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MEDIA RELEASE

Federal Budget measures will create more legal need for Aboriginal and Torres Strait Islander people but no solutions

While the over-incarceration of Aboriginal and Torres Strait Islander people has been squarely on the Commonwealth's agenda in 2018, the Federal Budget has not delivered any funding for solutions.

"The Australian Government has ignored the findings from their own Law Reform Commission and Northern Territory Royal Commission inquiries," said Cheryl Axleby, co-chair of NATSILS. "Instead, they have introduced oppressive, punitive measures which will disproportionately affect Aboriginal and Torres Strait Islander people's quality of life."

The recommendations, including introducing national justice targets, support for justice reinvestment and Aboriginal and Torres Strait Islander Legal Services to deliver essential legal help, did not form part of the Budget. Nor did Closing the Gap, despite a year-long refresh agenda.

Yet stringent measures deducting welfare payments from people with unpaid fines and outstanding warrants have been introduced. These measures come in the face of increasing rates of over-representation, and a demonstrated connection between poverty and imprisonment for Aboriginal and Torres Strait Islander people.

"All governments around Australia should immediately abolish imprisonment for unpaid fines, not deduct welfare payments from people who are already oppressed by the system," said Ms Axleby. "This will likely have a huge impact on Aboriginal and Torres Strait Islander communities. We cannot afford to lose more lives to unpaid fines."

In addition, a number of Indigenous people accessing Aboriginal and Torres Strait Islander legal Services relate to housing and tenancy issues. Despite this, National Partnerships on Remote Housing remain in doubt in WA, Qld and SA.

"Increases in Indigenous health won't outweigh the government's changes to housing and welfare, which will further entrench disadvantage," said Ms Axleby. "This will lead to more unmet legal need for Aboriginal and Torres Strait Islander legal services, already at crisis level. This need must be comprehensively mapped to determine the gaps in providing essential legal help."

The concerning welfare measures include extending a punitive demerit point system to Community Development Program (CDP) participants. This cuts and suspends welfare payments for weeks at a time, risking further deep financial disadvantage for a very vulnerable group.

Since the introduction of the CDP, 300,000 financial penalties were applied, despite having only around 33,000 participants. Despite the clear failures of the CDP to date, only minor improvements were introduced, including a new wage subsidy scheme and slight reduction in the hours participants need to work for their benefits.

This flies in the face of constant calls for community-led solutions with a holistic, trauma-informed approach.

“The Government has not acted on their commitment to “do things with us, not to us”, once again ignoring the solutions that have been put forward to them by Aboriginal and Torres Strait Islander representative bodies in the 2016 Redfern Statement,” concluded Ms Axleby.

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