

EMERGENCY WELFARE REFORMS

A mirror to the past?

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The Northern Territory 'emergency response' package, enacted in the dying days of the former coalition government, marked a watershed in Commonwealth-Indigenous relations. A key element of the package was the welfare reforms of the *Social Security and Other Legislation Amendment (Welfare Payment Reform) Act 2007* (Cth), providing for the 'quarantining' of social security payments. With the defeat of the coalition, and the promise by the new Labor government for a review of the intervention, comes an opportunity to revisit these hastily enacted welfare reforms away from the racially-charged environment which characterised their introduction. The following article describes the differing elements within these latest social security changes and suggests amendments to improve them.

The welfare reforms in outline

Despite passage of the social security reforms against the backdrop of the (declared) Northern Territory emergency, the legislation covers reforms both within and outside of Northern Territory communities. At the heart of these reforms is the introduction of the 'tool' of 'income management',¹ that is, the quarantining of welfare payments of affected recipients. The operation of income management, however, differs substantially according to the physical location of the income support and supplement recipients. The reforms delineate three discrete income management regimes:

- (Indigenous) Northern Territory regime (applying to Northern Territory communities that are 'declared relevant Northern Territory areas');²
- Cape York regime (intended to apply initially to four Indigenous Cape York communities³); and
- national regime (intended to apply to targeted welfare recipients in all other parts of Australia).⁴

As explained below, the NT regime (already operative and directed towards Indigenous Territorians) presents the most oppressive variant of the income management schemes. The Cape York and national models, whilst punitive, offer more targeted approaches to Commonwealth management of the poor.

These social security changes must be assessed both against their stated objectives and wider social policy frameworks. In promoting its legislation the former Howard Government characterised income management as a 'tool' for child protection.⁵ Paradoxically however, despite the heightened concern over Indigenous child sexual abuse which prompted

the Northern Territory-specific welfare measures (and related measures), it is the *national* model, not the (Indigenous) Northern Territory model, which mandates the tightest nexus between the risk of child neglect and the application of income management.⁶

Indeed there were other (longer-standing) drivers of the reforms. Thus the then Indigenous Affairs Minister, Mal Brough, identified the income management package as an extension of the Howard Government's preference for the framework of mutual obligation in welfare reform.⁷ Earlier Welfare-to-Work reforms exemplified this policy of mutual obligation, with income support recipients obliged to demonstrate their deservingness (by meeting activity requirements) and thus earn their Allowance.⁸ Closer inspection of the current reforms — specifically, the divergence between the Northern Territory income management regime and the other two models — reveals the influence of two forces: firstly, the ongoing pervasive influence of 'neoliberalism'; but secondly, an ethnocentric undercurrent borrowing heavily from Australia's past colonial policies. The NT welfare regime is heavily informed by the latter and I argue that it is this aspect of the legislation which is in urgent need of amendment.

The next section explains the mechanism of income management before providing a compendious comparison of the three regimes. Subsequent paragraphs look to each of the three regimes in turn. In looking to each income management regime, I wish to draw out problematic policy assumptions and build the argument for amendment of this latest welfare reform package.

The mechanism of income management

Income management greatly circumscribes the discretion of welfare recipients to spend their money as they wish. A portion (or all) of the recipient's payments is quarantined⁹ (sequestered into a separate account¹⁰), and is only available to be spent on specified 'priority purchases'.¹¹ The legislation specifies 'excluded goods' and 'excluded services', such as alcohol and gambling, upon which quarantined funds may not be spent.¹² The list of excluded goods and services may be extended by Ministerial legislative instrument.¹³ The object of income management, as pronounced by the legislation, is to redirect these managed funds to meet the 'priority needs' of the affected welfare recipient, his or her partner, children and other dependants.¹⁴ In this way, the use of income management is said to combat child neglect.

REFERENCES

1. See Commonwealth, *Parliamentary Debates*, House of Representatives, 7 August 2007, 2, 4, 5 (Mal Brough, Minister for Indigenous Affairs).
2. *Social Security and Other Legislation Amendment (Welfare Payment Reform) Act 2007* (Cth), s 123TE (hereafter *Welfare Payment Reform Act 2007* (Cth)). Clearly, the national regime also applies to the Northern Territory and its welfare recipients. But when discussing the 'Northern Territory regime', I am concerned with the separate regime directed towards remote Indigenous communities within the Northern Territory already in operation and which is exempted from the *Racial Discrimination Act 1975* (Cth) *Welfare Payment Reform Act 2007* (Cth), s 4.
3. Although the 'Queensland Commission' awaits establishment by Queensland legislation (see *Welfare Reform Act 2007* (Cth), s 123TC, definition of 'Queensland Commission'), this regime targets the Indigenous communities of Hope Vale, Coen, Aurukun and Mossman Gorge: Explanatory Memorandum, *Social Security and Other Legislation Amendment (Welfare Payment Reform) Bill 2007* (Cth) at 5. This regime is also exempted from the *Racial Discrimination Act 1975* (Cth): *Welfare Payment Reform Act 2007* (Cth), s 4.
4. For a summary of the regimes see Explanatory Memorandum, *Social Security and Other Legislation Amendment (Welfare Payment Reform) Bill 2007* (Cth) at 4.
5. For example, see Department of Families, Housing, Community Services and Indigenous Affairs (formerly the Department of Families, Community Services and Indigenous Affairs) (2007) *Welfare Payments Reform – Helping Children At Risk of Neglect* <http://www.facsia.gov.au/internet/facsinternet.nsf/family/welfare_children_neglect.htm> accessed 17 December 2007.
6. Discussed in subsequent paragraphs.
7. As stated by Minister Brough, '[t]his bill extend[s] the mutual obligation framework': Commonwealth, *Parliamentary Debates*, above n 1, at 2.
8. As explained by Kevin Andrews, the earlier Welfare to Work reforms introduced 'mutual obligation requirements in a bid to "get the right balance between obligations and support": Commonwealth, *Parliamentary Debates*, House of Representatives, 9 November 2005, at 8 (Kevin Andrews, Minister for Employment and Workplace Relations).
9. The portion of income quarantined is determined by reference to the circumstances attracting income management and the category of welfare payment.

10. See *Social Security (Administration) Act 1999* (Cth) part 3B (income management regime) division 4 (income management accounts). Part 3B was inserted by *Welfare Payment Reform Act 2007* (Cth), Sch 1, Item 17.

11. The legislation prescribes a list of items considered 'priority needs' which may be purchased using managed funds: *Welfare Payment Reform Act 2007* (Cth), Sch 1, Item 17 inserting *Social Security (Administration) Act 1999* (Cth) s 123TH. Excluded and excluded services are excluded from 'priority needs': *Social Security (Administration) Act 1999* (Cth) s 123TI.

12. *Welfare Payment Reform Act 2007* (Cth), Sch 1, Item 17 inserting *Social Security (Administration) Act 1999* (Cth) s 123TI.

13. *Social Security (Administration) Act 1999* (Cth) s 123T(1)(d) and (2)(b).

14. *Welfare Payment Reform Act 2007* (Cth), Sch 1, Item 17 inserting *Social Security (Administration) Act 1999* (Cth) s 23TB.

15. For example, with the consent of the welfare recipient, vouchers may be issued in the name of a third party: *Welfare Payment Reform Act 2007* (Cth), Sch 1, Item 17 inserting *Social Security (Administration) Act 1999* (Cth) s 123YC; see also Explanatory Memorandum, *Social Security and Other Legislation Amendment (Welfare Payment Reform) Bill 2007* (Cth) at 33.

16. See *Welfare Payment Reform Act 2007* (Cth), Sch 1, Item 17 inserting *Social Security (Administration) Act 1999* (Cth) s 123YE and s 123YC. The legislation also permits welfare payments to be credited to a third party's account (likely, a merchant) with the recipient then being allowed to use the balance of that account to acquire goods or services: *Welfare Payment Reform Act 2007* (Cth), Sch 1, Item 17 inserting *Social Security (Administration) Act 1999* (Cth) s 123YI; Explanatory Memorandum, *Social Security and Other Legislation Amendment (Welfare Payment Reform) Bill 2007* (Cth) at 36.

17. Thus far, stored value cards allowing purchases at Coles, Woolworths and Smart have been issued for affected Northern Territory communities (although not without problem): Simon Kearney, *Outback Welfare Cards Sold For Cash* *The Australian* (Sydney) 30 November 2007.

18. The Hon Jenny Macklin MP (Minister for Families, Housing, Community Services and Indigenous Affairs) has made numerous determinations of 'declared relevant Northern Territory areas'. See, for example, *Social Security (Administration) (Declared relevant Northern Territory areas - Various (No. 2)) Determination 2008* (Cth).

19. The school enrolment and attendance measures (expanded upon in latter paragraphs) will not be restricted to operating within a certain location, in other words, these measures will form part of what I have termed the national scheme. They will first however be implemented across the Northern Territory in 2008 before extending to all other parts of Australia in 2009 and 2010: Department of Families, Community Services and Indigenous Affairs (2007) *Northern Territory Emergency Response - Fact Sheet 14: What Are the School Enrolment and School Attendance Welfare Measures?* <http://www.facs.gov.au/nter/docs/factsheet_14.htm> at 18 December 2007.

Under this new welfare package, income management employs a number of devices so as to narrow the discretion of welfare recipients and transform social security payments into in-kind benefits. When quarantining occurs, control over spending of welfare payments may be transferred to another person.¹⁵ Alternatively, the affected recipient may (somewhat notionally) retain control over his or her welfare payments but only access the managed funds via stored value cards or vouchers.¹⁶ These cards and vouchers can only be used at certain stores (such as Woolworths)¹⁷ and for certain goods (excluding cigarettes or alcohol).

The welfare reforms are already operative in many Indigenous Northern Territory communities, with the new Indigenous Affairs Minister having authorised an expansion of the scheme into further communities during her first months in office.¹⁸ The Cape York regime (assuming complementary passage of Queensland legislation) and elements of the national scheme are expected to commence in 2008.¹⁹

Differing operation of income management

Notwithstanding the common central feature of income management (and its associated devices), the circumstances triggering the application of income management are significantly different under the Northern Territory regime when compared with the prospective Cape York and national regimes.

The NT regime prescribes a very crude basis for the application of income management: simply that of receipt of one of a host of social security payments, and *overnight* residence in one of the declared relevant Northern Territory areas (Indigenous communities).²⁰ For welfare recipients within these communities, there is no *threat* of income management; rather the scheme mandates *immediate* and *indiscriminate* deprivation of personal discretion.

The other two regimes, however, emphasise the *threat* of income management against *individuals*. Under the national and Cape York regimes, a number of new obligations (broadly speaking, parenting obligations) will attach to welfare payments.²¹ Breach of any one of these new obligations then becomes the trigger for income management against the defaulting welfare recipient, as elaborated below. Importantly, under the national regime these obligations are imposed only upon those welfare recipients with a certain level of caring responsibility.²² Under the Cape York regime, it seems likely that these parenting obligations, as I have loosely termed them, will be greater in number²³ and will attach to nearly all welfare recipients within the nominated (Indigenous) communities.²⁴ Thus while the forthcoming Cape York regime affords a more targeted approach than the current NT scheme, it is the national model which most closely aligns with the claims of the former Howard Government that the latest reforms enhance 'parental responsibility'²⁵ and that quarantining is a child protection measure.

The Indigenous NT income management regime

Welfare recipients within declared relevant Northern Territory areas are subjected to a singularly oppressive regime. Blanket application of income management occurs against welfare recipients within these declared areas, regardless of the level of caring responsibility owed by the individual and without any need to demonstrate 'poor parenting'.²⁶ As already underway in many communities, 50 per cent of any income support and family assistance payments,²⁷ and 100 per cent of any advances and baby bonuses,²⁸ are quarantined for a minimum 12 months with possible yearly renewal of the scheme.²⁹ In short, this regime creates a wholesale deprivation of personal discretion of Indigenous Australians and increases control on the part of Australian government agencies over the lives of Indigenous Territorians.

Whilst Prime Minister Rudd has expressed his support for the NT intervention, including the Territory welfare reforms, the Labor Government has foreshadowed a mid-2008 review, and emphasised that continuation of the intervention will proceed on an 'evidence-based approach'.³⁰ I hope that this review will overhaul the Northern Territory's blanket quarantining model.

Additional features of the NT regime, as they currently stand, exacerbate the racially discriminatory nature of this Commonwealth policy and entrench Indigenous dependence upon government bureaucracy. Peculiar to this regime, Indigenous Northern Territorian welfare recipients are denied the right of external appeal that is afforded to dependents falling under the other two schemes.³¹ As the then Federal Government explained during passage of the Bill, Northern Territorian recipients living in declared areas are denied tribunal review of possible government error (if the decision relates to the quarantining of payments) on the flimsy basis that to preserve the standards of procedural fairness applied to others 'would undermine the timing of the emergency response'.³² With normal avenues to challenge Commonwealth decisions ousted, the accountability of the responsible agencies is undermined. Departing from the approach of the former federal government, the new Labor government has begun consultation with affected Indigenous Territorians.³³ But thus far, the Labor Government has given no indication of a desire to repeal this discriminatory provision.

The NT regime disempowered Indigenous Territorians and furthered the reach of Commonwealth agencies through the abolition of the Community Development Employment Projects (CDEP) program across all parts of the Territory. With the cessation of CDEP, formerly employed Indigenous Territorians were to be progressively transferred onto income support (such as Newstart Allowance), steering them into the blanket quarantine measures.³⁴ Fortunately the incoming Labor government has imposed a moratorium on further abolition of CDEP, as it contemplates reinstatement of a modified CDEP scheme.³⁵

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In respect of the Northern Territory income management regime, the former federal government's espousal of mutual obligation as a policy rationale was unconvincing. With its blanket application of income management, the NT regime deprives Indigenous Territorians of the opportunity to prove their deservingness — a key tenet of neoliberalism³⁶ — and so preserve receipt of their income support in fully fungible form. Instead, Indigenous Territorians are irrevocably characterised as feckless squanderers and neglectful parents. In effect, within these new Northern Territory measures, Aboriginality is equated with *incapacity*.

While beyond the scope of this article, it is important to recognise that the approach of these reforms towards Indigenous Territorians echoes earlier colonial policies. The quarantining of payments invites clear comparisons with state practices of rationing (rationing having ceased once the Commonwealth acquired the power to legislate with respect to Indigenous Australians and subsequently granted the right to social security).³⁷ Similarly, can the immediate and indiscriminate deprivation of Indigenous Territorians' discretion be differentiated from past legislation which reduced Indigenous Australians to the status of children?³⁸

Cape York income management regime

The legislation offers sparing detail of the intended operation of the Cape York regime except to outline that Centrelink will apply income management to the payments of particular welfare recipients at the direction of the Queensland Commission.³⁹ The legislation, however, is designed to implement the welfare proposals of the Cape York Institute (led by Noel Pearson).⁴⁰ Having regard to Pearson's design recommendations, two features of the Cape York measures become apparent. Unlike the NT regime, under the proposed Cape York regime, income management will only be applied to those welfare recipients who fail to discharge any of the new obligations attached to social security payments.⁴¹ As a further point of differentiation, the Cape York regime aims to address child welfare as well as *restoring Indigenous authority*.⁴² The Labor government has indicated in-principle preference for this approach rather than endorsing recent calls for an expansion of Northern Territory-style measures (blanket quarantining) into these Indigenous Cape York communities.⁴³

Under the Cape York proposals, new conditions, accompanied by income management upon non-compliance, will be imposed on the payments of nearly all welfare recipients living in nominated

Indigenous communities.⁴⁴ If Noel Pearson's recommendations are adopted, the welfare recipient will be required to discharge the following obligations:

- securing the child's school attendance (education trigger);
- preventing child neglect and abuse (child safety trigger);
- abstaining from committing drug, alcohol, gambling or family violence offences (judicial trigger);
- complying with tenancy agreements (tenancy trigger).⁴⁵

Where the Queensland Commission determines a breach of one of the conditions has occurred, it is proposed that the Commission may recommend the sanction of income management.⁴⁶ Thus, unlike the NT regime, the Cape York variant will make use of the *possibility* of income management: behavioural requirements (in the form of welfare conditions) are prescribed; compliance is then induced using the 'lever' (or threat) of income management.

Consistent with a policy of mutual obligation, the Cape York reforms focus on the behaviour of the *individual* and his or her (perceived) *deservingness* of state assistance.⁴⁷ By complying with the conditions attached to welfare payments, the dependent proves his or her deservingness and so 'earns' the 'right' to spend payments without state supervision. The conditionality of payments does not merely provide an avenue by which welfare recipients can prove their deservingness (and the welfare provider can differentiate the deserving from the undeserving poor). Conditionality also carries an implicit assumption: that Indigenous Australians (or at least some of them) living in these communities are *capable* of discharging their parenting obligations (as I have termed them) and meeting 'social norms'.⁴⁸ This assumption is clearly absent from the Northern Territory scheme. The focus on individuals under the Cape York reform proposals is affirmed by the Explanatory Memorandum and its emphasis that compliance with these new conditions will be assessed on a case-by-case basis by the Queensland Commission.⁴⁹ In summary, Indigenous Australians from the Peninsula escape group characterisation as unable to govern themselves or others; instead, under this prospective regime, the application of income management will be determined by the perceived willingness of individual recipients to fulfil their responsibilities.

Under Pearson's proposals, the establishment of part-Indigenous bodies — a Family Responsibilities

20. *Welfare Payment Reform Act 2007* (Cth) Sch 1, Item 17 inserting *Social Security (Administration) Act 1999* (Cth) s 123UB. A declared area must be a 'relevant Northern Territory area' which term is confined to the Emergency Response Communities, Aputula and Wave Hill: *Social Security (Administration) Act 1999* (Cth) s 123TD. This shows that a declaration can only be made for an Indigenous community.

21. See the 'Cape York income management regime' section for details.

22. See the 'National income management regime' section.

23. Cape York Institute for Policy & Leadership, 'From Hand Out to Hand Up: Cape York Welfare Reform Project Design Recommendations' (May 2007), 8–9.

24. *Ibid* 48.

25. Department of Families, Housing, Community Services and Indigenous Affairs (then the Department of Families, Community Services and Indigenous Affairs) (2007) *Welfare Payments Reform: Enhancing Parental Responsibility for School Enrolment and Attendance* <http://www.facsia.gov.au/internet/facsinternet.nsf/family/welfare_school_enrolment.htm> at 4 November 2007

26. *Welfare Payment Reform Act 2007* (Cth) Sch 1, Item 17 inserting *Social Security (Administration) Act 1999* (Cth) s 123UB.

27. *Welfare Payment Reform Act 2007* (Cth) Sch 1, Item 17 inserting *Social Security (Administration) Act 1999* (Cth) ss 123XA and s 123XB.

28. *Welfare Payment Reform Act 2007* (Cth) Sch 1, Item 17 inserting *Social Security (Administration) Act 1999* (Cth) ss 123XC and s 123XD.

29. *Welfare Payment Reform Act 2007* (Cth) Sch 1, Item 17 inserting *Social Security (Administration) Act 1999* (Cth) ss 123TE(7) and 123TE(9).

30. Patricia Karvelas and Simon Kearney, 'Labor Eyes Expanded NT Scheme', *The Australian* (Sydney), 1 December 2007. This article suggests expansion of the NT intervention into other parts of Australia. This suggestion has subsequently been rejected by the federal government.

31. *Welfare Payment Reform Act 2007* (Cth) Sch 1, Item 18 (inserting para 144(ka) into the *Social Security (Administration) Act 1999* (Cth)) *Social Security (Administration) Act 1999* (Cth) s 144 (non-reviewable decisions) prescribes the social security decisions that may not be reviewed by the social security appeals tribunal.

32. Evidence to Senate Standing Committee on Legal and Constitutional Affairs, Parliament of Australia, Canberra, 10 August 2007, 16–17 (Robyn McKay).

33. Ashleigh Wilson, 'We'll Consult You, PM Tells Aborigines' *The Australian* (Sydney), 17 December 2007.

34. Commonwealth material explaining the abolition of the CDEP program in the Northern Territory expressly stated its abolition was to enable quarantining to take place, noting that '[m]ore than 90 per cent of existing CDEP participants in the Northern Territory live in the prescribed areas': Australian Government, 'CDEP in the Northern Territory Emergency Response: Questions and Answers', <<http://www.workplace.gov.au/NR/rdonlyres/31071644-F73A-46BF-82D2-9046CF5057D/0/CDEPNTQuestionsandAnswers.pdf>> at 14 December 2007. To mitigate the initial drop in income for Indigenous Territorians moving from CDEP to income support, the legislation provides for payment of an NT transitional payment: see *Welfare Payment Reform Act 2007* (Cth), Sch 3, Item 6 inserting *Social Security Act 1991* (Cth) part 2.27 (Northern Territory CDEP transition payment). Decisions about the Northern Territory CDEP transition payment are exempt from social security appeals tribunal review: see *Social Security (Administration) Act 1999* (Cth) s 144(daa).

35. ABC Corporation, 'Big Potential Seen in Continuing CDEP', *ABC News*, 3 December 2007.

36. Proving one's worth is the 'nub' of mutual obligation: Terry Carney, *Social Security Law and Policy* (2006) 87.

37. For a brief history of rationing in Central Australia, see Tim Rowse, *White Flour, White Power: From Rations to Citizenship in Central Australia* (1998) 3–9.

38. See Sandra Berns, 'Regulating the National Live Stock' – An Experiment In Human Husbandry' (2002) 4 *University of Notre Dame Australia Law Review* 1 at 32.

39. *Welfare Payment Reform Act 2007* (Cth), Sch 1, Item 17 inserting *Social Security Administration Act 1999* (Cth) s 123ZK.

40. Commonwealth, *Parliamentary Debates*, above n 1, 2–3. The *Welfare Payment Reform Act 2007* (Cth) does not give effect to all the proposals. Rather, the Act provides the mechanism for income management. The decision-making processes of, and criteria for decision by, the Queensland Commission will presumably be supplied by the Queensland legislation establishing it.

41. Cape York Institute, above n 23, 8–9, 7–68.

42. *Ibid* 8–10.

43. Ross Peake, 'Rudd Pushes COAG to Meet Promises' *Canberra Times* (Canberra), 8 December 2007.

44. Cape York Institute, above n 23, 48.

45. *Ibid* 54–63.

46. *Ibid* 67.

47. For an explanation of mutual obligation see Lawrence Mead, 'The Rise of Paternalism' in Lawrence Mead (ed), *The New Paternalism* (1997). Mead is the leading proponent of this strand of neoliberalism.

Commission⁵⁰ (named the Queensland Commission by the Commonwealth legislation) and subsidiary Family Responsibilities Panels⁵¹ — is designed to foster the development of local Indigenous authority.⁵² Preventing the disempowerment of Indigenous Australians living in these areas, these bodies will play a crucial role in the enforcement of the welfare conditions and determination of the sanction (including the application of income management) against a defaulting individual.⁵³ This differs from the approach of the Northern Territory-specific reforms and the greatly expanded role of Centrelink in affected Territorian communities. Nonetheless, it must not be overlooked that under the Cape York proposals, the decision-making process for determining compliance with welfare conditions will involve a number of non-Indigenous and non-government actors. While the Family Responsibilities Panels (via the Family Responsibilities Commission) will make the final determination whether income management should be applied against an individual, landlords,⁵⁴ teachers⁵⁵ and police⁵⁶ (amongst others) control the eventualities which may trigger the application of income management. Notwithstanding the recommended creation of the Commission and its Panels, it is uncertain whether the Cape York regime, if realised, can succeed in its objective of restoring Indigenous authority.

The national income management regime

My remarks regarding the national income management model will be brief given its commonality with elements of the Cape York model. Under this regime, conditions are to be imposed upon welfare payments with non-compliance leading to the application of income management against recipients by Centrelink.⁵⁷ Under the national model, conditions are only attached to those welfare recipients with a recognised level of caring responsibility;⁵⁸ in the Cape York regime, Pearson has recommended the attachment of conditions to nearly all welfare recipients living in the nominated communities. Additionally, under the national model, fewer conditions are to be imposed than likely under the Cape York regime. Welfare recipients falling under the national model will need to:

- not abuse or neglect their child;⁵⁹
- enrol their child at school;⁶⁰ and
- secure satisfactory school attendance by their child.⁶¹

It is the national model which represents the most targeted and least punitive approach to enhancing 'parental responsibility'. The threat of income management only attaches to the welfare payments of 'parents'; with fewer conditions, proof of good parenting is less onerous; and the scrutiny of welfare recipients is less extreme.⁶² These reforms further the framework of mutual obligation but do so in a more targeted way, with greater attention to individual rights.

Conclusion

In comparing the different elements of the three income management regimes, the regressive and discriminatory nature of the Northern Territory

reforms become strikingly apparent. While all three regimes adopt a punitive and paternalist approach to Commonwealth engagement with welfare recipients, the Northern Territory scheme represents the most extreme variant. Informed by the ethnocentricity of earlier colonial policies, the Northern Territory reforms condemn all Indigenous Australians within declared communities as poor 'parents', unable to care for their families. The forthcoming review of the Northern Territory intervention should recommend the repeal of the Northern Territory income management scheme and the roll-out of a regime featuring the conditionality of payments associated with the two other regimes. Any subsequent Northern Territory regime should also reinstate the right of external merits review to the SSAT and beyond for all income management decisions.

That is not to say that future difficulties will not arise following repeal of the existing Northern Territory regime and adoption of a new scheme. If such change occurs — especially if the more targeted approach of the national regime were adopted — the new Government would need to reconcile a policy premised on enhancing 'parental responsibility' with differing Indigenous kinship arrangements and child rearing responsibilities. As our history demonstrates, even 'general' child welfare policies can disparately impact upon Indigenous families.⁶³ Additionally, a shift away from blanket quarantining to a more targeted approach may increase the administrative costs associated with the scheme,⁶⁴ for example, by necessitating greater information gathering so as to differentiate between defaulters and non-defaulters. These difficulties should not, however, dissuade the Federal Government from expunging the discrimination inherent in its current policy.

The Northern Territory income management regime, as it stands, borrows less from contemporary policy and more from our colonial past. Surpassing the authoritarianism associated with purist pursuits of neoliberalism, the NT regime represents a modern ploy for state control over Indigenous Territorians. With the promise of a review of the emergency intervention, the Labor Government has the opportunity to amend the ill-considered welfare package. To this end, the Commonwealth Government must repeal the discriminatory Northern Territory quarantine regime.

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