

Firstly, we acknowledge the traditional owners of the land we are meeting on today and pay our respects to Elders past and present. It is also important to acknowledge that Australia is Aboriginal land over which sovereignty has never been ceded.

I also want to acknowledge all Aboriginal and non-Aboriginal activists who have fought for many years and who continue to fight for the rights of Australian Aboriginal people. I want to make special mention of the non-Aboriginal people who joined us in our struggle for equal rights and who were instrumental in helping us achieve the following defining moments or victories:

- 27 January 2012 was celebrated as the 40<sup>th</sup> anniversary of the establishment of the Aboriginal Tent Embassy. The Embassy was established on the lawns of old Parliament House in response to the Government's refusal to recognise Aboriginal land rights. In February of that year, the Embassy presented Parliament with a list of demands relating to Aboriginal people that are still relevant today. In 1995 the site of the Tent Embassy was added to the Australian Register of the National Estate as the only Aboriginal site in Australia that is recognised nationally as a site representing political struggle for all Aboriginal and Torres Strait Islander people.
- 27 May 2012 marked 45 years since the 1967 Referendum which amended Section 51 to allow the Commonwealth government to make laws for Aboriginal people rather than state governments and repealed Section 127 to actually count Aboriginal people in the census.
- 67 years ago, in February 1965, Aboriginal and non-Aboriginal activists went on the Freedom Ride throughout NSW to protest against discrimination against Aboriginal people in small town Australia. The Australian Freedom Ride aimed to expose unacceptable gaps in living, education and health conditions between the Aboriginal and non-Aboriginal population. These gaps still exist today.
- it has been 75 years since the Aborigines Progressive association was founded in Dubbo NSW in 1937. On Wednesday 26 January 1938, the APA organised the inaugural "Day of Mourning" to protest the lack of basic human rights of Aboriginal people. Today, Aboriginal people celebrate 26 January as Survival Day.

It seems that there two key issues over which the two Australian major political parties unite and have adopted a bipartisan approach. The first is the control and management of Aboriginal people and the second is awarding themselves salary increases.

Despite acknowledging the diversity of Aboriginal people and communities and the need for culturally responsive responses; successive commonwealth governments persist in developing their own version of "one-size-fits-"all policies, programs , services and strategies that ignore this very diversity and suit no-one.

The intervention constitutes a serious and systematic abuse of the rights of Aboriginal people in the NT. It stands as a symbol of the racist attitude of the Australian governments towards Aboriginal people. Australia is guilty of the most shameful hypocrisy when they condemn the human rights records of other countries while consistently and systematically abusing of the rights of Aboriginal people and other vulnerable and disadvantaged people in our society.

## The Intervention

The Northern Territory Emergency Response (the Intervention) was the Howard government's response to the "Little Children are Sacred" report. The report contained 97 recommendations including a strong emphasis for the government to thoroughly consult with the prescribed communities however; the Howard government chose to completely ignore such recommendations. We point out that the Howard government's *Northern Territory Emergency Response Act 2007* does not include the words child, children, care, safety or protection but there is an abundance of references to land etc. The omission of words relevant to the care and protection of Aboriginal children are contradictory to the objectives of the intervention and expose the intervention as a sham.

The main pieces of legislation covering the 2007 Intervention included:

1. *The Northern Territory National Emergency Response Act 2007*
2. *The Social Security (Administration) Act 1999 (as amended)*
3. *The Racial Discrimination Act 1975*
4. *The Social Security and Other Legislation Amendment (Welfare Payment Reform Act 2009 No. 130, 2007)*

A core component of the Northern Territory Emergency Response 2007 (the Intervention) was compulsory income management which was imposed on 73 NT Aboriginal communities almost overnight and with no consultation. After 2007, this model became superseded and is now known as the Old regime.

When elected in 2007, despite the historic Apology, the Rudd Labor Government merely tweaked the Howard policy; partially reinstated the Racial Discrimination Act but continued the intervention with compulsory income management remaining a core component. However the Labor government then developed a new model of income management that was supposedly non-discriminatory and could also be applied to non-Aboriginal people in the NT. However Aboriginal people continued to be the most effected and the least able to appeal and obtain an exemption. This became known as the new regime.

Then the Labor government decided on the national expansion of the new regime of income management and to achieve this goal, the following new legislation and/or amendments were proposed:

1. *The Social Security and Other Legislation Amendment (Welfare Reform and Reinstatement of Racial Discrimination Act) Bill 2009*
2. *Families, Housing, Community Services and Indigenous Affairs and Other Legislation Amendment (2009 Measures) Bill 2009.*
3. *Family Assistance and Other legislation Amendment (2008 Budget and Other Measures) Act 2009*
4. *Families, Housing, Community Services and Indigenous Affairs and Other Legislation Amendment (Restoration of Racial Act) Bill 2009 (Private member's Bill, Senator Rachel Siewert).*

The proposed amendments included replacing the original wording in s123TE(1), “Declared relevant NT Area” with a new section s123TFA “Declared Income Management Area” “The Minister may, by legislative instrument, determine that: (a) a specified State; or (b) a specified Territory; or (c) a specified area; is a declared income management area for the purposes of this Part. Other amendments included additional categories of Income management (s123UCC, s123UCB and s123UCA (refer Tab A). Any area in Australia can now be subject to compulsory income management.

A media release from Jenny Macklin in November 2009 announced details of the new income management scheme including participants of the New Income Management regime; and a statement that the future roll-out across Australia would be informed by evidence gained through an evaluation process with the first progress report due in 2011/12. This evaluation is not due until 2014 and concerns are held about the independence and due diligence of any evaluation commissioned by the federal government.

A joint media release from Tanya Plibersek and Jenny Macklin stated the new regime of income management will be trialled in ten “disadvantaged” locations: Playford (SA); Hume (Vic); Shepparton (Vic); Burnie (Tas); Bankstown (NSW); Wyong (NSW); Shellharbour (NSW); Rockhampton (Qld) and Logan (Qld).

Greens Senator Rachel Siewert has said that *“the government is pursuing what is arguably the biggest change to Australia’s welfare system since the second world war.”* and *“These bills were introduced in the last sitting of the year during a major public debate concerning climate change without even a press conference or a media release to announce them”*.

There has been no mandate for compulsory income management but there is bipartisan support across both levels of government with Tony Abbott arguing that compulsory income management should extend to all families fully reliant on income support: *‘Well one alternative would be to extend welfare quarantining or family income management as it’s sometimes called to all welfare dependent families with children; that’s to say people on the full rate of a welfare benefit with dependent children.’* (*‘Insiders’, ABC 24/05/2009*).

### **Stronger Futures**

The theme of our presentation is back to the future. we decided on this because that was our first reaction when we first heard the measure included in the heinous stronger futures legislation especially the announcement that the NT intervention was to be extended for a further 10 years with further suffering and despair for Aboriginal people in the NT.

The related Bills are:

1. *Stronger Futures in the Northern Territory Bill 2011*
2. *Social Security Legislation Amendment Bill 2011*
3. *Stronger Futures in the Northern Territory (Consequential and Transitional Provisions) Bill 2011*

These bills have been cynically referred to as Stolen Futures and with good reason. They are about control and management and are they are designed to disempower Aboriginal people and abuse their human rights; deny them self-determination, disallow their participation in decisions that affect their own lives and the lives of their families and communities and to erode their capacity to make informed life-style decisions. This could potentially effect and impact on generations of Aboriginal people.

We continue to be completely opposed to any continuation of the NT intervention and believe that the *Stronger Futures in the Northern Territory* and related bills will only serve to worsen the lives and living conditions of Aboriginal people for a further 10 years. There must be a new direction in the development of government policies for Aboriginal Australians based on cooperation, not 'intervention'. We believe that the amendments are discriminatory and reinforce negative stereotyping and have led to racial vilification of Aboriginal people by the media and the public in general.

In the face of criticism and condemnation, the Government defends the intervention and income management as "special measures". The Human Rights Commission and United Nation visiting representatives have both repeatedly contradicted the Australian viewpoint that the NTER constitutes 'special measures' for the advancement of a particular group of people under the Racial Discrimination Act. The HRC and UN both consider a "special measure for the advancement of a particular group of people" includes consultation and the "prior, free and informed consent".

Generations of Aboriginal people have first-hand experience with being regarded and treated as second-class. Aboriginal people also have been subject to a style of income management during the era of the Aborigines Protection Board. Many Aboriginal people who worked had up to 75% of their wages quarantined and held "in trust" by the different states and was to be released to the individuals when certain conditions were met. Sadly a lot of this money was never claimed or repaid to the claimants and the bulk of this money went into consolidated revenue. Some States have repaid nominal amounts from trust fund moneys to surviving recipients or their descendents while other states have not.

This is the 21<sup>st</sup> century however this new legislation is regressive, racist and repeats the policies and practices imposed on Aboriginal people by successive government agencies in the 19<sup>th</sup> and 20<sup>th</sup> centuries. During this time Aboriginal people were subject to government control and management; considered second-class citizens; were disempowered and were not allowed to make decisions about personal matters. Under stronger futures, the increased powers given to police in the NT are reminiscent of those of NSW police during the Aborigines Protection Board when they were the Board's agents; the idea that external agencies could be nominated for the purposes of referring clients for income management are evocative of the anonymous agencies or bodies reporting school children and families to the authorities during the Aborigines welfare board era; the alcohol limits and penalties bring to mind the earlier policies that restricted Aboriginal peoples access to or possession of alcohol if they did not have an exemption certificate that gave them limited and superficial concessions that were not given to an Aboriginal person not in possession of the exemption certificate. Even the government's determination to move Aboriginal people off their homeland and into hub towns is similar to the policies of the welfare board and

assimilation policies. During this era, many NSW Aboriginal people were forcibly moved from their country to the country of another tribe and this often led to disharmony within the community time and Aboriginal people were not permitted to speak their own language or practice their own culture under the threat of having their children removed. Many Aboriginal children who were removed from their families on the flimsiest excuses and with no evidence never went home to their parents, families and communities.

Almost from the day Captain Cook landed in Botany Bay, successive state and federal governments have regarded Aboriginal people as a “problem” that had to be solved, controlled or managed. Governments appeared to have had this view that as they were the ones in control and with the power, that they had all the answers to the so-called Aboriginal “problem” rather than allow Aboriginal people to participate in decision-making and finding suitable, responsive solutions that meet the needs of diverse people and communities. I no longer believe that there is genuine commitment on the part of the Council of Australian Governments (COAG) to address Indigenous disadvantage and Close the Gap between Aboriginal and non-Aboriginal Australians in the key areas of housing, education and employment. How can governments possibly know what is in everyone’s and anyone’s best interest when there is no consultation, engagement or dialogue with the relevant people or persons?

NT Aboriginal tribal groups, groups, organisations and community members came together and collaborated on the development of “Rebuilding from the ground up: an alternative to the Intervention”. This level of co-operation was a significant step which demonstrated that Aboriginal people from the Northern Territory want to take ownership and want to address the disadvantage in their communities.

The federal government is yet to hear these alternatives or enter into a genuine consultation or discussion. Governments must respect the views of Aboriginal people and communities, to listen and hear what is being said and to work in genuine partnership and equity with Aboriginal People to develop responsive and culturally appropriate solutions. It is simply unacceptable in this century for any government to use coercion or threats to force Indigenous traditional owners off their own homelands and deny them freedom to practise their own culture and traditions.

The Federal government must change how they communicate with Aboriginal people and enter into genuine and meaningful consultation to find a solution **together** that is culturally responsive, achievable, mutually acceptable and robust and one that will address disadvantage.

### **Compulsory Income Management**

In the 2011/12 Federal budget, the Government announced the new regime of compulsory income management will be expanded across Australia. From July 2012 compulsory income management will be piloted in five areas that have been selected because of the “high level of disadvantage experienced by people who live there”. The pilot locations are Bankstown (NSW); Logan and Rockhampton (Qld); Shepparton (Vic); and Playford (SA).

In Bankstown, two streams on income management will be trialed, called "child protection" and "vulnerable to financial crisis". There are serious concerns over the lack of genuine consultation, transparency and accountability involved in the roll-out of this program. There are also concerns that the policy will increase the workloads of many public sector staff, lead to a deterioration in relationships with clients and disrupt the progress of other successful programs. The "Stronger Futures" legislation currently before parliament, which will extend punitive NT Intervention powers for a further 10 years, also creates a new stream of income management which may also be trialed in Bankstown called "external referral". Under new provisions, the Minister will be granted the power to nominate any government agency and/or employees as its agents to place people on compulsory income management through the "external referral" stream.

### **Child Protection Stream**

Compulsory income management will be imposed on parents or carers who have been referred to Centrelink by NSW child protection authorities where child safety concerns exist. Once referred, Centrelink will quarantine 70% of their income support and family assistance payments and 100% of any lump sum payments (baby bonus).

### **Vulnerable Stream**

This measure will be imposed on people assessed by Centrelink workers as requiring compulsory income management due to vulnerability to financial crisis. Triggers for referral include evidence of financial hardship (widespread amongst Centrelink receipts!); domestic violence or economic abuse; 'failing to undertake reasonable self-care'; social housing tenants with significant arrears and homelessness which compulsory income management. The implementation of this 'vulnerable' stream in the NT has been highly discriminatory, with 99 per cent of clients placed on this stream being Indigenous and majority being recipients of the Disability Support Pension.

### **About Compulsory Income Management**

Compulsory income management will change the way many welfare recipients receive Commonwealth and State payments. Anyone receiving a Centrelink payment could be placed on compulsory income management.

Compulsory income management is punitive and targets the most vulnerable people in our society. The criteria for referral are broad; open to misinterpretation and misuse, and set scene for referrals that are not evidence-based and judgment calls and are discriminatory.

Compulsory income management will introduce a two-tiered society, with people who receive welfare payments being judged as being inferior or indeed second-class citizens. Compulsory income management is about addressing the symptoms and ignoring the cause which is a simplistic approach to trying to find a solution to the complex issue of disadvantage. Quarantining the meager income of welfare recipients seems to be viewed by the government as a magic curative that will solve every single issue associated with disadvantage. It will not.

Maybe bills will be paid on time because people are being income managed but other complex needs of the client are likely to remain undiagnosed and untreated with some

clients likely to fall through the cracks. The threat of compulsory income management may also deter certain clients from coming forward for help which could result in horrendous outcomes for children, women and families.

What is required is a true evidence based approach that recognises the necessity to identify and address the underlying factors that can compound and lead to abuse and neglect such as poverty, isolation, domestic violence, mental illness and drug and alcohol abuse and the funding to help individuals out of the cycle of disadvantage. Compulsory income management is a short-cut, band-aid approach.

Funding of \$117.5M will be provided to administer the pilot with approximately \$23 million allocated for the Bankstown trial. This funding can and should be put to better use by providing recurrent funding to establish new service providers, increase and expand service delivery, supports and treatment programs to help people and families out of the cycle of disadvantage. But only \$2.5 million has been allocated to local support services in Bankstown through the "Better Futures, Local Solutions" program.

Income Management is expensive to administer, costing approximately \$4,400 per person per year. Despite Minister Macklin announcing that the roll-out across Australia would be informed by evidence gained through an evaluation process; the national expansion of income management commenced in July 2012 in the absence of an independent evaluation and evidence that this regime works.

Independent research conducted by the Menzies School of Health, Darwin suggests that Income Management has had no beneficial effect on tobacco and cigarette sales, soft drink or fruit and vegetable sales. A recent report by the Equality Rights Alliance surveyed 180 women on income management in the NT. It found that 79% wanted to exit the system, 85% had not changed what they buy and 74% felt discriminated against. A report released by the Australian Indigenous Doctors Association (AIDA) concludes that compulsory income management in the NT has profoundly long-term negative impacts on psychological health, social health and wellbeing and cultural integrity (March 2010).

International research suggests welfare reforms that implement measures such as income management systems place additional stresses on families with young children, has the potential to increase family breakdown and child abuse and has led to increased crime and increased levels of incarceration.

A coalition "Say No to Government's Income Management Not in Bankstown Not Anywhere" was formed to campaign against compulsory income management. Its founding statement has been endorsed by more than 60 organisations including unions, different faith based groups and community organisations. The coalition is still actively campaigning against Income Management by providing a support and advocacy system for clients forced onto income management and to fight for funding and resources to instead be redirected into vital services, supports and programs to help the most vulnerable people in our communities.