



# WELFARE QUARANTINING IN AUSTRALIA 2007-2020

A review of grey literature – updated version

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November 2020

Updated September 2021

## Acronyms and Abbreviations

Aboriginal Study	(ABSTUDY)
Administrative Appeals Tribunal	(AAT)
Anangu Pitjantjatjara Yankunytjatjara Lands	(APYL)
Australian Association of Social Workers	(AASW)
Australian Capital Territory	(ACT)
Australian Council of Social Services	(ACOSS)
Australian Human Rights Commission	(AHRC)
Australian National Audit Office	(ANAO)
Authorised Review Officer	(ARO)
Basics Card	(BC)
Bawinanga Aboriginal Corporation	(BAC)
Building Australia's Future Workforce	(BAFW)
Cape York Income Management	(CYIM)
Cape York Welfare Reform Trial	(CYWRT)
Cashless Debit Card	(CDC)
Cashless Welfare Card	(CWC)
Cashless Welfare	(CW)
Ceduna Aboriginal Corporation	(CAC)
Child Protection Income Management	(CPIM)
Child Protection Scheme Income Management	(CPSIM)
Community Development Employment Projects Program	(CDEPP)
Compulsory Income Management	(CIM)
Cape York Conditional Income Management,	(CYCIM)
Cape York Institute	(CYI)
Convention on the Elimination of All Forms of Racial Discrimination	(CERD)
Department of Child Protection	(DCP)
Disability Support Pension	(DSP)
Electronic Funds Transfer at Point of Sale	(EFTPOS)
Family Responsibilities Commission	(FRC)
Families, Housing, Community Service & Indigenous Affairs	(FaHCSIA)
Financial Vulnerability	(FV)
Healthy Welfare Card	(HWC)
Income Management	(IM)
Income Support Payments	(ISP)
National Income Management	(NIM)
New South Wales	(NSW)
Ngaanyatjarra Lands	(NL)
Northern Territory Emergency Intervention	(NTER)
Northern Territory	(NT)
Place-Based Income Management	(PBIM)
Queensland	(QLD)
Queensland Commission	(QC)
Queensland Council of Social Service	(QCSS)
Racial Discrimination Act	(RDA)
South Australia	(SA)
Social Security Appeals Tribunal	(SSAT)
Supporting People at Risk Income Management	(SPARIM)
Unreasonable to Live at Home	(UTLAH)

United Nations	(UN)
UN Committee on the Elimination of Racial Discrimination	(CERD)
University of Technology Sydney	(UTS)
Victoria	(VIC)
Voluntary Income Management	(VIM)
Vulnerable Income Management	(VULIM)
Vulnerable Welfare Payment Recipient	(VWPR)
West Australia Council of Social Services	(WACOSS)
Western Australia	(WA)
Youth Allowance	(YAL)

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## 1. Executive Summary

The original claim of income management, in 2007, was that it would ensure the ‘priority needs’ of Aboriginal children who were allegedly vulnerable to sexual exploitation. The Northern Territory Emergency Response (NTER), introduced by the Liberal National Coalition government, legislated Aboriginal recipients of income support, residing in targeted areas of the Northern Territory (NT), to be moved onto a mandatory Compulsory Income Management (CIM). This measure limited access to cash, as a means to prevent the purchase of illicit drugs, alcohol, tobacco, pornography and gambling products. Fifty per cent of income support was ‘quarantined’ to be spent only on essential items, e.g. food, housing, clothing, education, etc, the remaining 50 per cent was available as cash from an individual’s own bank account.

In July 2008, the incoming Labor government introduced a version of this system to Queensland in the Cape York Welfare Reform Trial (CYWRT). The CYWRT is distinct amongst income management trials as an Aboriginal-led welfare reform program, which operated its own version of compulsory income management<sup>1</sup> and also introduced a Voluntary Income Management (VIM) measure. In November 2008, VIM and a compulsory measure for child protection, the Child Protection Scheme Income Management (CPSIM), were introduced to the Kimberley area of Western Australia (WA).

Based on a review of the NTER measures, in 2010 the New Income Management (NIM) policy was introduced to all income support recipients in the Northern Territory (NT). The NIM was a shift away from the NTER’s racialised response to child welfare and related substance abuse concerns. NIM introduced the Vulnerable Income Measure (VULIM)<sup>2</sup> which included a number of streams<sup>3</sup> relating to disengaged youth, long-term welfare payment recipients and people assessed as vulnerable. The broad approach of the NIM appears to be a mechanism for welfare reform designed to break intergenerational cycles of passive welfare (Gray, 2015, p. 4). NIM was the basis of income management (IM) trials which followed in other locations – most of which had significant populations of Aboriginal Australians.

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<sup>1</sup> Income Management in the CYWRT has been described as Cape York Income Management (CYIM) and Conditional Income Management (CIM). To distinguish CIM in Cape York from Compulsory Income Management (CIM), it is described here as CYCIM.

<sup>2</sup> VULIM and Vulnerable Welfare Payment Recipient (VWPR) appear to be interchangeable in the literature

<sup>3</sup> Supporting People at Risk Income Management (SPARIM) was introduced in 2012 under the Vulnerable stream for the Northern Territory Mandatory Treatment Program for alcohol abuse.

The payment mechanism for these phases of the policy was a plastic debit card called the BasicsCard – introduced under the NTER in September 2008. Managed by Centrelink, the BasicsCard operated as a localised debit card limited to use with merchants approved by the Department of Human Services. The card was credited with the quarantined amount: 50 per cent of a subject's income support and up to 100 per cent of lump sum payments. Cash could not be withdrawn from the BasicsCard account, only from the person's bank account which received the remaining 20 per cent of the income support payment. The BasicsCard became the payment mechanism for all income management trials until the introduction of the Cashless Debit Card (CDC) under the cashless welfare trials, which commenced in 2016.

In 2012, as part of the Federal government program, Building Australia's Future Workforce (BAFW),<sup>4</sup> which emphasised entry or return to the workforce, Place-Based Income Management (PBIM) was introduced in targeted locations in New South Wales (NSW), South Australia (SA), Queensland (QLD) and Victoria (VIC). Aboriginal communities were added to the trial; the Anangu Pitjantjatjara Yankunytjatjara (APY) Lands in South Australia, later in 2012, and Laverton, Kiwirrkurra and the Ngaanyatjarra Lands in Western Australia in 2013. Income management under this program focused on child protection and those considered vulnerable to financial hardship. These areas were targeted due to high cultural diversity, welfare dependency, high unemployment levels (including youth unemployment), skills gaps and the length of time people had been on income support. Media reported government plans to expand PBIM nationally in 2013, although rollout did not go ahead (ABC News, 2014b). The program continues to operate in the original five sites, with the continued use of the BasicsCard. It is unclear if these sites are still considered trials or have become policy, although the *Social Security (Administration) (Declared income management areas) Determination 2012* legislation that introduced the trials is no longer in force.<sup>5</sup>

In July 2014, the PBIM model was applied to the Ceduna Local Government area in South Australia (Parkinson, 2015) which included Oak Valley, Koonibba, Yalata, Scotdesco, Bookabie, Penong, Fowlers Bay, Coorabie, Nundroo and Nullarbor. This trial appears to be the precursor to Cashless Debit Card (CDC) trials which commenced in Ceduna in 2016.

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<sup>4</sup>The *Building Australia's Future Workforce* (BAFW), program was announced by the Australian Government as part of the 2011/12 Budget. <https://www.employment.gov.au/building-australia-s-future-workforce-bafw-evaluation>

<sup>5</sup> <https://www.legislation.gov.au/Details/F2012L01371/Explanatory%20Statement/Text>

By 2015, in the Northern Territory alone, 20,600 participants were on IM – four times higher than all other IM sites in Australia (Arthur, 2015, p. 29). Evaluations produced mixed results, yet in that year, a report from the reference group on welfare reform to the Minister of Social Services recommended a cautious expansion of income management through recommendations informed by previous evaluations (McClure, 2015).<sup>6</sup>

Cashless welfare, a broader, but more restrictive, form of welfare quarantining was endorsed in 2014 as a key recommendation of the *Forrest Review of Indigenous Jobs and Training*.<sup>7</sup> The cashless welfare model recommended quarantining 100 per cent of income support and was framed as an alternative to income management. However, when cashless welfare card trials began, income support was quarantined at 80 per cent. The payment mechanism for cashless welfare, is also a plastic debit card, a card that has been referred to as; the Cashless Welfare Card (CWC); the Grey card; the White card and; the Cashless Debit Card (CDC), however it is now most commonly known as the Indue card.<sup>8</sup>

The *Forrest Review* argued a cashless debit card would be far less expensive to deliver than the BasicsCard and therefore affordable on a larger scale. As a Visa-debit card, the cashless debit card is managed by the private company Indue and operates as a regular bank product, potentially useable at any merchant using EFTPOS that has not been blocked in accordance with the policy. This means, compared to the BasicsCard, there is a significantly higher number of outlets where the card can be used. The availability of other payment options, such as BPAY, also differentiates the BasicsCard. While the percentage of income support quarantined by the CDC increased from the 50 per cent of the BasicsCard to 80 per cent, other conditions were not changed; cash cannot be withdrawn, and alcohol, gambling products and gift cards (and other cash-like products) cannot be purchased with the CDC.<sup>9</sup>

Cashless debit card trials were rolled out from 2016 in Ceduna (SA) and East Kimberley (WA), and in the WA Goldfields region in 2018. In these locations, the CDC was made mandatory for all

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<sup>6</sup> [https://www.dss.gov.au/sites/default/files/documents/02\\_2015/dss001\\_14\\_final\\_report\\_access\\_2.pdf](https://www.dss.gov.au/sites/default/files/documents/02_2015/dss001_14_final_report_access_2.pdf)

<sup>7</sup> <https://www.pmc.gov.au/sites/default/files/publications/Forrest-Review.pdf>

<sup>8</sup> Indue is the private company that manages the CDC card. Indue is a payment transfer company rather than a bank. As an Authorised Deposit Taking Institute (ADI) it is owned by financial institutions and regulated by the Australian Prudential Regulation Authority. <https://www2.indue.com.au/>

<sup>9</sup> The 2020 legislation which allows for the roll out of the CDC across Northern Territory appears to be lifting the ban on tobacco and pornography that was part of the original NTER ban and still exists in the NT under the BasicsCard (Bowling, 2019).

working-age income support recipients. In 2019, all those under 36 years old who received one of three specified payments were added to a CDC trial in Bundaberg and Hervey Bay (QLD). On 4 April 2019, the Federal Coalition government passed legislation<sup>10</sup> to extend all welfare quarantining trials by one year – to 30 June 2020.<sup>11</sup> However, more legislation was introduced on 11 September 2019,<sup>12</sup> with two key purposes: to gain an additional extension of all trials to 30 June 2021; and, to remove the cap on the number of cashless debit card trial participants. This would allow the NT and income management sites in all other states to become CDC trial sites. Approximately 23,000 income management participants would then be transitioned from the BasicsCard to the Cashless Debit Card in 2020 (The Department of Social Services, 2019b, para. 8).<sup>13</sup> Federal government data demonstrates that 25, 270 people were on income management nationally in 2018, with 87 per cent in the NT, 82 per cent of whom were Aboriginal (Heaney, 2019). Place-Based income management (PBIM) sites were not included in this legislation.

Senate hearings held in Darwin and Alice Springs in late 2019, heard strong opposition to the legislation from a range of organisations and community members. Similar criticisms were heard in 2007 about the NTER, including the haste in which the legislation was planned, its mandatory nature, and the lack of consultation (Heaney, 2019). Labor Senators recommended the Bill not be passed in its current form as it was not supported by evidence and twelve years of broad-based compulsory income management in the NT had not improved outcomes (Allam, 2019, para. 6).<sup>14</sup> For similar reasons, the Australian Greens also did not recommend the Bill be passed (Parliament of Australia, 2019e, pp. 23-31). However, on 7 November 2019, the Senate Community Affairs Legislation Committee<sup>15</sup> did recommend the Bill to be passed.<sup>16</sup> The legislation had its second reading on 2 December 2019 and was due for a third in February 2020. Despite broad concerns about the legislation, the very mixed findings of income management evaluations, and consistent criticisms of the methodologies and quality of those evaluations across the many years of the policy, the Federal government appears determined to proceed with the expansion of the policy through the CDC at its broadest and most restrictive form.<sup>17</sup>

<sup>10</sup> *Social Security (Administration) Amendment (Income Management and Cashless Welfare) Bill 2019*

<sup>11</sup> This included Bundaberg and Hervey Bay (QLD) trial sites which began in January 2019

<sup>12</sup> *Social Security (Administration) Amendment (Income Management and Cashless Debit Card Transition) Bill 2019*

<sup>13</sup> The Department of Social Services (2019b para.8) stated the transition would occur by April 2020. The Department of Human Services stated the transition would occur by December 31<sup>st</sup>, 2020 (Department of Human Services 2019, para 2).

<sup>14</sup> The (Labor) Opposition stated in September 2019 that it would propose two amendments to the Bill; to make it the scheme voluntary and ‘ensure a proper and independent inquiry into the effectiveness of the card’ (Allam, 2019, para. 6).

<sup>15</sup> [https://www.aph.gov.au/Parliamentary\\_Business/Committees/Senate/Community\\_Affairs/CashlessCardTransition/Report](https://www.aph.gov.au/Parliamentary_Business/Committees/Senate/Community_Affairs/CashlessCardTransition/Report)

<sup>16</sup> After clarification from the Department of Social Services as the minister’s discretionary powers to determine rates of quarantined income and ways in which communities can request an increase in quarantined funds (Parliament of Australia 2019e, p. 20).

<sup>17</sup> If the Northern Territory does move to CDC, it will not increase to 80 per cent. The percentage will remain at the BasicsCard rate of 50 per cent: <https://www.abc.net.au/news/2020-01-23/cashless-debit-card-in-northern-territory/11891928>



## 2. Introduction

Designed as a resource, this review maps the development of the policy through a focus on the ‘grey literature’. Since its inception, the policy of income management has been highly controversial and has resulted in a vast body of material from media, academia, service organisations, social media and governments. While not comprehensive, the material included is inclusive of a broad spectrum of perspectives, approaches and voices. [Appendix 4](#) provides an annotated bibliography of related academic literature (p. 84). The review will address the iterations of this policy through its three distinct phases:

- Northern Territory Emergency Response
- New Income Management
- Cashless Debit Card

The 2008 income management trials in Queensland and Western Australia are viewed as the link between the Northern Territory Emergency Response (NTER), as introductory welfare reform, and New Income Management (NIM) as the development of that reform. The 2012 Place-Based Income Management (PBIM) trials in New South Wales, Queensland, Victoria and South Australia are considered extensions of the NIM model.<sup>18</sup> The Cashless Debit Card (CDC) model is grounded in the earlier models but is distinct in the higher amount that is quarantined, and its approach to exemptions.<sup>19</sup>

Chapter 3 chronologically traces the development of welfare quarantining across Australia, examining each of the iterations in their specified locations. This chapter frames each stage through the stated objectives, who was targeted and the structure of each scheme. Chapter 4 identifies key themes by assessing and critically discussing consultative processes, structures for assessments and disputes, evaluations and the support and criticism the policy has received. Chapter 5 raises emerging issues in conceptualising welfare quarantining.

## 3. Development of Income Management Policies

### 3.1. Introduction

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<sup>18</sup> The income management trial in Ceduna, South Australia 2014 was introduced under the PBIM trials (Parkinson, 2015).

<sup>19</sup> This literature review will provide a resource for the final case study in Associate Professor Leanne Weber’s Future Fellowship research on the policing of Australia’s internal borders through the lens of income management - administered by the Australian federal government since 2007.

Income management, as a key aspect of welfare reform in Australia, has impacted tens of thousands of people. The policy has, until its most recent iteration, received bipartisan political support. Nonetheless, government control of how an individual spends their income support continues to be highly contentious and deeply conflicting. While there is considerable resistance to it at a grassroots level, there has also been support in communities affected by the policy – including amongst Aboriginal people, who are income managed significantly more than any other group. Voluntary Income Management (VIM) and Vulnerable Income Management (VIM) were added to trials to become, alongside compulsory income management (CIM) the core measures for all sites. The range of income support payments that could be referred to these measures grew with the number of trials, although there was variation – dependent of location.

### **3.2. Northern Territory Emergency Response – 2007: Mandatory Income Management**

Mandatory income management was first announced on 21 June 2007, by the Howard Coalition government via the Northern Territory Emergency Response (NTER) – commonly referred to as ‘the intervention’. As part of a suite of apparently unrelated policies, income management was directed explicitly at Aboriginal people living in remote and very remote communities of the Northern Territory. The catalyst for the intervention was the findings of the April 2007 report by the Northern Territory Board of Inquiry into the Protection of Aboriginal Children from Sexual Abuse, titled *Ampe Akelyernemane Meke Mekarle: ‘Little Children are Sacred’*.<sup>20</sup> The report was commissioned in August 2006 by the Chief Minister of the Northern Territory to address allegations of high levels of child sexual abuse of Aboriginal children in the Northern Territory. The report found sexual abuse of children to be widespread and often unreported although the Australian Human Rights Commission (AHRC) has stated that a lack of statistical data meant the true extent of the problem was not fully known (Australian Human Rights Commission, 2007a).<sup>21</sup> The report made a range of recommendations<sup>22</sup> including one to empower Aboriginal communities to address decades of neglect that had led to significant social problems.<sup>23</sup> It also emphasised the need to genuinely partner with affected communities to address child abuse and other related concerns including drug and alcohol abuse and family violence. However, those recommendations were entirely overlooked when the Howard government announced the NTER, just six days after the release of the report and in the lead up to a Federal election (Concerned Australians, 2010).

<sup>20</sup> <https://humanrights.gov.au/sites/default/files/57.4%20%E2%80%9CLittle%20Children%20are%20Sacred%E2%80%9D%20report.pdf>

<sup>21</sup> <https://www.humanrights.gov.au/our-work/social-justice-report-2007-chapter-3-northern-territory-emergency-response-intervention>

<sup>22</sup> Only 2 of the reports 97 recommendations were implemented

<sup>23</sup> Maddison wrote that the authors of the report, Rex Wild and Patricia Anderson, ‘were devastated that their report had been used to justify the intervention.’ (Maddison, 2008, p. 44).

During the press conference to announce the intervention, on 21 June 2007, Prime Minister Howard stated that ‘law and order will be the central focus of the measures’ (Australian Politics, 2007, para 8).<sup>24</sup> He added that the issues the NTER sought to address also existed in other Aboriginal communities in Australia, urging the Premiers of Western Australia (WA), New South Wales (NSW) and Queensland (QLD) to take similar action, since the Federal government had legal authority to intervene in the Northern Territory but not in the States.

Suspension of Part II of the *Racial Discrimination Act* (RDA) allowed for NTER ‘special measures’ to be exempt from definitions of discrimination, preventing legal challenges. The suspension of the RDA brought condemnation from an array of agencies and organisations in Australia and beyond, including the United Nations.<sup>25</sup> Additionally, under the NTER, ‘the original legislation for income management suspended most rights for the review of decisions made by Centrelink or the Minister. This meant that clients did not have rights of appeal regarding income management decisions, including applications for exemption’ (Department of Family, Housing, Community & Indigenous Affairs, 2010, p. 5).

The *Northern Territory National Emergency Response Bill of 2007 (Cth)*<sup>26</sup> was a legislative package of five Bills<sup>27</sup> including reforms to restrict the ways in which welfare payments were spent. The Bill<sup>28</sup> which introduced income management stated the objective of the regime was to:

- (a) to promote socially responsible behaviour, particularly in relation to the care and education of children;
- (b) to set aside the whole or a part of certain welfare payments;
- (c) to ensure that the amount set aside is directed to meeting the priority needs of:
  - (i) the recipient of the welfare payment; and
  - (ii) the recipient’s partner; and

<sup>24</sup> <https://australianpolitics.com/2007/06/21/howard-brought-nt-intervention-announcement.html>

<sup>25</sup> See the report of the United Nations Special Rapporteur on the situation of human rights and fundamental freedoms of Indigenous Peoples (United Nations 2010 & 2017).

<sup>26</sup> <https://www.legislation.gov.au/Details/C2007B00158>

<sup>27</sup> *Northern Territory National Emergency Response Act 2007 (Cth)* (NTER Act); • *Social Security and Other Legislation Amendment (Welfare Payment Reform) Act 2007 (Cth)* (SSWP Act); • *Families, Community Services and Indigenous Affairs and Other Legislation Amendment (Northern Territory National Emergency Response and Other Measures) Act 2007 (Cth)* (FCSIA Act); • *Appropriation (Northern Territory National Emergency Response) Act (No. 1) 2007-2008 2007 (Cth)* (Appropriation Act No 1); • *Appropriation (Northern Territory National Emergency Response) Act (No. 2) 2007-2008 2007 (Cth)* (Appropriation Act No 2).

<sup>28</sup> *Social Security and Other Legislation Amendment (Welfare Payment Reform) Act 2007 (Cth)* (SSWP Act).

- (iii) the recipient's children; and
- (iv) any other dependants of the recipient.

*(Social Security and Other Legislation Amendment (Welfare Payment Reform) Act 2007 (Cth) (SSWP Act, 123TB Objects).*

The intervention was rolled out across 73 'prescribed communities', associated outstations and 10 town camps in the NT between September 2007 and October 2008. Led by the Australian Defence Force the rollout was allocated \$580 million in the 2007-08 period. An additional \$313.5 million was allocated in February 2008, followed by \$323.8 million in the 2008-09 budget (Department for Families, Housing, Community Services and Indigenous Affairs, 2008b).

Bipartisan political support for the NTER had continued when the Labor took power in December 2007. The Rudd government signalled their intention to continue the 'special measures' of the NTER, including income management. In September 2008 those measures directly affected approximately 45,500 members of Aboriginal communities in the NT. Over 70 per cent of the Aboriginal population in the NT lived in the prescribed areas (Department for Families, Housing, Community Services and Indigenous Affairs, 2008b, p. 9). By October 2008 income management was fully implemented in the locations that had been targeted by the original legislation.

Income management was not assessment based; those affected had no opportunity to show that they could manage their income and or opt out of the scheme. The sole criteria for income management was residing in one of the prescribed areas at 21 June 2007 (Department of Families, Housing, Community Services and Indigenous Affairs, 2008b, p. 20). The purpose of income management was to control the way in which income support recipients spent their money. It was designed to prevent recipients spending income support on items that were not basic necessities. The implementation was overseen by the Northern Territory Emergency Response Taskforce<sup>29</sup> who met with stakeholders, visited communities and advised government as the intervention rolled out.

Compulsory income management (CIM) quarantined a minimum 50 per cent of income support. Lump sum payments such as the Baby Bonus were quarantined at 100 per cent. The intention of

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<sup>29</sup> Taskforce Membership: Dr Sue Gordon AM, Chair, magistrate in the Perth Children's Court and former chair of the National Indigenous Council; Major General Dave Chalmers AO, CSC, Operational Commander; Dr Bill Glasson AO, ophthalmologist and former president of the Australian Medical Association; Mr Roger Corbett AO, businessman and board member of the Reserve Bank of Australia; Mrs Miriam Rose Baumann AM, former school principal and chair of the Aboriginals Benefit Account Advisory Committee; Mr Terry Moran AO, Secretary of the Department of the Prime Minister and Cabinet; Mr Mike Burgess, Chief Executive of the Northern Territory Department of the Chief Minister. Former members were Mr John Reeves QC, Dr Peter Shergold AC and Mr Paul Tyrrell.

restricting income was to prevent the purchase of illicit drugs, alcohol, gambling and pornography. Initially, quarantined funds were managed via transfer or voucher to participating retailers. Alternatively, individuals could arrange for Centrelink (as managed by Department of Family and Community Service) to make payments on their behalf (e.g. regular rent or utilities payments).

The quarantining of income support presented a range of implementation issues, given the limited time in forward planning the rollout. The infrastructure needed for the rollout had to be created in less than two months. Income management was rolled out over clusters of three to four communities at a time. Ministerial approval was granted for income management to commence once preconditions had been met, including the licensing of the local community store to receive quarantined funds. Approval was initially for 12 months and could be extended or reduced by the Minister for Social Services.

Prior to the rollout, Centrelink staff visited each community to talk about the system, meet with those who would be income managed to work out ‘priority needs’ and where their funds would be allocated to fulfil those needs. Funds could be allocated only to:

- a local trader (i.e. community store)
- a voucher or store card (e.g. Coles)
- directed deductions for utilities or rent

If the quarantined funds were not used, they remained in the account to be used in the future. Most income-managed clients had quarantined funds credited to their local store. Those in remote communities commonly accessed their quarantined funds through store cards – collected from a Centrelink office – when they visited a town where they could shop for basic necessities. Contact with a Centrelink office was necessary if a client wanted to change where their funds were allocated – especially if they were travelling outside of their usual area. Store cards could only be used during Centrelink office hours. Clients had difficulty in knowing what funds were available in their account and this could only be clarified by contacting Centrelink, which was especially difficult for remote communities, time consuming and only possible during office hours. Store cards were reported as being exchanged for cash or users not understanding how they worked and not redeeming them for their full amount (Department for Families, Housing, Community Services and Indigenous Affairs, 2008b, p. 22).

The BasicsCard became available in September 2008 as an additional option to the funds transfer and store card methods that had been operating in the NTER's initial phase. Quarantined income was credited to the pin protected debit card and the card was then used to pay for necessities at an approved merchant. Merchants who had not been accessible via the pre-card system of store vouchers, and or funds transfer, were registered for the card, increasing choice and flexibility in where the card holder could shop. While not compulsory, most income-managed clients received one. The card made access to quarantined funds simpler and allocation of store cards dropped significantly after its introduction, as did contacts with Centrelink (Department of Families, Housing, Community Services and Indigenous Affairs, 2010).

The compulsory nature of income management and limited grounds upon which individuals or groups could be exempted from the policy was a significant point of resentment amongst recipients. The independent NTER Review Board recommended in their October 2008 report<sup>30</sup> that all welfare recipients should have access to an external merits review (Department of Families, Housing, Community Services and Indigenous Affairs, 2008b, p. 20). The Labor government amended legislation<sup>31</sup> in March 2009 to allow those on IM to have rights of appeal, including to the Social Security Appeals Tribunal (SSAT) and the Administrative Appeals Tribunal (AAT). Those rights were fully reinstated in June 2009.

In July 2010, just prior to the end of the NTER, 16,726 people were on income management. Those who moved from prescribed areas during the NTER, remained on IM regardless of where they moved to (Bray, Gray, Hand, Bradbury, Eastman & Katz, 2012, p. 15), indicating that these measures were directed towards particular sections of the population, rather than specific locations.

### **3.3. Queensland & West Australia – 2008: Compulsory and Voluntary Income Management**

The Cape York Welfare Reform Trial (CYWRT) commenced in July 2008 in four Cape York communities in far north Queensland: Aurukun, Coen, Hope Vale and Mossman Gorge.

The *Families Responsibilities Commission Act 2008* which introduced the trial stated the objective to be:

<sup>30</sup> Northern Territory Emergency Response Report of the NTER Review Board -October 2008: <https://core.ac.uk/reader/30686479>

<sup>31</sup> The Senate Standing Committee on Community Affairs, Family Assistance and Other Legislation Amendment (2008 Budget and Other Measures) Bill 2009, May 2009: [https://www.aph.gov.au/parliamentary\\_business/committees/senate/community\\_affairs/completed\\_inquiries/2008-10/family\\_assistance\\_09/report/c01](https://www.aph.gov.au/parliamentary_business/committees/senate/community_affairs/completed_inquiries/2008-10/family_assistance_09/report/c01)

- 1) The main objects of this Act are—
  - (a) to support the restoration of socially responsible standards of behaviour and local authority in welfare reform community areas; and
  - (b) to help people in welfare reform community areas to resume primary responsibility for the wellbeing of their community and the individuals and families of the community.
- (2) The objects are to be achieved mainly by establishing the Family Responsibilities Commission—
  - (a) to hold conferences about agency notices; and
  - (b) to deal with the matters to which the notices relate in a way that—
    - (i) encourages community members the subject of a conference to engage in socially responsible standards of behaviour; and
    - (ii) promotes the interests, rights and wellbeing of children and other vulnerable persons living in a welfare reform community area.

*(Families Responsibilities Commission Act 2008, 2.4)*

The trial is distinct as an Indigenous led collaboration between the Family Responsibilities Commission<sup>32</sup> (FRC) and both Federal and State governments. Well-known Indigenous leader, Noel Pearson, is closely associated with the policy. The objectives of the legislation were similar to those of the NTER, but the process was entirely different, in that its purpose was fundamentally restorative of the values and authority of the communities the FRC operated in. The FRC, a statutory body, has jurisdiction over individuals on welfare payments or Community Development Employment Projects Program (CDEPP) payments who reside in CYWRT sites. Individuals can be referred by FRC to Cape York Income Management (CYIM),<sup>33</sup> for dysfunctional behaviour, including child safety or school attendance concerns, criminal and violent behaviour, alcoholism. Those referred to CYIM, can have 60, 75 or 90 per cent<sup>34</sup> of their income support quarantined by Centrelink, for between three and twelve months – via the BasicsCard (Scott et al., 2018).<sup>35</sup> A Voluntary Income Management (VIM) measure was also available to those on Aged Pension or Carers Allowance – although from 2010 recipients of these two benefits could also be recommended for the compulsory measure.

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<sup>32</sup> The *Family Responsibilities Commission Act 2008* was passed in March 2008 and allowed the Commission to oversee welfare reform in those four communities.

<sup>33</sup> Compulsory income management in the CYWRT has been called both (Cape York) Conditional Income Management (CYCIM) and Cape York Income Management (CYIM). To distinguish CIM in Cape York from Compulsory Income Management (CIM), it is described here as CYCIM.

<sup>34</sup> 90 per cent was introduced in January 2014.

<sup>35</sup> *Strategic Review of Cape York Income Management, Final Report*. [https://www.dss.gov.au/sites/default/files/documents/12\\_2018/final-report-strategic-review-cape-york-income-management.pdf](https://www.dss.gov.au/sites/default/files/documents/12_2018/final-report-strategic-review-cape-york-income-management.pdf)

Between 2008 and 2012, of the total population in the four areas in the trial (1,669 people), 524 were income managed (Le Marseny, 2012, p. 46).<sup>36</sup> In March 2015, this had dropped to 153 participants (Arthur, 2015).<sup>37</sup> Between 2015 and 2017, those on CYIM were below 10 per cent of the client population and in June 2018 it was 7.7 per cent (Scott et al., 2018, p. 23).

In late 2014, the FRC began operating in Doomadgee town in north-west Queensland, 2,000 kilometres south of Cape York. Income management commenced there in 2016 (Arthur, 2015, p. x). Originally designed to conclude in 2012, the CYWRT has been repeatedly extended; the sunset date for the trial is now June 30, 2020.

In November 2008 the Child Protection Scheme of Income Management (CPSIM), a compulsory income management measure, was introduced in WA with the objective of encouraging socially responsible behaviour and more appropriate use of welfare payments (Orima, 2010, p. 23). The Voluntary Income Management (VIM) stream was also available in the WA trial. VIM was designed to improve a participant's financial management and 'assist them to better meet their financial responsibilities or to contribute to the wellbeing of their own children or children within the community' (Orima, 2010, p. 24). Similar to the objectives of the NTER and CYWRT, the trial aimed to 'increase awareness of financial and money management skills, increase the amount of income directed to the participants' and their children's priority needs, and improve individual and family circumstances (Orima, 2010, p. 24).

The CPSIM measure was specific to WA and was supported by a bilateral agreement between the Federal and State governments in partnership with the WA Department for Child Protection (DCP). Child protection is usually a State or Territory responsibility, but CPSIM<sup>38</sup> was introduced as a Federal mechanism – part of a framework planned under a national child protection scheme. Under social security law, CPSIM may be introduced anywhere in Australia (Parliament of Australia, 2012d), although it was only introduced in trial form (along with VIM) in the Kimberley region and metropolitan Perth (Buckmaster, Ely & Klapdor, 2012b).<sup>39</sup>

<sup>36</sup> <https://www.austlii.edu.au/au/journals/AUIndigLawRw/2012/11.pdf>

<sup>37</sup> <https://apo.org.au/sites/default/files/resource-files/2015/07/apo-nid55973-1114526.pdf> (2015b)

<sup>38</sup> The child protection mechanism operating in WA is known as the Child Protection Scheme Income Management (CPSIM) is operating under social security law. In other locations compulsory income management for child protection is referred to as Child Protection Income Management (CPIM).

<sup>39</sup> [https://www.aph.gov.au/About\\_Parliament/Parliamentary\\_Departments/Parliamentary\\_Library/pubs/BN/2011-2012/IncomeManagementOverview#\\_Toc328056502](https://www.aph.gov.au/About_Parliament/Parliamentary_Departments/Parliamentary_Library/pubs/BN/2011-2012/IncomeManagementOverview#_Toc328056502)



In child protection cases, the DCP was given the power to recommend to Centrelink CPSIM for families of Indigenous and non-Indigenous children seen to be at risk. CPSIM quarantined up to 70 per cent of income support to the BasicsCard for a period of time recommended by the DCP case manager, who ranked the person's priority needs according to what could be purchased by the quarantined amount. Requests for Centrelink to instigate CPSIM could be made 'where the poor use of financial resources is wholly or partly contributing to child neglect or other barriers the person may be facing', with the purpose of 'improving participants' ability to manage their money for the benefit of their child/children and improve child wellbeing' (Orima, 2010, p. 23).

Under the VIM measure, recipients had 70 per cent of income support quarantined until 2010, when the rate was dropped to 50 per cent to align with the rate introduced in the NT in July 2010 under New Income Management (NIM). VIM participants could request changes in the amount allocated to their priority needs. Any unspent amount in the quarantined accounts, if under \$200, could be paid to CPSIM clients as a lump sum. For those under VIM, an unspent amount could be paid as a single payment. Lump sum payments, such as the Baby Bonus and ABSTUDY payments, were quarantined at 100 per cent under both measures. Centrelink could issue store vouchers if a participant was not able to use their BasicsCard for a specific purchase or had travelled out of area. Key to the aims of both measures was the provision of services such as financial counselling and money management designed to assist them with managing their finances. However, there was little understanding or uptake of these services (Orima, 2010 p. 18).

CPSIM could be applied to Department of Veteran's Affairs (DVA) payments and income support recipients, from the following range benefits:

- Newstart Allowance
- Parenting Payment
- Age Pension
- Disability Support Pension
- Carer Payment

From the commencement of the trial in WA, 1,131 income support recipients had participated between April 2008 and 2010: 328 had been referred to CPSIM and 803 to VIM. Three-quarters of participants were living in the Kimberley and the remainder in Perth (Orima, 2010, pp. 9-10). Eighty per cent of the VIM uptake was in the Kimberley region, rather than Perth, and 99 per cent of those who participated in VIM were Indigenous (Orima, 2010, pp. 148 & 157).

In November 2011, the Federal government announced it would extend the trial in WA to include people living in the Peel region, seventy-five kilometres south of Perth, where around three per cent of the population is Indigenous (Government of Western Australia, 2016). These trials are expected to end in 2020.

### 3.4. Northern Territory – 2010: New Income Management Trial

A major criticism of the NTER was the lack of consultations with the affected community. In preparation for reforms to the NTER, Government undertook consultations from June to August 2009.<sup>40</sup> New Income Management (NIM) was then introduced in 2010 by the Gillard Labor government as part of a broad welfare reform agenda – flagged in the 2008 report *Northern Territory Response, One Year On*.<sup>41</sup> NIM replaced the model of IM under the NTER that had targeted Aboriginal communities, allowing government to claim NIM as non-discriminatory, as it applied to specified income support recipients rather than Aboriginal people solely. Government also claimed that the mandatory form of NIM applied to a ‘narrower range of income support recipients’ (Bray et al., 2012, p. xv).<sup>42</sup> NIM included a voluntary income management option and full rights of exemption and review. Legislation also fully reinstated the RDA, the suspension of which had allowed for the ‘special measures’ of the NTER.

These measures, categories and payments of NIM became the basis for all income management trials in Australia with variations in specific locations. Notably, the Vulnerable Welfare Payment Recipient (VWPR) measure was introduced under NIM. Under this measure long-term welfare recipients, disengaged youth and other ‘vulnerable’ welfare recipients were referred to a Vulnerable Income Management (VULIM) payment.

The stated objectives of NIM repeated the objectives of earlier trials. The *Social Security and Other Legislation Amendment (Welfare Reform and Reinstatement of Racial Discrimination Act) Act 2010*,<sup>43</sup> passed on 1 July 2010 and introduced in August 2010, stated the purpose of the reform was:

<sup>40</sup> Report on the Northern Territory Emergency Response redesign consultations: <https://apo.org.au/node/19860> (2009a)

<sup>41</sup> *Northern Territory Response, One Year On*: [https://www.dss.gov.au/sites/default/files/documents/05\\_2012/nter\\_review.pdf](https://www.dss.gov.au/sites/default/files/documents/05_2012/nter_review.pdf)

<sup>42</sup> *Evaluating New Income Management in the Northern Territory* (Department of Families, Housing, Community Services and Indigenous Affairs (2012). <https://www.dss.gov.au/our-responsibilities/families-and-children/programs-services/income-management/a-review-of-child-protection-income-management-in-West-australia>

<sup>43</sup> *Social Security and Other Legislation Amendment (Welfare Reform and Reinstatement of Racial Discrimination Act) Act 2010* <https://www.legislation.gov.au/Details/C2010A00093>

(a) to reduce immediate hardship and deprivation by ensuring that the whole or part of certain welfare payments is directed to meeting the priority needs of:

- (i) the recipient of the welfare payment; and
- (ii) the recipient's children (if any); and
- (iii) the recipient's partner (if any); and
- (iv) any other dependants of the recipient;

(b) to ensure that recipients of certain welfare payments are given support in budgeting to meet priority needs;

(c) to reduce the amount of certain welfare payments available to be spent on alcoholic beverages, gambling, tobacco products and pornographic material;

(d) to reduce the likelihood that recipients of welfare payments will be subject to harassment and abuse in relation to their welfare payments;

(e) to encourage socially responsible behaviour, including in relation to the care and education of children;

(f) to improve the level of protection afforded to welfare recipients and their families.

*(Social Security and Other Legislation Amendment (Welfare Reform and Reinstatement of Racial Discrimination Act 2010, 123TB)*

NIM applied income management under four measures:

- Compulsory Income Management:
  - Disengaged Youth  
(15-24 y/o and on payment for 3+ months)
  - Long-Term Welfare Payment recipients  
(25+ y/o and on payment for 12+ months)
- Vulnerable Income Management:
  - identified as vulnerable by a Centrelink social worker
- Child Protection Income Management:
  - referred to IM by state child protection worker
- Voluntary Income Management
  - open to all ISP's not subject to any of the above

*(Social Security and Other Legislation Amendment (Welfare Reform and Reinstatement of Racial Discrimination Act) Act 2010 Part 2, Section 123 TA)*

Those measures could be applied to the following group of payments:

- Youth allowance; or
- Newstart allowance; or
- Special benefit; or
- Parenting Pension (single or partnered)
- Disability Support Pension

*(Social Security and Other Legislation Amendment (Welfare Reform and Reinstatement of Racial Discrimination Act) Act 2010, Part 4)*

However, in the 2015 evaluation of NIM, considerably more payments were listed as possibly subject to income management.<sup>44</sup>

VULIM was for those determined by Centrelink staff to be vulnerable or those automatically assessed as vulnerable due to the type of income support, they were receiving, including a number of youth categories and child protection matters. VULIM could be applied to people who faced financial harassment or who had great difficulty managing their finances. However, parents of children who did not meet school enrolment or attendance requirements could also be referred (Bray et al., 2012). The VULIM measure also allowed for ‘housing authorities, community agencies and others’ (Arthur, 2015, para, 4)<sup>45</sup> to also refer clients to a Centrelink social worker. There was suggestion in the 2015-2016 Budget for social workers to cease carrying out assessments for the Vulnerable measure on July 1, 2015 (Arthur, 2015, para, 4), but this was not actioned. An additional stream of income management, introduced in 2012 under the category of vulnerability, was the Supporting People at Risk (SPARIM) scheme, to which people are referred by NT government authorities.

The Voluntary Income Management (VIM) category included an incentive payment for those who remained on the VIM for 26 consecutive weeks – which brings into question its voluntary nature, especially as more than one incentive payment appeared possible. Unlike IM under the NTER, exemptions could be applied for, however only from the CIM measures for long term-welfare payment recipients and disengaged youth.

<sup>44</sup> See Table 2-3: Australian Government payments that may be subject to income management (Bray, et al., 2014, p. 22)

[https://www.dss.gov.au/sites/default/files/documents/12\\_2014/evaluation\\_of\\_new\\_income\\_management\\_in\\_the\\_northern\\_territory\\_full\\_report.pdf](https://www.dss.gov.au/sites/default/files/documents/12_2014/evaluation_of_new_income_management_in_the_northern_territory_full_report.pdf)

<sup>45</sup> [https://www.aph.gov.au/About\\_Parliament/Parliamentary\\_Departments/Parliamentary\\_Library/pubs/rp/rp1516/Quick\\_Guides/IncomeManagement](https://www.aph.gov.au/About_Parliament/Parliamentary_Departments/Parliamentary_Library/pubs/rp/rp1516/Quick_Guides/IncomeManagement)

From 2010 to 2013, 35,000 people in the NT were subject to income management, but by December 2013, this figure had dropped to 18,300 people. Of that figure, 76.8 per cent were on the main compulsory measures and 20.1 per cent were on the voluntary measure. Over ninety per cent of those under income management were Indigenous (Bray, Gray, Hand & Katz 2014, p. xx).<sup>46</sup> By 2019, in the NT and including the Cape York trial, the number of people under IM had risen to 23,000 (Martin & Henriques-Gomes, 2019).<sup>47</sup>

### **3.5. New South Wales, Queensland, South Australia and Victoria – 2012: Place-Based Income Management Trials**

Continuing the trend away from measures targeted at Aboriginal welfare recipients, the Gillard government established a trial of Place Based Income Management (PBIM) within the Building Australia's Future Workforce (BAFW) package. First introduced in the 2011-12 Budget, the package included a suite of initiatives across the Federal Departments of Education, Employment and Workplace Relations, Human Services, and Family, Housing, Community Services and Indigenous Affairs that aimed to assist vulnerable families and children by helping working-age adults enter or return to the workforce (Department of Education, Skills & Employment, 2018).<sup>48</sup>

Income management was one of the initiatives, which the Queensland government described solely as a 'budgeting tool' (Queensland Government, 2012, para. 2). PBIM was similarly designed to other trials; claiming to support socially responsible behaviour by preventing income support being spent on alcohol, gambling, tobacco and pornography.

The key objectives of income management under the Act were:<sup>49</sup>

- reduce immediate hardship and deprivation by directing welfare payments to the priority needs of recipients, their partner, children and any other dependents,
- help affected welfare payment recipients to budget so that they can meet their priority needs,
- reduce the amount of discretionary income available for alcohol, gambling, tobacco and pornography,
- reduce the likelihood that welfare payment recipients will be subject to harassment and abuse in relation to their welfare payments, and

<sup>46</sup> *Evaluating New Income Management in the Northern Territory: Final Evaluation Report*  
[https://www.dss.gov.au/sites/default/files/documents/12\\_2014/evaluation\\_of\\_new\\_income\\_management\\_in\\_the\\_northern\\_territory\\_full\\_repor.pdf](https://www.dss.gov.au/sites/default/files/documents/12_2014/evaluation_of_new_income_management_in_the_northern_territory_full_repor.pdf)

<sup>47</sup> <https://www.theguardian.com/australia-news/2019/sep/24/labor-to-oppose-cashless-welfare-card-expansion-unless-it-is-voluntary>

<sup>48</sup> In the 2014/15 budget, the Australian Government announced the evaluation for BAFW would cease. <https://www.employment.gov.au/building-australia-s-future-workforce-bafw-evaluation>

<sup>49</sup> <https://www.legislation.gov.au/Details/F2012L01371/Explanatory%20Statement/Text>

- encourage socially responsible behaviour, particularly in the care and education of children.

*(Social Security (Administration) (Declared income management areas) Determination 2012)*

Unlike NIM in the Northern Territory, PBIM was not automatically applied to people on the Participation/Parenting measure<sup>50</sup> (Buckmaster, Ely & Klapdor, 2012b), but PBIM did utilise the NIM measures of disengaged youth and long-term welfare payment recipient. Nationally, ten local government areas were identified as needing the support of the package to reduce disadvantage. However, the scheme was only introduced to five areas. It is not clear what this final decision was based on or why the five locations were selected over others.

PBIM began on 1 July 2012, in the suburbs of Bankstown (Sydney, NSW), Logan (Brisbane, QLD), Playford (Adelaide, SA), the city of Rockhampton (QLD) and the regional city of Shepparton (VIC). These sites were chosen due to high levels of cultural diversity, welfare dependency and unemployment (including youth unemployment), skills gaps, and the length of time people had been on income support. Due to the Aboriginal and Torres Strait Islander populations in trial sites and their level of disadvantages, PBIM was likely to have significant and disproportionate impact on those communities (McKinnon & Hicks, 2012). Remote Indigenous communities were then added to the trial; the Anangu Pitjantjatjara Yankunytjatjara Lands (APYL) in South Australia in 2012, and Ngaanyatjarra Lands (including Kiwirrkurra) in West Australia, in 2013. The outback town of Laverton in the Goldfields-Esperance region of West Australia was also added in 2013. The BasicsCard was the mechanism for all sites.

PBIM employed the measures used in the New Management Income trials of the NT: Compulsory, Vulnerable, including Child Protection and Vulnerable measures, and Voluntary Income Management. State child protection workers referred to the Child Protection measure, while the Vulnerable measure was assessed by a Centrelink social worker, State housing case workers or was automatically triggered by the Unreasonable to Live at Home allowance, the Special Benefit payment, or a crisis payment due to prison release. In the APY Lands, only the VIM measure was initially applied, with Vulnerable and Child Protection measures introduced in 2014.

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<sup>50</sup> Participation plans were formulated for teenage parents receiving parenting payments under the 'Teenage Parent Trial' – see (Buckmaster, Ely & Klapdor, 2012b): [https://www.aph.gov.au/About\\_Parliament/Parliamentary\\_Departments/Parliamentary\\_Library/pubs/BN/2011-2012/IncomeManagementOverview#\\_Toc328056502](https://www.aph.gov.au/About_Parliament/Parliamentary_Departments/Parliamentary_Library/pubs/BN/2011-2012/IncomeManagementOverview#_Toc328056502)

The Child Protection measure quarantined 70 per cent of income support, the voluntary and vulnerable measure were at 50 per cent. Vulnerability also included those thought to be at risk of ‘financial crisis’ (Australian Government, 2013), also assessed by Centrelink social workers. The VULN measure was expanded on 1 July 2013 by the Department of Social Services to include referrals from State housing authorities. Based on the first evaluation of NIM in the NT in 2012, automatic trigger referrals to VULIM for people receiving certain youth payments was also introduced. These payments were:

- under 16 years granted the Special Benefit payment;
- over 16 years granted Unreasonable to Live at Home (UTLAH) independent rate for youth allowance, DSP, or ABSTUDY;
- under 25 years who receive a crisis payment (CRP) due to prison release; and
- who live in an area where the vulnerable measure is in place

(Deloitte 2014, p. 11)<sup>51</sup>

Under the PBIM the range of payments to be compulsorily income managed was considerably greater than the initial range of payments under NIM. Anyone falling within the H category of payments under *the Social Security Act 1999* could be referred to the income management measures:

a. Social security benefits:

- widow allowance
- youth allowance
- Austudy payment
- Newstart allowance
- sickness allowance
- special benefit
- partner allowance
- a mature age allowance under Part 2.12B of the Social Security Act
- parenting payment (partnered)
- parenting allowance (other than non-benefit allowance)

b. Social security pensions:

- age pension
- disability support pension
- wife pension
- carer payment
- parenting payment (single)

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<sup>51</sup> [www.dss.gov.au/families-and-children-programmes-services-welfare-conditionality-income-management/income-management-evaluations#2](http://www.dss.gov.au/families-and-children-programmes-services-welfare-conditionality-income-management/income-management-evaluations#2)

- bereavement allowance
  - widow b pension
  - disability wage supplement
  - mature age partner allowance
  - special needs pension
- c. A payment under the ABSTUDY scheme that includes an amount as identified as living allowance.
- d. A Department of Veterans Affairs (DVA) service pension:
- age service pension under Part III of the Veterans' Entitlements Act (VEA) 1986
  - invalidity service pension under Part III of the VEA
  - partner service pension under Part III of the VEA
  - carer service pension under Part III of the VEA:
    - a DVA income support supplement
    - a DVA defence force income support allowance

(Deloitte, 2014, pp.13-14)

In 2014, 2,519 people were on IM through the PBIM BasicsCard: 167 in Bankstown, 348 in Shepparton, 588 in Playford, 467 in Rockhampton and 40 in Logan. This overall figure was far below original government projections of 5,000 participants under the scheme (Branley & Hermant, 2014, paras. 7-8).<sup>52</sup> By March of 2015, the number of people on PBIM had risen by 219 to a total of 2,738 (Arthur, 2015), while in the APY Lands, 435 people were on voluntary IM<sup>53</sup> (Arthur, 2015).<sup>54</sup>

### 3.6. South Australia – 2014: Place-Based Income Management Trial

PBIM was introduced to the Ceduna region after a consultation was undertaken in 2013 by Ninti One (Abbott, Fisher, Josif & Allen, 2013).<sup>55</sup> The trial appeared to commence in 2014 although literature on it is extremely limited and no evaluation was undertaken. Media did describe the scheme's introduction to Ceduna as extension of place-based trials (ABC News, 2014b).<sup>56</sup>

<sup>52</sup> <https://www.abc.net.au/news/2014-08-31/welfare-recipients-skirting-around-income-management-rules/5708012>

<sup>53</sup> Only 69 were recorded on child protection in Ngaanyatjarra Lands in 2015. No other data for other measures operating in these two sites was available: (Arthur, 2015)

[https://www.aph.gov.au/About\\_Parliament/Parliamentary\\_Departments/Parliamentary\\_Library/pubs/rp/rp1516/Quick\\_Guides/IncomeManagement](https://www.aph.gov.au/About_Parliament/Parliamentary_Departments/Parliamentary_Library/pubs/rp/rp1516/Quick_Guides/IncomeManagement)

<sup>54</sup> In the 2014-5 budget the BAFW was discontinued and its evaluation did not go ahead, however the evaluations for PBIM were completed in 2015.

<sup>55</sup> [https://www.dss.gov.au/sites/default/files/documents/02\\_2014/ninti\\_one\\_summary.pdf](https://www.dss.gov.au/sites/default/files/documents/02_2014/ninti_one_summary.pdf)

<sup>56</sup> <https://www.abc.net.au/news/2014-05-15/income-management-scheme-ceduna-indigenous/5454234>



As with other trials, Compulsory, Vulnerable and Voluntary income management measures were introduced, although media reported confusion in the community about which measures were being applied, with some believing only the Voluntary measure would operate (ABC News, 2014b). A few months after the trial began media reported that the scheme appeared not to be reaching those it was intended for (ABC News, 2014a, para. 4). The Liberal MHA for Flinders, Peter Treloar, blamed the State government for failing as a partner in the scheme and not referring people to it. Conversely, the Liberal MP for Grey, Rowan Ramsey, said the scheme needed time as the State government had established a vulnerable person's framework which, being new, would take some time to operationalise. The article also highlighted that while the scheme was notionally voluntary it could be forced on some 'offenders' (ABC News, 2014a, paras. 8 & 11).

The Vulnerable Measure (Youth Trigger) was available in the Ceduna, as it was in other trial sites, however available data showed no participants under this measure (Arthur, 2015).<sup>57</sup> By January 2016, only 51 participants were on IM although it was not indicated which measure these were under (Arthur, 2017a).<sup>58</sup>

### **3.7. South Australia, Western Australia and Queensland – 2016: Cashless Debit Card Trials**

In 2014 the focus of income management shifted away from place and back to Indigenous Australians.<sup>59</sup> One of Australia's wealthiest businessmen, Andrew 'Twiggy' Forrest, was appointed to review the Federal government's Indigenous Training and Employment Programme, by the Abbott Coalition government in 2014. Tasked with addressing Indigenous disadvantage, *The Forrest Review, Creating Parity*,<sup>60</sup> reviewed the management of income support payments (under the BasicsCard), and recommended an Australia-wide welfare reform – reform that would overhaul payments to entirely stop access to cash. A cashless welfare system was described as a means in which 'vulnerable' families could find financial stability, minimise financial stress and improve positive decision making around expenditure (The Forrest Review, 2014, p.102). An alternative to income management, and operationalised through a bank-style debit card, cashless welfare could

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<sup>57</sup> Income Management: a quick guide; [https://www.aph.gov.au/About\\_Parliament/Parliamentary\\_Departments/Parliamentary\\_Library/pubs/rp/rp1516/Quick\\_Guides/IncomeManagement](https://www.aph.gov.au/About_Parliament/Parliamentary_Departments/Parliamentary_Library/pubs/rp/rp1516/Quick_Guides/IncomeManagement) Links in the Arthur guide no longer current.

<sup>58</sup> Alcohol abuse in Ceduna: findings from the cashless debit card trail; [https://www.aph.gov.au/About\\_Parliament/Parliamentary\\_Departments/Parliamentary\\_Library/FlagPost/2017/March/Alcohol\\_abuse\\_in\\_Ceduna](https://www.aph.gov.au/About_Parliament/Parliamentary_Departments/Parliamentary_Library/FlagPost/2017/March/Alcohol_abuse_in_Ceduna)

<sup>59</sup> The proportion of Indigenous people subject to CDC across all sites is approximately 30% (Australian Government Data, 2020)

<sup>60</sup> <https://www.niaa.gov.au/resource-centre/indigenous-affairs/forrest-review>

operate anywhere in Australia, with the restriction that neither alcohol nor gambling could be purchased. The Review noted that the BasicsCard had been ‘providing very valuable support to women’ (The Forrest Review, 2014, p.102), but was also described as very expensive for the government to run and stigmatising for users. The Healthy Welfare Card (HWC), a bank-style debit card, was recommended, as an alternative to the BasicsCard. As the mechanism for cashless welfare, the HWC would quarantine 100 per cent of income support, and allow the user to ‘enjoy inclusion in the mainstream financial system’ and ‘assist individual responsibility in eliminating spending on alcohol, gambling and instruments that can be converted to cash like gift cards’ (The Forrest Review, 2014, p.102). However, when trials commenced in 2016, the Cashless Debit Card (CDC) replaced the HWC and quarantined 80 per cent of income support, rather than 100 per cent, with the remaining 20 per cent available for withdrawal from the participant’s bank account.<sup>61</sup> Cash withdrawals were not possible with the card. Lump sum payments were also quarantined in full.

The *Social Security Legislation Amendment (Debit Card Trial) Act 2015*,<sup>62</sup> which introduced the CDC trials, stated:

The objects of this Part are to trial cashless welfare arrangements so as to:

- (a) reduce the amount of certain restrictable payments available to be spent on alcoholic beverages, gambling and illegal drugs; and
- (b) determine whether such a reduction decreases violence or harm in trial areas; and
- (c) determine whether such arrangements are more effective when community bodies are involved; and
- (d) encourage socially responsible behaviour.

*(Social Security Legislation Amendment (Debit Card Trial) Act 2015)*

While points (a) and (d), were the same as income management trials, the determinations of points (b) and (c) suggest degrees of evaluation would be involved in the trials.

In 2016, CDC trials were introduced for working age recipients of income support living in Ceduna (SA), including the Indigenous communities of Yalata, Koonibba, Scotdesco and Oak Valley, and the Wyndham and Kununurra communities in East Kimberley (WA). In March 2018, the

<sup>61</sup> The drop to 80 per cent was a result of negotiations between the Federal government and the Ceduna Advisory Group that occurred prior to the CDC trial beginning in Ceduna in 2016.

<sup>62</sup> <https://www.legislation.gov.au/Details/C2015A00144>

Goldfields region in WA joined the trial,<sup>63</sup> and 3,400 income support participants were expected to be moved onto it.<sup>64</sup> Those on the Aged or Veterans' Pension were not included in the rollout, however they, along with wage earners, could enter a voluntary scheme by directly contacting Indue, the company managing the card. Volunteer participants could withdraw at any time. Bundaberg and Hervey Bay (QLD) were added in March 2019, covering all people aged 36 years and under who received Newstart Allowance, Youth Allowance (Jobseeker) and Parenting Payment (Single and Partnered). Voluntary participation was not available in the Queensland trials. By 2019, 6,000 people were on the trial in the Queensland areas (McCutcheon, 2019, para 4).<sup>65</sup>

Trials were based in locations where 'high levels of welfare dependency co-exist with social harm' due to drug and alcohol use and gambling (Mavromaras, Moskos, Isherwood & Mahuteau, 2019, p. 5), although not all identified sites went to trial. Moree in northern NSW was proposed for this trial, with this idea abandoned after opposition from the community. Halls Creek in the Kimberley region of WA was nominated instead, but this proposal was also dropped (Moran & Go-Sam, 2015, para. 12).<sup>66</sup> In 2017, the Mayors of Logan (QLD), Port Headland and Laverton (WA) lobbied Prime Minister Turnbull for CDC trials in those areas (Wahlquist, 2017).<sup>67</sup> When cashless welfare trials began in 2016, Port Headland and Logan were not included. However, Laverton became a trial site in 2018 as part of the WA Goldfields region.<sup>68</sup>

Exemptions from a CDC trial were not initially possible but became available in July 2019. This amendment was made by the Government in order to gain Opposition support to extend the trials. An exemption application is made to DSS who must be satisfied that using the card will affect a person's mental, physical or emotional wellbeing. In September 2019, media reported that only 100 of more than 5,000 applicants had been allowed to exit the trial (Allam, 2019, para 1).<sup>69</sup>

## **4. Critical Discussion and Assessment of Income Management Policies**

### **4.1. Introduction**

<sup>63</sup> The Goldfields region covers the local government areas of Kalgoorlie-Boulder, Laverton, Leonora, Coolgardie; the suburbs of Menzies, Kookynie and Ullaring in the Shire of Menzies.

<sup>64</sup> <https://www.wsws.org/en/articles/2017/09/12/cash-s12.html>

<sup>65</sup> <https://www.abc.net.au/news/2019-10-08/living-on-the-cashless-welfare-card-bundaberg-trial/11582998>

<sup>66</sup> <https://theconversation.com/healthy-welfare-card-begins-here-where-next-50756>

<sup>67</sup> <https://www.theguardian.com/australia-news/2017/aug/17/mayors-lobbying-for-cashless-welfare-card-team-up-with-andrew-forrest>

<sup>68</sup> Laverton, a town of approximately 400 is located in the north of the Goldfields region. The BasicsCard had been trialled in Laverton in 2013.

<sup>69</sup> <https://www.theguardian.com/australia-news/2019/sep/17/exiting-the-cashless-welfare-card-trial-is-almost-impossible-critics-say>

The chapter will address consultations undertaken with affected communities and local structures of assessments or disputes for welfare quarantining. It will also consider evaluations, and commentary that supported or criticised the policy from a range of individuals and organisations.

## 4.2. Consultations

In the wake of the NTER, lack of community consultations with affected communities has been a key criticism of income management trials across Australia. Government has appeared, at times, to address this criticism by undertaking consultations with some communities. These consultations appear to be an attempt to reduce further claims of racism or resistance to the scheme. This section will look at consultations undertaken for the Cape York trials in QLD (2008),<sup>70</sup> New Income Management in the NT (2010), Place-Based Income Management trials in SA (2012 and 2013) and WA (2013) Indigenous communities, and the CDC trial sites in SA, WA and QLD (from 2016).

### Northern Territory

No local consultations were undertaken before the NTER. During the press conference to announce the intervention, Prime Minister John Howard accused the NT government of not responding to the *Little Children Are Sacred* report and its lack of action was the catalyst for the NTER and the haste in which it was undertaken (Everingham, 2017, para. 11).<sup>71</sup> However, as the policy was announced just prior to a Federal election, it was widely seen as an election ploy designed to distract the voting public from the Howard government's general unpopularity (Maddison, 2010, para. 4).<sup>72</sup> The Australian Human Rights Commission (AHRC) has stated that the NTER impinged on the human rights of affected Aboriginal communities, including by not consulting with the community, and was highly critical of the standards of consultation and consent of the affected group (Australian Human Rights Commission, 2010, p. 18).<sup>73</sup>

The failure to consult the communities targeted by the NTER and the impact of that failure was acknowledged by the incoming Labor government in June 2008. The Minister for Families, Housing, Community Services and Indigenous Affairs, Jenny Macklin, stated in the *Northern Territory Emergency Response, One Year On*<sup>74</sup> report, 'It is imperative to involve Indigenous people in developing solutions. And we must build mutual trust so that Indigenous communities are

<sup>70</sup> No record of a consultation process can be located prior to the introduction of the Child Protection Scheme Income Management (CPSIM) and Voluntary Income Management (VIM) to the Western Australian sites in 2008. Local Western Australian media reported indigenous rights groups said there had 'been no consultation or debate about the program' (The11 Western Australian, 2010).

<sup>71</sup> <https://www.abc.net.au/news/2017-06-21/northern-territory-intervention-flawed-indigenous-nt-scallion/8637034>

<sup>72</sup> Comment: The Silent Emergency: <https://newsroom.unsw.edu.au/news/social-affairs/comment-silent-emergency>

<sup>73</sup> [https://www.humanrights.gov.au/sites/default/files/content/legal/submissions/united\\_nations/ICERD\\_Report\\_2010.pdf](https://www.humanrights.gov.au/sites/default/files/content/legal/submissions/united_nations/ICERD_Report_2010.pdf)

<sup>74</sup> *Northern Territory Emergency Response One Year On*: [https://www.dss.gov.au/sites/default/files/documents/05\\_2012/nter\\_review.pdf](https://www.dss.gov.au/sites/default/files/documents/05_2012/nter_review.pdf)

willing to trial and buy into new programs’ (Department for Families, Housing, Community Services and Indigenous Affairs, 2008a, p. 3).

In its formal response to the NTER Review Board’s report, *Northern Territory Emergency Response Report of the NTER Review Board—October 2008*,<sup>75</sup> in May 2009, Minister Macklin stated that the government intended to continue with compulsory income management for another twelve months before transitioning to a ‘long-term development phase’ (Department for Families, Housing, Community Services and Indigenous Affairs, 2010, p. 7). Community consultations were planned in preparation for this transition. To provide a basis to discuss the future of the NTER in the consultations, the *Future Directions for the Northern Territory Emergency Response: a discussion paper*<sup>76</sup> was released by the Department of Family, Housing, Community Service and Indigenous Affairs (FaHCSIA) on May 21, 2009.<sup>77</sup> In the foreword, Minister Macklin again acknowledged that the lack of consultation for the NTER and suspension of the RDA had ‘left Aboriginal people feeling hurt, betrayed and less worthy than other Australians’ (Department of Families, Housing, Community Services, Indigenous Affairs, 2009, p. 1). However, as an attempt to remedy adverse outcomes of the NTER, the government’s 2009 consultations appeared disingenuous. While all key measures of the NTER were addressed, the discussion paper sought community views on just two aspects of income management; whether there be no change in the system as it was under the NTER and whether people could apply for exemptions from IM based on an individual assessment (Department of Families, Housing, Community Services, Indigenous Affairs, 2009, p. 11). Clearly, these options showed that government had already decided to continue with IM. The consultation process lacked good faith by seeking to gain support from Indigenous communities to continue with the measures that had been imposed on them without their consent, and by failing to provide any genuine opportunity to influence decisions to do with the continuation of the policy. The 500 (approximate) consultations that were undertaken also lacked independence, having been run by a number of Federal government agencies (Australian Government, 2009, p. 5).<sup>78</sup> Consultations ran from June to August 2009 and while they were intended to gain a response for the continuation of NTER measures they also contributed to the

<sup>75</sup> *Northern Territory Emergency Response Report of the NTER Review Board -October 2008*: <https://apo.org.au/sites/default/files/resource-files/2008/10/apo-nid551-1221101.pdf>

<sup>76</sup> *Future Directions for the Northern Territory Emergency Response: a discussion paper*: <https://apo.org.au/node/14501>

<sup>77</sup> <https://core.ac.uk/download/pdf/30685233.pdf>

<sup>78</sup> Indigenous Coordination Centre managers and their staff, Government Business Managers, Indigenous Engagement Officers and staff of the Northern Territory State Office of the Department of Families, Housing, Community Services and Indigenous Affairs supported and facilitated the consultations.

Federal government's first evaluation of the policy: *Evaluation of Income management in the Northern Territory in 2010*.<sup>79</sup>

Consultations were roundly criticised by civil society group, Concerned Australians, formed at the time of the NTER. Concerned Australians described themselves as 'an independent, human rights advocacy body with extensive networks that create opportunities for Aboriginal voices being heard, especially those of the Northern Territory' (Concerned Australians, Without Justice there can be no Reconciliation, 2019).<sup>80</sup> The research unit of the Jumbunna Indigenous House of Learning produced a report, *Will they be heard? – a response to the NTER* (Nicholson, Behrendt, Vivian, Watson & Harris, 2009), for Concerned Australians.<sup>81</sup> The report was highly critical of the lack of consultation prior to the NTER and of the lack of independence for the 2009 consultations. While the authors acknowledged restoration of the RDA, they argued that the consultations were a sham, providing 'no more than a forum for comment on the government's proposed changes' and 'an attempt to gain support from the Aboriginal people for the preservation of particular features of the intervention that the government thinks are good for them and to therefore designate them as 'special measures' that can be continued despite the reintroduction of the Act' (Nicholson et al., 2009, p. 4). Media also reported that the consultation process had little credibility; not being open, fair and transparent as the government had claimed (New Matilda, 2009, para 8-9).<sup>82</sup>

In November 2009, three months after the end of the consultations, the Minister announced new welfare reforms which made welfare quarantining mandatory across the whole of Australia, but initially limited to the NT on a trial basis (New Matilda, 2009, para 3).<sup>83</sup> New Income Management (NIM) began operating in the NT in August 2010.

In 2010, Concerned Australians published *This Is What We Said: Australian Aboriginal People Give Their Views on the Northern Territory Intervention*<sup>84</sup> as a follow up to *Will they be heard – a response to the NTER?* The report consists almost entirely of quotes from those present at the 2009 FaCHSIA consultation sites. A number of quotes were directly about income management, including from a Bagot Community resident:

<sup>79</sup> *Evaluation of Income management in the Northern Territory in 2010*: [https://www.dss.gov.au/sites/default/files/documents/05\\_2012/op34.pdf](https://www.dss.gov.au/sites/default/files/documents/05_2012/op34.pdf)

<sup>80</sup> <http://www.concernedaustralians.com.au/>

<sup>81</sup> *Will they be heard? - a response to the NTER August 2009*: <http://www.concernedaustralians.com.au/media/Will-they-be-heard-report.pdf>

<sup>82</sup> <https://newmatilda.com/2009/11/26/macklin-announces-massive-changes-welfare/>

<sup>83</sup> Macklin's also stated any area in Australia could be declared an income management area at any time.

<sup>84</sup> [http://www.concernedaustralians.com.au/media/This\\_Is\\_What\\_We\\_Said.pdf](http://www.concernedaustralians.com.au/media/This_Is_What_We_Said.pdf)

What they didn't do is ask the people what they really wanted to be on, on basic card or stay on the money. But it was wrong to make everyone go on income management, and that was wrong what they done.

(Concerned Australians, 2010a, p. 36).

As the government progressed their reform agenda, more consultations were organised in the lead up to the *Stronger Futures Legislation (2012)*.<sup>85</sup> In June 2011, FaCHSIA released the *Stronger Futures in the Northern Territory Discussion Paper*. The paper was described as a guide to help in consultations with Aboriginal people about how to improve their lives. The *Stronger Futures in the Northern Territory Act 2012 (Cth)* was the vehicle to extend income management in the NT in the wake of reinstating the RDA. The FaCHSIA report on those consultations was released in October 2011.<sup>86</sup> Income management was not mentioned, however there were comments about how welfare payments could be used to increase school attendance. Like the 2009 consultations, those conducted in 2011 also appear to be tokenistic.

### Queensland

There was no public consultation for the *Family Responsibilities Commission Bill 2008 (Qld)*, which legislated the CYWRT, consultation occurred with stakeholders. The drafting of the Bill by the Queensland government involved significant engagement with the Cape York Institute (Queensland Government, 2019a, p. 12).<sup>87</sup> Some form of community consultation did occur through the Cape York Institute's Welfare Reform Steering Committee, which:

... has been engaging communities since 2006. Community leaders have also been engaged through shared participation in the Welfare Reform Steering Committee and through dialogue between Government Champions and Government Coordinators with community leaders and members at Negotiation Tables and other forums.

(Queensland Government, 2019a, p. 12).

The process described above was not without criticism, however. Philip Martin, previously a family engagement officer on the Welfare Reform Project in Aurukun for Cape York Partnerships, said the community engagement strategy for the Cape York Welfare Reform trials was designed to represent communities and individuals under consultation 'strictly in terms of seven pre-determined "community dysfunctions"' (Australian National University, 2008, para. 1).<sup>88</sup> Martin claimed that research in Aurukun showed community members did not define

<sup>85</sup> <https://www.indigenousjustice.gov.au/resources/stronger-futures-in-the-northern-territory-discussion-paper/>

<sup>86</sup> [https://www.dropbox.com/home/Income%20management/Resources/NIM\(Labor\)?preview=stronger-futures-consult\\_171011.rtf](https://www.dropbox.com/home/Income%20management/Resources/NIM(Labor)?preview=stronger-futures-consult_171011.rtf)

<sup>87</sup> *Family Responsibilities Commission Bill 2008, Explanatory Notes*: <https://www.legislation.qld.gov.au/view/pdf/bill.first.exp/bill-2008-1372>

<sup>88</sup> The seven dysfunctions were; abuse and neglect of children; alcohol abuse; drug abuse; petrol sniffing; problem gambling; poor school attendance; and dysfunctional housing tenancy arrangements <https://caepr.cass.anu.edu.au/events/potemkin-cape-york-politics-misrepresentation-aurukuns->



themselves or members of their families in a 'social-norms deficit' and while individuals may have identified community problems:

... they were often not the same ones suggested by the Cape York Institute. Despite this, the instrumental goals and design of the Welfare Reform community engagement strategy meant that if someone in Aurukun said they were worried about violence between clans-which they often did-their comments would be rendered in CYI's evaluation as further evidence of 'Alcohol Abuse' or 'Child Neglect'. In this way the seven core community dysfunctions were continually re-discovered – thereby substantiating the need for the Families Responsibilities Commissions.

(Australian National University, 2008, para. 1)

Criticisms were also raised in 2011 during a consultation about extending the trial from its expected expiration on January 1, 2012. This consultation process was led by Aboriginal and Torres Strait Islander Services (ATSIS), Queensland Department of Communities, in accordance with a consultation plan, and supported by staff from the Queensland State Office of FaHCSIA, Cape York Institute (CYI) and the Cairns Regional Operations Centre (Cape York Welfare Reform Trial Extension, 2011, pp. 3-4). The partners undertook the consultation with the same stakeholders consulted in 2008, but also included additional stakeholders:

Consultation was undertaken with original stakeholders that were consulted during the development of the Family Responsibilities Commission Act in early 2008. Additional stakeholders consulted included the service providers in the Trial communities, the FRC Commissioners, Aboriginal and Torres Strait Islander Legal Services and staff and Cape York regional organisations. Key stakeholders consulted include Mayors and community leaders, community justice groups, and community members, service providers, relevant Queensland and Australian Government agencies, FRC Commissioners and staff, the Commission for Children and Young People and Child Guardian and relevant unions.

(Cape York Welfare Reform Trial Extension, 2011, pp. 4-5)

The majority<sup>89</sup> of those consulted viewed the trial as beneficial and thought that it should be continued on the basis that more time was needed, as the changes that had been made were fragile and 'embedded changes in norms requires generational change' (Cape York Welfare Reform Trial Extension, 2011, p. 5). The report included dissenting views from community members of Hope Vale, one of four towns in the trial. Between 60-70 people attended a community meeting in Hope Vale, although many believed this was not properly advertised to the community. A majority of people at the meeting held negative views of the trial, saying there was a lack of knowledge about

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welfare-reform-trials.

<sup>89</sup> The report does not specify who in the consultation formed the majority, although a mix of community members, leaders and FRC Commissioners and Councillors are quoted in page 5 of the report:

<https://www.datsip.qld.gov.au/resources/datsima/publications/policy/cywr/cape-york-welfare-reform-consultation-report.pdf>



how and why Hope Vale came to be included, and of the trial itself. Following this meeting, the consultation partners provided more opportunities for community members to give feedback. Feedback included total opposition to the trial and dissatisfaction with certain aspects of it. The dissatisfactions included the FRC, the lack of local management of trial funding, and trial-related employment not going to the Hope Vale community (Cape York Welfare Reform Trial Extension, 2011, p. 6). The results of the consultation led to a one-year extension of the trial.

The 2012 evaluation of the CWYRT, conducted by the performance and evaluation branch of FaHCSIA, did not assess the effectiveness of the consultation process or satisfaction with that process.<sup>90</sup> The 2018 strategic review of the trial, undertaken by Queensland University (Scott, et al., 2018) is not described as a consultation, however it did appear to function as one:

There is an expectation from communities that this review will inform a decision about the future of welfare quarantining in Cape York and what role the current CYIM approach can/should have in any future models.

(Scott, et al., 2018, p. 2)

The Review makes the point the Cape York income management is unique and may not be transferable to other contexts and ‘many conclusions depend on the unique IM delivery system that is peculiar to the CYIM model rather than simply income management alone’ (Scott et al., 2018, p. x). Criticisms notwithstanding, the consultation processes undertaken throughout the life of the CYWRT stands in stark contrast to processes adopted by governments at other sites.

### South Australia and Western Australia

The PBIM trial commenced in 2012<sup>91</sup> in Playford (SA), Bankstown (NSW), Shepparton (VIC) and Logan and Rockhampton (QLD) without consultations. There was considerable grassroots resistance to the trials through social media groups and service organisations. In Bankstown, a coalition released an open letter opposing the trial to the Minister for Health and Medical Research, Tanya Plibersek, and Minister for Family, Community, Housing and Indigenous Affairs, Jenny Macklin, in addition to local Federal MPs. The letter was endorsed by forty-one State and local organisations (Green Left, 2011).<sup>92</sup> Service organisations raised similar concerns in Playford<sup>93</sup> and

<sup>90</sup> Cape York Welfare Reform Evaluation 2012: [https://www.dss.gov.au/sites/default/files/documents/06\\_2017/cywr\\_evaluation\\_report\\_v1.2\\_0.pdf](https://www.dss.gov.au/sites/default/files/documents/06_2017/cywr_evaluation_report_v1.2_0.pdf)

<sup>91</sup> Place-based income management introduced Voluntary (VIM) and the Vulnerable Measure (VULIM), which included the Child Protection measure (CPIM).

<sup>92</sup> List of coalition; <https://www.greenleft.org.au/content/no-income-management-%C3%A2%C2%80%C2%94not-bankstown-not-anywhere>

<sup>93</sup> <https://www.greenleft.org.au/content/income-management-clients-rise-700-playford>

Shepparton.<sup>94</sup> A CEO of key Shepparton service organisation, Family Care, stated that community service providers in the trial sites would carry the responsibility of making sure the client groups they worked with, and the broader communities they served, had opportunities to be heard in the process of the policy being established in those communities (Family Care, 2011, p. 6).<sup>95</sup>

When Indigenous communities were brought into PBIM trials, consultation did occur – beginning with the APYL in May 2012 – with this area then joining the trial in October 2012. Media reported documents, obtained under Freedom of Information legislation, showed internal correspondence between officials for the Department of Indigenous Affairs which stated communities were confused about the volume of information being presented. Moreover, talk of income management raised the spectre of the NTER and people believed income management was a ‘front for other things to come (similar to the NT intervention)’ (Martin, 2013, para. 2).<sup>96</sup>

VIM was introduced initially, followed by mandatory measures. By December 2012, 263 people had signed onto VIM, but Centrelink declined to say how many had been referred to the mandatory measures (Martin, 2013, para. 6). However, APYL leader, Murray George, said community members overwhelmingly rejected the scheme (Martin, 2013, para. 10). A position statement from Ngaanyatjarra Pitjantjatjara Yankunytjatjara Council – a women’s council – supported income management with the preference that it be voluntary, except in relation to child protection or vulnerable people at risk (i.e., older people or people with disability). The statement also said family members should be involved in decisions of mandatory income management and the scheme was not an appropriate response to lack of school attendance.<sup>97</sup> Seemingly ignoring these criticisms, a 2012 media release from Minister Macklin stated that strong support had been shown for the scheme in the APYL (Alice Springs News, 2012).

Consultations also occurred in October 2012 in Ngaanyatjarra Lands (NL) and Laverton in WA through a similar process to APYL. Internal FaHCSIA documents on Income Management Consultations shows stakeholders and community members provided feedback on the consultations in Kalgoorlie, Laverton, Tjirrkali, Wanarn, Jameson, Wingellina, Cosmo Newberry, Blackstone,

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<sup>94</sup> <https://familycare.net.au/wp-content/uploads/2018/07/Speech-national-council-of-single-mothers-and-their-children.pdf>  
[http://www.naclc.org.au/resources/GVCLCP\\_Senate\\_Inquiry\\_Submission.pdf](http://www.naclc.org.au/resources/GVCLCP_Senate_Inquiry_Submission.pdf)  
<https://vals.org.au/assets/2015/06/VALS-submission-to-the-Senate-Standing-Committee-on-Community-Affairs-Place-Based-Income-Management.pdf>

<sup>95</sup> <https://familycare.net.au/wp-content/uploads/2018/07/Speech-national-council-of-single-mothers-and-their-children.pdf>

<sup>96</sup> <https://www.news.com.au/national/breaking-news/doubts-over-income-quarantine-in-apy-lands/news-story/c9c49c22f0b61b1e06337b5225ad9624>

<sup>97</sup> <https://www.npywc.org.au/wp-content/uploads/sites/45/Position-Statement-NPY-Womens-Council-Income-Management.pdf>

Warakurna and Warburton. These areas were described as offering majority support, with others offering qualified or general support (Department of Families, Housing Community Services and Indigenous Affairs, 2012b).<sup>98</sup> Minister Macklin announced in April 2013 that, during these consultations, residents had strongly supported the introduction of PBIM (Australian Government, 2013)<sup>99</sup> and VIM was introduced to this region followed by mandatory measures.

Prior to Ceduna and surrounding regions (SA) being added to the PBIM trial in 2014, in 2013 a survey was undertaken by Ninti One's Aboriginal community researchers. Covering Ceduna, Koonibba, Scotdesco, Yalata and the remote community of Oak Valley, the survey did not raise the different measures of income management.<sup>100</sup> Survey results showed a majority of participants thought more information on IM would be beneficial to local people but:

We felt it was too early in the process of discussing Income Management with local people to introduce the subject of whether participation should be voluntary or compulsory. The question may have led to unnecessary rumours circulating in the communities or, indeed, negative reactions to other aspects of the research. The subject is best introduced at planning stage or in the process of further discussions with community elders and local organisations.

(Abbott et al., 2013, p. 72)

When the trial rolled out on July 1, 2014, some members of the community in Ceduna believed the voluntary measure was being introduced, not the compulsory measures (ABC News, 2014, para. 9). Media reporting on the possible introduction of the Cashless Welfare Card to Ceduna did not seem aware that income management was already operating in the region (Jabour, 2015).<sup>101</sup>

### South Australia, Western Australia and Queensland

The Forrest Review recommended a new system of welfare quarantining replace income management. The Healthy Welfare Card (HWC) would replace the BasicsCard, and quarantine 100 per cent of income support – applicable to all working age welfare recipients. The review stated that this measure attracted 'strong, local support at consultations' (The Forrest Review, 2014, p. 90), although it is not clear to which of the eight consultation locations this statement refers.<sup>102</sup>

<sup>98</sup> [https://www.dss.gov.au/sites/default/files/files/foi\\_disclosure\\_log/Documents/068\\_04.PDF](https://www.dss.gov.au/sites/default/files/files/foi_disclosure_log/Documents/068_04.PDF)

<sup>99</sup> <https://formerministers.dss.gov.au/13155/income-management-for-laverton-and-ngaanyatjarra-lands/>

<sup>100</sup> [https://www.dss.gov.au/sites/default/files/documents/02\\_2014/nintione\\_ceduna\\_acc.pdf](https://www.dss.gov.au/sites/default/files/documents/02_2014/nintione_ceduna_acc.pdf)

<sup>101</sup> <https://www.theguardian.com/australia-news/2015/oct/09/fears-cashless-welfare-card-could-discriminate-against-indigenous-people>

<sup>102</sup> 'The consultation process included a combination of public town hall meetings, roundtables, site visits and a written submission process. Over 1,600 people attended national public consultations, held from 15 to 22 November 2013 in Perth, Adelaide, Alice Springs, Kununurra, Darwin, Brisbane, Sydney and Melbourne. A total of 107 people including Indigenous leaders, state ministers, industry peak bodies and employers attended roundtable meetings. Follow-up site visits with employers and services providers were also held throughout February 2014' (The Forrest Review, 2014, p. 228).

The first trial site for the cashless welfare scheme using the HWC was planned for Ceduna and the surrounding region, beginning February 2016. At a 2015 community meeting to discuss the HWC, consultations were criticised as involving only heads of stakeholder organisations, rather than affected community members (Forgione, 2015, para. 6). Others criticised the organisation of the meeting, stating that its short notice meant only a few from remote communities were able to attend (Forgione, 2015, para. 4). There also appeared to be some confusion between the PBIM income management trial and the proposed cashless welfare trial. Aboriginal elders reported feeling ‘betrayed and tricked’ as their preference was for a VIM, not blanket-style cashless welfare that applied to all working age Centrelink clients (Forgione 2015, para 8).<sup>103</sup> Allan Suter, the then mayor of Ceduna, and key supporter of the trial, said ‘there were no problems with the consultation process’ describing it ‘as a bottom-up, community-led approach’ (Wahlquist, 2017a, para. 18). The cashless welfare trial went ahead in Ceduna; however, the Healthy Welfare Card was replaced with the Cashless Debit Card (CDC) and the quarantined amount was reduced to 80 per cent. The trials were then introduced into the WA sites of East Kimberley (2016) and Goldfields (2018).

Documentation on the consultations undertaken for the WA sites shows opposing views between community and government. The Senate Committee on Community Affairs, which addressed a legislative amendment to allow the extension of CDC trials, received submissions from East Kimberley organisations. The submissions stated that the trial had been introduced without widespread consultation and the proposal to expand it had also occurred without consultation with those who were most effected (Parliament of Australia, 2017, para. 2.14).<sup>104</sup> The Department of Social Services submission to the Committee described the trials as being ‘co-designed’ in close partnership with community leaders in both East Kimberley and Ceduna (Parliament of Australia, 2017, para. 2.44).<sup>105</sup> Documents from the 2015 East Kimberley Community Consultation organised by the WA Department of Premier and Cabinet, described the Federal government meeting with community leaders and stakeholders, however the names of attendees and the organisations they represented have been redacted (Australian Government, 2016).<sup>106</sup>

The Committee also heard concerns regarding the level of consultation for the introduction of the trials to the Goldfields region. Various submitters described the consultations that had occurred as not thorough, or wide enough, and should have utilised Aboriginal people in the organising of consultations (Parliament of Australia, 2017, para. 2.49-51). Media reported that the Minister

<sup>103</sup> <https://spiritofeureka.org/index.php/news-a-articles/199-ceduna-against-healthy-welfare-card>

<sup>104</sup> [https://www.aph.gov.au/Parliamentary\\_Business/Committees/Senate/Community\\_Affairs/CashlessDebitCard/Report/c02](https://www.aph.gov.au/Parliamentary_Business/Committees/Senate/Community_Affairs/CashlessDebitCard/Report/c02)

<sup>105</sup> [https://www.aph.gov.au/Parliamentary\\_Business/Committees/Senate/Community\\_Affairs/CashlessDebitCard/Report/c02](https://www.aph.gov.au/Parliamentary_Business/Committees/Senate/Community_Affairs/CashlessDebitCard/Report/c02)

<sup>106</sup> <https://www.pmc.gov.au/sites/default/files/foi-log/FOI-2016-111.pdf>

Assisting the Prime Minister, Alan Tudge, had held an information session with community leaders in Leonora and Laverton, north of Kalgoorlie, in 2015. About 20 people who attended the closed session reportedly offered overwhelming support for the trial and willingness to proceed to consultations (Shine, 2015, para 5).<sup>107</sup> Kalgoorlie Elder, Trevor Donaldson, did not want to see his community included in the trial, while the WA Council of Social Services (WACOSS) and local service organisation, Save the Children, who operated in the Kimberley town of Kununurra, also spoke out against the trial (Laschon, 2017, para. 18-21).<sup>108</sup> Support from Goldfields communities during consultations was reported by Alan Tudge (who had become the Minister for Human Services). Minister Tudge stated over 200 consultations<sup>109</sup> had been undertaken and the trial received strong support (The West Australian, 2017).<sup>110</sup> The 2019 baseline data collection report, *Cashless Debit Card Baseline Data Collection in the Goldfields Region: Qualitative Findings*,<sup>111</sup> notes that the CDC trial was developed in close consultation with local community, Indigenous leaders and local and State government agencies (Mavromaras et al., 2019, p. 5).<sup>112</sup>

The Senate Committee also heard similar concerns regarding consultation processes for the introduction of CDC trials in Bundaberg and Hervey Bay (QLD). The Department of Social Services said they had consulted extensively with stakeholders and had held three public information sessions in Childers, Bundaberg and Hervey Bay (Parliament of Australia, 2017, para. 2.58). Submissions from Bundaberg and Hervey Bay individuals told the Committee that the information sessions were confusing and distressing (Parliament of Australia, 2017, paras. 2.52-3). Community representatives of the Gidarjil Development Corporation, the largest Indigenous organisation in Bundaberg, told the Senate Committee hearings that they had not been properly consulted and did not support rollout of the card, arguing that to place everyone who received welfare payments onto the card would be to ‘punish’ them (Wahlquist, 2017a, paras. 1-2). Service organisations had not been approached about consultations and the State MLA for Bundaberg stated that she felt ‘actively excluded’ from consultations (Wahlquist, 2017a, para. 7-8). Federal government-led consultation processes appear flawed in both the way they engaged with affected communities and how they reported results. There is no doubt that some individuals, leaders in the community and agencies supported the scheme but positive results that have been

<sup>107</sup> <https://www.abc.net.au/news/2015-12-23/cashless-welfare-card-step-closer-in-wa-goldfields/7050364>

<sup>108</sup> <https://www.abc.net.au/news/2017-09-01/cashless-welfare-card-to-hit-goldfields-next-pm-to-announce/8861556>

<sup>109</sup> Documentation on these consultations could not be located.

<sup>110</sup> <https://thewest.com.au/news/wa/welfare-card-for-goldfields-ng-b88572419z>

<sup>111</sup> This report was undertaken by the University of Adelaide, as part of their evaluation of CDC – commissioned by DSS after the Orima Evaluation of 2017 – which was criticised by the Australian National Audit Office – amongst others – see pp. 46-47

<sup>112</sup> [https://www.dss.gov.au/sites/default/files/documents/04\\_2019/cdc-baseline-data-collection-qualitative-findings-29-march-2019.pdf](https://www.dss.gov.au/sites/default/files/documents/04_2019/cdc-baseline-data-collection-qualitative-findings-29-march-2019.pdf)

reported have often been contradicted both by those involved the consultation process and those who were excluded from it.

### **4.3. Local structures for assessments or disputes**

The following section will look at the processes of review for those under income management during each iteration of the policy. Initially, under the NTER there was no right of review – although this was challenged. Review rights were reinstated under the NIM and were also available under PBIM. Under the CDC however, the policy returned to the no exemption rule, although ‘Community Panels’ in the SA and WA sites could consider, for individual applicants, increasing the cash proportion of their payment. In July 2019 exemptions were made possible through an amendment that the Federal government agreed with, in order to gain support from the Opposition to extend the trials.

#### NTER

During the NTER there was no way to negotiate out of the quarantining of income support – which was not based on an assessment of capacity regarding the care of children and family.

A counterbalance to the lack of review rights was provided, to some degree, by the Commonwealth Ombudsman, who set up an Indigenous Unit when the NTER commenced in June 2007. The Unit was designed to handle complaints relating to the intervention and while they received complaints, they could also conduct their own inquiries and investigations. It played an active role in overseeing the implementation of NTER measures. Between 2007 and 2009 the Ombudsman’s office received approximately 650 complaints to do with the NTER and other programs specific to the Aboriginal community in the NT. The Ombudsman identified a number of inequities, including in the early years, issues related to the unseen costs and increased burdens on BasicsCard users. This included the disproportionately high cost to customers in remote communities who were charged to call the Centrelink 1800 number to check balances and transfer funds.<sup>113</sup> The Ombudsman also addressed complaints regarding discrimination by merchants, which led to Centrelink expanding its Merchant Terms and Conditions to address any discriminatory behaviour by merchants (Commonwealth Ombudsman, 2015, p. 6).

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<sup>113</sup> In 2015, Telstra stopped charging mobile phones the cost of calling the 1800 Centrelink number as members of remote communities did not have the option of a landline to use. Submission to the *Social Security Legislation Amendment (Debit Card Trial) Bill 2015*. [https://www.ombudsman.gov.au/\\_data/assets/pdf\\_file/0022/25348/Submission-to-the-Senate-Community-Affairs-Legislation-Committee-Sept-2015.pdf](https://www.ombudsman.gov.au/_data/assets/pdf_file/0022/25348/Submission-to-the-Senate-Community-Affairs-Legislation-Committee-Sept-2015.pdf)

The Commonwealth Ombudsman also supported attempts at review – a problematic process that was itself reviewed. A review of income management decisions by the Social Security Appeals Tribunal (SSAT) did not appear to be possible because of the mandatory nature of the scheme. The lack of an external merits review; the fact that Aboriginal communities were not afforded legislative protections offered to other Australians, was described as a source of humiliation and shame (Department for Families, Housing, Community Services and Indigenous Affairs 2008b, p. 46).

On 19 March 2009, the Senate referred the provisions of the *Family Assistance and Other Legislation Amendment (2008 Budget and Other Measures) Bill 2009* to the Senate Standing Committee on Community Affairs; submissions on the Bill were invited. One of the three amendments the Bill contained was to allow reviews of income management regime decisions by enabling the Social Security Appeals Tribunal (SSAT) to review a decision under Part 3B of that Act relating to a person who is subject to the Northern Territory income management regime. The Ombudsman's submission to the Committee supported the amendment, stating that allowing people to seek reviews of decisions in relation to income management would increase both accountability and confidence in the administration of income management (Commonwealth Ombudsman, 2009, p. 4). However, the Ombudsman also stated that while merits review was important, the majority of complaints and issues raised with their office regarding income management, were not reviewable on merit by the SSAT. The Ombudsman noted that the SSAT would be unable to address a range of issues raised in the complaints they had received, which included:

- confusion about income management and the criteria used to determine whether someone would be subject to it, which affected people's ability to challenge their inclusion in the income management regime
- a lack of information about income management exemptions, the circumstances in which people could apply for an exemption and how they should go about doing this
- the requirement for people to provide evidence of the fact that they reside permanently in an area which is not subject to income management can be difficult. We observed that despite Centrelink's database showing that a person resided within a prescribed community, there were some instances where a person disputed this but had difficulty providing the required evidence.

(Commonwealth Ombudsman, 2009, p. 4)

Despite this the Ombudsman did report on the experience of one couple who applied for an exemption from mandatory income management. The couple repeatedly approached Centrelink for

an exemption and their request was refused in August 2009. They then requested the decision be reviewed by a SSAT hearing and in January 2010, the SSAT decided it did not have jurisdiction to review the decision. The Ombudsman then investigated the rights of review for this couple and on behalf of everyone in the NT who was subject to income management.<sup>114</sup> Requests for exemptions had to be made in writing to the Federal Indigenous Affairs Minister or a Centrelink delegate. A refusal by a Centrelink delegate could be reviewed by a Centrelink Authorised Review Officer (ARO). A refusal by an ARO could lead to an external review by the SSAT. A refusal by SSAT could be reviewed by the Administrative Appeals Tribunal (AAT). However, SSAT believed they did not have the jurisdiction to review income management exemption decisions made between June 2009 and July 2010 – which meant review by the AAT was not possible (Commonwealth Ombudsman, 2010, p. 2). This appeared to contradict the legislative amendments that stated the availability of external review rights after June 2009 under the *Family Assistance and Other Legislation Amendment (2008 Budget and Other Measures) Bill 2009* which allowed for the SSAT (and AAT) to review such decisions. A 2010 report from the Commonwealth Ombudsman's examined this contradiction<sup>115</sup> and the reality of the right to review for IM participants given the lack of agreement between FaHCSIA, Centrelink and the SSAT regarding jurisdictional responsibility. The Ombudsman's office criticised FaHCSIA and Centrelink for failing to address the confusion about the existence of an external right to review and the failure to recognise the SSAT's response to the NT couple who had applied for exemption. The confusion was addressed, to some degree, when NIM was introduced in 2010.

## NIM

The NIM policy, introduced in 2010 and replicated in subsequent IM trial sites, did provide rights of review. Exemption decisions were able to be appealed through the Administrative Appeals Tribunal (AAT) – although not all measures could appeal. Seemingly exemption decisions were to be framed by a number of principles, including:

It is intended that income management promote personal responsibility and positive social behaviour by providing pathways to evidence-based exemptions for people who have a demonstrated record of responsible parenting, or participation in employment or study.

(Australian Government, 2020a, para. 2).

<sup>114</sup> The review was according to the rules that were in place up until the July 1, 2010 amendment to legislation which introduced NIM.

<sup>115</sup> *Department of Families, Housing, Community Services and Indigenous Affairs and Centrelink: Review rights for income managed people in the Northern Territory*: [https://www.ombudsman.gov.au/\\_data/assets/pdf\\_file/0015/30309/fahcsia-centrelink\\_review-rights-income-managed-people-nt.pdf](https://www.ombudsman.gov.au/_data/assets/pdf_file/0015/30309/fahcsia-centrelink_review-rights-income-managed-people-nt.pdf)



New income management was applied to the following categories:

- a. Disengaged youth—15 and 24 years old on payments for three or more months:
  - youth allowance
  - newstart allowance
  - special benefit
  - parenting payment
- b. Long-term welfare payment recipient—25 years on payments for more than one year of the last two years:
  - youth allowance
  - newstart allowance
  - special benefit
  - parenting payment
- c. Vulnerable welfare payment recipient (VWPR)—assessed by a Centrelink social worker to be a VWPR.
- d. Child Protection IM measure—referred for IM by NT child protection authorities.
- e. Voluntary Income Management (VIM)—people who volunteer for IM.

(Commonwealth Ombudsman, 2009, p. 5)<sup>116</sup>

However, only those in the disengaged youth or long-term welfare payment recipient measures could apply to Centrelink for an exemption. Those who had no dependent children needed to satisfy Centrelink that they were in full-time study, or they had worked a minimum of 15 hours or more per week for the previous six of the last 12 months and had been paid, at least, the minimum wage. Those with at least one dependent child who applied for an exemption under these two measures had to: a) pass the Financial Vulnerability Test, which indicates financial vulnerability in the previous 12 months and; b) show that each of their school-aged children were enrolled in school, had attended for the previous two terms (with no more than five unexplained absences in a single term) and, had participated in age-appropriate childhood services and activities (Commonwealth Ombudsman, 2012, p. 4).

In 2012 the Ombudsman reviewed Centrelink decisions on exemptions application<sup>117</sup> in the NT between August 2010 and March 2011 – under the NIM arrangements. In this review, the

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<sup>116</sup> See page 15 for definition under legislation

<sup>117</sup> *Review of Centrelink Income Management Decisions in the Northern Territory: Financial Vulnerability Exemption and Vulnerable Welfare Payment Recipient Decisions:*

Ombudsman noted that income management recipients in the NT were among the least empowered to pursue rights of review or to make complaints. They were not only geographically isolated but could also be further disadvantaged by low literacy, language and knowledge barriers. The review's findings noted existing measures, and including letters designed to explain decisions, were inadequate, unclear and failed to inform Centrelink customers of their review rights (Commonwealth Ombudsman, 2012, p. 1). Exemptions were decided by a specialist Centrelink team that would decide if the applicant passed the financial vulnerability (FV) test. The Ombudsman pointed out that FV test decisions needed to comply with social security law under the *Social Security (Administration) Act 1999* which:

... requires Centrelink to be satisfied that there were no indications of financial vulnerability in the 12 months before a person applied for the exemption. It also requires the Centrelink decision maker to comply with the legislative instrument made by the Minister<sup>17</sup> when deciding whether to exempt a person from IM. The applicable instrument is the Social Security (Administration) (Exempt Welfare Payment Recipients – Persons with Dependent Children) (Indications of Financial Vulnerability) Principles 2010 (the Principles).

The Principles state each of the following items listed under Details, must be considered by decision-makers:

Heading	Detail
Financial Exploitation	a) whether the person experienced financial exploitation during the relevant period.
Priority needs	b) what the priority needs of the person and the person's specified dependants were during the 12 months prior to the decision, and  c) whether, during that period, the person applied appropriate resources to meet some or all of those priority needs
Money Management	d) what strategies (if any and however described) the person used, during the relevant period, to manage their financial resources, and  e) whether it is likely that the person will continue to use those strategies, or similar strategies to manage their financial resources in the foreseeable future
Changes to welfare payment arrangements	f) whether the person received more than one payment in relation to their social security entitlement in any

	<p>fortnight during the preceding 12 months, and the reasons for each of those payments, and</p> <p>g) the reasons for rejection if the person requested more than one payment in any fortnight in those 12 months, and that request was rejected.</p> <p>Changes to payment payday</p> <p>h) how many times (if ever) the person requested that their usual social security payment payday be changed in the last 12 months, and reasons for each request.</p>
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(Commonwealth Ombudsman, 2012, p. 8)

The Ombudsman found that some of the decisions reviewed did not address all of the legislative criteria and lacked a sound evidence base. The review addressed two areas of Centrelink's decision-making processes for IM reviews and found a need for significant improvement in:

- a) decisions to refuse to exempt people from IM because Centrelink has formed the view that there have been indications of financial vulnerability in the past 12 months
- b) decisions to apply IM to people because Centrelink social workers have assessed those people as vulnerable welfare payment recipients (VWPRs).

(Commonwealth Ombudsman, 2012, p. 1)

Out of more than one thousand people who had applied for an exemption, 171 were refused due to failing the financial vulnerability test. Additionally, Centrelink social workers deemed 237 applicants as vulnerable welfare payment recipients and referred them to income management.

The Ombudsman reviewed a 25 per cent sample of cases<sup>118</sup> involving both Aboriginal and non-Aboriginal applicants – all decisions being made between August 2010 and March 2011 – and assessed whether decisions had been 'influenced by problematic decision-making processes' (Commonwealth Ombudsman 2012, p. 5). The Ombudsman reviewed FV decisions first and found they may not have complied with legislation. The following concerns were also expressed to both Centrelink and FaHCSIA:

- failures to include review rights in decision letters
- insufficient reasons for decisions in decision letters
- incorrect or inaccurate information in letters
- inadequate communication, including the failure to use interpreters
- requests for exemption not actioned

<sup>118</sup> 40 affected by FV decisions and 59 affected by VWPR decisions.

- failures to commence reviews, particularly during the period when Centrelink was under instructions from FaHCSIA that FV exemption refusal decisions operated for 12 months.

(Commonwealth Ombudsman, 2012, p. 6)

The response from both agencies was to form a Taskforce to review all of the FV refusals and 25 per cent of the VWPR refusals.<sup>119</sup> Of the 167 FV decisions the Taskforce reviewed; 16 cases were referred back to the team that had made the original decision. From the sample of 79 VPWR decisions, 16 cases were also referred back to the decision-making team.<sup>120</sup>

The Ombudsman recognised that the Taskforce had appropriately reviewed decision-making processes and the agencies involved had continued to make improvements in the administration of income management, including revised decision-making tools for FV and VWPR decisions, updated reference material and training packages, training for 300 staff in the NT and letters that included relevant review information (Commonwealth Ombudsman, 2012, p. 7).

In May 2015, the *Social Services Legislation Amendment (No.2) Bill 2015* was introduced, seeking to remove the requirement of a case by case assessment by a social worker for the ‘vulnerable’ category and instead identify all of these recipients by their membership of a class or group of individuals – as with the vulnerable youth measure – which automatically triggered income management. A number of organisations, including the Commonwealth Ombudsman lodged submissions to the Senate Community Affairs Legislation Committee Inquiry for the amendment, pointing to concerns regarding administration of the vulnerable youth measure.<sup>121</sup> The Ombudsman’s office emphasised issues related to automated decision making. The concern of removing social worker contact reflected the findings of the 2014 *Evaluating New Income Management in the Northern Territory: Final Evaluation Report*<sup>122</sup> which found that IM might be at its most useful when included in an individually designed program of intervention for a vulnerable person.

The Vulnerability measure was further expanded by the introduction of the a ‘trigger’. The ‘trigger’ occurred when a customer was identified by Centrelink’s computer system as ‘vulnerable’. Meaning the customer met ‘various objective criteria, making them part of a specific

<sup>119</sup> For decisions being made between August 2010 and March 2011.

<sup>120</sup> Of the 16 FV decisions referred back to the decision-making team, five resulted in exemptions, two were reassessed but affirmed, three customers advised they could reapply for exemption at another time, two were out-of-scope due to changed circumstances, three customers did not want to seek exemption and one very remote customer had not engaged with the team. Of the 16 VWPR decisions referred back, nine were social worker reports that were incomplete and were subsequently completed, three reports that had insufficient evidence were reassessed and finalised, three cases required pre-exit assessment as the VWPR notice had expired and one report was confirmed (Commonwealth Ombudsman, 2012, p. 6).

<sup>121</sup> [https://www.aph.gov.au/Parliamentary\\_Business/Committees/Senate/Community\\_Affairs/Social\\_Services\\_No\\_2/Submissions](https://www.aph.gov.au/Parliamentary_Business/Committees/Senate/Community_Affairs/Social_Services_No_2/Submissions) (2015c).

<sup>122</sup> [https://www.dss.gov.au/sites/default/files/documents/12\\_2014/evaluation\\_of\\_new\\_income\\_management\\_in\\_the\\_northern\\_territory\\_full\\_report.pdf](https://www.dss.gov.au/sites/default/files/documents/12_2014/evaluation_of_new_income_management_in_the_northern_territory_full_report.pdf)

class or group’ (that is, age and qualification for a specific type of payment). Qualifying for a ‘trigger’ payment saw VULIM automatically applied to the identified person (Commonwealth Ombudsman, 2016, p. 4). In the 2016 *Administration of Income Management for ‘Vulnerable Youth’* report the Ombudsman identified the automatic trigger as a concern in the administration of the expanding Vulnerable Welfare Payment Recipient (VWPR) measure.<sup>123</sup> Eligibility for the Vulnerable Youth ‘trigger’ payment included:

- people aged under 16 years granted Special Benefit
- people aged 16 years and over granted the Unreasonable to Live at Home payment
- people under the age of 25 who receive a Crisis Payment due to prison release.

(Commonwealth Ombudsman, 2016, p. 3)

The lack of involvement by a social worker and the ease with which ‘vulnerable’ youth could be automatically triggered onto income management appeared to result in a significantly higher number being identified than those identified by a social worker’s assessment. As of March 2015, of those on the vulnerable youth measure, 264 had been assessed by a social worker and, 2,709 people had been ‘triggered’ onto the measure. The *Social Services Legislation Amendment (No.2) Bill 2015* sought to end social worker assessment for the vulnerable measure, but the proposed change did not go ahead.

### PBIM

Place-Based Income Management recipients had the same rights of appeal introduced by the NIM policy although not all NIM measures were available under PBIM. Only the vulnerable youth trigger under PBIM was eligible for exemption. However, anyone could appeal a decision made by a departmental officer through an authorised review officer (ARO) or through the SSAT.

Legal Aid offered assistance with income management in PBIM, encouraging those under ‘vulnerable’ measures, who were excluded from exemptions, to apply for an internal review of the social worker decision. Those under the child protection measure, who were also excluded from exemption, were encouraged to complain to the Department who placed them under the measure or to the NSW Ombudsman’s office (Legal Aid NSW, 2012).<sup>124</sup>

### CDC

<sup>123</sup> [https://www.ombudsman.gov.au/\\_data/assets/pdf\\_file/0032/36878/Centrelink\\_Admin\\_of\\_Income\\_Manag\\_for\\_Vulnerable\\_Youth\\_Final\\_Report.pdf](https://www.ombudsman.gov.au/_data/assets/pdf_file/0032/36878/Centrelink_Admin_of_Income_Manag_for_Vulnerable_Youth_Final_Report.pdf)

<sup>124</sup> <https://www.legalaid.nsw.gov.au/publications/factsheets-and-resources/income-management>

In the Ceduna, Kununurra and Wyndham CDC trial sites, participants could apply to a local panel to have the cash portion of their payment increased (Davey, 2017c, para. 3).<sup>125</sup> Panel members were drawn from local communities and their identities were not disclosed. Greens Senator, Rachel Siewert, stated in relation to the anonymity of community panels: ‘That means people are disclosing their personal details and having to ask for an increase in cash to a group they do not know the name of. It could be their neighbour, or someone they have had a dispute with, in the past. I would not like to appeal to a faceless group’ (Davey, 2017c, para. 7). A Department of Social Services spokesman said the Ceduna panel included ‘individuals who hold distinct local leadership positions’ and Kununurra and Wyndham panels consisted of members with ‘a good understanding of the card trial, and a personal commitment to uphold the objectives of the trial’ (Davey, 2017c, para. 8). The Department spokesman was also quoted as saying panellists for each decision were not made public to protect them from community harassment and they were required to sign non-disclosure confidentiality agreements to protect the applicant (Davey, 2017c, para. 11).

In April 2019, the *Social Security (Administration) Amendment (Income Management and Cashless Welfare) Act 2019* extended all income management areas and CDC trials to June 2020, aligning with the Queensland sites which had previously been legislated to that date. As part of that extension government passed an amendment which allowed for CDC participants to apply to the Department of Social Services Secretary to exit the trial, rather than apply to the ‘unelected community bodies currently running the process’ (Michael, 2019c, para. 1).

‘A person may apply to be exited from the Cashless Debit Card Program:

#### **Wellbeing exemption**

If the Secretary is satisfied that being a program participant would seriously risk that person's mental, physical or emotional wellbeing, the Secretary may exempt that person from the program. This would be an administrative decision in relation to an individual person that being a program participant would seriously risk that person's mental, physical or emotional wellbeing, which means that the person is not within the prescribed class of program participants.

The Secretary is not required to consider whether to make a decision prior to a person becoming a program participant. In practice, the Secretary will consider making a decision

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<sup>125</sup> <https://www.theguardian.com/australia-news/2017/mar/03/cashless-welfare-card-anonymous-panel-privacy-concerns>

under this section only where a delegate of the Secretary becomes aware of facts which indicate that being a program participant may seriously risk a person's mental, physical or emotional wellbeing. If, after gathering relevant evidence, the delegate becomes satisfied that being a program participant would seriously risk that person's mental, physical or emotional wellbeing, a determination to this effect may be made.

### **Outside program area student**

Outside program area students will be exempt from the program. An outside program area student is one whose usual place of residence is within a program area but who lives outside the program area for the purposes of meeting study requirements and is undertaking full-time study as defined by SSAct section 541B.

### **Payment nominees<sup>126</sup>**

Those with payment nominees (reference) will be exempt from the program except participants with an eligible Part 3B payment nominee.

### **Age thresholds**

In the Ceduna, East Kimberley and Goldfields program areas, persons who have reached age pension age or those who would reach age pension age during the first 12 months of the program in the relevant program area will be exempt from the program.

In the Bundaberg and Hervey Bay program area, persons aged 36 years or older or those turning 36 years during the first 12 months of the program in the program area will be exempt from the program.

### **Weekly payment recipients<sup>127</sup>**

People who receive weekly payments are no longer exempt from participating in the Cashless Debit Card Program. This ensures that a person is not excluded from being a Cashless Debit Card Program participant on the basis of receiving weekly payments.'

(Australian Government, 2019)<sup>128</sup>

Any application to exit the program needs to:

demonstrate reasonable and responsible management of their affairs generally, including financial affairs. Each application will be considered on a case-by-case basis and take into account legislated criteria such as the interest of children, if the participant has been convicted of an offence or served a sentence of imprisonment at any time in the last 12 months, risk of homelessness, and health and safety of the participant and community.

<sup>126</sup> Payment nominee accepted payment for any individual unable to do so themselves

<sup>127</sup> A definition of a weekly payment cannot be located

<sup>128</sup> <https://guides.dss.gov.au/guide-social-security-law/8/7/4/15>

(Australian Government, 2020)<sup>129</sup>

A Department of Social Services spokesperson stated a person can apply to exit from the scheme ‘if they can demonstrate reasonable and responsible management of their affairs, including their financial affairs’ and anyone having difficulty with the process could call the CDC hotline (Allam, 2019, paras. 11 & 27). In 2019, it was reported that only 100 of more than 5,000 people on the CDC trials had been exempt (Allam, 2019, para. 1).<sup>130</sup> The process of exemption was described as humiliating and hard to understand (Allam, 2019, paras. 1-2). ‘The process is opaque and arduous in that it involves the completion of a six-page form,<sup>131</sup> that requires numerous supporting documents including four terms of children’s school attendance records’ (Allam, 2019, para. 20). According to government data released in early January 2020, despite receiving hundreds of applications, Department of Social Services had not allowed anyone to leave the scheme under this criterion (Moussalli & Stevens, 2020). Calls to allow exemptions to those on the CDC in bushfire affected areas have also been denied (Bolger, 2020, para. 6).<sup>132</sup>

#### 4.4. Evaluations

Evaluations of income management and cashless welfare have shown mixed results, yet governments have consistently relied on them to support claims of positive change and success (Borys, 2018). Successive governments have been accused of cherry-picking results or glossing over negative aspects and standing by welfare quarantining, regardless of findings (Borys, 2018; Cox, 2015; Davey, 2017a; Henriques-Gomes, 2020; Moussalli & Stevens, 2020; Phillips, 2017).<sup>133</sup>

This section will address evaluations that have occurred across the life of the policy through two key responses: the peak body for community and social services, the Australian Council of Social Services (ACOSS); and the Australian National Audit Office (ANAO) audit of the Department of Social Services. The ACOSS assessment looked at the IM models in the Northern Territory, Western Australia, Queensland and the PBIM trials. The ANAO audited the rollout of the CDC trials and examined the 2017 Orima evaluation of the CDC trials in Ceduna and East Kimberly.

<sup>129</sup> <https://www.dss.gov.au/families-and-children/programmes-services/welfare-conditionality/cashless-debit-card-overview>

<sup>130</sup> <https://www.theguardian.com/australia-news/2019/sep/17/exiting-the-cashless-welfare-card-trial-is-almost-impossible-critics-say>

<sup>131</sup> The exit application form was made available online from September 2019:  
[https://www.dss.gov.au/sites/default/files/documents/09\\_2019/exit-application-form.pdf](https://www.dss.gov.au/sites/default/files/documents/09_2019/exit-application-form.pdf)

<sup>132</sup> <https://www.sbs.com.au/news/calls-for-people-on-welfare-in-bushfire-affected-areas-to-be-exempt-from-cashless-card>

<sup>133</sup> <https://www.abc.net.au/news/2020-01-22/jacqui-lambie-on-fact-finding-mission-on-cashless-welfare-card/11887564>  
<https://www.abc.net.au/news/2018-07-18/cashless-welfare-audit-finds-monitoring-severely-lacking/10005214>  
<https://theconversation.com/a-147m-budget-saving-missed-income-management-has-failed-41816>  
<https://www.theguardian.com/australia-news/2017/mar/14/cashless-welfare-card-made-life-worse-say-half-of-trial-participants>  
<https://www.wsns.org/en/articles/2017/09/12/cash-s12.html>  
<https://www.theguardian.com/australia-news/2017/jan/13/coalition-cherry-picking-data-to-support-cashless-welfare-card-trial>



Both agencies provide independent perspectives on the value and effectiveness of the evaluations of welfare quarantining in its different forms.<sup>134</sup>

### ACOSS

In 2014, ACOSS updated its comprehensive response to the evaluations of NIM.<sup>135</sup> The evaluations had found little evidence that income management had caused positive behavioural changes and pointed to significant methodological difficulties in analysing evidence about the effectiveness of the schemes (ACOSS, 2014, p. 7). ACOSS concluded there was no strong evidence that the scheme had a major impact on outcomes overall and made the following observations:

- A majority of participants reported little change for the range of outcomes examined.
- NIM has not had an impact on the time people spend on income support.
- The majority of Aboriginal people affected will remain income managed for a significant period of time, with very low exit rates.
- The development and implementation of income management measures from 2005-06 to 2014-15 will cost the Commonwealth in the range of \$1 billion.
- The Government has estimated that the NIM will cost \$6,600 - \$7,900 per person per annum for people in remote areas, \$3,900 - \$4,900 per person per annum in rural areas and \$2,400 - \$2,800 per person per annum in urban areas.

(ACOSS, 2014, pp. 6-7)

The leading evaluation found there were no clear or consistent benefits of income management under the NIM, as the most widespread model of IM, and that poor targeting of the Parenting Participation measure was especially concerning as 77 per cent of participants in NIM were under this measure (p. 5). ACOSS also noted various implementation problems, including ‘practical and logistical issues, problems with the application or exemptions and the way retailers and individuals were ‘getting around the system’’ (p. 6). ACOSS concluded that compulsory income management in its broad form was a poor policy as:

- There is no evidence it results in widespread or long-term benefit.
- It is poorly targeted.
- It is not cost-effective.
- It can result in strong negative subjective experiences.
- It can damage financial management skills.
- It can discourage vulnerable people from seeking assistance.
- There are better and more effective alternative approaches.

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<sup>134</sup> See Appendix 1: Evaluations Summary, p. 78.

<sup>135</sup> [https://www.acoss.org.au/images/uploads/Income\\_management\\_policy\\_analysis\\_September\\_2014.pdf](https://www.acoss.org.au/images/uploads/Income_management_policy_analysis_September_2014.pdf)

(ACOSS, 2014, p. 1)

ACOSS made a number of recommendations to address the poverty and social inclusion of deeply disadvantaged communities in Australia, including that control over social security payments be used as a last resort and be undertaken within a comprehensive system of case management (p.13).

### ANAO

In 2018 the ANAO<sup>136</sup> selected the Department of Social Services for audit to assess if it was well placed to inform any further rollout of CDC:

... the audit aimed to provide assurance that Social Services had established a solid foundation to implement the trial including consultation and communication with the communities involved; governance arrangements; the management of risks; and robust procurement arrangements.

(ANAO, 2018, para. 4)

The ANAO interviewed ‘key officials in the departments of Social Services and Prime Minister and Cabinet and with external stakeholders including Indue Limited (Indue), ORIMA Research, Community Leaders, Local Partners and others in the trial sites’ (ANAO, 2018, para. 7). They found that while Department of Social Services had ‘largely’ established appropriate arrangements to implement the trials, its approach to monitoring and evaluation was inadequate. The ANAO specifically criticised a lack of robustness in data collection. The 2017 Orima evaluation of Ceduna and East Kimberly as the first CDC trial sites, failed to include ‘administrative data to measure the impact of the trial, including any change to social harm’ (para. 10). The ANAO stated that the evaluation had not been completed according to contractual obligations. As a result, the ANAO found it difficult to conclude if there had been a reduction of social harm in trial sites and ‘whether the card was a lower cost welfare quarantining approach’ (para. 8).

The ANAO did conclude that, while aspects of the proposed wider rollout were informed by ‘learnings from the trial, the trial was not designed to test the scalability of the CDC and there were no plans to undertake further evaluation’ (para. 10). The recommendations made by the ANAO to Department of Social Services included a continued monitoring and evaluation of the extension of CDC in Ceduna and East Kimberly and any future locations to inform design and implementation (para. 3.69). The Department of Social Services responded to ANAO by accepting all six of its

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<sup>136</sup> <https://www.anao.gov.au/work/performance-audit/implementation-and-performance-cashless-debit-card-trial>

recommendations. Later in 2018, the Department of Social Services commissioned the University of Adelaide's Future Employment and Skills Research Centre to undertake a second evaluation of the CDC. Two baseline data collection reports were due in 2019. *The Cashless Debit Card Baseline Data Collection in the Goldfields Region: Qualitative Findings* report was released in February 2019.<sup>137</sup> However, the second report; *the Cashless Debit Card Baseline Data Collection in the Bundaberg and Hervey Bay Region: Qualitative Findings*<sup>138</sup> due for release in December 2019 was delayed. Media reported in January 2020 that the report would be released in the 'coming months' (Moussalli & Stevens, 2020, para. 17). It remains to be seen whether this report or the final evaluation itself will be released prior to the final reading of the current legislation – due in early 2020 – which will see the CDC trials sites extended to 2021, and all BasicsCard holders in the NT added to the CDC. However, Independent Senator, Jacquie Lambie, who appears to have the deciding vote on the legislation, has stated she does not need to see the research to determine her position after a fact-finding mission to West Australian CDC trial sites in January 2020 (Moussalli & Stevens, 2020, para. 20).

#### **4.5. Support and Criticism of the policy**

Since its introduction in 2007, the policy of welfare quarantining has been highly divisive. Both versions of the policy, income management and cashless welfare, have garnered support and criticism from a vast array of actors. The often-complex mix of support and criticism has continued across the life of the policy and while support has, at times, been unequivocal, qualified support is more common. At the same time, criticisms of the policy have been heard from far more voices than those who have supported it. This section will address a range of voices that have responded to the two forms of the policy: income management, through the NTER, as the foundation of the policy; and cashless welfare through the CDC trials, as the policy's latest iteration. It includes responses from a range of individuals and organisations from Indigenous communities, non-government agencies, independent government and intergovernmental bodies, and civil society groups.

##### **Responses to NTER Income Management**

##### ***Indigenous Community Organisations***

<sup>137</sup> [https://www.dss.gov.au/sites/default/files/documents/04\\_2019/cdc-baseline-data-collection-qualitative-findings-29-march-2019.pdf](https://www.dss.gov.au/sites/default/files/documents/04_2019/cdc-baseline-data-collection-qualitative-findings-29-march-2019.pdf)

<sup>138</sup> <https://www.dss.gov.au/families-and-children-programs-services-welfare-reform-cashless-debit-card/cashless-debit-card-baseline-data-collection-in-the-bundaberg-and-hervey-bay-region-qualitative-findings>. The report was release on May 6<sup>th</sup> 2020.

The capacity of Aboriginal communities to respond to the concerns of the NTER legislation appear to have been entirely ignored by the intervention. None of the submissions to the Senate Committee Inquiry by Indigenous Community Organisations delayed legislation:

Of the first 70 submissions to the Senate Committee inquiry, 67 voiced concerns with the Bills and requested that they either be subject to further amendment and consultation or be rejected. Twenty-three organisations such as Reconciliation Australia, the Secretariat of National Aboriginal and Islander Child Care, the Combined Aboriginal Organisations of the Northern Territory and the Central Land Council called for a delay to the passage of the legislation to allow for meaningful consideration and review.

(Australian Human Rights Commission, 2007, p. 212)

The time frame given for the rollout of the NTER limited legislative processes and amendments required to enable the intervention. Legislative processes concluded within ten days of the Bills being introduced to Parliament. The package of Bills was referred to the Senate Legal and Constitutional Committee Inquiry on 10 August 2007, with the Committee required to table its report by 13 August 2007.<sup>139</sup> The Inquiry into the Bill<sup>140</sup> had, by 28 August 2007, received 154 submissions with 22 ‘additional information and correspondence’ (Parliament of Australia, 2007b). The majority, by far, protested the legislation generally or specific aspects of it.

Of the 18 submissions by Aboriginal organisations, the Bawinanga Aboriginal Corporation (BAC) and the Combined Aboriginal Organisations of the Northern Territory addressed welfare reform specifically. The Bawinanga Aboriginal Corporation<sup>141</sup> recommended that Centrelink contract the management of quarantined income management to the Corporation to manage in their region of Maningrida; a 10,000 square kilometre area in central-northern Arnhem Land. The recommendation was based on BAC’s experience of successfully running financial services and management programmes for a period of seven years. The Combined Aboriginal Organisations of the Northern Territory submission<sup>142</sup> pointed out that conditions were already attached to income support payments and quarantining the payments would not address child abuse. It recommended that different approaches be undertaken including improving financial literacy and addressing the quality of education for Aboriginal children as the reason for their poor school attendance rather than blaming their parents for it. Additionally, a submission from the Milingimbi Community

<sup>139</sup> <https://www.humanrights.gov.au/our-work/social-justice-report-2007-chapter-3-northern-territory-emergency-response-intervention>

<sup>140</sup> [https://www.aph.gov.au/Parliamentary\\_Business/Committees/Senate/Legal\\_and\\_Constitutional\\_Affairs/Completed\\_inquiries/2004-07/nt\\_emergency/submissions/sublist](https://www.aph.gov.au/Parliamentary_Business/Committees/Senate/Legal_and_Constitutional_Affairs/Completed_inquiries/2004-07/nt_emergency/submissions/sublist)

<sup>141</sup> Submission 3: Bawinanga Aboriginal Corporation

<sup>142</sup> Submission 125: The Combined Aboriginal Organisations of the Northern Territory

Council<sup>143</sup> raised another salient issue that appeared to have been ignored by the policy of the NTER. As a ‘dry’ community, Milingimbi did not face the issues the intervention claimed it was responding to. The Council’s main concern was a lack of resources by government to assist them maintaining the community’s alcohol ban. For instance, there was no policing available to prevent smuggling alcohol into the community. Like the BAC, the Council was able to manage community issues but lacked support from government to address specific concerns as they arose.

### *Non-government agencies*

The Human Rights and Equal Opportunity Commission (HREOC) urged the government to approach the intervention in a manner consistent with Australian’s human rights obligations (Australian Human Rights Commission, 2007). The Australian Human Rights Commission (AHRC) raised a ‘lack of government capacity for engagement and participation of Indigenous people’ as the most significant problem (p. 3). An AHRC submission to the United Nations (UN) International Convention on the Elimination of All Forms of Racial Discrimination (CERD)<sup>144</sup> noted that changes to the NTER legislation, made in 2010,<sup>145</sup> still retained some ‘practical limitations on the reinstatement of the RDA and full compliance with international human rights obligations’ (Australian Human Rights Commission, 2010, p.18). To bring the NTER into full compliance with human rights standards, the AHRC recommended the NTER to be amended as follows:

Recommendation 21: That, to bring the NTER into full compliance with human rights standards, the NTER be amended as follows:

- The categories of ‘disadvantaged youth’ and ‘long-term welfare payment recipients’ be reformulated to apply on a case-by-case basis
- Domestic violence not be included as an indicator for ‘vulnerable welfare payment recipient’ under the redesigned income management scheme
- The capacity to compulsorily acquire any further five-year leases under Part 4 of the NTER Act be removed and the Government commit to obtaining the free, prior and informed consent of traditional owners to enter into voluntary lease arrangements for existing compulsory lease arrangements.
- The government move towards further amendments of the NTER to incorporate notwithstanding clauses in the legislation and ensure all measures that are intended to be special measures comply with the RDA.

Recommendation 22: That the Australian Government:

<sup>143</sup> Submission 32 Milingimbi Community Council – Footnotes 8 & 9 & 10 are located in the above link.

<sup>144</sup> [https://www.humanrights.gov.au/sites/default/files/content/legal/submissions/united\\_nations/ICERD\\_Report\\_2010.pdf](https://www.humanrights.gov.au/sites/default/files/content/legal/submissions/united_nations/ICERD_Report_2010.pdf)

<sup>145</sup> *Other Legislation Amendment (Welfare Reform and Reinstatement of Racial Discrimination Act) Act 2009*

- supplement any income management scheme with additional support programs that address the rights to food, education, housing, and provide support in the form of financial literacy/budgeting skills.
- ensure the participation of Indigenous peoples in developing, implementing and monitoring alcohol management plans and ensure all alcohol management processes are consistent with the RDA. Alcohol restrictions should be supplemented by investment in infrastructure in the health and mental health sectors (including culturally appropriate detoxification facilities) and investment in culturally appropriate community education programs delivered by Indigenous staff.

(Australian Human Rights Commission, 2010, p. 20).

The AHRC expressed particular concern regarding the inappropriate classification of State actions as ‘special measures’ and that income management should be redesigned so as to not be applied on a racially discriminatory basis (Australian Human Rights Commission, 2010, p. 18). The AHRC built on the work of the submission, releasing it in report form in 2011.<sup>146</sup> NGO Australia also submitted to CERD in 2010<sup>147</sup> stating similar concerns as Concerned Australians and the AHRC.

### *Independent Government Bodies*

The creation of the NTER Review Board was announced on June 6, 2008 to conduct an independent review on the effectiveness of the intervention. As an independent body<sup>148</sup> appointed by Minister Macklin, the Review Board was described as part of the Federal government’s commitment to an ‘evidence-based approach’ (The Department of Families, Housing, Community Services, Indigenous Affairs, 2009, p. 33). Members of the Review Board travelled through the NT for a three-month period, speaking with representatives of 56 communities and other stakeholders and received 200 public submissions. Their report: *The Northern Territory Emergency Response Report of the NTER Review Board* was released in October 2008.<sup>149</sup>

The report recorded the objections toward the NTER by the communities affected by it, including the shock, betrayal and disbelief at being singled out for special treatment (Report of the NTER Review Board, 2008, p. 8). Communities felt blamed and made solely responsible for the decades

<sup>146</sup>[https://www.humanrights.gov.au/sites/default/files/content/racial\\_discrimination/publications/rda-nter/NTerandRDAPublication12%20December2011.pdf](https://www.humanrights.gov.au/sites/default/files/content/racial_discrimination/publications/rda-nter/NTerandRDAPublication12%20December2011.pdf)

<sup>147</sup> <https://vals.org.au/assets/2015/05/Elimination-of-Racial-Discrimination-report-to-the-United-Nations.pdf>

<sup>148</sup> Chaired by Peter Yu, Executive Director, Kimberley Land Council with Marcia Ella Duncan, former chair of the New South Wales Aboriginal Child Sexual Assault Taskforce and Bill Gray AM, former Australian Electoral Commissioner. The Review Board was supported by a ten member, ‘independent expert group’ see p. 31 of report for names.

<sup>149</sup> *Northern Territory Emergency Response Report of the NTER Review Board -October 2008*: <https://core.ac.uk/display/30686479>

of neglect of their most basic standards of living. The report also stated that the hostility of Aboriginal communities toward government for the actions of the NTER was so widespread it was a matter for ‘serious concern’ as that resistance undercut the NTER’s potential effectiveness (p. 8). The Review Board urged a new approach to the crisis that prompted the NTER – a way forward that was led by the community and partnered by government. The report also noted that the complex and often changing procedure of IM meant that people had had to rapidly adapt to an entirely new system, causing anger, confusion and anxiety. Information and/or explanation was minimal and did not consider the needs of a population for whom English was a second or third language. For some people using the BasicsCard in major centres (i.e., Darwin), had caused frustration, embarrassment, and humiliation. However, the report states that many believed IM had improved the management of family income in a way they wanted to continue. Women and pensioners in particular reported a reduction in ‘humbugging’ as a benefit of the scheme:

The testimony of many Aboriginal people, especially women, along with the observations of local clinicians, schoolteachers and storekeepers, supports the view that a substantial number of families and children have benefited from income management.

(Department for Families, Housing, Community Services and Indigenous Affairs, 2008b, p. 21).

Nonetheless, despite mandatory income management being seen as appropriate for some income support recipients, voluntary income management was preferred. VIM was recommended as part of a range of options designed to respond to family dysfunction.<sup>150</sup> The report also recommended income management be continued on a voluntary basis, except in cases of child protection, school enrolment and other relevant behaviour triggers.<sup>151</sup> A voluntary system could be designed in partnerships with communities in ways that addressed the systemic causes of entrenched social problems. General support for mandatory income management was shown for those abusing drugs and alcohol or risking the wellbeing of children. There was some suggestion that a community-based committee could identify such people. The report also referred to the work of the Commonwealth Ombudsman in responding to complaints about IM.

It should be noted that Minister for Families, Housing, Community Services and Indigenous Affairs, Jenny Macklin, said that the recommendations of the Board’s report would not slow the

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<sup>150</sup> For the Australian National University’s Centre for Aboriginal Economic Policy Research, Bray (2016) addressed the findings of the NIM evaluations and found generally IM was most effective when voluntary and specifically targeting people with high needs as part of a holistic set of services: [https://openresearch-repository.anu.edu.au/bitstream/1885/147856/1/Income\\_Management\\_Evaluations\\_WP111\\_2016\\_0.pdf](https://openresearch-repository.anu.edu.au/bitstream/1885/147856/1/Income_Management_Evaluations_WP111_2016_0.pdf)

<sup>151</sup> In the 2011 consultations prior to the *Stronger Futures in the Northern Territory Act 2012*, (2012a) to extend income management in the NT, comments were made about how welfare payments could be used to increase school attendance were made – see p. 33.



progress of the intervention (Department for Families, Housing, Community Services and Indigenous Affairs 2008a, p. 3).<sup>152</sup> That statement was made four months prior to the release of the report in October 2008; clearly the Minister was aware of what the Board's recommendations would be and was flagging an intention to ignore them.

### *Intergovernmental Bodies*

The UN Special Rapporteur on the Situation of Human Rights and Fundamental Freedoms of Indigenous people, James Anaya, paid close attention to the NTER. Anaya noted that while the NTER, and available mainstream services, were designed to protect women and children in the NT 'violence and other problems persist' (United Nations, 2010, p. 13).<sup>153</sup> In 2009, during a visit to Australia, Anaya heard complaints from Indigenous communities and also received a petition against the NTER, signed by hundreds of Indigenous Australians, although a number of Indigenous individuals also spoke in favour of the NTER (United Nations, 2010, p. 27).<sup>154</sup> Ultimately, Anaya noted that the NTER had caused widespread criticism, both nationally and internationally (United Nations, 2010, p. 26), including from the UN itself. He recommended numerous revisions to the NTER to ensure it conformed with Australia's international human rights obligations. Government was under pressure from the Committee on the Elimination of Racial Discrimination (CERD) for suspending the RDA.<sup>155</sup> After redesigning the NTER special measures and introducing the NIM policy to apply to all of the NT, government officials wrote to CERD in August 2010. Regarding the NTER and IM, the letter stated that the RDA had been reinstated and:

A new non-discriminatory income management scheme was introduced on 1 July 2010. The new income management scheme is RDA compliant. Before introducing the legislation, the Government undertook extensive consultations with Indigenous people across the Northern Territory (NT).

(Department of Foreign Affairs and Trade, 2010, p. 6).

As shown earlier in this chapter, the consultations that are referenced in the above quote were widely criticised as inadequate and disingenuous, given that NIM had already been planned and legislative changes to allow its introduction were underway.

<sup>152</sup> *Northern Territory Emergency Response One Year On*: [https://www.dss.gov.au/sites/default/files/documents/05\\_2012/nter\\_review.pdf](https://www.dss.gov.au/sites/default/files/documents/05_2012/nter_review.pdf)

<sup>153</sup> <http://unsr.vtaulicorpuz.org/site/images/docs/country/2010-country-a-hrc-15-37-add-4-australia-en.pdf>

<sup>154</sup> The report does not indicate who these individuals were and what they said in favour.

<sup>155</sup> [https://tbinternet.ohchr.org/Treaties/CERD/Shared%20Documents/AUS/INT\\_CERD\\_ADR\\_AUS\\_22975\\_E.pdf](https://tbinternet.ohchr.org/Treaties/CERD/Shared%20Documents/AUS/INT_CERD_ADR_AUS_22975_E.pdf)



### *Civil Society*

Platforms that gave local people a voice in the debate were actively provided by civil society groups like Concerned Australians; a key organisation in questioning government actions to do income management and providing a voice for Indigenous Australians.<sup>156</sup> Concerned Australians also facilitated a submission to CERD<sup>157</sup> addressing three key areas:

- Failure to gain the consent of Aboriginal people for the introduction of NTER Measures.
- Failure to genuinely consult with Aboriginal people.
- Failure of the intervention to improve the lives of Aboriginal people in the NT.

(Concerned Australians, 2010, p. 3)

These points were in opposition to material presented in the 2010 FaCSIA evaluation. The submission stated that government failure to listen and engage with Aboriginal communities had led to policies that only further disadvantaged those most in need (Concerned Australians, 2010b, p. 5). The submission contains the voices of community members, including elders, gathered via a survey. The results clearly demonstrated that participants saw a failure of governments to consult community prior to the NTER and in its aftermath. Findings also highlighted that: ‘Social problems resulting from gross neglect and underfunding have been responded to with blame, shame and punishment’ (Concerned Australians, 2010b, p. 11). Income management was included on a list of ‘objectionable aspects of the original NTER that should not be continued’ (Concerned Australians, 2010b, p. 7). Only 12 per cent of elders surveyed across 24 communities in the NT in June 2010 believed that the intervention had improved quality of life. Eighty-eight per cent of participants believed the intervention to have made life for Aboriginal communities ‘worse or much worse’ (Concerned Australians, 2010b, p.10). The researchers concluded that there had been a failure to protect and respect the integrity, culture and basic human rights of Aboriginal Australians, genuinely engage with the community, and abide by international obligations.

Concerned Australians published *Walk with Us*<sup>158</sup> in 2011 as a follow up on their previous publications *Will They Be Heard?* in November 2009 and *This is What We Said* in February 2010. The report built on the previous two works, by giving voices to the elders of various NT

<sup>156</sup> The work of civil society group Concerned Australians, in relation to the NTER, has been mentioned in section 3.2. Consultations.

<sup>157</sup> Authored by Nicholson, Harrison AO, RFD, QC Former Chief Justice, Family Court of Australia, Honorary Professorial Fellow University Melbourne, Chair of Children’s Rights International), Harrison & Gartland, 2010: <http://concernedaustralians.com.au/media/Loss-of-Rights-Rept-2010-v2.pdf>

<sup>158</sup> <http://stoptheintervention.org/facts/films-and-literature/book-walk-with-us>

communities. A letter from elders was included which stated that the legislation they were living under was discriminatory and did not comply with international law (Concerned Australians, 2011, p. 47). A fourth publication, *A Decision to Discriminate*,<sup>159</sup> came in 2012 in response to the report of the Senate Community Affairs Legislation Committee Inquiry into the *Stronger Futures Legislation*, published in March 2012.<sup>160</sup> The Committee conducted a number of hearings including in Hermannsburg, a prescribed community 130 kilometres from Alice Springs, and Maningrida, another prescribed community in Arnhem Land, 500 kilometres east of Darwin. *A Decision to Discriminate* directly quotes statements made to the Committee during those consultations. Statements were highly critical of the lack of appropriate and timely consultation. People spoke to a range of social issues the legislation was purported to address and discussed how the NTER had taken away any opportunity of self-determination and the damage it had caused communities in the Northern Territory.

The Committee's report describes IM as a 'difficult policy' and reported conflicting views on it. Some stakeholders were supportive, while others described it as 'discriminatory and dehumanising' (Senate Community Affairs Legislation Committee 2012, p. 40). Overall, submissions to the Committee strongly opposed CIM and preferred VIM. The Committee's view was that public opinions of the effectiveness and benefit of IM were divided. Concerned Australians published a public statement, issued while the Senate Committee was responding to the *Stronger Futures Bills*. This statement, supported by 28 public figures, expressed concern for the planned legislation and condemned, amongst other things, the proposed extension of compulsory income management (Concerned Australians, 2012a).<sup>161</sup>

In June 2013, the Parliamentary Joint Committee on Human Rights examined the *Stronger Futures in the Northern Territory Act 2012* and related legislation<sup>162</sup> on the request of the National Congress of Australia's First Peoples, a national representative body for Aboriginal and Torres Strait Islander Australians.<sup>163</sup> The Congress wrote to the Minister of Community Services and Indigenous Affairs requesting advice on the compatibility of the Act with human rights.<sup>164</sup> A response from the

<sup>159</sup> [http://www.concernedaustralians.com.au/media/A\\_Decision\\_to\\_Discriminate.pdf](http://www.concernedaustralians.com.au/media/A_Decision_to_Discriminate.pdf)

<sup>160</sup> [https://www.aph.gov.au/Parliamentary\\_Business/Committees/Senate/Community\\_Affairs/Completed\\_inquiries/2010-13/strongfuturent11/report/index](https://www.aph.gov.au/Parliamentary_Business/Committees/Senate/Community_Affairs/Completed_inquiries/2010-13/strongfuturent11/report/index)

<sup>161</sup> [http://www.concernedaustralians.com.au/media/Stronger\\_Futures\\_AN\\_Statement\\_and\\_Supporters-13-3-2012.pdf](http://www.concernedaustralians.com.au/media/Stronger_Futures_AN_Statement_and_Supporters-13-3-2012.pdf)

<sup>162</sup> [https://www.aph.gov.au/Parliamentary\\_Business/Bills\\_Legislation/bd/bd1011a/11bd116](https://www.aph.gov.au/Parliamentary_Business/Bills_Legislation/bd/bd1011a/11bd116)

<sup>163</sup> Established in 2010, the Congress had 180 organisations and approximately 9000 individual members prior to going into voluntary administration in 2019. <https://www.canberratimes.com.au/story/6443649/closure-of-aboriginal-organisation-means-loss-of-first-peoples-voice-former-co-chairman/>

<sup>164</sup> [https://www.dropbox.com/home/Income%20management/Resources/NIM\(Labor\)?preview=Letter+from+National+Congress+of+Australia's+First+Peoples.pdf](https://www.dropbox.com/home/Income%20management/Resources/NIM(Labor)?preview=Letter+from+National+Congress+of+Australia's+First+Peoples.pdf)

Attorney-General stated that the legislation was consistent with the provisions of the RDA, as it had been reviewed by the Senate Community Affairs Legislation Committee and extensive consultations had occurred. Nevertheless, the Parliamentary Joint Committee on Human Rights carried out an examination of the Bills after receiving over 20 written representations requesting this – some of which included detailed analyses of the human rights issues the legislation could give rise to. The Committee drew on material and conclusions from the detailed inquiry undertaken by the Senate Community Affairs Legislation Committee, rather than undertake a formal inquiry itself. It also ‘took into account relevant developments since mid-2012’ (Parliament of Australia, 2013, p. 2). The Committee focused its comments on three measures of the legislation – income management was one of the three.<sup>165</sup> The Committee noted eleven concerns in relation to income management<sup>166</sup> and concluded:

The committee recognises the complex nature of the income management regime and the circumstances to which it applies, as well as the difficulty of evaluating the impact of such schemes. However, the committee considers that, in light of the evidence that is available to the committee and notwithstanding that the income management regime pursue legitimate goals, the government has not yet clearly demonstrated that: the income management regime to the extent it may be viewed as having a differential impact based on race, is a reasonable and proportionate measure and therefore not discriminatory; or the income management regime is a justifiable limitation on the rights to social security and the right to privacy and family.

(Parliamentary of Australia, 2013, p. 61)

Despite the concerns the Committee stated above, and the multiple issues expressed in submissions to the Committee, the legislation went ahead.

### *Indigenous leadership responses to Cashless Debit Card trials*

In October 2014, *The Forrest Review*’s cashless welfare recommendation drew opposing views from Federal government ministers, with the then Prime Minister, Tony Abbott, playing down any perception of the card being a punitive measure (Borrello, 2014).<sup>167</sup> Legalisation to introduce cashless debit card trials was introduced in 2015.<sup>168</sup> The Senate Community Affairs Legislation Committee inquiry into the Bill received 34 submissions.<sup>169</sup> Submissions from Noel Pearson of the Cape York Partnership, advocated for the trial,<sup>170</sup> but added that communities needed support in

<sup>165</sup> The other measures were tackling alcohol abuse and school attendance.

<sup>166</sup> Page 60: [https://www.aph.gov.au/Parliamentary\\_Business/Committees/Joint/Human\\_Rights/Scrutiny\\_reports/2013/2013/112013/index](https://www.aph.gov.au/Parliamentary_Business/Committees/Joint/Human_Rights/Scrutiny_reports/2013/2013/112013/index)

<sup>167</sup> A collation of academic responses to the *Forrest Review*, concluded that the ‘fundamental shortcoming [of the Forrest Review] is the lack of attention given to the manner in which Indigenous groups articulate their own preferred life directions particularly in the face of agendas of development and economic transformation’ (Klein, 2014, p. 2).

<sup>168</sup> *The Social Security Legislation Amendment (Debit Card Trial) Bill*

[https://www.aph.gov.au/Parliamentary\\_Business/Bills\\_Legislation/Bills\\_Search\\_Results/Result?bId=r5520](https://www.aph.gov.au/Parliamentary_Business/Bills_Legislation/Bills_Search_Results/Result?bId=r5520)

<sup>169</sup> [https://www.aph.gov.au/Parliamentary\\_Business/Committees/Senate/Community\\_Affairs/Debit\\_Card\\_Trial](https://www.aph.gov.au/Parliamentary_Business/Committees/Senate/Community_Affairs/Debit_Card_Trial)

<sup>170</sup> [https://www.aph.gov.au/Parliamentary\\_Business/Committees/Senate/Community\\_Affairs/Debit\\_Card\\_Trial/Submissions](https://www.aph.gov.au/Parliamentary_Business/Committees/Senate/Community_Affairs/Debit_Card_Trial/Submissions)

managing the requirements of such systems, especially remote communities. He also stated that the system should not target indigenous disadvantage but be applied across the country to the most disadvantaged. Submissions from multiple indigenous organisations in East Kimberley<sup>171</sup> and Ceduna<sup>172</sup> supported the trial but requested drug and alcohol support services be made available and individuals in need be targeted rather than a blanket approach.

University of Melbourne Professor, Marcia Langton, supported the trials, writing that it was a ‘significant innovation in tackling health and socioeconomic disadvantages’ (Langton, 2017, para 1).<sup>173</sup> Professor Langton recalled that in the Senate Inquiry into the introduction of the trial to Ceduna, most submitters and witnesses expressed support of the objectives of the trial – to reduce social harm – although a number gave their support based on the provision of wraparound services, greater community consultation and evaluation. Langton pointed out that East Kimberley leaders had also supported the introduction of the trial in their region (Langton, 2017, para. 8). However, by 2019 Professor Langton’s view had shifted considerably, stating that the federal government had not implemented the scheme in accordance with the commitments they had made to Indigenous leaders and describing the trials as a ‘tragic failure’ that savagely punished trial communities (NITV, 2019).

Other well-known Indigenous leaders were positioned on either side of the debate for cashless welfare. Aboriginal and Torres Strait Islander Social Justice Commissioner, Mick Gooda,<sup>174</sup> said he was ‘deeply concerned’ about the impact of the policy, describing it as a new mechanism to control Aboriginal people’s money and noted that Aboriginal people were once again being treated differently from other Australians/citizens. Commissioner Gooda spoke directly to the *Social Security Legislation Amendment (Debit Card Trial) Bill 2015*, stating that many disadvantaged Indigenous people would no doubt support the evidence in relation to the benefits of income management but that any ‘possible benefits must be weighed against the sense of disempowerment people report, the stigma they feel and punitive perceptions’ (Gooda, 2015, p.13). He also said income management had brought minor benefits but also a ‘a loss of control, shame and unfairness’. Finally, he dismissed cashless welfare as a blanket, compulsory approach to social issues (Gooda, 2016, p. 1).<sup>175</sup> WA Labor Senator, Pat Dodson, agreed with Commissioner Gooda’s sentiments,

<sup>171</sup> [https://www.aph.gov.au/Parliamentary\\_Business/Committees/Senate/Community\\_Affairs/Debit\\_Card\\_Trial/Submissions](https://www.aph.gov.au/Parliamentary_Business/Committees/Senate/Community_Affairs/Debit_Card_Trial/Submissions)

<sup>172</sup> [https://www.aph.gov.au/Parliamentary\\_Business/Committees/Senate/Community\\_Affairs/Debit\\_Card\\_Trial/Submissions](https://www.aph.gov.au/Parliamentary_Business/Committees/Senate/Community_Affairs/Debit_Card_Trial/Submissions)

<sup>173</sup> <https://theconversation.com/the-cashless-debit-card-trial-is-working-and-it-is-vital-heres-why-76951>

<sup>174</sup> <https://www.humanrights.gov.au/about/news/speeches/charles-perkins-oration-2015>

<sup>175</sup> [https://www.humanrights.gov.au/news/opinions/government-s-healthy-welfare-card-no-solution-alcohol-abuse?mc\\_cid=e07d7b6cd9&mc\\_eid=e6369d0508](https://www.humanrights.gov.au/news/opinions/government-s-healthy-welfare-card-no-solution-alcohol-abuse?mc_cid=e07d7b6cd9&mc_eid=e6369d0508)

describing the scheme as a ‘public whip’ designed to control Indigenous people (Dodson, 2017, para. 1).<sup>176</sup>

For Indigenous community leadership, the introduction of the CDC trials was no less divisive and problematic than earlier forms of welfare quarantining. Some who initially supported the trials changed their minds. A respected elder in Ceduna signed the Memorandum of Understanding for the trial on behalf of her community, but withdrew her support after it began, saying the explanation for how the trial would run had been misleading (Davey, 2017a, para. 17).<sup>177</sup> Similarly, one of four prominent Indigenous leaders in WA who were responsible for bringing the CDC to Kununurra also withdrew support; he stated this was due to the seven-month delay in the promised support services for those with drug, alcohol and employment issues and the inappropriateness of those services when they were delivered (Davey, 2017d, para. 4).<sup>178</sup> The remaining three community leaders continued to support the trial. The Wyndham advisory group to the government strongly supported the trials, however the Kimberley Land Council, representing local Indigenous communities was strongly opposed (Knaus, 2018, para. 22 & 25).<sup>179</sup>

#### *Non-government and independent government bodies*

In submissions to the Senate Community Affairs Legislation Committee inquiry into the *Social Security Legislation Amendment (Debit Card Trial) Bill 2015*, the Australian Association of Social Workers (AASW)<sup>180</sup> was not supportive of the trials, was critical of the proposed technology and impact on welfare recipients. The submission by Commonwealth Ombudsman, Colin Neave,<sup>181</sup> stated that his office had received a large number of complaints relating to the administration of IM and the BasicsCard. Concerns expressed in the Ombudsman’s submission included the control of how money could be spent. For example, people reported that they were unable to buy second-hand goods or purchase from private sellers. The Ombudsman’s submission also critiqued the blanket approach to social issues (especially as IM in the NT had not achieved its objectives), the lack of ‘exit strategies’ and lack of clarity around involvement of proposed community bodies to be used in the administering of the card. The Committee recommended that the Bill be passed with a

<sup>176</sup> <https://www.theguardian.com/australia-news/2017/aug/22/pat-dodson-says-cashless-welfare-card-a-public-whip-to-control-indigenous-people>.

<sup>177</sup> <https://www.theguardian.com/australia-news/2017/mar/14/cashless-welfare-card-made-life-worse-say-half-of-trial-participants>

<sup>178</sup> <https://www.theguardian.com/australia-news/2017/aug/23/aboriginal-leader-withdraws-support-for-cashless-welfare-card-and-says-he-feels-used>

<sup>179</sup> <https://www.theguardian.com/australia-news/2018/jan/12/family-violence-rates-rise-in-kimberley-towns-with-cashless-welfare>

<sup>180</sup> <https://www.aasw.asn.au/document/item/9982>

<sup>181</sup> [https://www.ombudsman.gov.au/\\_data/assets/pdf\\_file/0022/25348/Submission-to-the-Senate-Community-Affairs-Legislation-Committee-Sept-2015.pdf](https://www.ombudsman.gov.au/_data/assets/pdf_file/0022/25348/Submission-to-the-Senate-Community-Affairs-Legislation-Committee-Sept-2015.pdf)

recommendation that vulnerable people impacted be able to exit from the trial if it caused further disadvantage.

### *Civil Society*

Social media platforms have been used to support and oppose CDC trials. A petition in support of the introduction of the CDC trial in Bundaberg,<sup>182</sup> organised by Liberal-National MP for Hinkler, Keith Pitt, and representatives of community services organisations, received 543 signatures. An opposing petition, launched in the same week by Labor MLA for Bundaberg, Leanne Donaldson, received 1,653 signatures (Fielding, 2017).<sup>183</sup> Activist group, The Say No Seven, also opposed the Hinkler trials.<sup>184</sup> Using Facebook, Twitter and their own web site, they ran a petition to stop the introduction of the CDC trial in Bundaberg and Hervey Bay, made podcasts to inform the public about the trials, and submitted to Senate Inquiries advocating against the introduction of cashless welfare in Queensland and Australia. While the trials in Queensland went ahead, Say No Seven's activism against the regime is ongoing. The No WelfareCard SA<sup>185</sup> on Twitter critiques the cashless debit card with a focus on Ceduna and Facebook group, No Cashless Welfare Debit Card Australia, agitated against the card until its most recent post in June 2017.<sup>186</sup> A separate Facebook group, No Cashless Welfare Australia is currently active.<sup>187</sup> Activist, campaigner, academic and journalist, Pas Forgone, utilises multiple media platforms and has done so since Place-Based Income Management trials commenced in 2012.

## **5. Conclusion**

Welfare quarantining has developed and expanded to a range of locations, and served a range of stated purposes, since its introduction in 2007. At the time of writing, only Tasmania and the Australian Capital Territory (ACT) were not operating some form of the scheme, although calls for CDC trials in Tasmania were made in October 2019.<sup>188</sup>

Many claims have been made as to how income management and cashless welfare will improve the lives of those on either scheme. Each iteration has presented a range of issues, including ethical and

<sup>182</sup> Launched May 19, 2017 and closed October 15, 2018: <https://www.gopetition.com/signatures/i-support-a-cashless-debit-card-in-the-hinklerelectorate.html>

<sup>183</sup> <https://www.news-mail.com.au/news/strong-support-for-cashless-card-system-says-pitt/3180132/>

<sup>184</sup> [https://www.facebook.com/SAYNOSEVEN/posts/751607971900686?\\_tn\\_=\\_K-R](https://www.facebook.com/SAYNOSEVEN/posts/751607971900686?_tn_=_K-R)

<sup>185</sup> @FordfgFalcon: <https://twitter.com/FordfgFalcon/status/1128795820998873088>. March 20, 2020 - most recent post.

<sup>186</sup> <https://www.facebook.com/notowelfarecard/posts/1900395070198391>

<sup>187</sup> <https://www.facebook.com/notowelfarecard/>. Campaigner Kathryn Wilkes interview: 3CR radio in March 2020, about impending legislation: <https://www.3cr.org.au/overthewall/episode/cashless-welfare-card-interview-campaigner-kathryn-wilkes-part-1-march->

<sup>188</sup> <https://www.abc.net.au/news/2019-10-23/calls-for-welfare-card-trial-in-tasmania-spark-criticism/11632134>

legal concerns. Some of those concerns, under the NTER and NIM, included the lack of transparency in social worker decisions to do with vulnerability; the use of incentives for the voluntary measure and the lack of, or limited, rights of review.

Increasingly, the CDC is being framed as a tool that not only reduces social harms, such as drinking and gambling, but also improves financial competency and budgeting (Henrique-Gomes, 2020, para. 2).<sup>189</sup> Yet, improvement in the lives of those under the scheme appears negligible, and the trials have, unquestionably, caused harm. Lack of appropriate and effective consultation, racial targeting, the blanket applications of compulsory IM, difficulties in applying for exemptions and the creation or reinforcement of welfare dependency,<sup>190</sup> are all significant, and highly problematic concerns. Attempts to redress these concerns, especially given the scale of the policy, have simply not been adequate.

Governments have relied on the findings of evaluations to further welfare reform agendas regardless of questionable methodology and very mixed outcomes. Despite this, and an ongoing resistance to the policy, both major political parties appear intent on expanding, and privatising, the management of welfare payments as an appropriate and suitable social policy.<sup>191</sup> Intended to prompt behavioural change in adults, in many ways the scheme, especially the CDC iteration, appears to be experimental. This is an emerging issue in the conceptualising of welfare quarantining, alongside: understanding voluntarism; definitions of vulnerability; the complexity of the exemptions process; the limited number of exemptions; the potential for the cashless debit card to be used as wider surveillance of welfare recipients;<sup>192</sup> and the privatisation of income support and profit motive in expanding the card managed by Indue. The Australian Council of Social Services (ACOSS) estimates that since welfare quarantining began in 2007, the Australian government has spent over a billion dollars on the scheme (Bassano, 2020). Indue receives management fees of \$10,000 per annum for each CDC participant. In contrast, a Jobseeker payment – previously Newstart Allowance – is \$14,700 per annum. Of the estimated \$18.9 million dollars of taxpayer money spent on the trials, Indue has received just under \$10 million (Bassano, 2020). Despite claims to the contrary, welfare quarantining does not change the systemic structures that create racism, poverty and disadvantage. The lives of the disadvantaged are already a struggle and welfare quarantining does not reduce this. Nor does it create the employment and support services

<sup>189</sup> <https://www.theguardian.com/australia-news/2020/feb/06/cashless-welfare-card-how-does-it-work-and-what-changes-is-the-government-proposing>

<sup>190</sup> See (Bray, 2016): [https://openresearch-repository.anu.edu.au/bitstream/1885/147856/1/Income\\_Management\\_Evaluations\\_WP111\\_2016\\_0.pdf](https://openresearch-repository.anu.edu.au/bitstream/1885/147856/1/Income_Management_Evaluations_WP111_2016_0.pdf)

<sup>191</sup> Farm Household Allowance payment (Sullivan, 2019). Minister for Family and Social Services, Anne Ruston confirmed that talks with the ‘big four’ banks are underway, to allow each bank to run its own income management card (Moussalli & Stevens, 2020, para. 10).

<sup>192</sup> <https://reason.com/2020/02/06/australia-moves-to-restrict-cash-and-build-a-surveillance-state/>



that could make meaningful change – despite these supports being promised at various stages of the policy’s development. The first large independent study into compulsory income management, released in late February 2020, found that the empirical case for continuing with the CDC was weak (Marston et al., 2020).<sup>193</sup> Yet, research appears to have little impact. The final evaluation of the CDC trials may not be released before legislation to extend the trials is voted on. This pending legislation proposes the current CDC trials be extended and all income management sites using the BasicsCard<sup>194</sup> move to the Cashless Debit Card, with its increased controls on income support expenditure. The legislation appears to be another step in a long process of reforming the provision of welfare support in Australia and seems likely to be passed this year. Whether this latest reform will lead to an Australia-wide shift to cashless welfare for all income support recipients remains to be seen. Doing so would reinforce a separate class of people, one which is effectively excluded from the cash economy.

As a paternalistic and oppressive ‘top down’ policy, welfare quarantining has at its heart, an intention to direct and control the lives of Australia’s most disadvantaged people, whether those people will benefit from it or not.

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<sup>193</sup> <https://www.incomemanagementstudy.com/>

<sup>194</sup> It is not clear if the PBIM sites will also become CDC sites.



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## Appendix 1: Evaluations Summary<sup>195</sup>

Date	Type	Author	Key Findings
2010	NTER	Australian Institute of Health and Welfare	<p><b>Evaluation of income management in the Northern Territory.</b></p> <p>The range of different data sources on income management meant the evaluation was able to draw a number of conclusions about its effectiveness, based on the consistency of findings across a number of studies. The strength of research evidence is, however, constrained by the methodology used and the quality of the research. The types of studies used for the evaluation do not rank highly on standard evidence hierarchies and there were some issues with quality. The evidence available for the evaluation was therefore not strong. The evaluation was very dependent on the views and perceptions of stakeholders about the outcomes of income management. But this type of information is subject to recall bias and is not always reliable. The evaluation findings would have greater strength if they were supplemented by empirical indicators that corroborated the information provided by various stakeholders. These might include the proportion of households meeting rent or utilities payments, households seeking emergency payments, or child health measures such as the proportion of babies with low birth weight. (Australian Institute of Health and Welfare 2010, p. 63).</p> <p><a href="https://www.dss.gov.au/sites/default/files/documents/05_2012/op34.pdf">https://www.dss.gov.au/sites/default/files/documents/05_2012/op34.pdf</a></p>
2010	Western Australia  CPIM	Orima	<p><b>Evaluation of the Child Protection Scheme of Income Management and Voluntary Income Management measure in Western Australia.</b></p> <p>This evaluation found that Income Management was having a positive effect on the lives of many individuals, children and families in Western Australia, with a majority of those surveyed in the evaluation believing it had a positive impact overall.</p> <p><a href="https://www.dss.gov.au/sites/default/files/documents/evaluation_of_im_trials_wa.pdf">https://www.dss.gov.au/sites/default/files/documents/evaluation_of_im_trials_wa.pdf</a></p>
2012	NIM	UNSW Social Policy Research Centre, Australian National University; Australian Institute of Family Studies, in consultation with key stakeholders; (Bray, et al., 2012)	<p><b>Evaluating New Income Management in the Northern Territory: First Evaluation Report.</b></p> <p>A strong theme which emerges from the evaluation is that there is a wide range of views about, and experiences of, income management. This means that it is not possible to draw simple overarching conclusions about the impact of NIM. Both the positive and negative aspects need to be considered in order to make an overall assessment of the effectiveness of NIM in achieving the objectives set for it. Ultimately these judgements need to take into account the program cost (Bray, Gray, Hand &amp; Katz, 2012, p.245).</p> <p><a href="https://www.dss.gov.au/sites/default/files/documents/11_2012/nim_first_evaluation_report.pdf">https://www.dss.gov.au/sites/default/files/documents/11_2012/nim_first_evaluation_report.pdf</a></p>
2012	CYWRT	Performance and Evaluation Branch FaHCSIA	<p><b>Cape York Welfare Reform Evaluation.</b></p> <p>Overall, there is clear evidence that the wellbeing of residents in the four CYWR communities has improved over the CYWR years. Crime rates are down, infrastructure and services have improved, school attendance has risen or been maintained at high levels, and people appear happier. In no major dimension have outcomes deteriorated in these communities. Nevertheless, these communities still face considerable challenges, and progress to date has been fragile and tentative. In some instances, it is difficult to establish the extent to which these changes can be attributed directly or indirectly to CYWR, and it is not clear whether the four communities are faring better than similar comparison communities in Queensland, all of which have seen some improvements in outcomes over the CYWR period. Attribution is also difficult because of the range of initiatives in the communities that are not part of CYWR. The changes have affected some communities (and some sections of the communities) more than others. (FaHCSIA, 2012, p.221)</p> <p><a href="https://www.dss.gov.au/sites/default/files/documents/06_2017/cywr_evaluation_report_v1.2_0.pdf">https://www.dss.gov.au/sites/default/files/documents/06_2017/cywr_evaluation_report_v1.2_0.pdf</a></p>
2014	NIM	UNSW Social Policy Research Centre, Australian National University; Australian Institute of Family Studies, in	<p><b>Evaluating New Income Management in the Northern Territory: Final Evaluation Report.</b></p> <p>This research produced mixed findings, and the report has fewer positive findings than previous reports. Significant improvements at the community level were not evident, despite improvements being reported at the individual level.</p> <p><a href="https://www.dss.gov.au/sites/default/files/documents/12_2014/evaluation_of_new_income_management_in_the_northern_territory_full_repor.pdf">https://www.dss.gov.au/sites/default/files/documents/12_2014/evaluation_of_new_income_management_in_the_northern_territory_full_repor.pdf</a></p>

<sup>195</sup> Except where otherwise stated material in this table has come from (Australian Government Department of Social Services, 2018).  
<https://www.dss.gov.au/families-and-children-programmes-services-welfare-conditionality-income-management/income-management-evaluations>

		consultation with key stakeholders; (Bray, et al., 2014)	
2014	PBIM APY Lands VIM	UNSW Social Policy Research Centre; Katz & Bates	<p><b>Evaluation of Voluntary Income Management in the Anangu Pitjantjatjara Yankunytjatjara (APY) Lands.</b> This report is an examination of the implementation and early impacts of the introduction of Voluntary Income Management (VIM) in the Anangu Pitjantjatjara Yankunytjatjara (APY) Lands. The qualitative study focuses on how the measure is operating in the short-term in the APY Lands, since its introduction in October 2012. Overall the report found that the introduction of income management in the APY Lands is positively viewed by the majority of the community. There is evidence that Income Management is helping people in the APY Lands protect themselves from financial harassment and that it helps to stabilise finances for people with chronic financial management problems. There was also evidence that children are being fed better food more often, and that there has been a reduction in gambling and drinking alcohol, due to the reduced amount of cash in the community.</p> <p><a href="https://www.dss.gov.au/our-responsibilities/families-and-children/programs-services/income-management/evaluation-of-voluntary-income-management-in-the-anangu-pitjantjatjara-yankunytjatjara-apy-lands">https://www.dss.gov.au/our-responsibilities/families-and-children/programs-services/income-management/evaluation-of-voluntary-income-management-in-the-anangu-pitjantjatjara-yankunytjatjara-apy-lands</a></p>
2015	PBIM	Deloitte Access Economics	<p><b>The Consolidated Place Based Income Management Evaluation Report.</b> Fourth and Final evaluation on PBIM: It shows that improved financial management, the reduction of harassment and abuse relating to welfare payments, confidence in saving and spending, and improved housing stability were the most positive outcomes for people participating in Placed Based Income Management</p> <p><a href="https://www.dss.gov.au/families-and-children-programmes-services-welfare-conditional-income-management/income-management-evaluations#1">https://www.dss.gov.au/families-and-children-programmes-services-welfare-conditional-income-management/income-management-evaluations#1</a></p>
2014	Western Australia CPIM	Evaluation Hub in Department of Social Services, with Government of Western Australia's Department for Child Protection and Family Support; Department of Human Services; Australian Institute of Family Studies acting in an advisory role.	<p><b>A review of Child Protection Income Management in Western Australia</b> This study builds on the Orima study of 2010.</p> <p>This review focuses on the child protection measure and draws on data including analysis of child protection case files, and in-depth interviews with child protection clients and their child protection case manager. The review provides evidence for assessing the implementation and outcomes of the child protection measure of income management, with the Australian Institute of Family Studies acting in an advisory role. The evaluation was conducted under the guidance of an independent, non-government advisory committee. Overall, the review found that Child Protection Income Management was effectively implemented, with appropriate targeting and referral, and productive collaboration between the Department of Human Services and the Western Australian Department for Child Protection and Family Support. Most child protection staff interviewed for the review recognised the usefulness of Child Protection Income Management in helping families and meeting the needs of children.</p> <p><a href="https://www.dss.gov.au/sites/default/files/documents/02_2014/cpim_wa_review.pdf">https://www.dss.gov.au/sites/default/files/documents/02_2014/cpim_wa_review.pdf</a></p>
2017	CDC Trials: SA & WA	Orima	<p><b>Cashless Debit Card Trial Evaluation; Final Evaluation Report</b> The evaluation findings indicate that the Trial has had a considerable positive impact in both Trial sites. The evidence suggests that the Trial was a little more successful in Ceduna than in East Kimberley, largely due to more effective implementation. That said, at both sites, there was a large degree of support from stakeholders and community leaders for the CDC to be extended across the country because of the positive changes that had been observed as a result of the Trial, which were considered to be applicable on a broader scale. (Orima 2017 p. 7)</p> <p><a href="https://www.dss.gov.au/sites/default/files/documents/08_2017/cashless_debit_card_trial_evaluation_-_final_evaluation_report.pdf">https://www.dss.gov.au/sites/default/files/documents/08_2017/cashless_debit_card_trial_evaluation_-_final_evaluation_report.pdf</a></p>
2018	CYWRT	Queensland University of Technology; (Scott, et al., 2018)	<p><b>Strategic Review of Cape York Income Management</b> Evidence concerning the outcomes and impacts of CYIM is mixed. In many cases, there is good qualitative evidence that the FRC and CYIM have contributed to a reduction in alcohol (and in particular, harmful consumption of alcohol), drugs, violence and crime. There is also evidence that outcomes have improved in terms of children's overall health and wellbeing, and engagement in school. The BasicsCard has been a helpful tool for assisting some community members to manage household budgets, provide for their families, and reduce opportunities for humpbugging (Scott et al., 2018, p. x).</p> <p><a href="https://www.dss.gov.au/families-and-children-programs-services-welfare-quarantining-income-management/strategic-review-of-cape-york-income-management">https://www.dss.gov.au/families-and-children-programs-services-welfare-quarantining-income-management/strategic-review-of-cape-york-income-management</a></p>
2020	CDC Trials: WA, SA & QLD.	Future of Employment & Skills: University of Adelaide	<p><b>Due 2019 – Release delayed until late 2020</b></p> <p><a href="https://www.dss.gov.au/families-and-children-programs-services-welfare-quarantining-cashless-debit-card/cashless-debit-card-evaluation">https://www.dss.gov.au/families-and-children-programs-services-welfare-quarantining-cashless-debit-card/cashless-debit-card-evaluation</a></p>

## Appendix 2: Summary Table: Key Features of Income Management 2007-2020

Iteration	Date	Locations	Groups Targeted	Stated Objective	Measures	Payments	Mechanism	Percentages	End date
NTER Policy	2007-2010	Northern Territory: 73 'prescribed areas' and outstations, plus 10 town camps	Aboriginal Communities	Prevent expenditure on substance abuse and gambling. Ensure payments are spend on children as intended	CIM No exemptions	All Welfare Payments in prescribed areas	BasicsCard from September 2008	50% ISP 100% lump sum payments	2010
CYWRT Trial	July 2008  2014	Far North Queensland: Aurukun, Coen, Hope Vale, Mossman Gorge,  North Central Queensland: Doomadgee	Aboriginal Communities in target locations. FRC has jurisdiction over individuals on welfare payments or CDEP payments who reside in CYWRT sites. Referred by FRC to IM for child safety, school attendance, criminal & violent behaviour, alcoholism for periods of 3-12 months	Reduce Passive Welfare Re-establish positive social/cultural norms	VIM  CIM No exemptions	Welfare Payments Community Development Employment Projects Program	BasicsCard	60%, 75% or *90% ISP  100% lump sum payments	3-year trial extended repeatedly Now July 2020
WA Trial	November 2008  2011	Western Australia: Kimberley+ Metro Perth  Peel	Place-based	CPSIM: Improve participants' ability to manage their money for the benefit of their children & improve their wellbeing' VIM: Contribute to the wellbeing of theirs's or other children in the community	VIM  CIM: CPSIM No exemption	NewStart Allowance Parenting Payment Aged Pension Disability Pension Carer Payment Veterans Affairs Payment	BasicsCard	CPSIM 70% VIM 50%	July 2020
NIM Policy	2010-ongoing	All of Northern Territory+	Aboriginal and Non-Aboriginal: long-term welfare recipients; vulnerable welfare recipients; disengaged youth; child protection issues; parent of child who does not meet school enrolment or attendance needs: the FRC requires a person	Provide for welfare of individuals and families, particularly children & other dependents; priority needs; reduce spending on alcohol, gambling, tobacco and pornography; reduce harassment or financial abuse related to welfare payments.	VIM CIM: CPIM, VULIM SPARIM***  Exemption possible for Parenting stream under VULIM on proof of	Disengaged Youth & Long-term Welfare Payments: Youth Allowance, or NewStart Allowance Parenting Payment - Partnered & Single Special Benefit Disability Support Pension	BasicsCard	All at 50% Except 70% for CPIM	July 2020



CDC Trials	2016	South Australia: Ceduna+ Western Australia: Wyndham & Kununurra+	Aboriginal & Non-Aboriginal communities	Support people, families and communities in places where high levels of welfare dependence co-exist with high levels of social harm	Voluntary possible in WA & SA only  Exemptions possible	WA& SA: Working age recipients of ISP's  Queensland: for all under the age of 36 receiving: NewStart Allowance Youth Allowance Parenting Payments (Partnered and Single)	Cashless Debit Card	80% of ISP 100% lump sums	July 2020
	2018	Western Australia: Goldfields+							
	2019	Queensland: Bundaberg & Hervey Bay							

## Key:

+ High Aboriginal populations

\*90% was introduced in Jan 2014

\*\*SPARIM introduced in 2012 under the Northern Territory Mandatory Treatment Program for alcohol abuse

\*\*\*VULIM and VWPR appear interchangeable

## Acronyms:

APYL: Anangu Pitjantjatjara Yankunytjatjara Lands

CDC: Cashless Debit Card

CIM: Compulsory Income Management

CPIM: Child Protection Income Management

CPSIM: Child Protection Scheme Income Management

CYWRT: Cape York Welfare Reform Trial

FRC: Family Responsibilities Commission

ISP: Income Support Payment

NL: Ngaanyatjarra Lands

NIM: New Income Management

NTER: Northern Territory Emergency Response

PBIM: Place-Based Income Management

SPARIM: Supporting People at Risk

VIM: Voluntary Income Management

VULIM: Vulnerable Income Management

VWPR: Vulnerable Welfare Payment Recipient

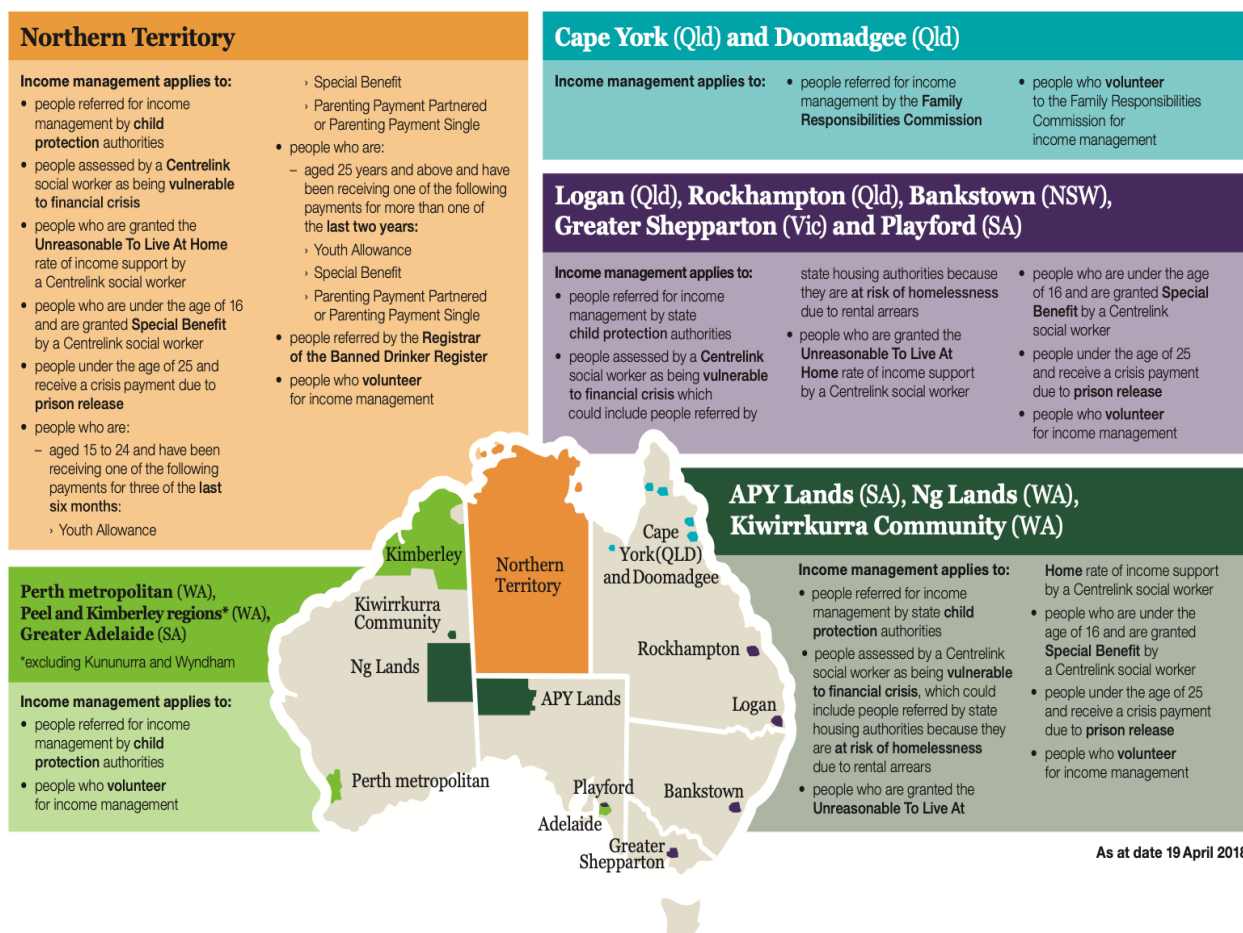


## Appendix 3: Income Management Locations.<sup>196</sup>

(reprinted from Australian Government Department of Social Services, 2018)<sup>197</sup>



# Income Management Locations



<sup>196</sup> Cashless Debit Card (CDC) trials operate in the Ceduna region (SA), East Kimberley & Goldfields (WA) and Hervey Bay and Bundaberg (QLD)

<sup>197</sup> <https://www.dss.gov.au/families-and-children/programs-services/welfare-conditionality/income-management/income-management-locations>

## Appendix 4: Annotated Bibliography

### **Income Management Policy**

**Bielefeld, S. (2012). Compulsory income management and indigenous Australians: delivering social justice or furthering colonial domination? *University of New South Wales Law Journal*, 35(2), 522–562–562.**

Throughout Australia's early colonial era, governments limited Indigenous peoples' access to finances, creating entrenched hardship, poverty, ill health, degradation and disempowerment. Early colonial attitudes about the desirability of placing limitations on access to money for Indigenous Australians have been resuscitated in recent years. Contemporary attitudes of government reflect a familiar colonial way of thinking that subscribes to a range of negative stereotypes of Indigenous peoples.

**Bielefeld, S. (2018). Government mythology on income management, alcohol, addiction and Indigenous communities. *Critical Social Policy*, 38(4), 749–770.**

<https://doi.org/10.1177/0261018317752735>

Many governments have intensified conditions on social security payments, implementing new paternalist and neoliberal policy ideals that individualise responsibility for overcoming poverty. This article explores how such policy ideals can operate with a racialised impact in the context of income management, a type of welfare conditionality in Australia that delivers cashless welfare transfers. Income management originally applied only to Indigenous welfare recipients but has since been expanded. The government's rationale for the scheme is to limit access to alcohol and other drugs and promote 'socially responsible behaviour'.

**Bielefeld, S, & Beaupertt, F. (2019). Income Management and Intersectionality: Analysing Compulsory Income Management through the Lenses of Critical Race Theory and Disability Studies ('Discrit'). *Sydney Law Review*, 41(3), 327–357.**

This article investigates the relationship between racism, ableism and classism in the context of compulsory income management, with a focus on difficulties encountered by people experiencing these intersections. We analyse government commissioned evaluation reports of income management in the Northern Territory.

**Cox, E. (2011). Income management. *Arena Magazine*, (113), 38–40.**

<https://search.informit.com.au/documentSummary;dn=345010651831707;res=IELAPA>

This Federal Labor government claims both to have Labor values and to use evidence as its policy driver. These claims are confounded in many of the social policy areas they are pursuing but none more so than in their current policy initiatives on income management. Here the government shows few signs of either fairness or a serious examination of any evidence that income management works to benefit its unwilling participants.

**Cox, E. (2011a). Evidence-Free Policy Making? The Case of Income Management, *Journal of Indigenous Policy*, (12), i-100.**

<https://www.uts.edu.au/sites/default/files/JIP12online2011.pdf>

This case study shows how racially prejudiced changes can be used to disguise a major policy shift, raising questions about the inherent assumptions made by government ministers and bureaucrats. How did they manage to avoid any serious public debate on the fairness of shifting away from entitlement to welfare payments towards spending being controlled by the State? The post-war welfare system assumed that those who met criteria for payments had the same rights to spend their money as others had, so controlling expenditure is a big change.

**Gray, M., Hand, K., & Katz I. (2016). Welfare conditionality as a child protection tool. *Family Matters*, (97), 16–29.**

In the Northern Territory, child protection case workers can call for families to be subject to “Child Protection Income Management” if they believe this form of conditional welfare will improve child outcomes. This article summarises a recent research study into its use and effectiveness. The article describes the aims and methodology of the study, how the Child Protection Income Management scheme operates, the characteristics of families referred to the scheme, referrals to other support services and interventions, and the views of caseworkers on its effectiveness.

**Greenacre, L., Akbar, S., Brimblecombe, J., & McMahon, E. (2020). Income Management of Government Payments on Welfare: The Australian Cashless Debit Card. *Australian Social Work*, 1-14.**

A new form of conditional welfare through income management is being trialled in Australia, dubbed the “Cashless Debit Card”. It aims to reduce gambling, alcohol and illegal drug use to address social pathologies related to crime and welfare. Routinely collected data from government were used to assess if the targeted reductions arose. Store sales data were also used to evaluate impact on food purchases. No substantive impact on measures of gambling ( $p = .175$ ), and intoxicant abuse ( $p = .662$ ) were found. An increased spend on healthy foods (95%CI: 12.0% to 150.0%) was observed but decreased as a proportion of all foods (95%CI: -6.3% to -13.1%). Impacts on crime and Emergency Department presentations were not substantively found. We conclude that targeting individual choices may not be as effective as policies targeting the historical social structures that serve as antecedents to such social pathologies.

**Humpage, L. (2016). Income management in New Zealand and Australia: Differently framed but similarly problematic for Indigenous peoples. *Critical Social Policy*, 36(4), 551–571. <https://doi.org/10.1177/0261018316638459>**

In Australia, income management explicitly targeted Indigenous communities, being initiated as part of the Northern Territory Emergency Response in 2007, then later extended to other benefit recipients. In New Zealand, all 16- and 17-year-old benefit recipients and 18-year-old parents on a benefit became subject to income management in 2012 as a means to inhibit future ‘welfare dependency’ amongst young people.

**Klein, E. (2016). Neoliberal subjectivities and the behavioural focus on income management. *Australian Journal of Social Issues*, 51(4), 503–523. <https://doi.org/10.1002/j.1839-4655.2016.tb01246.x>**

This paper specifically addresses the behavioural focus of the income management regime, arguing that through its use of market logic and the reduction of social and political complexity, the regime is a technology of neoliberal governmentality. This paper finds that income management, whether compulsory or voluntary, blanket or Community based, regards the individual as the site of dysfunction, depoliticising and dehumanising broader socio-economic-historical factors in the process. Further, the focus on behavioural change creates the illusion that the market logic of income

management will produce responsible citizens, which in turn obscures the possibility of redressing poverty and inequality.

**Marston, G., Cowling, S., & Bielefeld, S. (2016). Tensions and contradictions in Australian social policy reform: compulsory Income Management and the National Disability Insurance Scheme. *Australian Journal of Social Issues*, 51(4), 399–417.**  
<https://doi.org/10.1002/j.1839-4655.2016.tb01240.x>

This paper explores contemporary contradictions and tensions in Australian social policy principles and governmental practices that are being used to drive behavioural change, such as compulsory income management. By means of compulsory income management the Australian Government determines how certain categories of income support recipients can spend their payments through the practice of quarantining a proportion of that payment. In this process some groups in the community, particularly young unemployed people and Indigenous Australians, are being portrayed as requiring a paternalistic push in order to make responsible choices.

**Marston, G., Mendes, P., Bielefeld, S., Peterie, M., Staines, Z., & Roche, S. (2020). *Hidden Costs: An Independent Study into Income Management in Australia*. University of Queensland.**  
<https://research.monash.edu/en/publications/hidden-costs-an-independent-study-into-income-management-in-austr>

This report summarises preliminary findings from a national independent study into the ongoing expansion of income management (IM) in Australia.

**Mendes, P. (2013). Compulsory Income Management: A Critical Examination of the Emergence of Conditional Welfare in Australia. *Australian Social Work*, 66(4), 495–510.**  
<https://doi.org/10.1080/0312407X.2012.708763>

The introduction of compulsory income management by the then Coalition Government in 2007 signalled the increasing policy influence of individualistic as opposed to structural explanations of social disadvantage. Using key policy and evaluation literature, this article critically examines the principal arguments for and against compulsory income management. Specific questions are raised about the top-down and coercive nature of compulsory income management, the lack of supporting empirical evidence, and its apparent discrimination against Australians who are Indigenous or reliant on income security payments, or both.

**Mendes, P., Marston, G., & Katz, I. (2016). Introduction for Special Issue on Income Management. *Australian Journal of Social Issues*, 51(4), 393–397.**  
<https://doi.org/10.1002/j.1839-4655.2016.tb01239.x>

A number of governments around the globe have introduced conditional welfare programs tied to work and personal responsibility in an attempt to pressure the unemployed into labour market participation. This development is part of a broader move towards the reconceptualization of the social contract from welfare being seen as a collective right towards welfare payments being used as a mechanism for changing the behaviour of disadvantaged sectors of the population.

**Mendes, P. (2017). Community as a ‘spray-on solution’: a case study of community engagement within the income management programme in Australia. *Community Development Journal*, 53(2), 210–227.** <https://doi.org/10.1093/cdj/bsx008>

Community development theorists such as Bryson and Mowbray [(1981) Community: the spray-on solution, *Australian Journal of Social Issues* 16 (4): 255–267] argue that community is often used as a mother-hood term to mask the imposition of conservative agendas within social programmes. Their theory is applied here to critically analyse the introduction of paternalistic income management (welfare quarantining) programmes in Australia that overwhelmingly limit the personal agency and choices of participants.

**Mendes, P. (2019). Top-down Paternalism Versus Bottom-up Community Development: A Case Study of Compulsory Income Management Programmes in Australia. *The International Journal of Community and Social Development*, 1(1), 42-57.**

<https://doi.org/10.1177/2516602618816485>

The compulsory income management or welfare quarantining programmes introduced by Australian governments over the past 11 years have provoked major public contention. One key source of conflict has been around whether these programmes have been introduced via co-design processes enabling the consent of local communities, or alternatively whether they are merely top-down programmes imposed with minimum consultation on specific geographical sites. This article argues that most consultation processes have been limited and tokenistic, and rarely included actual income management participants.

**Mendes, P., Roche, S., Marston, G., Peterie, M., Staines, Z., & Humpage, L. (2020). The Social Harms Outweigh the Benefits: A Study of Compulsory Income Management in Greater Shepparton and Playford. *Australian Social Work*, 1-15.**

Welfare conditionality, where income support payments are tied to prescribed activities or alternatively good behaviour, has intensified in recent years. The toughest form of conditional welfare is arguably compulsory income management (IM), which involves the quarantining of between 50 and 90 per cent of a participant's benefit payment for spending on food, rent, and other essential items in order to reduce substance abuse, and enhance socially responsible behaviour particularly around the care of children.

**Peterie, M., Bielefeld, S., Marston, G., Mendes, P., & Humpage, L. (2020). Compulsory income management: Combatting or compounding the underlying causes of homelessness? *Australian Journal of Social Issues*, 55(1), 61–72.**

<https://doi.org/10.1002/ajs4.79>

Official justifications of CIM have framed these policies as attempts to combat substance abuse and gambling problems, and to thus secure better outcomes for welfare recipients and their families. Central to this narrative has been the argument that welfare quarantining will ensure more money is spent on 'essentials', including accommodation. No existing studies, however, have specifically interrogated the impacts of CIM on housing security. This article responds to this gap in the literature by reviewing existing research concerning CIM's impacts and locating this research within broader debates regarding the causes of homelessness and the efficacy of individualised policy interventions.

**Welfare Expert Advisory Group. (2019). Whakamana Tāngata, Restoring Dignity to Social Security in New Zealand.**

<http://www.weag.govt.nz/assets/documents/WEAG-report/aed960c3ce/WEAG-Report.pdf>

Australia and New Zealand are the only two countries who apply compulsory income management to benefit recipients. Along with recommendations to remove most sanctions in New Zealand and a range of other conditional and punitive welfare policies, the report also said: "We are also persuaded by the recent review of compulsory income management in the Youth Service system that this aspect of it serves no useful purpose and should be discontinued."



## **NTER**

**Altman, J. (2016). Blind-sided by Basics: three perspectives on income management in an Aboriginal community in the Northern Territory. *Australian Journal of Social Issues*, 51(4), 487–502. <https://doi.org/10.1002/j.1839-4655.2016.tb01245.x>**

Despite much rhetoric around evidence-based policy making and constant reviewing of income management, there has been little grounded research about Aboriginal responses at the community level to this new institution. In this article I report on the operations of income management from a longer-term perspective, working with Kuninjku people and retail outlets in the Maningrida region in Arnhem Land. My argument is that from a local perspective income management is just one of a suite of new measures that have been introduced to alter the norms and values of people to correlate more closely with Australian mainstream norms.

**Altman, J. (2018). The Howard Government's Northern Territory Intervention: Are Neo-Paternalism and Indigenous Development Compatible? Director of the Centre for Aboriginal Economic Policy Research, Topical Issue No. 16/2007.**

[https://openresearch-repository.anu.edu.au/bitstream/1885/148959/1/Altman\\_AIATSIS\\_0%20\(1\).pdf](https://openresearch-repository.anu.edu.au/bitstream/1885/148959/1/Altman_AIATSIS_0%20(1).pdf)

Originally presented as a keynote address at the Australian Institute of Aboriginal and Torres Strait Islander Studies Conference 'Forty Years On: Political transformation and sustainability since the Referendum and into the future', Canberra, 7 November 2007. It should be noted that the Howard Government is referred to in the present tense, as this paper was presented before the federal election of 24 November 2007.

**Anthony, T. (2009). Governing crime in the intervention. *Law Context: A Socio-Legal J.*, 27, 90.**

Crime and its impact on victims precipitated the increase of Federal Police in remote Northern Territory Indigenous communities and the implementation of federal laws to govern these communities. This article draws on Jonathan Simon's 'governing through crime' concept. Simon (2007: 4) analysed the government's use of 'law and order' in the United States to implement invasive strategies across a range of social institutions. He stated that the 'technologies, discourses and metaphors of crime' created new opportunities for intrusive governance (2007: 5). Crime itself is governed through greater policing and penalties for minor crimes (2007: 35).

**Anthony, T. (2017). NTER took the children away. *Arena Magazine*.**

<https://arena.org.au/nter-took-the-children-away-by-thalia-anthony/>

The Intervention's role in state-based child abuse. Almost ten years after the Northern Territory Intervention was rolled out, the federal government was made aware of Aboriginal child abuse. It's not the kind of abuse that ostensibly precipitated the Intervention. It's more a symptom of the Intervention. The abuse was broadcast on the ABC's Four Corners in July 2016 and included images of large, stocky white men beating Aboriginal children, spraying tear gas in their faces and all over their bodies, caging them in isolated cells, and trapping their heads in hoods and their wrists and ankles in shackles. This abuse took place in youth detention.

**Arney, F, McGuinness, K, & Robinson, G. (2009). In the best interests of the child? Determining the effects of the emergency intervention of child safety and wellbeing. *Law in Context*, 27(2), 42–57–57.**

<https://heinonline-org.ezproxy.lib.monash.edu.au/HOL/Page?handle=hein.journals/lwincntx27&id=236&collection=journals&index=journals/lwincntx>

In 2006 the Northern Territory Government established a Board of Inquiry to identify and report on concerns of serious child sexual abuse in Aboriginal communities. While the inquiry found that 'child sexual abuse was serious, widespread and often unreported' (Wild and Anderson, 2007a: 16) in the Northern Territory (NT), it also stressed that Aboriginal people are not the only victims and perpetrators and that they were willing to solve problems and support their children.

**Australian Human Rights Commission. (2007). Social Justice Report 2007, Chapter 3, The Northern Territory Emergency Response Intervention – A human rights analysis.** <https://www.humanrights.gov.au/our-work/social-justice-report-2007-chapter-3-northern-territory-emergency-response-intervention>

This chapter provides an overview of the NT emergency intervention legislation and approach more generally. It considers the human rights implications of the approach adopted by the government.

**Doel-Mackaway, H. (2017). 'I Think it's Okay ... But it's Racist, it's Bad Racism' — Aboriginal Children and Young People's Views About the Intervention. *Monash University Law Review* 43(1), 76-112.** [https://www.monash.edu/\\_data/assets/pdf\\_file/0008/1092671/03\\_Doel-Mackaway.pdf](https://www.monash.edu/_data/assets/pdf_file/0008/1092671/03_Doel-Mackaway.pdf)

Field research conducted in the Northern Territory sought Aboriginal children and young people's views about the 'Intervention' and revealed the impact of these measures on their lives, on Aboriginal peoples and in Aboriginal communities. Research participants articulated detailed knowledge about the Intervention and expressed their nuanced views about two key measures: income management through the BasicsCard, and alcohol regulation through the 'blue and white warning signs' that were placed at the entrance to all prescribed communities. Most participants said the BasicsCard positively impacted aspects of their lives, yet nearly all participants were unaware that the BasicsCard targeted Aboriginal peoples and upon learning this children and young people assessed the measure as 'bad racism'.

**Evans, B. W. (2012). Review of Northern Territory Emergency Response: Criticism, support and redesign. *Australian Journal of Rural Health*, 20(3), 103–107.** <https://doi.org/10.1111/j.1440-1584.2012.01265.x>

The recent Federal Government Report and Media release, Stronger Futures in the Northern Territory: Report on Consultations and its claim of 'widespread Indigenous Support' has brought the topic of the Northern Territory Emergency Response (the Intervention) back into the public mind. This article provides a synthesis of four years of debate around the Northern Territory Emergency Response, at a time when the program is nearing the end of its time frame. It outlines the main arguments supporting the Intervention, the central criticisms and the government's response to these evaluations, with the aim of providing a primer or summary for health professionals to the discussion around this important public issue.

**Lamb, D, & Young, M. (2011). 'Pushing buttons': An evaluation of the effect of Aboriginal income management on commercial gambling expenditure. *Australian Journal of Social Issues, The*, 46(2), 119–140.**

... we specifically test the efficacy of income management in reducing the amount spent on commercial gambling. To achieve this, we conduct an interrupted time series analysis with deflated

monthly electronic gaming machine (EGM) expenditure data from July 2002 to July 2010 for hotels and clubs in the towns of Alice Springs and Katherine. We find a negative association between income management and EGM revenues for only one gambling venue in each town. However, local complexity in the form of segregated markets along temporal, spatial and racial lines, along with other policy confounders, may obscure the effects of the macro-policy intervention.

**McCallum, K., & Waller, L. (2013). The Intervention of Media Power In Indigenous Policy-Making. *Media International Australia*, (149), 139–149.**  
<https://doi.org/10.1177/1329878X1314900115>

The article draws on interviews with a range of actors in the policy constellation to discuss three intersecting factors contributing to this media-driven announcement: the Howard government's political and policy aims for Indigenous affairs; policy bureaucrats' increasingly mediated practices; and the rise of conservative Indigenous spokespeople as key players in debates about Indigenous affairs policy. The article concludes that these factors have made a significant contribution to the manifestation of media power in the Indigenous policy-making process.

**O'Mara, P. (2010). Health impacts of the Northern Territory intervention. *Medical Journal of Australia*, 192(10), 546-548.**

The introduction of the NTER and, in particular, the lack of community consultation, was a cause for deep concern. In response, AIDA chose to undertake a health impact assessment to give voice to affected communities and, as doctors, to facilitate discussion with policymakers and program leaders on ways to improve the NTER and reduce negative impacts on health and wellbeing.

**Maddison, S. (2008). Indigenous autonomy matters: what's wrong with the Australian government's 'intervention' in Aboriginal communities. *Australian Journal of Human Rights*, 14(1), 41–61.** <https://doi.org/10.1080/1323238X.2008.11910845>

The intervention was justified as a crisis response to allegations of widespread child sexual abuse in Aboriginal communities, allegations contained in the *Ampe Akelyernemane Meke Mekarle: 'Little Children Are Sacred'* report. The terms of the intervention were far-ranging, including the quarantining of welfare payments, new alcohol restrictions, compulsory health checks for children, and the acquisition of townships by the government through five-year leases. This article argues that the neo-paternalism of the federal intervention is a simplistic and wrongheaded response to the complex reality of Indigenous political culture.

**Pounder, L. (2008). Never mind human rights, let's save the children: the Australian government's emergency intervention in the northern territory. *Australian Indigenous Law Review*, 12(2), 2-21.**

While the NTER was an initiative of the former Coalition Government, the Labor Party supported the NTER whilst in Opposition and, in government, agreed to continue most NTER measures until a 12-month review had taken place. Now that the report by the NTER Review Board is complete, there is little indication of substantive change in the immediate future. The Rudd Government has indicated that it will 'continue and strengthen the NTER', with existing NTER measures remaining in place for a 'transitional period' of 12 months at least.

**Roffee, J. (2016). Rhetoric, Aboriginal Australians and the Northern Territory Intervention: A Socio-legal Investigation into Pre-legislative Argumentation. *International Journal for Crime, Justice and Social Democracy*, 5(1), 131–147.** <https://doi.org/10.5204/ijcjsd.v5i1.285>



Presented within this article is a systematic discourse analysis of the arguments used by the then Australian Prime Minister and also the Minister for Indigenous Affairs in explaining and justifying the extensive and contentious intervention by the federal government into remote Northern Territory Aboriginal communities. The methods used within this article extend the socio-legal toolbox, providing a contextually appropriate, interdisciplinary methodology that analyses the speech act's rhetorical properties. Although many academics use soundbites of pre-legislative speech in order to support their claims, this analysis is concerned with investigating the contents of the speech acts in order to understand how the Prime Minister's and Minister for Indigenous Affairs' argumentations sought to achieve consensus to facilitate the enactment of legislation ...

**Vivian, A. (2010). The NTER Redesign Consultation Process. *Australian Indigenous Law Review*, 14, (1), 46-70.**

The extensive consultation process (Redesign Consultation process) with Aboriginal people initiated by the Australian Federal Government in 2009 in order to discuss the provisions of the unpopular and allegedly racially discriminatory Northern Territory Emergency Response (NTER) and identify them as special measures is considered severely inadequate. It is suggested that the NTER Redesign Consultation process has not involved the affected Indigenous communities in its design and implementation and hence would only be a formal gesture rather than a genuine intention to help the affected people.

**Vivian, A. (2010a). Some Human Rights are Worth More Than Others: The Northern Territory Intervention and the Alice Springs Town Camps. *Alternative Law Journal*, 35(1), 13–17. <https://doi.org/10.1177/1037969X1003500103>**

This paper examines the deleterious impact of the Northern Territory Emergency Response (aka the Northern Territory Intervention) &, in particular, the removal of authority of Aboriginal Housing Associations over Alice Springs Town Camps on Aboriginal & Torres Strait Islander cultural rights in Australia.

**Watson, N. (2014). From the Northern Territory Emergency Response to Stronger Futures—Where is the Evidence that Australian Aboriginal Women are Leading Self-Determining Lives. *At the Limits of Justice: Women of Colour on Terror*, 335-355.**

In particular, the income management regime was imposed on entire communities, as an attempt to discourage undesirable behaviours by regulating the spending of income support payments. There has been little debate among feminist scholars who publish in this forum on how feminists should approach the measures. This paper argues that feminist scholars should consider how specific measures may impact on Aboriginal women's daily lives, engage with research and contextualise their analysis with Aboriginal women's historical experience of state interventions.

## **Cape York Welfare Reform Trial**

**Altman, J., & Johns, M. (2018). *Indigenous welfare reform in the Northern Territory and Cape York: a comparative analysis*. Canberra, ACT: Centre for Aboriginal Economic Policy Research (CAEPR), The Australian National University.**

This paper examines and compares two Indigenous jurisdictions in the Northern Territory and Cape York that have been subject to radical policy interventions by Federal and State Governments. The Northern Territory intervention emerged from the June 2007 release of the Ampe Akelyernemane Meke Mekarle (Little Children Are Sacred) report into child abuse and neglect. The Cape York trial, as it has become known, is a four-year trial devised by the Cape York Institute and Cape

York Partnerships. Although both interventions have focused on more than just welfare reform, the welfare reform legislation for both jurisdictions have been hotly contested in the public domain.

**Billings, P. (2010). The Family Responsibilities Commission: facilitating socially responsible standards of behaviour in Cape York? *Indigenous Law Bulletin*, 7(16) 3-7.**

The Family Responsibilities Commission (FRC) is a public agency charged with helping people meet their social responsibilities and constitutes part of the Cape York Welfare Reform trial (the trial). The social engineering trial, affecting around 1800 people, is presented as a partnership between local communities, Federal and Queensland Governments and the Cape York Institute for Policy and Leadership (the Institute). Coming at a price of \$88M to the taxpayer, it is one of several contemporary welfare payment reforms being trialled in selected parts of Australia.

**Campbell, F. (2015). The Cape York Welfare Reform-Continuing Acts of Paternalism. *QUT Law Review*. 15, 114.**

Today, in four predominantly Aboriginal communities in Cape York and Doomadgee in the Gulf of Carpentaria, the Family Responsibilities Commission can direct Centrelink to manage up to 90 per cent of a person's social security payment if they fail to meet one of four 'social responsibilities.' If social security payments could be found to be property, as occurs in European countries, income management of Aboriginal people's social security payments arguably breaches the Racial Discrimination Act 1975 (Cth) and the Aboriginal and Torres Strait Islander (Queensland Discriminatory Laws) Act 1975 (Cth) which require equality for Aboriginal peoples in exercising their right to own and manage property. If social security cannot be found to be property, a court is likely to find income management to be a special measure for the benefit of Aboriginal people.

**Johnson, M., Brigg, M., & Graham, M. (2016). Pearson and Responsibility:(Mis-) Understanding the Capabilities Approach. *Australian Journal of Politics & History*, 62(2), 251-267.**

Aboriginal Australian public intellectual Noel Pearson has gained prominence and influence for his brand of policy reform in Indigenous affairs by drawing upon the capabilities approach. This article challenges the coherence of Pearson's position, arguing that his unrelenting focus on personal responsibility leads him to conflate different elements within capabilities thinking. Pearson 1) mistakes social capabilities (to which people are entitled) for human potential to be unfolded, and 2) casts and prescribes personal responsibility as a type of latent capability.

**Le Marseny, S. (2012). The family responsibilities commission: An agent for positive social change in Australian discrete indigenous communities. *Australian Indigenous Law Review*, 16(2), 43-57.**

This paper will present the growing body of evidence regarding the success of the Family Responsibilities Commission ('FRC') in the Indigenous community of Aurukun. In particular, it will indicate how the FRC has achieved its objectives of supporting the restoration of socially responsible standards of behaviour and local authority in welfare reform community areas; and helping people in welfare reform community areas to resume primary responsibility for the wellbeing of their community and the individuals and families of the community

**Neale, T. (2017). Regarding Self-Governmentality: Transactional Accidents and Indigeneity in Cape York Peninsula, Australia 1. In *Biopolitics and Memory in Postcolonial Literature and Culture* (pp. 29-46). Routledge.**

Noel Pearson's reform agenda hopes to help Indigenous people move between cultures from Cape York to New York. A sociological framework underpinned the medical and moral policies, many administrators professing that employment and cultivated monogamous patriarchal and matriarchal obligation would elicit all the desired elements of a settled life and social responsibility. Pearson's conceptual solutions to the deficit of responsibility have emerged in the years since *Our Right* and primarily revolve around a teleology of individualism. The twin to the governmental dream is the reality of the recent policy interventions in Cape York Peninsula, where the result has been an institutionally dense administrative order of rolling reform.

**Watson, N. (2008). The Family Responsibilities Commission Act 2008 (Qld): causes for concern. *Indigenous Law Bulletin*, 7(8), 18–20.**

In March 2008 the Queensland Parliament passed the *Family Responsibilities Commission Act 2008* (Qld). Premier Bligh described the legislation as a ‘world-first trial to link parental responsibility with Government assistance. ‘The objects of the Act include the ‘restoration of socially responsible standards of behaviour’ in welfare reform community areas. The welfare reform community areas are all located in north Queensland and have predominantly Indigenous populations.

**Watt, E. (2013). The implementation of the capabilities approach in Cape York: can paternalism be a pre-condition for participation? *Development Bulletin*, 75, 39-42.**  
[https://www.researchgate.net/profile/Elizabeth\\_Watt4/publication/330467246](https://www.researchgate.net/profile/Elizabeth_Watt4/publication/330467246)

Since 2005, Pearson and the CYI have framed the CYWRT using the capabilities approach to development. This interdisciplinary development paradigm, first articulated by Amartya Sen, has been widely adopted as an alternative to GDP based models of development. This paper speculates as to why the policy makers in Cape York appealed to the capabilities approach to rationalise their reform and examines how they have used it to justify paternalism as an apparent precondition to participation in development.

**Watt, E. (2020). Is the BasicsCard “shaming” Aboriginal people? Exploring the differing responses to welfare quarantining in Cape York. *Australian Journal of Social Issues*, 55(1), 40–50.** <https://doi.org/10.1002/ajs4.94>

As part of the Cape York Welfare Reform Trial (CYWRT), which has been running in the remote Aboriginal towns of Aurukun, Hope Vale, Mossman Gorge and Coen since 2008, Family Responsibilities Commissioners have the unprecedented ability to quarantine welfare payments. Critics claim these “BasicsCards,” which cannot be spent on alcohol, tobacco, pornography or gambling, brings shame to Aboriginal people – marking them as dependants, deemed incapable of responsible spending. Evaluations of the CYWRT paint a more complicated picture. While many of the “spectators” of the CYWRT report “welfare reform stigma” the “subjects” themselves are more positive.

## **New Income Management**

**Bielefeld, S. (2013). Compulsory income management under the Stronger Futures laws: providing 'flexibility' or overturning freedom of contract? *Indigenous Law Bulletin*, 8(5), 18–21.**

This article argues that whilst income management has been heralded by the Government as providing ‘greater choice and flexibility’ for welfare recipients, the scheme significantly erodes freedom of contract for those subject to it. The doctrine of freedom of contract maintains that consumers are to have freedom to enter into contract for goods and services of their own choice with merchants of their own choice.

**Bielefeld, S. (2014). History Wars and Stronger Futures Laws: A Stronger Future or Perpetuating Past Paternalism? *Alternative Law Journal*, 39(1), 15–18.**  
<https://doi.org/10.1177/1037969X1403900105>

The 2007 Intervention was, as Irene Watson argues, founded upon the ‘cultural profiling of the other as barbarian’.<sup>2</sup> In this sense, the laws and policies embodying the Intervention cannot be seen as divorced from the history wars. They have drawn upon a colonialist discourse stretching back to the earliest days of Australian colonisation.

**Bray, J. R. (2016). Seven years of evaluating income management - what have we learnt? Placing the findings of the New Income Management in the Northern Territory evaluation in context. *Australian Journal of Social Issues*, 51(4), 449–468.**  
<https://doi.org/10.1002/j.1839-4655.2016.tb01243.x>

A number of evaluations and other studies of these programs have been undertaken. These vary in rigour, methodology, and the set of programs considered. This has led to an apparent diversity of findings, which has been exaggerated by selective use in public debate. The largest and most in-depth evaluation has been that of 'New Income Management' in the Northern Territory. This found that the program had not achieved its objectives and appears to have created dependence.

**Bray, J. R., Gray, M., Hand, K., & Katz, I. (2015). Compulsory Income Management in the Northern Territory – evaluating its impact. *Australian Journal of Social Issues*, 50(4), 373–396.** <https://doi.org/10.1002/j.1839-4655.2015.tb00356.x>

Australia has been experimenting with constraining the ways in which welfare recipients can spend their income support payments, limiting their ability to access cash and purchase some products... In the logic of the programs, these outcomes are expected to be manifest at the individual, family and community levels. The policy has primarily impacted on Indigenous Australians as a result of its geographic targeting ... The largest of these experiments is New Income Management in the Northern Territory, which has had more than 35,000 participants since its introduction in 2010. This article reports on the key findings of the major independent evaluation of New Income Management commissioned by the Australian Government.

**Cunneen, C., Allison, F., & Schwartz, M. (2014). Access to justice for Aboriginal People in the Northern Territory. *Australian Journal of Social Issues*, 49(2), 219-240.**

This article discusses research in the Northern Territory on Aboriginal civil and family law needs. It is based on focus group discussions and interviews with legal services providers and other associated organisations. The article argues that key areas of legal need involve discrimination, housing, child protection, social security, credit/debt and consumer law problems. It further argues that welfare conditionality, particularly as embodied in the NT Intervention and subsequent Stronger Futures policies, has exacerbated the need for legal assistance and advocacy for Aboriginal people.

**Lovell, M. E. (2016). The normalisation of income management in Australia: analysis of the parliamentary debates of 2007 and 2009–10. *Australian Journal of Social Issues*, 51(4), 433–448.** <https://doi.org/10.1002/j.1839-4655.2016.tb01242.x>

The introduction of New Income Management (NIM) in 2010 extended IM beyond Indigenous communities and introduced a new set of eligibility criteria that shifted the focus of IM from Indigenous people to working-age recipients of social security income. This in-depth study of the early parliamentary debates on the compulsory IM programs traces the patterns of political discourse that led to IM coming to be seen by many policy makers as a normal and legitimate technique within Australian social policy.

**Partridge, E., Maddison, S., & Nicholson, H. A. (2012). Human rights imperatives and the failings of the Stronger Futures consultation process. *Australian journal of human rights*, 18(2), 21-43.**

In 2011, the Australian federal government embarked on a consultation process intended to advance its policy agenda with regard to Indigenous peoples in the Northern Territory. This article examines the conduct of these consultations. It begins by examining the significance of consultation within human rights discourse, before examining the specific concerns associated with the 2011 consultation. We argue that, from this perspective, the Stronger Futures consultations were seriously inadequate, to the extent that the legitimacy and legality of the Stronger Futures legislative package must be called into question.

**Schokman, B. (2012). Stronger Futures is disempowering, damaging and doomed to fail. *Indigenous Law Bulletin*, 7(30), 17-21.**

Five years after its introduction, the Northern Territory Emergency Response (the 'Intervention') continues to divide opinions on the way forward for Indigenous policy in Australia. While much of the evidence points to the 'Emergency Response' being a dramatic policy failure, the Federal Government is poised to extend the Intervention for a further 10 years.

### **Place-Based Income Management**

**Banks, M., & Tennant, D. (2016). Community worker perceptions of the Income Management regime in Shepparton. *Australian Journal of Social Issues*, 51(4), 419–432.**  
<https://doi.org/10.1002/j.1839-4655.2016.tb01241.x>

This paper focuses on how community workers in Shepparton viewed the impact of the Place Based Income Management (PBIM) trial on the lives of their clients, their clients' families, and the broader community. The paper responds to criticism that there has been a lack of community voices in the development of PBIM or of their inclusion in the formal evaluation framework, raised in Philip Mendes's 2013 study of this trial site.

**Mendes, P., Waugh, J., & Flynn, C. A. (2013). *The Place-based Income Management Trial in Shepparton: a best practice model for evaluation*. Social Inclusion and Social Policy Research Unit, Department of Social Work, Monash University.**  
<https://resources.lib.monash.edu/eresources/Mendes-Waugh-Flynn.pdf>

This paper presents an alternative framework for evaluating Place Based Income Management (PBIM). Its purpose is to complement existing evaluative frameworks by contributing other ways of examining the social impact of PBIM and, in particular, any of its unintended consequences. Greater Shepparton is one of the five trial sites of PBIM across Australia that commenced in July 2012. Using Greater Shepparton as a setting, Family Care and Berry Street commissioned the Social Inclusion and Social Policy Research Unit at Monash University to develop this evaluation framework.

**Tennant, D. (2012). How 'place' fares in place-based solutions. *Victorian Council of Social Service Insight*, 7, 34-35.**  
[https://www.researchgate.net/publication/261180714\\_Insight\\_07\\_How\\_place\\_fares\\_in\\_place-based\\_solutions](https://www.researchgate.net/publication/261180714_Insight_07_How_place_fares_in_place-based_solutions)

Governments are looking increasingly to place-based initiatives to address deep disadvantage. David Tennant assesses how the Shepparton welfare reform trial in Victoria meets some key elements for success.

**Spencer, L. (2018). Place-Based Income Management Legislation: Impacts on Food Security. *Flinders Law Journal*, 20(1), 54–54.**

This paper reports on the findings of empirical field research into the impact of ‘place-based income management’ (PBIM) legislation on food security for trial participants in the trial site of Bankstown, New South Wales. This research aims to address a gap in existing evaluative data on the effects of PBIM on the lives of trial participants, specifically in relation to one of the stated legislative purposes of PBIM: improving food security.

## **Cashless Welfare**

**Bielefeld, S. (2017). Cashless welfare cards: controlling spending patterns to what end? *Indigenous Law Bulletin*, 8(29), 28–32.**

Delivering social security payments by means of cashless welfare cards has had a protracted trial in Australia, with various income management schemes in operation, the latest of which is the Forrest Review inspired Cashless Debit Card (CDC) issued by Indue Ltd. A key government rationale for various forms of cashless welfare is that something must be done to address the risk that welfare recipients might use their income to support substance abuse and gambling. Numerous welfare recipients subject to income management report that it has created additional difficulties for them in meeting their needs.

**Bielefeld, S. (2018). Indigenous Peoples, Neoliberalism and the State: A Retreat from Rights to 'Responsibilisation' Via the Cashless Welfare Card. *The Neoliberal State, Recognition and Indigenous rights* (Australian National University Press, 2018), 18-21.**

The retreat of nation states from recognition of indigenous peoples' rights in the 21st century has been experienced within a broader ascent of politics, which has been framed within the rubric of neoliberalism. In November 2016, an international group of scholars from Aotearoa/ New Zealand, Australia and Canada gathered in Canberra to participate in a small, by-invitation symposium titled, 'Indigenous Rights, Recognition and the State in the Neoliberal Age'. The symposium was funded by the Centre for Aboriginal Economic Policy Research (CAEPR) and the Research School of Social Sciences at The Australian National University (ANU). Participants were invited to share innovative, practical and provocative ideas with respect to indigenous rights, recognition and the state in the neoliberal age.

**Hunt, J. (2018). The Cashless Debit Card Evaluation: does it really prove success?**  
[https://openresearchrepository.anu.edu.au/bitstream/1885/148910/1/01\\_Hunt\\_The\\_Cashless\\_Debit\\_Card\\_2017.pdf](https://openresearchrepository.anu.edu.au/bitstream/1885/148910/1/01_Hunt_The_Cashless_Debit_Card_2017.pdf)

The evaluation report on the Cashless Debit Card trial (CDCT) in Ceduna and the East Kimberley (Orima Research 2017) was recently released with much fanfare. The Minister for Human Services, Alan Tudge, claimed the trial a huge success, and the Prime Minister ...saying with great conviction: 'It's seen a massive reduction in alcohol abuse, in drug abuse, in domestic violence, in violence generally; a really huge improvement in the quality of life, not just for the families who are using the Cashless Welfare Card, but for the whole community. But above all it's an investment in the future.' Someone needs to tell them that the report does not say that. Indeed, the authors qualify a number of their apparently positive findings with various caveats, but, at the same time, the evaluation itself has



serious flaws, so even these findings are contestable. Despite this, the trials are continuing, and new rollouts of the Cashless Debit Card are proposed elsewhere.

**Klein, E. Tennant., D., Wighton, J., & Bielefeld., S. (2018). Income Management. The Cashless Debit Card. Arena Magazine, 153, 14-18.**

Last month, the federal parliament of Australia passed legislation to extend the trials of the Cashless Debit Card (CDC) in the East Kimberley (Western Australia) and Ceduna (South Australia). This legislation also has the provision to introduce a third site to the trial, Kalgoorlie-Boulder in Western Australia. Why a trial is necessary is a mystery. In 2014 the government commissioned a comprehensive multi-year independent evaluation of new income management in the Northern Territory. This review was conducted by leading academics from some of Australia's top universities and provided conclusive evidence that compulsory income management in the Northern Territory had not made a significant difference, even though over \$1 billion had been spent on it.

**Klein, E., & Razi, S. (2018a). Contemporary tools of dispossession: The cashless debit card trial in the east Kimberley. *Journal of Australian Political Economy, The*, (82), 84-106.**

This article focuses on the Cashless Debit Card (CDC) trial in the East Kimberly, Western Australia. The card is the latest iteration of income management and aims to restrict cash and purchases to curb alcohol consumption, illegal drug used and gambling. We review the CDC trial in the contest of the current policies managing First Nations and poor non-First Nations consumption. We find that the Cashless Debit Card individualises and depoliticises unemployment and poverty as it is based on fraught assumptions about First Nations employment and unemployment that blame low employment rates on 'bad behaviour'. It thereby increases hardship on the lives of those subjected to the card and is a mechanism to empower Australian capitalism and settler colonialism.

**Klein, E., & Razi, S. (2018b). *The cashless debit card trial in the East Kimberley*. Canberra, ACT: Centre for Aboriginal Economic Policy Research (CAEPR), The Australian National University.**

<https://openresearch-repository.anu.edu.au/handle/1885/147866>

In this paper, we focus on the Cashless Debit Card (CDC) trial in the East Kimberley in Western Australia. The trial began in early 2016 in both Ceduna (South Australia) and the East Kimberley (Western Australia), quarantining 80% of state benefits received by all working-age people (15–64 years) in the trial sites. In this paper, we present findings from a 13-month study examining the trial in the East Kimberley region. We interviewed people on the CDC, as well as community leaders, community services and policy makers, to understand the design, logic and impact of the card.

**Klein, E. (2020). Settler colonialism in Australia and the cashless debit card. *Social Policy & Administration*, 54(2), 265–277. <https://doi.org/10.1111/spol.12576>**

Settler colonialism continues in Australia today. One way this occurs is through processes of assimilation such as targeting First Nations subjectivities with behavioural conditions on their social security payments. In this paper, I draw on a 13-month study examining one such programme; the Cashless Debit Card trial in the East Kimberley region in North West Australia.

**Parsell, C., Vincent, E., Klein, E., Clarke, A., & Walsh, T. (2020). Introduction to the special issue on welfare conditionality in Australia. *Australian Journal of Social Issues*, 55(1), 4–12. <https://doi.org/10.1002/ajs4.102>**

Conditionality in Australia's welfare state has sustained a significant academic critique, including the critique published in this journal. In this Special Issue of the Australian Journal of Social Issues, we contribute to the existing critical literature on welfare conditionality. This Special Issue aimed to provide empirical scrutiny into welfare reform and conditionality in Australia. The articles extend our understanding of welfare conditionality's underpinnings and its lived effects. These case studies illuminate the aspects of welfare conditionality that have not received enough attention: the role of technology, the question of mobility, the relationship with housing and the little thought given to the state's role in mutual obligation.

**Smith, K. (2017). The cashless debit card trial: a public health, rights-based approach to better health and social outcomes. *Indigenous Law Bulletin*, 8(29), 27–27.**

In early 2016, the Australian Government introduced a trial of the cashless debit card (CDC) for working age adults receiving specific Income Support Payments (ISP) in Kununurra and Wyndham, East Kimberley (WA) and Ceduna and surrounding region (SA). Both trial sites have Indigenous populations of approximately 30 per cent. About a quarter of the working age population of both areas were deemed eligible for the CDC trial and were receiving their ISPs on this basis at the end of 2016. Indigenous CDC trial participants consisted of 49 and 45 per cent of the total Indigenous populations in the East Kimberley and Ceduna regions, respectively. Non-Indigenous CDC trial participants made up six and five per cent of the total non-Indigenous populations at each site.

**Tilley, S. (2018). Straightjacketing evaluation outcomes to conform with political agendas—an examination of the relationship between program evaluations and political imperatives in the context of the Trial of the Cashless Debit Card.** Prepared for the University of Melbourne Symposium on the Cashless Debit Card Panel: Settler-colonial relations and the Cashless Debit Card February 2018.  
[https://www.papertracker.com.au/pdfs/UnitingCommunities\\_SueTilley\\_CDCsymposium\\_Feb2018.pdf](https://www.papertracker.com.au/pdfs/UnitingCommunities_SueTilley_CDCsymposium_Feb2018.pdf)

This paper explores the interplay between government-commissioned evaluations of its own social policy programs – using the example of the Cashless Debit Card Trial (CDCT) in South Australia and Western Australia and the evaluations by ORIMA Research – and the various political agendas that inform such transactions. It examines assumptions about the neutrality and objectivity of program evaluation exercises and highlights that they are conducted within a political context and are shaped by a number of critical factors and agendas.

**Vincent, E. (2019). *Lived Experiences of the Cashless Debit Card Trial, Ceduna, South Australia*. Canberra, ACT: Australian National University, Centre for Aboriginal Economic Policy Research (CAEPR).**  
<https://openresearch-repository.anu.edu.au/handle/1885/164009>

The Cashless Debit Card (CDC) quarantines 80% of working age recipients' income support payments in selected trial sites. This paper concerns the lived experiences of Indigenous and non-Indigenous individuals subject to the first CDC trial in the Ceduna region of South Australia. This paper centres the voices of those affected by the trial, using narrative interviews to highlight recurring themes: complex shame responses to being a part of the trial; local perspectives on circumvention of the card's restrictions; CDC holders' comments on two existing processes: the Wellbeing Exemption Clause, which might result in an applicant exiting the trial and the Ceduna Region Community Panel, which is empowered to assess applications to vary the split of restricted and unrestricted monies.



**Vincent, E. (2019a). Storytelling, Statistics, and the Ethics of Responsibility. *Commoning Ethnography* 2(1), 27-51.** <https://ojs.victoria.ac.nz/ce/article/view/546>

In this essay, I reflect on the process of conducting research into an Australian welfare reform experiment that targets Indigenous people: the trial of a cashless debit card. Selectively deployed statistical research has been key to making and contesting the political case regarding the cashless debit card's effectiveness. However, pursuing narrative research in contradistinction to this preponderance of statistical research does not necessarily salve ongoing questions about power and research ethics, which have been reinvigorated amid renewed calls for anthropology's decolonisation.

**Vincent, E., Markham, F., & Klein, E. (2020). "Moved on"? An exploratory study of the Cashless Debit Card and Indigenous mobility. *Australian Journal of Social Issues*, 55(1), 27–39.** <https://doi.org/10.1002/ajs4.84>

What is the relationship between the first two trials of the Cashless Debit Card (CDC) and Indigenous mobility? In Ceduna, Vincent conducted ethnographic research into lived experiences of the first CDC trial. In the East Kimberley, Klein conducted 51 structured interviews with people on the card and 37 semi-structured interviews with key informants. Markham used regression analysis of net migration rates at the Statistical Area 2 level to determine whether the CDC trial sites were associated with greater net population loss in 2016 census data than comparable locations. Our exploratory study finds significant local talk of displacement arising from the introduction of the CDC, as well as discussion of short-term trips away from the trial sites being made more difficult.

## **Surveillance**

**Coddington, K. (2019). The slow violence of life without cash: borders, state restrictions, and exclusion in the UK and Australia. *Geographical Review*, 109(4), 527-543.** <https://doi.org/10.1111/gere.12332>

In the U.K., refused asylum seekers who are considered destitute are provided with subsistence-level financial support through the Azure card, a cashless technology similar to a debit card. In Australia, identical technology is used to quarantine fifty percent of the welfare benefits of mainly Aboriginal residents of the Northern Territory. In this paper, I explore the underlying state logics driving such punitive financial policies directed at these populations, arguing that cashless technologies represent a form of slow violence that employs financial tactics to undermine the provision of care for populations with precarious citizenship status. Financial tactics enact new forms of border securitization, slowly but permanently excluding people with precarious claims to citizenship from participation in the nation.

*\* this article provides some very useful theoretical insights about income management as a bordering technology but fails to distinguish between the BasicsCard and the Cashless Debit Card; the CDC being the more severe of the two regimes and operated by a private company.*

**Dalley, C. (2020). The "White Card" is grey: Surveillance, endurance and the Cashless Debit Card. *Australian Journal of Social Issues*, 55(1), 51–60.** <https://doi.org/10.1002/ajs4.100>

Introduced in 2016, the Cashless Debit Card (CDC) is part of a welfare policy trial designed to restrict and direct the expenditure of Aboriginal people receiving a range of government benefits. In this article, I explain that the CDC, is also referred to as the "White Card," appeases the concerns of non-Aboriginal residents and broader Australia and that government is attempting to ameliorate Aboriginal dysfunction. I offer an account of income management in daily life from the perspective of those living with the Card in the East Kimberley town of Wyndham.

**Dee, M. (2013). Welfare Surveillance, Income Management and New Paternalism in Australia. *Surveillance & Society*, 11(3), 272–286.** <https://doi.org/10.24908/ss.v11i3.4540>

This article discusses the situation of income support claimants in Australia, constructed as faulty citizens and flawed welfare subjects. Many are on the receiving end of complex, multi-layered forms of surveillance aimed at securing socially responsible and compliant behaviours. In Australia, as in other Western countries, neoliberal economic regimes with their harsh and often repressive treatment of welfare recipients operate in tandem with a burgeoning and costly arsenal of CCTV and other surveillance and governance assemblages.

## **Vulnerability**

**Bielefeld, S. (2014). Compulsory Income Management and Indigenous Peoples -- Exploring Counter Narratives amidst Colonial Constructions of 'Vulnerability' *Sydney Law Review*, 36, 695–727.**

This article explores counter narratives to the dominant colonial narrative about Indigenous welfare recipients classified as 'vulnerable' under the compulsory income management laws.

The laws have a particularly significant impact upon Indigenous welfare recipients in the Northern Territory and, increasingly, across some other Indigenous communities outside that jurisdiction. The government narrative about income management maintains that it is beneficial for those subject to it. However, there are other marginalised narratives that shed light upon the compulsory income management discourse. These suggest that law constructs, rather than merely describes, the vulnerability that the Government claims to seek to redress via these laws.

**Bielefeld, S. (2018). Cashless Welfare Transfers for 'Vulnerable' Welfare Recipients: Law, Ethics and Vulnerability. *Feminist Legal Studies*, 26(1), 1–23.**  
<https://doi.org/10.1007/s10691-018-9363-6>.

This article aims to contribute to literature on the conceptualisation of 'vulnerability' and its use by neo-liberal welfare regimes to demean, stigmatize and responsabilize welfare recipients. Several conceptions of 'vulnerability' will be explored and utilised in the context of welfare reforms that purport to regulate social security recipients as highly risky 'vulnerable' subjects. However, as this article will make clear, 'vulnerability' is a somewhat slippery concept and one susceptible to abuse by powerful interests' intent on increasing coercive surveillance, discipline and disempowerment for those designated as 'vulnerable'.

**Bray, J. R., Gray, M., Hand, K., & Katz, I. (2016). Social Worker Assessed Vulnerable Income Management. *Australian Journal of Social Issues*, 51(4), 469–485.**  
<https://doi.org/10.1002/j.1839-4655.2016.tb01244.x>

Despite the small size of the sub-program, Social Worker Assessed Vulnerable Welfare Payment Recipients Income Management is often cited as a preferred approach to this type of initiative. While the size of the sub-program has made evaluation difficult, the two major evaluations of income management have nevertheless made specific findings which suggest that the program has had some positive outcomes for a highly marginal participant group. These findings, along with aspects of the operation of the program, including the role played by social workers, and a proposal to abolish the program, are discussed.

**Stanley, E. M., & de Froideville, S. M. (2020). From vulnerability to risk: Consolidating state interventions towards Māori children and young people in New Zealand. *Critical Social Policy*.** <https://doi.org/10.1177/0261018319895203>

Vulnerability has been a guiding narrative to state interventions towards children and their families in New Zealand. This article shows how this progressive notion has been systematically managed to fit pre-established political and policy priorities. These processes have emphasised: (i) categorisations of risk to those who demonstrate vulnerabilities; (ii) pre-emptive, multi-agency involvement in the lives of those deemed potentially ‘vulnerable’; and (iii) a responsabilising expectation that children and families will avoid vulnerable situations and comply with interventions.

## **Appendix 5: Addendum**

### **Addendum: Welfare Quarantining in Australia – a review of grey literature (March 2020) published by the Border Crossing Observatory, Monash University.**

This addendum was added on 29 November 2020 and updated on 29<sup>th</sup> September 2021.

#### **Background**

Legislation intended to extend all Cashless Debit Card (CDC) trials<sup>198</sup> to June 2021 and convert the Northern Territory and Cape York income management regimes to CDC trial sites, was due for its third hearing in February 2020. With the support of Independent Senator, Jacqui Lambie, the legislation seemed likely to pass. However, the third reading did not occur. Parliament was then adjourned from mid-March until August, due to the COVID-19 pandemic.

In March, the Federal government issued a \$750 coronavirus stimulus payment to all income support recipients. Those who were part of CDC trials saw the payment quarantined to their card (Henriques-Gomes, 2020b).

Later that month the government announced that there would be a ‘pause’ on transitioning any new income support recipients to the trials, due to being inundated by new welfare recipients. Greens Senator, Rachel Siewart, stated it seemed highly likely that those who accessed income support due to COVID-19 would, at some point, be moved onto the scheme (Moussalli & Nadge, 2020). This proved to be the case when the pause was lifted on March 24<sup>th</sup>, 2021, and four thousand people were moved onto the Indue card across the trial’s various sites (Lucas, 2021).

On 5 May 2020, a government announcement stated the trials would be extended to 31 December 2020 (Wellington, 2020). Without necessary legislation to extend the trials, they were due to expire on this date. Minister for Families and Social Services, Anne Ruston, said that ‘the six-month extension would help buy time for program participants as Parliament considers legislation to further extend the trials and use it to replace income management in the Northern Territory and Cape York’ (Chanthadavong, 2020). Minister Ruston also stated that the trial would be upgraded to allow for contactless payments and for all participants to receive a 1 per cent interest rate on account balances. Interest earned would be credited to accounts from June 2020, backdated to 1 July 2019. Contactless payment functionality went live on 29 July 2020.

#### **Social Security (Administration) Amendment (Continuation of Cashless Welfare) Bill 2020**

On 8 October 2020, a Bill was introduced to extend the sunset date of the trial sites to 31 December 2021. The Bill also aimed to establish the Northern Territory and Cape York Welfare Reform Trial as CDC trial sites – to be transitioned from the BasicsCard to the

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<sup>198</sup> Ceduna and surrounding regions (SA), Wyndham, Kununurra & Goldfields (WA) and Bundaberg and Hervey Bay (QLD)

Cashless Debit Card during 2021. However, for Northern Territory residents, the amount quarantined under the cashless debit card would remain at 50 percent, the same as under the BasicsCard. From 1 January 2022, the CDC would become a permanent program across all sites. The Bill was tabled two days after an undisclosed amount was allocated in the Federal Budget for ongoing funding of the trial sites and expansion into the Northern Territory and Cape York. Senator Lambie was quoted as saying she would not support the legislation without changes to the scheme (Holmes, 2020). Spokesman for the Peak Aboriginal Organisation of the Northern Territory, John Paterson, described the Bill as ‘the new intervention’ (Kerin, 2020).

The Explanatory Memorandum, which accompanied the Bill, refers to the discredited Orima Evaluation and the first report from the University of Adelaide’s evaluation: The Goldfields baseline data collection. Additionally, the Memo indicates that the Bill will introduce new conditions for exemptions which would allow for a review of exemptions or exit determinations and how evaluations of the cashless welfare policy will be approached:

- the Secretary to review a wellbeing exemption or exit determination and revoke the determination as a result of such review – in some circumstances.
- a desktop evaluation of any review of the CDC to lessen the ethical implications associated with avoidable repeat contact with vulnerable individuals.

(Explanatory Memorandum, Department of Social Services, 2020a)

The Senate Community Affairs Legislation Committee received 132 submission to their inquiry on the Bill. Less than ten per cent of the submissions supported the Bill. The Senate Committee’s report was released on 17 November 2020 recommending that the Bill be passed. Dissenting reports from the Greens and Labor were included in the Senate report.

The legislation proved highly contentious, and the Morrison government ultimately failed to find support for it. Last minute amendments saw the legislation pass by one vote on December 10, 2020. Amendments included all trials sites being extended for two years and the CDC being adopted in Cape York and optional for BasicsCard holders in the Northern Territory. In a media release, Minister Ruston stated that the extension provided ‘certainty’ for participants and a government commitment to the program on a permanent basis, while recognising a need to do more work to convince Parliament it should also support making the program permanent (Anne Ruston.com, 2020).

From March 2021, the CDC replaced the BasicsCard in Cape York and became available for Northern Territory BasicsCard holders to transition onto if they chose too. Other income support recipients and Aged Pensioners in the Northern Territory could opt to volunteer for the program. DSS planned to conduct 96 information sessions in the Northern Territory, between July and November 2021, however it would seem likely that this plan has been disrupted by the pandemic.

## **Evaluations**

Two evaluations of the Cashless Debit Card trials have been undertaken. The first, the 2017 Orima Evaluation, was widely criticised and largely discredited by the Australian National Audit Office. The Federal government commissioned a second evaluation through the University of Adelaide Future of Employment and Skills Research Centre. Two baseline data collections were undertaken by the centre. The first occurred in the Goldfields region of Western Australia, with the report released in February 2019. The Goldfields report found some positive changes had occurred in targeted communities, including a reduction in substance misuse and crime, however these changes could not be conclusively linked to the introduction of the CDC. The report for the second baseline data collection in Bundaberg and Hervey Bay sites in Queensland was due for release in December 2019 but was delayed, for reasons unknown, until 6 May 2020 when the Department of Social Services (DSS) published the report on their website – the day after the new Bill was introduced. The report stated that 74 stakeholder organisations and 66 potential or current cardholders had been interviewed. Of the 66, half opposed the card and one fifth supported it. The card was described as causing stigma and stress (Henriques-Gomes, 2020d).

The Senate Estimates Committee was informed that a draft of the final evaluation report had been provided to the government on 29 September and a final draft on 27 October (Jonscher, 2020). Minister Ruston told the Committee that week that she had not read the draft and stated that ‘the purpose of the [\$2.49 million] evaluation report was never the premise on deciding whether we were going to [introduce CDC or not]. It was really put in place to help us decide what was working well, or not working well’ (Jonscher, 2020). Nonetheless, the DSS referenced the final evaluation report in their submission to the Community Affairs Legislation Committee Inquiry. The submission outlined that the evaluation included the first three CDC sites of Ceduna, East Kimberly and the Goldfields – either overlooking or omitting the baseline data collection report for Hervey Bay and Bundaberg published by DSS on 6 May. The submission also said the evaluation had identified:

‘consistent and clear evidence that alcohol consumption had reduced since the introduction of the CDC; short-term evidence suggested the CDC has been helping to reduce gambling, with positive impacts especially in the context of family and broader social life; and in relation to financial planning and money management, the CDC was reported to make things better for those who were probably the most vulnerable and who needed it most.’

(Department of Social Services, Submission to the Community Affairs Legislation Committee Inquiry into the Social Security (Administration) Amendment Continuation of Cashless Welfare) Bill 2020b, p. 5).

The final evaluation report was released in January 2021. Findings of the *Evaluation of the Cashless Debit Card in Ceduna, East Kimberley and the Goldfields Region, Consolidated Report*<sup>199</sup> were listed under 18 separate subject headings. Findings related to the core claims

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<sup>199</sup> *Evaluation of the Cashless Debit Card in Ceduna, East Kimberley and the Goldfields Region, Consolidated Report. January 2021:* [https://www.dss.gov.au/sites/default/files/documents/02\\_2021/fac\\_evaluation-cdc-ceduna-east-kimberley-and-goldfields-region-consolidated-report\\_012021.pdf](https://www.dss.gov.au/sites/default/files/documents/02_2021/fac_evaluation-cdc-ceduna-east-kimberley-and-goldfields-region-consolidated-report_012021.pdf)

of the CDC's purpose in reducing alcohol and illicit drug consumption and gambling were mixed. Changes in alcohol consumption could not be attributed to the CDC trial alone, there was no conclusive evidence that CDC influenced the personal or social harm caused by the use of illicit drugs and short-term evidence suggested the CDC had been helping to reduce gambling (Mavromaras, Mosko, Mahuteau & Isherwood, 2021, p. 2).

### **Exemptions**

Exemptions from the CDC trials became available in July 2019. Exemptions are a result of an amendment made by the Federal government to gain the Opposition's support to extend the trials. CDC participants can apply to the Department of Social Services (DSS) Secretary to be *exempt from* the trial if being on the trial would put a person's mental, physical or emotional wellbeing at serious risk, which is assessed in a meeting with a Centrelink social worker. An application to *exit* a trial involves the completion of a six-page application form,<sup>200</sup> and provision of numerous supporting documents including four terms of children's school attendance records and attending an interview.

In September 2020, only 311 of 1,280 exemption applications had been approved (Henriques-Gomes, 2020c). Rejected applicants complained of being treated unfairly; for example, one applicant was refused despite providing the evidence which showed financial stability (Marchant, 2020). Labor's shadow Minister for Indigenous Australians, Linda Burney, stated that delays in processing exemption applications were going against the spirit of the exemption amendment Labor had negotiated (Henriques-Gomes, 2020e).

By June 2021, across all trial sites, a total of 1,992 applications to exit had been made and 398 had been approved (data.gov.au, 2021).

### **Conclusion**

Approximately 35,000 income support recipients are currently under income management in Australia—a considerable number of whom are First Nations people. Despite widespread resistance, the Federal government's commitment to making the cashless debit card permanent in the current trial sites, and the Northern Territory, is clear, as is its interest in the scheme becoming Australia-wide. In May 2021, head of the Opposition, Anthony Albanese, stated Labor would scrap the cashless debit card if it were to win the next federal election (Henriques-Gomes, 2021) – although small income management programs would continue if requested by local communities.

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<sup>200</sup> The exit application form was made available online from September 2019: <https://www.servicesaustralia.gov.au/individuals/forms/ss526>