

CFV 107 Central Australian Aboriginal Legal Aid Service Inc

Full name: Central Australian Aboriginal Legal Aid Service Inc.

Proposal 13–1:

CAALAS supports this proposal.

Question 13–1:

As set out in our submission to the Issues Paper, CAALAS's expertise lies in the legal aspects of the Northern Territory Emergency Response (NTER) legislation, particularly the laws and policies that administer the income management regime. Therefore, CAALAS is not able to provide specific comment on the practical impact of social security law and policy on people experiencing family violence and, as such, is unable to identify if there are any particular needs of people experiencing family violence that have not been identified in the Discussion Paper.

Proposal 13–2:

CAALAS supports this proposal, however considers that in practice, an assessment of the impact of voluntary income management on people experiencing family violence may be difficult. It is likely that the majority of people experiencing family violence who are income managed will be income managed under the compulsory measures, as the 'vulnerability indicators' within social security policy and legislation are likely to trigger compulsory income management for those experiencing family violence.

Therefore, CAALAS considers that specifically in relation to the Northern Territory, it may be difficult to locate enough individuals on voluntary income management who are experiencing (or have experienced) family violence to undertake a proper assessment of the impact of voluntary income management on these individuals.

CAALAS suggests the ALRC consider recommending that an assessment be conducted of all people who are experiencing, or have experienced, family violence and are subject to income management (be it compulsorily or voluntarily) to determine the impact of income management on their lives. The outcome of such an assessment could then be used to inform any proposed reform to the voluntary income management system.

Proposal 13–3:

CAALAS supports the proposal to amend social security legislation to create a more flexible form of Voluntary Income Management but expresses caution at basing such an amendment on the Cape York Welfare Reform model of voluntary income management.

We note that while the Cape York Welfare Reform model creates a more flexible administration of income management (by allowing the Family Responsibilities Commission to take into account the best interests of the person, their children and families in deciding to refer a person for voluntary income management), it does not create extra flexibility for an individual in terms of how voluntary income management will work for them.

Under the Cape York Welfare Reform model of voluntary income management, the Family Responsibilities Commission notifies Centrelink how much of a person's payment will be income managed - likely to be either 60 or 75% of their payments. Further, lump sum payments are 100% income managed.

CAALAS advocates for reform of voluntary income management to allow individuals to enter into, and exit from, a voluntary income management agreement at any time; and to allow voluntarily income managed individuals to determine the percentage of their income that is income managed (including the percentage of any lump sum payments).

The Cape York model of voluntary income management does not allow for this flexibility, and is in CAALAS's opinion not an appropriate model upon which to base any amendment of the voluntary income management measure.

Question 13–2:

Please see comments in relation to Question 13-1.

Proposal 13–4:

CAALAS supports this proposal.

Other comments:

The quote attributed to CAALAS in paragraph 13.55 is incorrect. We ask the ALRC to amend this quote to properly represent CAALAS's statements made in response to the Issues Paper.

Upload supporting documents: