 10 years on the Northern Territory lot and they will have no lands. We will have holes in our grounds.

I am totally ashamed of all government ministers in this parliament. Not one of you has been up there for longer than a week. When Jenny Macklin went to the Northern Territory it was promised that only five other

areas would be placed—we are now at 26 areas of Australia, and 27 is just going up, which is Bankstown. They have already started in Bankstown. They have started with our young people. We will not have this. We are telling every single person there to say no. If they put on the BasicsCard, as you call it, income management, be wary of the polls and the next election. Labor hold Bankstown. Eighty-six years they have been a strong Labor government. They will not be there for much longer and they will not take the Liberals either.

You need to be really careful in what you are doing with your committee and in the way Ms Gillard wants to put another 10 years on our people in the Northern Territory. The revolt will come and it will come big-time, and you will have a hung parliament all the way through until you resolve to take this out of the legislation. We are not in the Dark Ages any more. We are not going through the Depression. You are disrespecting the land in which you have been given the opportunity to work on and to bring up your children on. Your disrespect is totally abominable.

CHAIR: Thank you, Ms Goneis.

Miss Carter: I acknowledge the traditional peoples of this land and also respectfully acknowledge elders past and present. I looked on the web and found the minority groups act 1975. I would like to read it. It says:

- reaffirms its commitment to the right of all Australians to enjoy equal rights and be treated with equal respect, regardless of race, colour, creed or origin;

... ..

- reaffirms its commitment to maintaining Australia as a culturally diverse, tolerant and open society, united by an overriding commitment to our nation and its democratic institutions ...; and
- denounces racial intolerance in any form as incompatible with the kind of society we are and want to be.

That does not read right to me, because this is racist this intervention—call it money management, the BasicsCard. It is an intervention. The government should not have brought this in at all—Howard and Brough. Brough should not have been involved in that. They get an Aboriginal person to bring something in and they say, 'It wasn't us; it was an Aboriginal man who ticked the boxes and brought this in.' Mal Brough is Aboriginal. That is what I heard last week. He comes from Queensland.

They want to put in the BasicsCard in Bankstown. You have to use Woolworths, Coles, Kmart and Target. I do not want to go into Woolworths with my BasicsCard. If I want some cat food for my cat or some ice-cream to give myself a little treat, the girl will get on the intercom at Woolworths and say: 'Item 25, Peters ice-cream. Is that allowed on the BasicsCard?' How humiliating. Woolworths have certain checkouts that you can use because not every one of the checkouts will take this BasicsCard. As then Minister Tanya Plibersek said at the closed forum, 'It looks like a credit card.' It does not look like a credit card.

We have seen Katherine's BasicsCard when she came here last year to talk to us. On her departure from the Northern Territory, she went to get some food with her card and there was no money on that card. She was lucky to have some cash on her so she could buy some food to feed her children while she came to Sydney to talk to us at the rally. She opened our eyes to the effect of this BasicsCard, the intervention and how it will hit our communities.

I have a cat as a companion. It got hit about four years ago by a car. It cost me \$900. I have a really nice vet. I had to pay \$200 up-front before I could pick him up. He let me pay off the \$700. That happens when elderly or disabled people have animals as companions. If anything happens, they will not be able to afford a vet bill or the prescription drugs to heal the animals, because 50 to 70 per cent of our payments is gone. What about our grandkids, nieces and nephews, or we want to go on holidays or a funeral comes up? How are we going to leave home and go to the funerals for our people. My people are up in Tamworth. How am I going to fly up from here? I cannot go by train or bus, so I would have to pay for an airfare. I cannot see the government paying for my airfare to go up there if my cousin passed away. So there are a lot of indignities that we would have to go through if this BasicsCard were passed. We should not suffer indignities at all. We have gone through enough atrocities over the last 226 years. We value what was brought in this country, without the diseases and the atrocities. We have been educated. Why do they always pinpoint on the negatives in our communities? Why don't they look at the positives? We have athletes, senators, barristers, doctors, lawyers, and surgeons. Government do not look at that. They want to look at the children who are sniffing petrol. You find that. If you want to find alcohol abuse, go to Manly on any Friday or Saturday night or go into the city or to the Cross where there are drugs. We are not a drunken, gambling, child-neglecting, pornography-watching community. That is put through to all the communities. This is why they want to put it in and become a volunteer of that.

Why would I want somebody to take control of my life? It is the same as everybody else. I do not want to be told where to shop. I go the butcher. I cannot talk to a freezer in Woolworths or Coles and say, 'How can I cook this cut of beef?' Banana George is where I get my vegetables and fruit from. I talk to the woman down there, Michelle, about how to cook different vegetables and do whatever. She is Italian, she gives me ideas and we chat. We cannot do that at Woolworths and Coles. So give us back our dignity, our self-worth and our rightful place in this country as we are the First Peoples of this country, called Pamanyagum. We respect everybody so, people, please respect us and our concerns about how it will hit hard and there will be a greater rate of suicides. It was supposed to be only for the unemployed. Now it is for disability pensioners, carers and age pensioners—the whole lot. You do not have to have one of the criteria to fit into this. It is going to be for disability as well.

CHAIR: Thank you, Miss Carter. We will go to very brief questions because you have just given us your views. I do not think there will be many questions. Regarding some of the things that you talked about, we will get onto the department straightaway because I think there is some confusion about how it will work.

Senator CROSSIN: Good morning. I am a senator for the Northern Territory. I live in Darwin and spend a good part of my life travelling to all of the communities that we are talking about that are covered by this legislation. Are you aware that there are quite a number of people in the Northern Territory who have volunteered and opted to stay on income management? When I have met with them they have put it to me that it is like having direct deductions from your pay. They feel confident that there is a certain amount of money that they can rely on every fortnight and they like the way that is structured. Are you aware that quite a number of people have that view here?

Mrs Gillett: We do not have a problem at all with voluntary income management; it is the compulsory income management that we do have an issue with because we just feel that Aboriginal people will be the most obvious target. Most Australian people seem to think that income management only applies to Aboriginal people in the Northern Territory. I do not think they are aware that it has the potential to go state wide. Our main concern is the compulsory element of it.

Senator CROSSIN: It has been Territory-wide now for about 15 months. I have a number of non-Indigenous people as well. To be honest with you, the feedback I get from my constituents is fifty-fifty. Some of them do not like it; 50 per cent of them actually do like it, even non-Indigenous people.

Mrs Goneis: Senator, I want to ask: how do those who are on the BasicsCard, have been for five years now and wish to get off it do that? Where is their exit strategy?

Senator CROSSIN: Is that a question to me?

Mrs Goneis: Yes.

Senator CROSSIN: In the Northern Territory certainly Centrelink have a number of dedicated people to assist people moving off the BasicsCard. You have to meet some criteria to do that. And some people apply for exemptions. My officers have been helping people apply for those exemptions as well.

Mrs Goneis: Senator, when was the last time you talked to any of your constituents up there?

CHAIR: Ms Goneis, that is not an appropriate question.

Mrs Goneis: I am sorry. We had an 80-year-old woman who is in a wheelchair who was trying to buy groceries. She was paying in cash and was told to go home and get her BasicsCard. We then went up, as a member of our coalition, and had that woman taken off the BasicsCard. She was distraught. She had a mild heart attack. The stress and disgrace that they put her under almost led her to her grave. We are just wondering: where is your age bracket on the people being exited from the BasicsCard up there?

Senator CROSSIN: Are you saying to us perhaps that you believe there needs to be another audit done of people who are on the BasicsCard to see if they meet the criteria? That woman clearly, if she is a pensioner and has a disability, could be exempt, you see. She must have fallen through the cracks. Do you think there needs to be another audit to ensure that those people who could be exempt are in fact exempt and are treated more appropriately?

Mrs Goneis: Yes, because there is no respect paid to any of them, especially the elderly up there that we worry about in that respect. They are still on the BasicsCard and they cannot get off it, because some of them, in their communities, cannot speak the English language, because of their native tongue from where they have been.

CHAIR: Mrs Goneis, can we have the details of that case? We would very much like to follow up on that. That is a terrible story.

Mrs Goneis: She has been taken off the BasicsCard now.

CHAIR: But, if we could find out which community, we can follow up with Centrelink about the background to that case. You have used it and it is a very awful case, and we would very much like to follow up.

Mrs Goneis: The abuse has been for our elderly up there.

CHAIR: Which community was that one in?

Mrs Goneis: It is in the Alice Springs community.

CHAIR: I can give you a commitment that the committee will follow up on that one.

Mrs Goneis: Thank you.

Senator SIEWERT: Can I perhaps follow up on the idea of the audit. There was a strong suggestion at the time in 2009 when the changes came in that people who could have exited stayed on voluntarily but did not fully understand—or it was not properly explained to them—that they could move off, so a high number stayed on. Was the person that you are talking about one of those that stayed on voluntarily but did not quite realise?

Mrs Goneis: She was not informed at that stage. And because, as I said, she spoke in her native language there, they really disgraced her in certain ways. She went to Centrelink. They did not help her at all. It took our people down here in Sydney to go up there to look after her to get her off it.

Senator SIEWERT: Could I ask a couple of questions—I will try and make them short—about Bankstown in terms of the rollout of income management as the place based trial of income management, about how you have been informed, consulted, about what is going on and particularly about who is going on it and who could be affected. How has that been explained to you?

Mrs Gillett: I actually attended a community consultation with FaHCSIA officials and Centrelink officials. It was not a consultative process at all. It was a presentation of what they were going to do, how, when and why. There is a lot of confusion out there because no information is coming out to anybody outside government agencies about how this is going to be rolled out and how the referral process will work. It is due to come in on 1 July, so there is a lot of concern in the community. There has been a lack of information—

Mrs Goneis: And consultancy.

Mrs Gillett: coming from Centrelink and FaHCSIA.

CHAIR: When was that meeting, Mrs Gillett?

Mrs Gillett: It was in July last year.

Mrs Goneis: Yes, July.

Mrs Gillett: There was only one held.

CHAIR: And it was last year?

Mrs Gillett: Yes.

CHAIR: And no follow-up that you can tell us about?

Mrs Goneis: No.

Mrs Gillett: No. There was a meeting for merchants, but that was definitely the only one for community consultation.

Senator SIEWERT: On this particular piece of legislation and its possible impact for Bankstown in terms of government agencies or state government agencies being able to have referral powers, it sounds like that has not been—

Mrs Goneis: No. We have had nothing like that, as Sue said. We were informed by one of our own in one of the services, and we were just given one sheet of paper—well, it came through the internet for us. I got mine on 13 May last year. Consultations started—well, what we got from the government came in June 2011, so there was no consultation. We had to ask FaHCSIA from Canberra to come up to see the Aboriginal community because they said they were targeting the Aboriginals only.

CHAIR: Who said that?

Mrs Goneis: That is what the community thought it was: it was only the Aboriginal community that was going to be targeted. They still do not believe that they are all going to be targeted.

Senator SIEWERT: That is all the other communities—the 113?

Mrs Goneis: All the other 112 community members out there—the multicultural—

CHAIR: But it is not the multicultural; it is all the people who fall within the certain payment groups.

Mrs Goneis: Yes.

CHAIR: So you still believe that people do not understand that there is going to be anyone but Aboriginal people?

Mrs Goneis: That is right. We have formulated a coalition of 56 different community groups. In those community groups we have Arabic-speaking people, we have the different Muslim ones—all the Arabic ways, Palestinians—

CHAIR: Mainly ethnic groups?

Mrs Goneis: The ethnic groups are almost all covered. With the fact sheets that we were given, we have all had them translated to be sent out to those communities.

CHAIR: And you have done that?

Mrs Goneis: Yes, we have done that as a coalition.

CHAIR: When you said that you got the information—'when you got yours' was the term—that was something that was sent to you as a member of the Bankstown City Council Aboriginal—

Mrs Goneis: Yes.

CHAIR: Formally, with that particular hat on?

Mrs Goneis: Yes.

Senator SIEWERT: Could I ask two things. One is: could you give us a copy of what you were sent by FaHCSIA so that we can get an idea of the sort of information that is provided?

Mrs Goneis: Yes.

CHAIR: We can copy that so you do not have to give us your original. If we can get a copy of that, that would be very useful.

Senator SIEWERT: Secondly, have you been told or informed of which community organisations are going to be involved in providing services through this place based mechanism in Bankstown? Each place based site has both government and non-government organisations. Have you been told who that will be?

Mrs Goneis: No, we have not been informed. But I can tell you I have been cornered by these poor young people about the help for young parents.

Senator SIEWERT: What is it called now—the teen parents program?

Mrs Goneis: Yes. I had two young ladies come up and talk to me about that, because as of 1 January this year the payments were stopped. ABSTUDY was stopped. Those young ladies had to go onto the family tax benefit. I have had all these people from different groups asking: 'What is happening? I normally get paid and I haven't got my payments.' They are talking about payments through Austudy, ABSTUDY, the Youth Allowance program et cetera. Those kids in January were so distraught it was enough to send me to talk to Rachel Siewert in regard to what they are asking of our young people, if they are 19 or younger. The school age is 17. What we have asked for is that you leave it at 17. Do not give it to the 19-year-olds, putting them back to school with their kids. The overcrowding of the schools will become—with parents and babies going back to do their year 12 or equivalent—too much.

Senator SIEWERT: Are you saying Centrelink has not explained it to them?

Mrs Goneis: They have not explained it. The young ones are caught in this and the elders are caught in this, because they are still unsure of where they have to go to get their medication or for their transport needs. The transport up in Bankstown is totally horrendous. We have no transport. We have a problem with housing—we have a 12-year waiting list on housing. That is community housing, government housing. That is wrong, and we have elderly. We have probably 100 people living rough on the streets. I think that is wrong. Our hospital system is crap, I am sorry to say—excuse the language.

CHAIR: It is okay, Mrs Goneis; I am not going call you up on that.

Senator SIEWERT: It is technical term!

Mrs Goneis: It is a technical term! It is an adjective. I was turned away from Bankstown hospital in 2006 after having a heart attack. I was given two panadol and told to go home and see my own doctor the next day. That is wrong. This is what they are doing to our elderly. Our elderly are our pride; they should be able to keep the young going, to enhance their hope for their future. If we continue to lose our elders as fast as we are losing them, we will have nothing for our young. If you put added stress on these people here in Bankstown, we will have no-one left. We are sick of burying people. We are sick of sending them home in body bags. The funeral rate for us weighs heavy on us. We have had one of our community members bury four people in three months. That is

wrong. We send our people home not to be buried in a bag. We send them home to die, but before that to have time with their families. A lot of them live up in the Northern Territory or Queensland. This is what we do as a community. We do not spend it on pokies or drinking. You have the stronger community elders who are trying to pull up these young ones. I am proud to say to you all sitting here today that we had 50 of our kids in Bankstown LGA complete their HSC. Every single one of them passed. This is what we as elders in that community are doing. We are sending our kids to school. We are helping them. We are trying to keep our community together. In helping our community, we are helping the multicultural community as well because we go out there and we help them with art works and everything else. They come to us if they need cultural advice. Why do we need this income management?

CHAIR: Thank you. I am just tabling your document, thank you very much, and I am making it clear that it is not a departmental fact sheet; it is a fact sheet from the Bankstown collective. Mrs Goneis, we have asked the department to get a copy of the one they have as well. I misunderstood in your evidence when you said, This is what we got.' I thought it was what you got from the department—

Mrs Goneis: There is one from the department.

CHAIR: That is fine. It is the one you have sent out. I understand your position; it reflects your process. But we are desperately trying to get information about what the department has put out.

Mrs Goneis: That is the one for the young people. You have got that one, haven't you? The document I am holding has only just come out. This is recent.

CHAIR: Could we get a copy of that? Senator Boyce, we are rapidly running out of time. Mrs Goneis, I know that we could talk with you, Mrs Gillett and Miss Carter all day, because this is the community experience, but we are running very short of time. Is there anything that we have not been able to get from you in questions that you want to tell us before your time finishes?

Mrs Gillett: I would like to refer to my submission. We have drawn a comparison between the Stronger Futures legislation and the policies of the New South Wales Aborigines Protection Board. The similarities are striking and quite frightening. We do not want anyone to go through all of that again. The government seem to see Aboriginal people as a problem that only they can solve. A big failure with government is that they try to push things from the top down. We really need things to be from the ground up. This newspaper article was written in 1966 before the referendum. It quite clearly states that we are a problem. I do believe that that is how we are seen. If that is how government and community see us, we cannot be excluded from being a part of the solution. It shows you why a lot of the issues that the intervention, the Stronger Futures legislation, Learn and Earn and team parents—all of that—are supposed to be addressing are problems that have been debated by government for over 30-odd years. They are about housing, education and employment. This sort of top-down approach will not work. We really need to have genuine consultation and genuine partnerships with the communities and organisations rather than this heavy top-down approach.

I have a copy of parliamentary debates from the 1940s, when they were debating the very issues that are very relevant and very real to Aboriginal people today. So none of these problems has been addressed over decades. I fail to see how this Stronger Futures legislation is going to address any of these issues, without extensive and intensive consultation. The language is really offensive in the debates. We have firsthand experience with the Protection Board. My grandmother was taken away and she was not paid her wages. Last year that money was paid to my mother, 20 years after my grandmother died. All Aboriginal people want is equal rights, and we have not yet got that. It is such a long, hard struggle. We have made some gains but not enough, and that is what we really need. I do not see that this new legislation will actually lead to that. I believe it is punitive and discriminatory and that it has led to the vilification of Aboriginal people. We have gone full circle and I think we really need to get back to respect and providing equal rights and meaningful recognition, not just tokenism because that does not work and Aboriginal people will see straight through that.

Miss Carter: Could I add one thing to that. We do not need handouts; we need a leg-up. We are here and we are very humble people. If the government like to help anybody, they need to go to the grassroots. Talk to the elders, get the communities involved and see what they can do to assist in the communities. Instead of spending \$117 million or whatever it is to roll this out in only 25 areas, inject that in other organisations like mental health, health and education. Bring back the CDEP. It provided training for our Aboriginal youths and was working fantastically until it was dismantled. It is an open invitation to anybody who wants to come up to Bankstown. Talk to our committee up there and we will get the community involved as well if you want to have a seminar or a talk—we call it a 'yarn-up'. You are more than welcome to come up there and discuss these real issues and real concerns for our community. Thank you very much for inviting us here.

CHAIR: Thank you very much. We deeply appreciate the information from the Bankstown Aboriginal and Torres Strait Islander Advisory Committee. The committee will take that opportunity at some time to come and have a yarn-up, Miss Carter. I cannot tell you exactly when, but—

Mrs Goneis: That is fine. We are open seven days a week.

CHAIR: Despite what happens, we just keep talking, so thank you very much.

Mrs Goneis: At this moment, we are in the middle of doing our statement of commitment for the reconciliation action plans. Across Australia they are doing reconciliation action plans. When this comes into being, our council becomes only the fourth—

Senator SIEWERT: You mean the local government?

Mrs Goneis: Yes, the local government one. With these reconciliation action plans, something needs to be done down here by the parliament as well. You people need to have something like that in the works as well, because it is a statement of commitment.

Senator BOYCE: Is it a New South Wales—

Mrs Goneis: No, it is national.

Senator BOYCE: Through Reconciliation Australia? Sorry.

Mrs Goneis: That is something that you should have a look at. Look at their reconciliation and see if they have gone about doing this because that is something that everybody agrees with. You reconcile and you heal instead of destroying.

CHAIR: Thank you very much.

Proceedings suspended from 10:43 to 10:57

FALZON, Dr John, Chief Executive Officer, St Vincent de Paul Society National Council of Australia

[10:57]

CHAIR: I welcome Dr Falzon, from St Vincent de Paul. Thank you, Dr Falzon, you are always welcome. You have information on parliamentary privilege and protection of witnesses. Dr Falzon, I know that you have an opening statement so if you would like to do that, we will then go to questions.

Dr Falzon: I would like to begin by acknowledging the traditional owners and custodians of this land on which we are meeting and to respectfully acknowledge elders past and present. Before I kick-off, I would also like to acknowledge the work of this Senate committee. I know that you have gone to great lengths to truly listen to the stories of the people on the ground and that this must be a very hard and painstaking task for you, and I wish to acknowledge that from the outset.

CHAIR: Thank you.

Dr Falzon: The wound of colonisation is in the heart of the first peoples of this land. The legislation before this committee will deepen and broaden this wound. It contains policies that hurt, humiliate, punish and control. Like all forms of colonisation, it denies the full humanity of those who are subjected to it. These are policies that have been shamelessly trialled on the Aboriginal people of the Northern Territory and they are now to be not only deepened in those communities but also broadened to include other areas of so-called disadvantage across Australia. The degrading trail of internal colonisation continues discriminating at one moment on the basis of race and the next moment on the basis of class or gender. The Stronger Futures legislation will not strengthen when it is so inherently disempowering. As Elaine Peckham, of Alice Springs, said in this place during another inquiry, 'We don't want the BasicsCard; we want basic rights.' I would add, 'We don't want social control; we want social justice.' Back in 1993, you will recall, Mick Dodson defined what social justice meant to him. He said:

Social justice is what faces you in the morning. It is awakening in a house with adequate water supply, cooking facilities and sanitation. It is the ability to nourish your children and send them to school where their education not only equips them for employment but reinforces their knowledge and understanding of their cultural inheritance. It is the prospect of genuine employment and good health: a life of choices and opportunity, free from discrimination.

You do not build the community up by putting its people down. You do not build an inclusive society by locking people out or locking them up. It is to the federal government's credit that, in defining its own social inclusion agenda, it gives pride of place to the right of people experiencing exclusion to 'have a voice, influencing the decisions that affect them'. How sad, then, that this principle is so wholly disregarded as paternalistic policies such as compulsory income management are imposed while the obvious need for income adequacy, whether one is currently outside the labour market or stuck at its lower end, remains patently unheard.

Good policy is organically connected to self-empowerment and a redistribution of resources as an essential element of that empowerment so that it is not empty words. Paternalism, on the other hand, starts and ends with a highly unequal relationship of power. To 'supervise the poor', as US academic Lawrence Mead advocates, is really to control and coerce people on the basis of their race, class, gender or disability. The new paternalism that we are seeing today is exemplified in such policies as compulsory income management or using the threat of financial penalties on people in receipt of social security benefits, as if this could actually improve a person's chances of employment or address the actual reasons for school nonattendance. As the Reverend Dr Djinyini Gondarra put it, 'inequality cannot be addressed by the removal of control from affected peoples over their lives and land'. The truth is that legislation like Stronger Futures is a recipe for greater disorder socially and higher rates of incarceration. As of 5 January this year, the 270th Aboriginal person died in custody since the royal commission handed down its findings over 20 years ago. Have we learned nothing? Where you attack people's dignity, you will create disorder, be it a disorder of the mind or a disorder on the streets.

Our problem is not the bad behaviour of a so-called moral underclass; our problem is inequality. When we deny that this is the problem, we end up looking for solutions in all the wrong places. We also end up reframing the question incorrectly so that it becomes a question of compliance and control. So we end up with solutions that worsen the problem of inequality, as if compulsory income inadequacy or its accursed cousin compulsory income management could actually help create a space for dignity and liberation. We should note here that the compulsory income inadequacy occurs on both sides of the employment-unemployment divide.

It is not just about how much is spent, though; it is about where and how it is spent. It is about making sure that the social spending responds to the stories from the people on the ground instead of the spending requiring its own carefully crafted story to justify it. A Vinnies member in the Northern Territory said to me last year that the intervention will go down in history as being a cause for shame for the Australian government. No-one was genuinely consulted, she said. No-one was listened to. The injustice of the policies that we of the St Vincent de

Paul society are taking a stand against today is that they treat people as if they are nothing. We are on the side of people who are treated as if they are nothing. I urge this Senate committee to have the courage to recommend that this legislation be scrapped. How many people need to come here to tell you that this is the deepening and broadening of a wound that a future Prime Minister will need to apologise for? You have an opportunity to start again, to listen to the people instead of manufacturing consent. That would be a way to make a strong future. Thank you, Senators.

CHAIR: Thank you, Dr Falzon.

Senator CROSSIN: Thanks for that. Can you tell me the number of people in the Northern Territory that might come to St Vincent's for assistance that the legislation will encapsulate—that would be on income management?

Dr Falzon: I am unable to quantify that offhand. I am happy to take that question on notice, but I can tell you that the feedback we are receiving is that there is a real sense of a loss of dignity, a real sense of being set apart and stigmatised, for the people who have had this imposed upon them. The questions they are putting to us are 'Why is this being imposed on me? What have I done wrong?'

Senator CROSSIN: What about those—and there are many thousands who have opted to stay on income management, particularly women I speak to—who have a view that it is like a form of payroll deduction? They feel quite secure, knowing they have got a certain amount each fortnight being put aside. Do you have any dialogue with those people?

Dr Falzon: Absolutely. I would simply respond by saying that we had a perfectly good system that did exactly that prior to the imposition of compulsory income management. It was known as Centrepay. The St Vincent de Paul Society has always been a strong supporter of those forms of voluntary deductions from income in order to meet regular payments, particularly in the area of housing and utilities. We have never had any quarrel whatsoever with the Centrepay model or indeed an extension of that to other forms of voluntary income management. But then it becomes the people themselves doing something that can be quite empowering and useful, keeping in mind that people are being challenged to manage on incredibly meagre levels of income.

Many of the people we assist strike us as being quite remarkable in their ability to creatively meet the expenses that they have with such meagre incomes. The short answer to your question is that we have no quarrel with the perception that there are people who think this is a good thing. There is a place for that. It would be called voluntary income management or indeed the Centrepay model, which worked brilliantly.

Senator CROSSIN: It is the compulsory nature where everyone has to either volunteer to stay in or try and opt out that you are objecting to—is that right?

Dr Falzon: Yes. The very premise on which this was rolled out was, if you belong to a certain category of the population—and initially, as you know, there is no way around saying it—on a completely racist basis. It was on the basis of aboriginality, which in itself is deeply offensive, and class—that is, the particular category of social security benefit you are in receipt of. This is absolutely unconscionable and offensive to any sense of social justice or human rights. Also, I must say, we find morally repugnant the notion that the individual has to demonstrate why they should be able to opt out of a system that has been imposed on them. Again, this presupposes that they are guilty until proven innocent, and they need to demonstrate why they are adult enough and responsible enough to be able to manage their own incomes.

Senator CROSSIN: On page 4 of your submission you highlight an issue that we have picked up in the inquiry. You mention that, where a referral from external agencies occurs, a process of appeal for the referral decisions needs to be clearly established. Could you expand on that and give us your reasons why you believe that is necessary?

Dr Falzon: Currently, as we understand it, there is a highly flawed system in which people are unable to get off income management. But I go back to my initial statement that this is a perfect exemplar of a highly unequal set of power relations that presupposes people need to be closely supervised. The very notion of requiring people to prove they are innocent—as if they are naughty schoolchildren who are in the principal's office needing to demonstrate why they should not get detention—is completely offensive. We have made that statement in our submission because it is one of the technical difficulties that we see in our experience of the current system. But the bottom line for us is that we do not want to see this tweaked, we want to see this scrapped.

Senator SIEWERT: I want to go to a comment you made in your submission around consultation and trust. You said there is a bizarre motif in this legislation concerning consultation. You made the point that you are supposed to consult but, on the other hand, if consultation does not occur it does not invalidate the decision. Can you explain what that does to people's trust of the process and any form of engagement with them?

Dr Falzon: You do not have to be a social scientist or a quantitative researcher or have any qualification to know that it is simply human nature not to want to feel like you are being treated like an idiot. If government departments call people to a consultation and say, 'Tell us what you think,' and people have gone to the trouble of stating the reality of what they experience on the ground, I believe one can never place too high a premium on that. Indeed, it is not only the fault of this legislation; much social policy making occurs in a vacuum that is not truly cognisant of the reality lived by the people on the ground. As the witnesses from Bankstown said, it is the people on the ground whose wisdom must be listened to. When that happens it is a real kick in the guts; it is a real way of telling someone that they are devalued, that they do not matter, that they are being played for fools. There is already a general level of mistrust. This is understandable considering the paternalistic policies that Aboriginal people in particular but also other classes who have been pushed out or left of mainstream society in Australia have experienced. For that to happen and for it to actually be spelt out, 'Yes, the consultation is going to occur, but, if the evidence comes back that this is not what people agree with or believe to be helpful, then it does not invalidate the decision that has already been made,' I find the absolute heights of hypocrisy. One would even question whether it is better not to go through the play-acting of a consultation in the first place.

Senator SIEWERT: Have you had a look at the specific provisions that are being made to the Social Security Act to enable states and territories under regulation to be given the powers to refer people to income management?

Dr Falzon: Some of them.

Senator SIEWERT: A number of submissions specifically say that they do not like income management per se and say, 'If you're going to do this, there are concerns that there will be different processes under the different states, in particular with access to appeals'—being able to appeal the decisions made by various state agencies. Have you had a look at that particular issue and do you have any comments about whether that needs fixing and how you would fix it?

Dr Falzon: As I have indicated to Senator Crossin, I am not really interested in making this work better. I am interested in a genuine reframing of this complete social policy framework. I completely reject the notion that this can work, that this can be useful, in the lives of the people that the St Vincent de Paul Society stands in solidarity with. As far as those inconsistencies are concerned, yes, indeed that is something to be concerned about. If you and I are discussing it as something that looks inconsistent and difficult and complex, imagine how people feel who are trapped in that Kafkaesque maze of not knowing who they go to, what rights they have, whether indeed they are going to be listened to and whether their stories matter.

Senator SIEWERT: I have been traversing this issue with FaHCSIA for quite some time over the place based measures and who is going to be doing the referring. Under this process, various agencies might be. We already know that housing is one of the vulnerability indicators that they are talking about. Have you given any thought to what that does to the relationship between the person and the agency, when they are trying to go to an agency to get help, if they know that they may be referred? Does that have an impact on the trust and the engagement between the agency and that person?

Dr Falzon: Yes. That is a great question and I thank you for it. There is nothing new about co-opting sections of civil society in an instrumental fashion to further control the people that those sections of civil society are meant to be assisting and standing on the side of. That is going to be a classic case of this. I am not pointing the finger at individuals who will find themselves in that unenviable situation, but it is going to further erode trust. It is going to in many ways reduce the capacity-building function of those agencies where they are present in disadvantaged communities. I have never been of the belief that non-government organisations are the holders of salvation and liberation for people experiencing the structural causes of poverty and inequality. However, where an NGO is able to place its resources at the disposal of a community and where it is willing to work with rather than over the top of a community, it can be a very effective levelling presence, particularly in providing that space for people to do their own analysis and indeed their own advocacy in the final analysis. This process will completely debilitate those agencies from being able to do precisely that. Furthermore, on a very personal level for people experiencing difficulties in their lives, I fear that we are going to see people who should be able to disclose certain things about what is going on in their lives to, for instance, a Centrelink social worker, and who will feel quite afraid to do that because of the flag that this might put up—that, instead of getting assistance, they are going to get further control.

Senator SIEWERT: I have one more question around the same program. You made a very impressive list, I have to say, of the other things that people have said during the consultation process around education. I am presuming—and I had better be careful that I am not putting words in your mouth—that, given your strong

statement about income management, you would rather see the SEAM element dropped and go with the proposals that are outlined in your report.

Dr Falzon: Are you referring to SEAM?

Senator SIEWERT: SEAM, yes.

Dr Falzon: Yes, absolutely. I only mentioned SEAM in passing in my opening statement, but indeed exactly the same principles apply: that SEAM, rather than actually addressing the structural and historical causes of the issue of school nonattendance, simply uses a punitive instrument. I do not accept that there is evidence to suggest that this works or that it is a long-term solution. But the bottom line is that you do not achieve inclusive ends by non-inclusive means, and this is a non-inclusive means. It is to the credit of the compilers of that consultation that they have cited those alternative measures that we have included in our submission. Again, I would say that you do not need to be Einstein to work these things out and that people's long experience is that, where education is a partnership between parents and schools, where the schools are properly resourced and, particularly in the case of Aboriginal communities, where bilingual education is provided rather than stifled, education actually happens. Getting a bum on a seat because of the fear of payments being suspended simply produces compliance. It does not produce an educational outcome and, at the same time, it drives that family into poverty. I do not know how the government can conceive of this in any other way except to say: 'Well, we're willing to deny the only income that this household has in the knowledge that it's going to result either in immediate, or at least short-term, poverty and deprivation or in that household needing to go for assistance to extended family and friend networks or to go to a charity.' What kind of government policymaking actually factors in driving people to seek assistance from charity? This should not be a matter of charity. This should be a matter of justice.

Senator BOYCE: Senator Siewert asked my questions.

CHAIR: Dr Falzon, thank you for your evidence. There was one part of your statement I did not understand; I understood the rest. It was towards the end of your opening comments. You were talking about the difference between process—I am just trying to get it; it was—

Dr Falzon: Was it right towards the end?

CHAIR: Right towards the end. It was a direct comparison.

Dr Falzon: Was it about the way in which questions are framed incorrectly?

CHAIR: I might get back to you on that Dr Falzon. Because we did not have a copy of it I could not read it and I did not have time to make a note. I will get back to you on that because I was trying to get exactly what the comparator was.

Dr Falzon: All I can suggest is that perhaps it was a comparison between paternalism and what I describe as 'good policy being organically connected to self-empowerment and a redistribution of resources'.

CHAIR: No; I have got that one. Thank you. I will read the *Hansard* and I will be in contact with you.

Dr Falzon: Thank you.

RICHARDS, Ms Amanda, Assistant General Secretary, Queensland Council of Unions

TAYLOR, Ms Gwendoline Joy, Indigenous Industrial Officer, Queensland Council of Unions

[11:25]

CHAIR: Welcome, Ms Richards and Ms Taylor. Information on parliamentary privilege and the protection of witnesses is available for you and I am sure that if you have any questions you will ask us. Before we start evidence, I want to welcome members of the Inter-Parliamentary Study Program, senior parliamentary officers, who are in the back of the room. Congratulations. I hope this is useful and that you are having fun as well as learning. That is the most important thing. I know you have an opening statement, and I am sure that will point out to people beyond me why you want to be involved in this particular inquiry and what drew you to engage. Ms Richards, are you starting off?

Ms Richards: May I first acknowledge the traditional owners of the land on which we meet and pay my respects to elders past and present. The Queensland Council of Unions first became involved in this issue in November 2010, when we were invited by the Central Land Council in the Northern Territory to visit and talk with them about the impacts of the intervention on the Aboriginal people within that area. I have to say that it was one of the most moving experiences of my life to hear a nation of people describing the loss of their soul due to the intervention. They felt like they had lost control of their lives, they were losing their land and they were losing their identity as Aboriginal people because they were also being moved off their homelands. There was a range of issues. Ms Taylor was with me on that trip, and it has moved us to become more aware of the issues that are impacting at a national level and to work with Aboriginal people on their journey to seek justice.

I will quickly run through. We wish to talk briefly about income management. Other people here today have presented more in relation to that but we would like to describe a good news story in terms of the employment programs that Ms Taylor has been involved in over the last couple of years. Ms Taylor is on a grant from the Queensland government Department of Employment, Economic Development and Innovation and its Skilling Queenslanders for Work Initiative.

We do not believe that the model proposed for implementation in the identified areas will provide proficient outcomes, given the workload of Centrelink staff and other associated entities. We also believe this to be very much a compliance driven approach. We believe this model can potentially entrench family disadvantage and lead to transgenerational welfare dependency. We were present when the Public Health Association presented on that earlier today and concur with their views.

Queensland currently has income management in the Cape York area. The Commonwealth, in conjunction with the Department of Families, Housing, Community Services and Indigenous Affairs, supports the Family Responsibilities Commission report which focuses on behavioural changes as an intermediary before Centrelink becomes involved. We believe that this model has some merit, and we will elaborate on that further in our presentation. I believe there has already been discussion about that model this morning. We have tabled a report from the commission which outlines what it perceives to be the benefits to the Cape York community. We believe it is worth tabling because it does show a good news story, and anecdotal evidence coming back from Cape York supports that report.

The current Australian government initiated a comprehensive and independent review of the NTER measures in June 2008. That report made a number of recommendations, but I would like to particularly note recommendation 63, which states:

... that the Federal and Northern Territory Governments recognise as a matter of urgent national significance the continuing need to address the unacceptably high level of disadvantage and social dislocation being experienced by Aboriginal Australians living in remote communities throughout the Northern Territory;

... in addressing these needs both Governments acknowledge the requirement to re-set their relationship with Indigenous people based on genuine consultation, engagement and partnership; and

... that Government actions affecting Indigenous communities respect Australia's human rights obligations and conform with the Racial Discrimination Act 1975.

We do not believe that this bill has fulfilled that recommendation.

We are very concerned about the consultation process that has occurred around this bill. We have people from the Logan community who have only recently found out about this proposed legislation. They came to talk to us to see what we knew about it and what they could do. We only found out about it by accident as well. I am not sure what is happening in Rockhampton. We have tried to talk to a few people there, but everybody I have spoken to knows nothing about it. The Logan community elders have not been consulted. They are the main Indigenous group in that area. They represent all the Indigenous people down there. We have not been able to find any

evidence that other community leaders have been consulted. There are other ethnic communities in that area, people from Sudan and Iraq—and Ms Taylor will be able to elaborate more on that area, because she is more familiar with it. Our concern is that this is not just an issue for Indigenous Australians; it is an issue for all Australians. We should care for everybody, irrespective of who they are; and we should work through a process whereby people have dignity in that process.

We believe that the program should be suspended until such time as proper consultation is conducted, including a number of community meetings, to ensure that people fully understand the implications of what is to happen. These changes have broad implications for the whole of the Logan City and Rockhampton areas. I am not sure whether you are aware that 95 per cent of Queensland business is small business, with 20 or fewer workers. If you look at Logan, there is a small manufacturing industry; there are some large shopping centres—obviously, there is Coles, Woolworths and K-mart. What about the Bi-Los? What about the IGAs? What about the little corner shops that are going to miss out on the income from the people who used to shop there? We rely on the small shops in those areas. Logan is a city and is the fourth largest in Australia. It not only encompasses an urban population but has a regional focus to it as well, as does Rockhampton. There are further impacts on the community by introducing a Basics Card. I am probably totally off point here in terms of where I am up to.

One of the big issues is that throughout the Northern Territory, as it has been implemented, there are lot of issue. As I said, I am not going to go into them. It is now being expanded into different areas. What does that mean to the local community, what does that mean to the families, what does mean to the kids who want pocket money and cannot have it because the rest of the money is on the Basics Card? Anybody with kids knows that it is important to give you child pocket money that they can earn. It has such huge ramifications.

The other issue is that it talks about health items that they can purchase through the Basics Card. It does not give any explanation of health items are. My concern, and I come from a nursing background, is in terms of health care. There are very few doctors or GPs who bulk-bill through Medicare. We have the hospitals in those areas but they are stretched to the limit. There are pharmaceuticals and dentistry. In Queensland we have what is called a 'go card' which you have to have to travel on public transport in the main these days. That is not included in that list of things that the Basics Card would cover.

As indicated in our submission in recommendation 2 income management should be voluntary and should be imposed on welfare recipients only in extreme circumstances, and there needs to be some rigour to those circumstances. It needs some accountability measures as to how those decisions are made. Whilst on voluntary income management, participants should have access to training programs which assist the development of financial planning, budgeting and other necessary employable skills. We support the notion that income management should be voluntary unless in extreme circumstances.

The model of the Family Responsibilities Commission focuses on early intervention and develops a plan with the relevant family. The family has some ownership of the plan and is, therefore, indicating a willingness to change behaviours. We believe that training should be a part of the plans particularly around the issues of financial planning. This will assist people to take a first step towards being ready to seek gainful employment.

Employment is a key issue and the QCU has had some small wins in this area with the work that Ms Taylor has been undertaking. We would like to outline examples of the programs that have resulted in employment outcomes for Aboriginal people. I will hand over to Ms Taylor.

Ms Taylor: I acknowledge the traditional owners of where we gather here today. Before I get onto the employment stuff there are a couple of issues that I would like to discuss with senators with regard to the income management model. You will probably notice that we have put a little diagram together for you. This is our interpretation of how the two models would work. Prior to being employed in the QCU I was a Centrelink worker in the Woodridge office because Logan is my community. As I see from the Cape York model you have referrals, as you said before, Senator, from state government departments, being the housing commission, the schools, child safety and the Magistrates Court. Those referrals go through to the Family Responsibilities Commissioner and my understanding is that the Commissioner and the local commissioners get together and work out what the priority or need is for the individual families.

My concern with the Stronger Futures proposed model is that those particular government departments will be referring to a Centrelink social worker. A Centrelink social worker, as I know from working in the Woodridge office for over 17 years, is going to have a limited capacity to see the particular individual customers. It is going to be by appointment only, which means that, when they see the participants, they are not going to be able to give them the necessary guidance and take all the necessary information that they need to make a correct decision. hat I like about the way the Family Responsibilities proposal works is that the individual group or family that is involved in compulsory income management actually gets to sit down and work out a plan with the commissioner

and they have buy-in for it. So they actually have the ability to have some control or responsibility over their future; like the social workers, they will have a piece of legislation or a policy or a guideline that they have to adhere to regardless of the circumstances. The discretionary powers that the social workers have will be limited depending on the legislation.

The other way I read it is that, once this person has been deemed to be on income management, they are going to go to a government action leader. That government action leader will be working with a community action leader, who is going to be part of a local government community services organisation which will put in place programs that are going to assist individuals who are currently going to be placed on income management.

I have worked in Woodridge or Logan for over 26 years and I know that some of the organisations they are going to need are going to be available within that community but there are going to be other organisations where there are going to be considerable gaps. The Logan community have advised us that they would have preferred to have had a lot more consultation around this so that they could have had input on the gaps in the community. They are not exactly against income management, they are just against the model that they want to bring in. They very much feel that the Family Responsibilities Commission model is much more behaviour friendly. It gives them buy-in and it gives them the ability to have a say in their future.

The other thing I have concern with is that the Family Responsibilities Commission report done at the end of last year clearly stated that one of the things they underestimated was the amount of work that came towards the FRC. I have had conversations with some solicitors who represent child safety clients in Logan, and they have advised me that we are looking at 5,000 families being affected in Logan. That is going to be any credible workload for three Centrelink offices—Browns Plains, Woodridge and Beenleigh. The conversation we have had with the union that represents those workers is that, at present, there has been no consultation with regard to how that workload is going to be undertaken. As a trade union movement, we have an issue with regard to the industrial impact that this program is going to have, as well is the impact it is going to have on the families that are participating in Logan.

One of the things we have worked with, as Amanda has mentioned, is Indigenous pre-employment programs. We have had quite a bit of success with these programs. They are made up of soft skills training and then it goes into literacy and numeracy or vocational education and training components. The issue that we as a trade union movement have with income management is that there does not appear to be employability skills placed upon these people when they are on income management. In fact, income management itself takes away those responsibilities and the development of those skills, which places an additional burden on the training that needs to be provided in order to get them ready for employment.

We have had quite a bit of success with the Indigenous employment programs. They cover things like motivational activities, empowerment activities, tasking responsibility, team building, problem solving, occupational health and safety, integration to work, communication skills, relationship building and how to build stronger relationships while identifying the required social norms. There is considerable disadvantage and dysfunction in Logan. We have found that participants in these programs have got a lot out of these soft skills.

There is also time management and managing conflict. Because of the transgenerational welfare in Indigenous families and also in the families of Logan, there have been no guidelines on the best way to manage conflict. When I was working in Centrelink the usual reaction was aggression; rather than trying to negotiate or arbitrate an outcome between individuals it would actually just be aggression. I can recall when I was in Woodridge office that we had the highest amount of aggression in Queensland for the amount of customers.

We also had significant other issues that were faced by individuals in that area. When I was a Centrelink worker Logan had one of the highest sole parent populations. We also had a very high number of homeless youth and there were considerable issues to do with illicit drugs and addiction. These soft skills programs give people life skills but also employability skills to be able to overcome dysfunction and participation failures to employment and a contribution into education. It also gives them an ideology around the benefits of work. The main priority that I like about the program is that we give them goal setting. So we start with how we are going to take little steps to bigger steps. We do not set them up to fail by giving them an outcome that is unattainable. As the lady from Bankstown said earlier, you have to give them a hand up, not a handout.

The second component of the training program is literacy and numeracy skills. Unfortunately, literacy and numeracy is particularly low in Aboriginal and Torres Strait Islander communities. We also find that literacy and numeracy is quite low in low socioeconomic areas. Industry requirements need to be identified around those literacy and numeracy skills. We need to be able to design programs that enable people to achieve the literacy and numeracy levels they need for particular industries. That is what we have been doing with the pre-employment programs we have been putting together. You may need a certain set of literacy and numeracy skills to be an

electrician but the skills would be completely different if you were going to be, for example, an integrated rating trainee in the maritime industry. So the individual employment programs need to be identified around the needs of industry as well.

The other thing that we think is important is that industry needs to have a buy-in here; they need to be made responsible, along with government, for providing employment. When our participants go onto this program they will be doing six weeks of soft skills and 14 weeks of literacy and numeracy. If they complete the course and, in the case of the power industry, pass the intake exam, they know they will have a job at the end of it. They have actually got a guaranteed job.

Too often in the past we have had training programs for Aboriginal and Torres Strait Islander people that do not result in employment or they are inadequate programs that do not take into consideration the industry that is particularly available in that area. I have seen the changes this has made. I talk about a young gentleman who was on the Energex project that we did. Energex is a power company in Queensland. He was about 35-years-old and he had a young family. He had spent a considerable amount of time in and out of incarceration. He came onto the Energex project. He completed the program and successfully completed the Energex intake exam. He is now looking at being apprentice of the year for Energex. Prior to being incarcerated, he had an illicit drug problem. He no longer has that problem. He has had guidance and counselling to get him over that. Once he has finished his apprenticeship, Energex are looking at possibly putting him into a managerial position. So he has managed to pick himself up. He has gone from where he was then to where he is now all by himself—with hard work but with support. We believe the income management model in the current proposal is detrimental to the ideology of behavioural change.

One of the other things we have in the program is a cultural mentor, which gives industry an understanding of the cultural issues which come into conflict with industrial mechanisms.

CHAIR: Thank you very much. Senator Crossin.

Senator CROSSIN: Thanks for that. When I read your submission, as opposed to your oral evidence today, I did not get an impression that you had been back in the Territory since 2010. Is that right?

Ms Richards: No, we have not. There is a proposal that we do return in the future. Unfortunately, political issues have overtaken our agendas at the moment.

Senator CROSSIN: And, apart from Alice Springs, you only went to Utopia? Is that right?

Ms Richards: Yes.

Senator CROSSIN: So you do not have any current knowledge of the impact of the changes relating to the legislation a year or so ago, or feedback on the ground about the consultations with regard to this proposal?

Ms Richards: From the Northern Territory?

Senator CROSSIN: Yes.

Ms Richards: No. The feedback that we have received to date has been only from the Logan local authority area.

Senator CROSSIN: That is not an area that I am familiar with, having from the Northern Territory. Is there no indication, though, when Centrelink and FaHCSIA are talking to people that they would roll out the capacity for the BasicsCard like they have done in the Northern Territory? You gave us evidence about IGAs or local stores, for example. Those stores that meet the criteria have got the BasicsCard in the Territory now. Was that not conveyed to people in Logan?

Ms Richards: No, it has not been. One of the issues that we are trying to raise is that we have not found any evidence of where there has been consultation in Logan. I am not saying that it did not occur, but if it did a lot of the people do not know about it. We are talking about community leaders who would normally know about something. So there is a lot of supposition, I suppose, in some of the issues that we are raising—maybe from ignorance because there has not been that consultation.

Senator SIEWERT: Just for the record, that was my experience in Logan when I tried to find somebody from the local community that knew anything about it. Both your opening statement and submission are quite comprehensive. I wanted to go to the literacy and numeracy issues that you raised. When we have been holding these inquiries, one of the issues that has come up repeatedly is literacy and numeracy and also the inability to access funding for pre-employment programs—like you are doing—and very early literacy and numeracy skills. In other words, the skills are so poor that they cannot start on certificate I. How are you funding your programs and has it been hard to find that funding?

Ms Taylor: We are very lucky because the grant that I am actually under with the QCU comes from the Skilling Queenslanders for Work initiative, which of course comes out of the Department of Employment, Economic Development and Innovation in Queensland. Queensland actually has a whole division, which is called Indigenous Initiatives. They allocate funding through that department. One of the beauties of the program is that I have been able to work with what we call Indigenous training and employment support officers who are actually employed by DEEDI. They are part of the stakeholders group that gets together and develops these programs. We are part of it and industry is also part of it—usually the employer that agrees to this. There will also be federal government—because DEEWR is normally part of that. There will be an NGO, which is usually the registered training organisation, who does the skills program. Literacy and numeracy is usually done by Queensland TAFE. Then, of course, you will also have the state government. So you have a large group of stakeholders who are working together. We also work across both governments to acquire the funding and, of course, Energex threw in a considerable amount of funding themselves.

Senator SIEWERT: I know we are short of time, but I have one more question around the SEAM trial that is already operating in Logan. Have you had any involvement with that process?

Ms Taylor: The Queensland Teachers Union sent out a survey to their members and their headmasters asking them how that program was participating in those schools. Some of the feedback that I have received from the vice-president, Julie Brown, was that some of the school headmasters were not particularly in agreement with it. They did not think it was a good reflection nor did they think it was a good way of actually ascertaining why children did not come to school. The other issue they raised is that usually only the mother is involved on the enrolment and sometimes what can happen is that the father can have the child and the child is not turning up when the father has got access, so there is no consideration of the shared custody arrangements that could possibly be happening under the Family Law Act. There was another point they brought up but I cannot remember it.

Senator SIEWERT: You could take on notice and if you think of it let us know. That would be appreciated.

Ms Taylor: I will get back to you on that one.

CHAIR: Thank you very much. We deeply appreciate your efforts and your information. If you think of anything else we could use, please let us know.

O'HALLORAN, Ms Maree, President, National Welfare Rights Network

THOMAS, Mr Gerard, Policy and Media Officer, Welfare Rights Centre, Sydney

[11:57]

Evidence was taken via teleconference—

CHAIR: Welcome. As always, we value the ongoing support and information supplied by your organisation. We have your submission and we thank you very much for it. Would either or both of you like to make some opening comments and then we will go to questions.

Ms O'Halloran: I will make some preliminary comments and then hand over to Mr Thomas to make some more comments. Thank you very much for the opportunity to give evidence today. We will be speaking to our submission, not in detail. You will also realise, of course, that our submission goes to the social security aspects of the bill, in particular questions to do with income management both in the Northern Territory and its extension to the five place-based areas across Australia, and also to the SEAM legislation. The committee is probably aware that the National Welfare Rights Network is a peak body and we represent 16 free legal services across Australia. Two of our associate services, CAALA, the Central Australian Aboriginal Legal Aid Service, and NAAJA, the Northern Australian Aboriginal Justice Agency, have already given evidence to the inquiry. We also have workers on the ground in Darwin and in Western Australia and Queensland, where income management has already been in operation. Then we have some workers who have been working in different areas of the place-based areas such as Logan, Shepparton and Bankstown.

I thought I would begin with expressing our concern, which you would have read in our submission, about the Stronger Features consultation process generally. I am sure you have heard from a lot of organisations about their concerns, so I will not elaborate on that point other than to say that we were also concerned, apart from the general problems with the consultation process and whether people were actually listened to and the type of questions that were asked. We were also quite concerned that there was no call for submissions generally into that consultation process. On the other hand in our submission, we certainly welcome the government's—successive governments but in particular this government—investment in housing and schools and for the opportunity for people to have access to Centrelink services that they have not had in the past. Of course, you would know from our submission that it is our view that we did not need the draconian legislation and certainly the income management processes to have that type of legitimate government intervention in the Northern Territory to provide the resources and the infrastructure that people need.

The position of the National Welfare Rights Network has been and continues to be opposition to compulsory income management in all its form—whether it be blanket based or place based but still where the person is targeted in a compulsory income management process. At page 12 of our submission, at subsection 3.5, there is a short summary of the reasons for our opposition, particularly with respect to our remit around social security law.

I am going to turn to three different issues in my submission. One will be about the question of vulnerability and how vulnerable welfare recipients will be chosen or targeted and our concerns about that, and particularly our concerns for our case workers as people who may be third-party people who contact Centrelink on behalf of clients. Another is the question of the recent Australian Law Reform Commission's recommendations around not having compulsory income management when there are issues of family or domestic violence, which we understand in the past has been one of the reasons why the government has wanted to impose compulsory income management, and finally just some basic information about SEAM. Then I will hand over to Mr Thomas.

At subsection 3.4 of our submission, we go to the question of the vulnerable welfare recipient measure and the concerns we had when it was in the Northern Territory, and now when it is extended. We often recommend to our clients that they go to the social worker at Centrelink and disclose information about their life, but our concern is that that disclosure may now result in those people being targeted for compulsory income management, even if that income management is not something to do with the major issue confronting that person. I am sure you have heard a lot of evidence about that. It is the type of issue that our caseworkers bring up continuously—about the question of 'How is the decision made about whether someone is a vulnerable welfare recipient?' and does that mean that there is a whole range of measures, such as weekly payments or urgent payments or advance payments, asking for those type of measures that government has legitimately put in place so that people can have some recourse if they are in hardship, whether having recourse to those could target someone for compulsory income management. We think all of that is counterproductive to helping people to build their own capabilities and their own capacity. I reiterate that we have particular concerns about whether our solicitors and caseworkers, when we contact Centrelink on behalf of our clients, then become the subject of compulsory income management. I will not spend a lot of time on it. You will see in our submission that we have quoted a particular case at page 17,

Randall and FaHCSIA, where there was a recommendation that when income management becomes operational that the person be income managed.

We feel concerned that the type of clients that we see are often vulnerable, they are often reluctant to appeal, because they are quite concerned about the whole appeal process, the effect on them, who they will have to speak to and how they will have to be involved. The clients will be reluctant about that whole notion of having access to justice if they feel that that might be one of the outcomes.

In broad, those are some of our concerns. The committee will be aware that the Australian Law Reform Commission had been charged to look the efficacy of particular Commonwealth legislation with respect to people who were the subject of family and domestic violence. The National Welfare Rights Network put a submission to that inquiry. One of the recommendations from the Australian Law Reform Commission was that compulsory income management is not appropriate when there are issues of family or domestic violence. We urge the government to move quickly to implement that recommendation, and it seems particularly pertinent to this inquiry.

Finally, on the question of school enrolment and attendance measures, we previously put a submission about that particular issue. What we would say, though, and I am sure the committee has heard this, is that the evidence is mixed at best and it seems quite clear that assessing a child's school performance requires a much broader approach than simply potentially cutting off the income support of a family. In particular, we note that there are no guidelines, for example, around whether, if there were four children in a family and one was truanting, the income support would be cut off. We know ACOSS is to speak today, so, given the time limitations, we will not say more about that because we have put our submissions on the record and our position is detailed in the submission we have put to you. I will hand over to Mr Thomas to finish our opening statement.

Mr Thomas: Certainly I would echo the president's concern about a 10-year extension to income management in the Northern Territory in the absence of either any widespread community support for this or any credible evidence that it works or is effective. At welfare rights we have been highly critical of essentially funding a mini bureaucracy, and an expanding one at that, to micromanage the finances of people who are deemed to be incapable of managing their financial affairs, when we all know that at the heart of it the real problem is not the managed finances but the adequacy of the payments in the first place.

Certainly we see income management as a further waste of resources. We saw that recently in the extension of income management to the five areas, where it was revealed through the Senate estimates process that \$182,000 was spent on seminars to attract 40 people basically to sell the Basics Card. We are not sure at the moment whether any one of those groups have signed up, but, again, at \$7,000 per person that is a magnificent waste of money. We would draw attention to the fact that the cost of putting an individual on income management would effectively mean an increase to that person's payment of \$45 or \$50 a week. Coincidentally, that is the figure that community organisations are saying we need to increase the Newstart payment by. So it is really an issue of priorities.

Before I get onto the external referral powers, I want to comment briefly on a couple of issues. In all the talk about the extension of income management in the Territory through Stronger Futures and in the place based areas, there has not been a lot of focus on what is happening in income management on the ground in the NT. From what I have been able to piece together from some of the data that Senator Siewert in particular has been helpful in getting through the Senate estimates process, since April 2011 there has been an eight per cent fall in the number of Indigenous income support recipients on voluntary income management and the number of non-Indigenous people has remained steady at 63. If income management is such a wonderful tool as we are hearing being said, why has there been an increasing exodus of people away from income management?

A further issue I would like to raise about income management in the NT is that data currently indicates that 90 per cent of people on income management in the NT are Indigenous, but, when you look at the exemptions that are granted, only 22.9 per cent of exemptions are granted to Indigenous recipients. So just nine per cent of the income managed population in the Northern Territory are non-Indigenous, yet they are granted more than three-quarters of the exemptions available. Our tracking of this data suggests that the imbalance has gotten worse over the last six or nine months, where it used to be 75/25. So while they are saying this is non-discriminatory and operates within the bounds of the Racial Discrimination Act, this may be so but Welfare Rights' analysis of the exemptions data strongly suggests that at its core the exemptions policy appears to be discriminatory in its application.

I might quickly go to the issue of the new external referral powers. I understand from reading a couple of the transcripts and the submissions that this has been a major issue. The bill confers delegated powers to enable state and territory agencies to place people on income management, with Centrelink unable to question or challenge the

external agency's decision. We are extremely concerned that if the legislation is passed the minister will have, essentially, unprecedented powers to give decision-making authority over a person's income support payments to another party.

By conferring the power for a person to be put on income management the person will no longer have a right to challenge the decision under social security law through the Social Security Appeals Tribunal. We have not done a mapping of this, but I think we are going to see a whole lot of different people coming onto income management. Firstly, as you know from the legislation, some might have 50 per cent, some might have 30 per cent, some might have 80 per cent of income management; some people may be put under income management for different sorts of reasons; and some will have access to independent appeals mechanisms, some won't. To say it is a dog's breakfast—well, I have already said it, so I will not say it! That is going to be, obviously, a problem.

I suppose one of the further concerns that we would have is in relation to the extension of income management to other locations like Bankstown. Income management is going to follow a person if they move out of that area. Again, we see that as patently unfair. In questioning the Department of Human Services they are indicating that for someone, say, who moves to Dubbo, they are going to set up an arrangement where this person can access their income managed funds through local shops and things like that and set up those arrangements. It seems to me that Centrelink is going to have to develop some guidelines about how far you are away from a shop that accepts BasicsCard before you can get an exemption. It is like you have to travel up to 90 minutes to look for work in terms of the rules around job seekers. You are going to have to look at some ridiculous rules around that, it seems, under these new guidelines.

We have also made a number of comments in our submission about the increased reliance on disallowable instruments in this legislation. If the legislation does go ahead we would like to see a lot of the concerns we raise not just in guidelines but detailed in the primary legislation itself. We think that would offer greater protection. For example, we are not sure state agencies or authorities are sufficiently knowledgeable about income management or the consequences of income management to make such referrals. This could lead to a system where individuals are open to decision making which is quite subjective. It removes procedural fairness and leads to inadequate decision making, and removes access to justice. As some introductory comments, I might leave it there.

Ms O'Halloran: The final thing we would say before any questions that you might have is that we obviously are calling on the committee to reject the bills. We oppose the bills. But in the event that the committee is not minded to do so, there are three particular things that we think, from the point of view of the areas that we work in with the social security legislation, require amendment. The first is about the question of referrals by state agencies. There should be an external appeal process for clients that is known—we would say through the current process of the Social Security Appeals Tribunal, but there would have to be some legislative way for that to occur. Otherwise, any sort of appeal is internal to the particular state agency that it might happen to be. That, obviously, can be spread to other state agencies. So what is needed is an external appeal process through the Social Security Appeals Tribunal, if possible, but one that is known and is transparent. The second part of that is that Centrelink develop guidelines about how the referral process should be used so that it is in fact linked to the purposes of income management and not just something that agencies do, particularly if this becomes a broad range of state agencies across housing authorities, childcare protection authorities, perhaps parole authorities—wherever any particular minister who holds the authority determines it will go. That is the first issue.

The second issue is on the question of the disallowable instruments, as Mr Thomas has already spoken to. That is at page 15 of our submission. We certainly say that disallowable instruments do not give the polity the chance for the democratic debate that should occur. It should be in legislation.

The third issue we raise with you is that, when income management and the intervention occurred in the Northern Territory, there was some increase in government assistance to have welfare rights workers on the ground to attempt to give people help with their legal rights. That is not something that has occurred across Logan or Shepparton or any of the place based areas. It is a major concern for both the legal aid agencies and the welfare rights agencies.

I finish with our view that these bills should not be passed and that they are in fact fundamentally flawed.

CHAIR: Thank you very much. I am going to go questions, but there will not be too much time. That has been a very wide ranging and detailed statement.

Senator CROSSIN: Thank you. I am really pleased to hear that you have picked up the Australian Law Reform Commission's recommendation. That comprehensive report, as you know, was handed down only two weeks ago. I raised it with Mr Jonathon Hunyor, from NAAJA, here in the Northern Territory. I really would like

you to elaborate further on that finding that those people involved in domestic violence should be exempt from income management and what you think the benefit of that recommendation would be for those people.

Ms O'Halloran: Certainly. The National Welfare Rights Network put a submission to the Australian Law Reform Commission. One of our recommendations was in fact that, for people who were the victim of family or domestic violence, compulsory income management was not appropriate. It was for the reasons that we have already outlined here today about the question of having to disclose, the type of information and the fear that people may have that they cannot rely on or disclose information to the social workers in Centrelink. We have a number of clients and we have had a number of cases where family and domestic violence has been involved. In many of those cases, the person who was the victim of violence would have been very reluctant to put information on the record if they felt that that control of their income might have been the result.

The Australian Law Reform Commission, as you know, came down with that recommendation, having heard evidence from a whole range of organisations about that issue. We certainly concur with the finding, because it is based on our casework. We have many cases—for example, people who present with a debt that has arisen because Centrelink thinks the person is a member of a couple, but in fact the person has been the subject of domestic violence and the perpetrator of the violence has, in effect, demanded that the person continue to receive social security payments. Those were the reasons that we felt that the person needed to be safe to disclose information without any further appearance of a punishment. Even if income management is not a punishment per se, there is the perception of that when people's money is being controlled—particularly when they have already been in an abusive relationship and potentially controlled by another person, to then be subject to that control by the state as well. We can send our submission through to the committee if you think that would be helpful.

Senator CROSSIN: Yes, I was just going to ask that. That would be great. Also, my second question, if I can sneak it in, is on the welfare rights officers that you say were available here in the Northern Territory. Is it your understanding that they are not going to be in the other sites if it rolls out?

Ms O'Halloran: While we have been asking for it, because we have already been sending people out to Shepparton and other places and to Logan, there is no information from the government as to what would be happening at all. Mr Thomas might have some more information.

Mr Thomas: We have been involved in meeting community organisations in Logan just recently. We are finding that there is not a lot of awareness in Logan at the moment about income management, so we have been assisting in explaining the possible changes out there. We have been doing the same thing out at Bankstown as well and have travelled to Shepparton. We are located here in Sydney, in Surry Hills, but we do not have the resources to have a casework service out there or to do some outreach. Certainly we have talked to community groups. We have been talking with Legal Aid and the Aboriginal Legal Service. We still have a legal working party looking at this issue at the moment, and it is our hope that we would be able to provide some outreach in these areas. We have had similar discussions with people at Shepparton about the need for community legal education. We are finding that there is a lot of not misinformation but just distortions, and people are really unclear about the model of income management that is going to be put in place in these locations. So people are needlessly anxious, and that is really unfortunate. Add to that the fact that people tell us that the engagement of the Department of Human Services or Centrelink has been, to quote someone who emailed me yesterday, 'ordinary' in these areas. So there needs to be more engagement there on the ground, and also with people who like income management and people who do not like it as well.

There is also the fact that the focus is on income management. There is confusion about the role of income management and all of the other place-based initiatives, which some groups have been very supportive of in these areas. So we think that is one of the reasons why it is important not just to get the information about people's social security rights but to get clear information about how the other proposals are working in the area as well. We have put this to government in our federal budget submission this year about this particular issue and mentioned it in relation to welfare rights funding overall, because we see a particular growth in the need to address this issue immediately.

Senator CROSSIN: Thank you very much.

Senator SIEWERT: Can I go to the issue of when someone gets determined as 'vulnerable'. You referred to your caseworkers and working with people in the Northern Territory around that. I realise we are short of time, so if it is going to take too long then maybe you could take it on notice, but could you relate some of the experiences of the caseworkers in working with people who have been classified as vulnerable and therefore subject to income management.

Mr Thomas: Because it has only been in the Northern Territory—I know our caseworkers in the NT have had some experience, and we have discussed those clients at the link-ups that we have—I would have to get back on notice. I could not—

Ms O'Halloran: We can ask our welfare rights workers to provide some de-identified case studies of how it has been for them and for their clients. They have certainly done that for us in teleconference link-ups, and if that is something that is useful then we could do that.

Senator SIEWERT: That would be appreciated; thank you. We did have one case example in their submission, but I am after how much work it takes, what has been the type of case, the nature of the declared vulnerability and those sorts of things.

Ms O'Halloran: Yes, we can definitely get that for you.

Senator SIEWERT: Okay, thank you.

Mr Thomas: We noticed with vulnerability that, I think, in April or May last year there were 229 vulnerable welfare recipients in the NT. That number is now 179. I do not know what the explanation is. Perhaps that is something to be looked at, for example. There are not large numbers, but there is a concern about being within that group. The other point we note, which you would be aware of, is that a large proportion of those people are people with disabilities.

Senator SIEWERT: Yes.

Mr Thomas: We talked to people at Bankstown just recently, and they were concerned about that issue about self-care and things like that. That was related to clients who had a disability area.

Senator SIEWERT: Thank you. Can I ask about this issue around appeal mechanisms, which has come up in a number of submissions. This is to do with the new powers in the social security amendments that give the states and territories the powers to refer. You have raised the issue of appeals; other people have too. One of the suggestions that was made to us in the NT hearings was that the decision makers be given the power of the secretary. In other words, as I understand the process, they are suggesting that, if they have got the power of the secretary of Centrelink, therefore they automatically have appeal rights. Would that be one way of dealing with this issue?

Ms O'Halloran: It would be. Certainly if that occurred then the person making the decision, if they were a state government employee, would in fact be the original decision maker at Centrelink level, and you would think that the normal appeal processes would flow to the authorised review officer, to the Social Security Appeals Tribunal and to the Administrative Appeals Tribunal. However, that would be a very broad delegation and would seem quite a complicated delegation. But that is just at first blush me thinking about it.

Mr Thomas: This person would have to be highly skilled and knowledgeable about social security law. It seems to be that at the end it needs to be Centrelink which makes the final decision rather than it being outsourced, because that is quite complex and, as we said, quite arbitrary. Just conferring the power to an individual I do not think will particularly solve a problem. We think that should rest with Centrelink alone. That is what offers the strong protection. This is an awful precedent and we are most concerned about it.

Senator SIEWERT: If they are continuing with the legislation as it is written, you would put in a general appeal process? Is that right?

Mr Thomas: That is right, to Centrelink

Ms O'Halloran: That is right. We would rather then say the state authority would have to say to Centrelink, 'This is the person we recommend for compulsory income management,' but it would be a Centrelink decision that it happened. That way, the processes that already exist in the Social Security Act 1991 would continue. The process that you described earlier I think at first blush legally would work, but I think it would be complicated to have people hold the secretary's power outside of Centrelink in that way.

Senator SIEWERT: I take your point. In fact the process you are describing would go back to what we understood was to be the original intent with the place based referrals. As I understood it, those agencies were referring to Centrelink.

Ms O'Halloran: I think that is right.

CHAIR: We found out from talking to the department that the only place that now has that delegation is the child protection process at this time, which is operating in the way that this legislation is being drawn up—which I did not know until that time.

Ms O'Halloran: That is right. Obviously what the department said is right, and we did know that was operating in that way.

Senator SIEWERT: You raise the issue around funding for the place based mechanisms. It was raised extensively in the Northern Territory that in fact the funding for the current caseworkers is going to run out in June.

Ms O'Halloran: Yes. That is correct.

Senator SIEWERT: Have you also asked the government for an extension of the funding for those workers?

Ms O'Halloran: Yes.

Senator SIEWERT: Thank you.

CHAIR: As there are no further questions, we thank you so much. You both spoke extraordinarily quickly, and I do appreciate that. It is one of the things we have in this committee. There is always so much information we could talk about. Thank you so much and we are very pleased we were able to have your evidence today.

Mr Thomas: Excellent. Thanks, Senators.

Ms O'Halloran: Thank you very much.

GOLDIE, Dr Cassandra, Chief Executive Officer, Australian Council of Social Service

SCHRAPEL, Mr Simon Andrew, President, Australian Council of Social Service

[12:28]

CHAIR: Welcome. We know that you have a deep interest in this inquiry and we are very pleased that you are able to join us. I am sure you will speak extraordinarily quickly as well! Do you have any comments to make about the capacity in which you appear?

Mr Schrapel: I am also the Chief Executive of UnitingCare Wesley Adelaide, which is an organisation operating in South Australia which has a particular interest in services in the Playford region, which is one of the five place based trials.

Dr Goldie: I give apologies for Peter Davidson, who is unable to appear.

CHAIR: I understand that Mr Davidson, because of the way we are running late, could not join us, but we understand he wanted to. I am sure you have an opening statement, so please give it to us and we will turn this more into a discussion.

Mr Schrapel: We would be happy to turn it into a discussion too. I do not know if I will talk a lot quicker, but I will just talk less perhaps, and that might help, given that you have got our submission.

CHAIR: We have your submission. If you have things you want to table, that is fine as well. Otherwise we will keep going.

Mr Schrapel: Okay. I will just talk briefly to some of the key points in our submission and then pass on to Cassandra, and then we will open up for questions, which is probably a more productive way of managing this process as we lead into lunch. The submission was made before the 2010 evaluation of the SEAM project or trials was available. We have got some comments that we might make about that today, but we will put some further information on the record as we have analysed those outcomes as well.

ACOSS believe that the legislation is fundamentally flawed. I will just cover off on some of the key points as to why we think it will not achieve the objectives it aims to. Firstly, we want to make a point about the lack of genuine consultation—clearly the lack of consultation in the Northern Territory or the taking into account of any of the consultation and feedback that has been provided, around SEAM in particular, but also the lack of consultation more broadly, specifically for those communities in which the income management is going to be rolled out: those five areas that have been targeted. I can certainly speak from personal experience in relation to Playford that there has been no consultation with the communities that I am aware of up there, either with the organisations or directly with those people who will be impacted by the income management aspects of this legislation. We think that, if there had been fuller consultation, we would have come up with a whole lot of alternative solutions to the issues of how to protect those people who are vulnerable and to ensure school participation and attendance in relation to SEAM.

Secondly, we do not think that there is sufficient evidence to suggest that these measures—either SEAM or income management—will have an impact in protecting vulnerable people who are recipients of benefits or in ensuring that there are greater participation levels in school. I think the 2010 SEAM evaluation, which we will come to later, will certainly highlight that. Certainly there is insufficient evidence from that that would suggest that we should be heading down that policy route.

Thirdly is the high cost of implementation. There have been estimates for both SEAM and income management of the administration costs that are incurred in rolling this out, and we think it is certainly worthy of further questioning as to whether this is a sensible expenditure of public moneys to try and get these outcomes.

Fourthly—and this is a broader point that I probably should have started with—we think this undermines the fundamental rights of individuals to have control over their own affairs. We assume that for all other Australian citizens; why don't we assume that for those that actually receive these benefits? Those rights should not be undermined by this legislation.

Fifthly—and you were picking up on this in your discussion with the Welfare Rights Network towards the end—is a point that relates to the extension of those powers to state authorities to effectively make decisions about who will be impacted by income management. We think there are insufficient controls in relation to how that would occur. You have touched on the appeals issue. We think that, should this legislation go through, that particular issue needs to be addressed.

Those are the sorts of comments I would like to make in broad. I will pass over to Cassandra.

Dr Goldie: I will only add a few comments, because I know we are keen to make the most of the time and there are questions that you will have of us. We wanted to firstly emphasise how pleased we were that you provided the opportunity for further organisations, and national organisations, to appear today. We want to emphasise just how deeply concerned national groups, local groups and regional groups—who have deep expertise in how to provide the right supports to people who are living on low incomes and who are struggling in a particular way—are with the way in which government should be working with those communities. We really want to emphasise that this set of bills takes us off further entrenching what we see as being fundamentally contrary to basic human rights, to what is practical and is working. To the best of our knowledge, there is nothing like this in comparative countries, so we really want to highlight how deeply concerned our groups are with the direction that this legislation will set us off in and build on the serious problems of what has occurred in the Northern Territory. Simon alluded to the fact that we do want to make some more detailed written submissions to you on the outcomes of the SEAM evaluation. So, in the interest of time, with your leave, we will provide that to the committee as a submission. I also want to table a statement, which is also on our website, that was prepared on 23 November 2011 by a large number of groups who, at that point, with the spectre of this bill coming before parliament, wanted to say again loud and clear: 'We want cooperation, not intervention in people's lives'. It is a detailed public statement, and I would be grateful if that could be added to the material before the committee.

CHAIR: Dr Goldie, I am happy to get it, but I am just interested to know why that was not sent to us as a submission.

Dr Goldie: I appreciate that, Chair. I think we all recognise the constraints. There was significant pressure time wise to get a submission before you, and obviously we do want to ensure that the material is as complete as we can make it in the time constraints that we were all working with.

We were able to hear the evidence that was given by Ms O'Halloran and Mr Thomas, and we would back all the points that were made there. We do not think that the level of expenditure that is being proposed, that would be required to entrench this system potentially right across the country now, is the best use of really important public expenditure.

I just want to touch on income management. We do think that the way in which those categories have been set in terms of the retriggering is a way to further entrench the stigmatisation of people who are receiving social security. We note that in recent days there has been a new debate, which we warmly welcome, of what is a fair go in Australia and where we should be prioritising our public expenditure. Today, people who are living on the allowances are living on \$35 a day, and that is a payment that has not been increased in real terms since 1994—by the Hawke government. So, when it comes to talking about financial hardship, I think we need to recognise that the people who are living on those allowances are doing extremely well—overwhelmingly well—in managing their financial circumstances. There is a system available for voluntary assistance through Centrepay, and that is where we would like to see it stay.

In relation to the extension of the decision making powers through to state agencies, we think this is deeply troubling. We do not know where this will go. In the way that the bill has been designed, it will leave the extension of this further into state authorities at the discretion of the minister—and, as we know, without any clarity about what kind of appeal rights would be attracted to that. We think this is a seriously slippery slope when it comes to ensuring that people who need to have social security have that in a fair and equitable way.

In relation to SEAM, we fully support, of course, the important investments that are going into the Northern Territory when it comes to providing better supports for families and parents to encourage better educational outcomes. Everybody supports that, but we do not think that we should be treating people who are on social security in a different way to parents generally when it comes to obligations on parents to enable children to go to school. There are already penalty systems in place for that which apply equally to people, whether or not you are on social security. We would oppose using the social security system as a compliance tool, when we should be working positively with parents.

Senator SIEWERT: I want to go to the SEAM issue for a minute. I understand from what you have just said that you are going to give us a supplementary submission. We have to report this time next week. If I remember correctly, it is 13 March. Are you able to provide that before that time?

Dr Goldie: It will be this afternoon.

Senator SIEWERT: Thank you. Then if we have some questions can you take them on notice.

Dr Goldie: Sure.

Senator SIEWERT: It is just that there is no point in us traversing that now if you have some more comments. I would now like to turn to the Playford consultation process. I have in fact visited Playford. I have a

lot of sympathy for the comments you have made because when I went there I could not find many people who actually knew about what was going on there. Have you had any engagement in the process?

Mr Schrapel: I have had some discussions with people from Human Services and Centrelink in recent weeks, more in relation to other elements of the package in terms of assisting parents—

CHAIR: In what capacity did you have those discussions? I think that is important.

Mr Schrapel: In the capacity as chief executive of UnitingCare Wesley Adelaide, not as ACOSS; as a major service provider—

Dr Goldie: And a member of ACOSS.

Mr Schrapel: Yes. It was in that context. Most of the focus was not on how income management was going to be rolled out and how it was going to be applied. In a sense, that was seen as a fait accompli and very little information was given as to how those decisions would be made and what communication had happened with the state government and Families SA, which is the main authority responsible for child protection. The focus was more on how to integrate support and, more importantly, assist young parents into educational opportunities.

Senator SIEWERT: Teen parents?

Mr Schrapel: Yes. It was primarily around those aspects and the establishment of the local advisory group and interest in our organisation being a member of that. That has been the extent of the consultations to date.

Senator SIEWERT: Have you been involved in any of the community consultation processes?

Mr Schrapel: No, but I am aware that there have been some community consultation processes called in that region.

Senator SIEWERT: Are you aware when they were and how well they were advertised and attended?

Mr Schrapel: I do not know the detail. I have had some feedback from staff within my organisation that they were not particularly well attended.

Senator SIEWERT: We have heard about the consultation process in the NT. I am sure you heard what we heard the week before last. We had feedback that it was poor. Can you tell me if you have been involved as an organisation in any consultation around the other measures? Most of these bills concern the NT, but there are elements of the legislation that rollout to the rest of Australia. Were you involved in any of the consultation—tier 1, 2 or 3—around the broader legislation not just the NT?

Dr Goldie: As you know, the Australian Council of Social Service have regular engagement with representatives from FaHCSIA and with advisers and ministers from across a range of portfolios, including the ones relevant to this. As you know, the place based initiatives were announced in the budget context. We had no opportunity to have input into any of those measures as to whether they would be effective. We have been emphasising that it is critical that when you are designing very complex policy, where the stakes are high, it is really important this is done with all those who have the ability to inform a positive outcome and that they have the opportunity to be involved in it. The short answer is no.

Senator SIEWERT: What about the powers extended to the minister to delegate state agencies as referral?

Dr Goldie: There was no consultation at all prior to the announcement. We were included in a briefing post-budget about the detail of the proposals.

Senator SIEWERT: Can I go to the mechanism. You heard me asking the questions of the Welfare Rights Network about the appeals process. This has come up time and again. Could you tell me what you think should be done, assuming it goes ahead? How do we make it less worse? Sorry, that is an opinion of mine. But if we are going to ensure consistency of appeals processes and in fact ensure that there are appeals processes, what would your preferred approach be?

Dr Goldie: I think we should learn the good lessons that have come from the FRC experience and, to the greatest extent possible, try and replicate the decision-making ability around the Centrelink decision making. In other words, as the National Welfare Rights Network has proposed, we would support in the end, if this is going to happen, the decision staying within the social security system, because of the importance of having transparency around decision and the ability to appeal. The process for informing that decision should enable particularly those who are going to be affected to be informed and to have their voices heard. If there is a recommendation coming from a state authority that that is a verbal engagement, I think we need to treat this very seriously. It is a serious decision to control somebody's income in this way. It should not be a flick of an email in terms of a recommendation from a state authority. Those affected should be sitting in the room, involved in the

discussions in the same way, so that there is a real opportunity to be very careful about the potential implications and for everybody to understand those.

Senator SIEWERT: In other words, you would do it at a face-to-face meeting. When you say 'verbal', is that what you mean?

Dr Goldie: I do. There is an opportunity for there to be a discussion, as much as a technical tick box of a recommendation form that triggers this process.

Mr Schrapel: I just wanted to add one point. I think one of the big dangers we have is that, in relying on state authorities to do this, we open up the Pandora's box for inconsistency around decision making. Different rules and standards will be applied in each state and territory. I have had a fair bit of experience—

Senator SIEWERT: Also between agencies.

Mr Schrapel: Yes, particularly between child welfare agencies, and they are the main ones that are being engaged at this particular point in time. We know that different standards apply in each of those states and territories. I have had extensive involvement working in child welfare and child protection nationally and I have seen firsthand the inconsistency. I think the information-sharing guidelines was one of the positive measures that came out of the national child protection framework, which has been initiated over the last three or four years. We have enormous discrepancies from state to state in how those particular policies are being applied. I am really concerned that we are at the same risk of having different decisions made in relation to who actually gets captured by income management from state to state.

CHAIR: Mr Schrapel, you actually think that within the Centrelink system there is consistency across all the states, office to office?

Mr Schrapel: I think there is a greater opportunity for consistency.

CHAIR: I just wanted you to get that on record. In this committee we have heard before that decision makers across the Centrelink network are sometimes found to have different processes. But your argument is that, given that, you still believe that there is a greater opportunity for consistency. I just wanted to get that on record.

Senator SIEWERT: I have many areas of concern, but one of the issues that I have been pursuing with FaHCSIA whenever possible is this issue around housing. I absolutely take on board what you have said about child protection measures, but the point here is around the possibility of extending it out under whatever the various state agencies want to use as indicators for vulnerability—we know housing we know is one of them. Since these place based mechanisms have been announced, I have extensively questioned FaHCSIA about what are going to be the criteria for housing vulnerability. I am wondering whether you have been engaged in discussions with FaHCSIA or the government around—besides the child protection measures—what vulnerability indicators they may be considering or you have provided feedback on?

Mr Schrapel: In short, we have not been consulted by FaHCSIA in relation to those particular measures. I am happy to talk about them, but in terms of your question about consultation, there has been no specific request put to us in terms of how they should be developed and implemented.

Senator SIEWERT: Not even with the specific trial? Dr Goldie, I am looking at because (a) I know you are based in Sydney and (b) you come down here quite often. I am just wondering: have you—or are you aware of any locals who have been—engaged in any of those, even for Bankstown?

Dr Goldie: Not in any detail. Two weeks ago I was out at Bankstown and I would just reiterate—know you have heard from the people from Bankstown earlier today—that there is a real sense of deep concern about the perceived breadth of application of this in light of the way this legislation is being framed, that we are certainly not narrowing and targeting here, we are opening it up in quite an enabling way to set criteria, to set up triggers and for this to be operating through a whole lot of social services that are government agencies. So, rather than it being seen as highly exceptional, very targeted for particular cases, we are laying the groundwork for this becoming something that is widespread. We really feel that this is the time to draw the line in the sand.

Senator SIEWERT: In Western Australia, as you know, the trial protection measure has been in place for some time. I am given to understand that it is being expanded now beyond where it is already currently operating to the Peel region. Have you had any engagement with that? It is a double-bang question in that also I am sure you have read the evaluation report of the current process. What were your take-out messages from that? One of the things that has been said to me, and I am still confirm whether or not this is true, is that as it is being rolled out the same support mechanisms that were available for the current trial are not going to be available for its expansion into Peel. What is your awareness of that and what are your thoughts about how it is operating in Western Australia and any expansion of it?

Dr Goldie: ACOSS is part of a national network of councils of social service and so the Western Australian Council of Social Service has also taken a very clear position on this in terms of where income management should sit. They have been continuing to support the submissions that we are making, that at the end of the day the use of compulsory income management is not the appropriate tool for addressing these kinds of situations. At the end of the day this is about the receipt of basic income for people who are already in very financial invulnerable circumstances. Where we are looking to protect children, of course that should be at the heart of what we are trying to do, but those measures should be the least restrictive measures necessary to ensure that that occurs. In other words, the income management component of this is not what we would be supporting. Of course we are very keen to see further supports in place, better case management and early intervention, and this is a big discussion nationally, as you know.

Senator SIEWERT: One of the reasons I particularly wanted to ask you about it is that you mentioned the FRC, the Cape York proposal. We have already had evidence about that today. It seems to me that the two are so vastly different. You have got all those support mechanisms around the Cape York process, but if that is not available for ongoing rollout of income management, is it likely to have been as effective? From what you have said, do I take it you are saying no?

Dr Goldie: All the evidence and advice that we have received is that the merits of the FRC approach are because of the support and community involvement, it is not the income management element of that.

Senator CROSSIN: I am back in again and I probably missed a good part of your presentation from ACOSS. I will get to read about it. I am not sure if you covered this, but have you documented, particularly here in the Northern Territory, some of the facilities people have had being exempt from income management? Secondly, are there documented difficulties they might have in obtaining information about what income management is and what their rights under it are?

Dr Goldie: We have been in close communication with the Northern Territory Council of Social Service. I know that this committee heard evidence from them when it was in the Northern Territory. And I know that there has been a lot of concern expressed by others about even the basic communication about what is available, what is happening, what your rights are and how you can say 'no' as much as you can say 'yes' when it comes to, for example, going onto voluntary income management. There is a lot of concern that people may not feel that they have the ability to say no when that option is being discussed. As you know, we are still waiting on the results of the evaluation.

Senator CROSSIN: Is this just in relation to the Northern Territory or is it right across?

Dr Goldie: The evaluation of the Northern Territory income management.

Senator CROSSIN: It does not involve Cape York or any of the other trial sites?

Dr Goldie: I am sorry, Senator, I missed that.

Senator CROSSIN: It does not involve where income management has been applied in other places? It is just the Northern Territory; is that right?

Dr Goldie: Which does not involve?

Senator CROSSIN: Sites around the rest of the country.

Dr Goldie: I am not sure I understand the question. I apologise.

Senator SIEWERT: Patricia, the sound is a bit distorted. Are you talking about the evaluation that is forthcoming?

Senator CROSSIN: Yes.

Dr Goldie: As I understand it, the evaluation that is yet to be completed is in relation to the Northern Territory. We previously mentioned the evaluation of the child protection trials in Western Australia, and obviously for the place based measures we will all be very keen to see what does happen, depending on the outcome of this inquiry and the passage of the bill.

Senator CROSSIN: What kind of feedback have you had in the Territory from Indigenous people about the roll-out of income management?

Dr Goldie: About?

Senator CROSSIN: The roll-out of income management.

Dr Goldie: I did refer to a statement which we released on 23 November 2011, which was essentially rejecting the interventionist nature of the range of policies, and there is a particular concern around income management and the SEAM measures. This statement was widely supported, including from many of the peak

bodies in the Northern Territory itself. I have obviously agreed to ensure that that is part of the record for this committee. We have regular communication, and we felt it was a very important time for us to all check that we were still having the kinds of concerns both nationally and from those organisations in the Northern Territory. The response from those Northern Territory bodies was overwhelming to us, as ACOSS.

Senator CROSSIN: Thank you.

CHAIR: Mr Schrapel, I have one more question in terms of your immediate involvement with the Playford area. We are trying to follow up on that. My understanding is that those sites are alleged to be coming on line in July. Is that right?

Mr Schrapel: That is my understanding.

CHAIR: Have you actually contacted the department yourself, expressing your concerns as a provider in that area about the lack of knowledge and consultation that you have explained to us?

Mr Schrapel: Yes.

CHAIR: What was their response? What I am trying to get at is that we hear this information and then we will talk to the department and they can give us a list of meetings and things that they go to. I am still trying to find out what the gap is between what we are hearing in evidence from the different players. When you go to them and say, 'This is very disturbing; people do not know what is going on,' what is their response?

Mr Schrapel: I referred earlier to the meeting that I had had with the officials out there, which was at my initiation rather than being invited into it. The response that I have received to date is that this is subject to legislation. Their job is to actually implement it. Once the legislation is passed and they are clearer about how it will be implemented, they will take responsibility of informing those who will be affected. So the effective message is: this is not something that we can actually consult with you about as to whether it should happen, and even at this point we are not really in a position to talk in any detail about how it will happen. Now whether there is an intention to provide an opportunity to hold further detailed discussions between now and the 1 July roll-out, I do not know. Dare I say it, I do not think that needs to be only with organisations like our own; it needs clearly to be with people who will be directly impacted—the recipients. They are the people who need to be engaged primarily.

CHAIR: So the situation from the people on the ground is that, until the legislation has passed, they cannot talk about it too much.

Mr Schrapel: Yes.

CHAIR: But the first information you heard that it could happen was how long ago?

Mr Schrapel: The first discussion about it in the Playford region, to my recollection, was towards the end of last year—so, in December.

CHAIR: Thank you very much. And thank you as always to ACOSS. That ends this public hearing and also the formal hearings on this inquiry. I want to thank the committee and all the people who have given us their information.

Committee adjourned at 13:01