

The Senate Inquiry into

## SOCIAL SECURITY and OTHER LEGISLATION AMENDMENT

Submission from Michele Madigan Sister of St Joseph ( other details at the end of submission)

**The most disturbing part of the legislation is the unchecked powers it gives to the Minister or Secretary over the lives of their fellow Australians. Senators have a serious obligation to ensure in the interests of our democratic nation that these powers are not given and the legislation is returned.**

**Introduction** It's obviously impossible to make a comprehensive submission on extraordinarily complex (77 page) legislation, particularly when the legislation is inextricably woven into even more complex and lengthy ( over 500 pages) legislation of the original NT Intervention.

\*I make reference therefore to separate areas in the legislation in particular to point out the underlying effects and assumptions inherent in certain aspects of legislation and the difficulties/impossibilities of bureaucracy to gauge these. As a consequence of course the compounding of disadvantage and powerlessness in the subjects of the legislation.

Example 1

27 Section 123

Section 123TB

a) gives recognition of the fact that even single people with no dependants and no partner will be under quarantining. How is it to be proved that this person's behaviour or lack of budgeting skills or warrants such a restriction?

In fact the WHOLE of a person's income may be 'directed to meeting the 'priority needs'

How one must ask is any general legislation going to be able to determine what specific needs are of a person which will require expenditure.

- Eg What funerals will occur to close relatives? I recently heard of a Darwin funeral which had to be postponed 8 weeks. This was length of time it took for the extended family at great personal cost to gather the \$7000 required out of their unquarantined income.
- Transport How are people to buy a car and keep running **from such small nondiscretionary funds** - a car with sufficient funds to keep it running -more essential that ever to make the extraordinary distances required by the Intervention rules re Centrelink ( see below for an expansion of these difficulties) and then to actually shop at the Government designated stores. Without a car a substantial outlay still is essential to meet travel costs.

- The proposed legislation makes acknowledgement of the importance of culture and identity and the need to respect. However in practice, there is great anxiety and resultant disadvantage throughout the Territory that in the past two and a half years, ceremonies, attending to important responsibilities for care of country and other regular cultural and survival life like hunting and gathering and teaching these skills for survival to the younger generation have become far more difficult

## Example 2

To give a sad example of what length the policy makers have gone to in their detail and in this case to ensure that eg exemption is bound by so many conditions (italicised sections are my divisions to demonstrate my point re multiple conditions inherent in the legislation)

In the 4<sup>th</sup> subsection of one particular part of the proposed legislation as follows

'Also 123UGC

(1)

(b)

(ii)'during the 12-month period (*condition 1*) ending immediately before the test time , the person worked for at least 15 hours per week (*condition 2*) for at least 26 weeks ( *condition 3*)that were at or above the relevant minimum wage ( *condition 4*)

*condition 4* surely adds another perspective Here the worker who has already suffered under

under -award wages is penalised for this instead of the business which lately employed him in these conditions. Fault levelled at the worker who was powerless to change the situation.

Other More General Comments

### 1)\*General comment re transport costs particularly affecting rural and remote to fulfil bureaucratic requirements

Transport costs. **There are countless accounts of monies being completely wasted by the over regulation of the public servants trying to make an unworkable system work.**

The rules say that a person must attend Centrelink appointment on a certain day – pay the fares necessary to get there. If ill, and unable to keep the appointment, must pay the fares again to travel in **to simply make a new appointment!** Then must of course travel in again to keep the new appointment.

There are many accounts of people in remote communities having to spend outrageous sums on taxis/taxibus to even get to a store in which the basics card can be used. Often the money thus spent leaves not enough for the trip home so the family including children are placed in a vulnerable position

away from home, either having to make overcrowded housing of relatives more so, causing further stress to others. Alternately having to camp on the edges of the larger towns. The further point being the disruption that the income management regime surely plays havoc with as far as school attendance goes

### **Why would there be any legislation that spreads this extraordinary wasteful and inefficient system to many more people across the nation?**

**2)\*In the era of FIRST TIME interference with Social Security Entitlements** I remind the Government ministers, policy advisers and public servants that even the opposition minority in discussing a related aspect of this legislation – 'suspending ' income for families without children regularly attending school - pointed out (in late 2008) at the Senate inquiry that this was the first time in the history of Social Security Entitlements that any Government of any persuasion had actually proposed to take ('suspend ') funds from families because of behaviour of which the Government does not approve e.g failure of members of the family to attend school regularly. There seems to be no answer to the inevitable question – how does the family survive

**3)I offer to the Senate Inquiry the following reflection on the punitive measures of the legislation** Physical punishment in schools has been abolished as ill befitting modern society but there seems to be no admission that 'suspension' of a family's livelihood – (their 'entitlement' as Australian citizens as the name of the legislation spells out) creates a new punishment: conceivably a longer lasting and more damaging consequence than the physical punishment of old - depriving a family/child of food and other necessities for life, perhaps even of family.

A consequence that must be accepted by legislators is that inevitably aspects of the legislation result in another wave of child removals by a system already quite unable to cope with the current. Puzzlingly the response of policy makers when these obvious and likely consequences are pointed out seems to be –

' **it's only 'suspended,'** (! how will the family survive when this suspension continues as it certainly will if it includes only 5 unexplained absences. No recognition of the struggles and organization needed in large families without transport, etc etc particularly at the end of the pension week.

' **it's only for 12 weeks,** (my emphasis)

'**this won't happen'**

One can only shake one's head at this refusal by bureaucracy/policy advisers, to face and to realise the inevitability of these punitive measures rather than positive measures

The Government and those who fail to oppose this extraordinary Bill must realise that the system, already under enormous stress will not be able to cope with the further family breakups that will occur inevitably under the pressures, frustrations and demands of this legislation.

**4) Extraordinary levels of bureaucratic red tape** Sadly such extraordinary detailed legislation belies the declaration that this was a government determined to cut red tape. On the contrary as just this

one example above, shows here is red tape extended to an extraordinary level of complication, over the lives of those Australians least able to cope with it and with the least opportunity to oppose it.

**5)Unlimited Power of the Minister** The most significant thing of all being that there is now, if this legislation goes ahead, open permission for a Minister or bureaucrat unlimited power to extend geographic areas – even whole states as 'areas of disadvantage 'and include thousands more of Australians under what is now known as Social Security **Entitlements** under the tight control of individuals in power. Powerlessness to those under Income Management

6. Powerlessness of those under Income Management The Senate and individual Senators including those involved in this Inquiry have a grave responsibility to those no fault Australians whose lives are at risk at being so constrained – and obviously the serious health and well being affects such controls make in a human being's life. This coercive blanket system is in contrast to the many benefits such systems as the NT former voluntary system of Centrepay and throughout the nation that many disadvantaged Australians presently willingly enter into eg rental and electricity deduction arrangements. Individual arrangements such as these are obviously fruitful as the person has some realisation of their own /family's individual needs and are empowered by willingly entering into such adult arrangements.

If the government sees the need to control problem people, then use such a system on such

such but to the democracy of our nation, which I urge you to consider how severely this Bill with its many serious implications

## **Response to Statement of Reasons**

I hold that the legislation is quite antiproduative to the desired 3 fold aims of Statement of Reasons.

1. The aim of 'Social Inclusion' will result rather in Social Exclusion' as people line up in separate rows, confined to shopping at where the government permits them to shop and spending how much the government permits them to spend, constantly dependant on having to visit a government facility Centrelink, with the non discretionary income completely unable to fulfil other essential needs of daily life as outlined above. 'Participation' is forced and 'responsibility ' is an illusion under such a system where people are again forced to be dependant on an outside system as in days past of the Government official/ Missionaries on the reseves
2. No person can grow in a 'personal and cultural sense of value' while their daily lives are so circumscribed by the detailed legislation which has been part of the NT Intervention.

Blanket Income Management spreading to other areas unfortunately will cause this same sense of powerless and frustration to be multiplied many times over.

3 Sadly the repeal of the Racial Discrimination Act if based on such counterproductive methods of simply getting around the Act by extending the discrimination to class/income discrimination of

non Indigenous Australians has neither fulfilled its purpose or function, especially as so many more Aboriginal Australians being on the lowest incomes in the nation will fall into both race and income categories.

**Costs** Budgeted for an extraordinary \$7000 p.a.admin costs for EACH income managed – which incomes average out to just over \$10,000 p.a. Also if subsidising businesses to take the Basics Cards

To the subjects of this policy – the travel and personal costs and those to family life as outlined above. Curtailment on formal legitimate life activities as outlined above and in the narrative below. Incalculable

As well Incarcerations rates have risen under the Intervention because of the inability to pay fines under the non discretionary income

Businesses. To NON Coles and Woolworths and their subsidiaries – obviously major including the end of their businesses -see below

Post Script

### **A recent personal encounter demonstrating current difficulties under the NT legislation**

In late January, this year, in Adelaide, I met two women from Arnhem Land who were under the Federal Government's Northern Territory Intervention. As I found once more, as an Australian, it's an even shameful thing talking to such fellow Australians - hearing the difficulties of those whose lives are so circumscribed by our own Government.

Down here as escorts to critically ill people, and needing other clothes besides those able to be packed in an emergency, they had found, as people under the Intervention, that their Basics Card could only be used in one central store in the whole of the Adelaide metropolitan area– Target in the CBD. Of course as strangers to a capital city from small communities there is no way that they could have even found out found out this information without help from the Aboriginal health professional who understood their predicament. As a result of this restriction of course the usual practice of purchasing clothing from charity second hand shops at a fraction of the price is simply off limits. Purchased with the basics card makes such ordinary, everyday careful, choices impossible. Of course on reflection I realise that the same embargo on second hand clothing shops must apply to people actually at home in the Territory.

As one of the woman became more confident she was eloquent in describing the high price of fresh food where they live. And the chaos created to people's lives when, as happens on occasion, the technology required for the Basics Card fails and the community members are unable to buy food and necessities until an expert can be flown in to rectify matters.

Such an exchange, here briefly described, heightens the punitive reality which the Intervention even in someone like myself who has followed the legislation and met a number of people so affected since its beginning almost two and a half years ago, The answer is certainly not to only to extend the number of shops equipped to use the basics card – so adding to the almost incredible expense involved in setting up this system of control. Instead **the Senators, will, I trust recognise the serious implications of the impact of such control, rather than allowing the Government to severely exacerbate the situation to extend Blanket Income Management to other non fault sectors of the populations**

Thank you for receiving my submission

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