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An intersection in population control: welfare reform and indigenous people with a partial capacity to work in the Australian northern territory

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In Australia, in the last decade, there have been significant policy changes to income support payments for people with a disability and Indigenous people. These policy reforms intersect in the experience of Indigenous people with a partial capacity to work in the Northern Territory who are subject to compulsory income management if classified as long-term welfare payment recipients. This intersection is overlooked in existing research and government policy. In this article, we apply intersectionality and Southern disability theory as frameworks to analyse how Indigenous people with a partial capacity to work (PCW) in the Northern Territory are governed under compulsory income management. Whilst the program is theoretically race and ability neutral, in practice it targets specific categories of people because it fails to address the structural and cultural barriers experienced by Indigenous people with a disability and reinscribes disabling and colonising technologies of population control.

Keywords: Indigeneity; Disability; Intersectionality; Southern theory; Welfare reform

Introduction

In the last decade and a half, there has been an emphasis by the Organisation for Economic Cooperation and Development (OECD) (2003; 2007) and other contexts such as the United Kingdom (UK) and Canada, and various Australian Federal governments, to move people with a disability who have a capacity for employment from disability specific payments in the income support system to formal paid work. This marks a global trend in the Anglo-sphere to restructure the welfare state (Chouinard, 2010; Hyde, 2000; Roulstone, 2000). Successive Australian Federal governments from both sides of politics, have made numerous legislative changes to the Disability Support Pension (DSP) (the disability specific income support payment in Australia) to encourage people with a disability with a partial capacity to work (PCW) into employment to their capacity.

Alongside this, several Australian Federal governments have introduced stringent controls on those who receive particular payments in specific regions, subscribing their income support

payment to compulsory income management (CIM) (also known as ‘welfare quarantining’). CIM means that a proportion of a recipient’s income support payment is quarantined by the government to ensure that it is spent on priority goods and services such as food and healthcare and not on excluded ones such as alcohol, gambling and tobacco. Government policy which encourages behavioural changes by Indigenous people is a common approach to regulating and attempting to assimilate Indigenous people. Shared Responsibility Agreements (SRAs) which began in 2004 were established as local area agreements between the government and communities. Through establishing a SRA with the government, Indigenous communities would agree to uphold various obligations in return for government resources (Lawrence and Gibson, 2007). Nonetheless, the shift to CIM is described as ‘an unprecedented restriction of individual freedom [...] to promote behavioural change’ (Mendes, 2013:503).

Existing research on CIM has largely produced single-axis accounts exposing the racially targeted nature of this program, which disproportionately affect Indigenous Australians despite supposedly being made racially neutral (see Bielefeld, 2012,2014/2015; Bray et al., 2014; Humpage, 2016). Marston et al. (2016) examine the tensions between CIM and Australia’s National Disability Insurance Scheme (NDIS), which is a person-centred system of support designed to enable choice and control, including the self-management of funds. Nevertheless, these policy reforms are examined in parallel. There are no studies that explore the *intersection* of disability and indigeneity in the wake of policy changes to the DSP and the emergence of CIM. We address this gap by applying intersectionality and Southern disability theory (SDT) in a policy analysis which traces how Indigenous people with a PCW in the Northern Territory (NT) are governed under CIM. Although CIM is purportedly race and ability neutral, the program targets Indigenous people with a PCW insofar as it fails to address the structural and cultural barriers experienced by Indigenous people with a disability and reproduces disabling and colonising technologies of population control. The article begins with a thumbnail sketch of intersectionality theory and methodological debates about how to apply it to policy analysis. It then provides a brief explanation of SDT before applying these frameworks to a policy analysis of CIM.

Intersectionality

Emerging from African American standpoint theory, intersectionality is an important framework for conceptualising the interrelationship between multiple categories of identity and systems of oppression (Collins, 2000; Crenshaw, 1989; Hankivsky, 2012; Hankivsky and Cormier, 2011; May, 2014; Nash, 2008). Although Kimberlé Crenshaw coined the term, the concept is traced back to the 19th Century work of black feminist intellectuals and activists such as Maria Stewart, Anna Julia Cooper and Sojourner Truth (Crenshaw, 1989; May, 2014; Strid et al., 2013). It is also more broadly applied in Southern Indigenous standpoint theory

(Moreton-Robinson, 2000, 2004, 2013) and disability theory, which examines how the intersecting structures of colonialism and ableism shape the lived experience of Indigenous people with a disability (Connell, 2011; Gilroy et al., 2013; Hollinsworth, 2013; Meekosha, 2011; Soldatic, 2015).

Crenshaw's (1989) initial contribution to intersectionality examined the experience of African American women seeking redress for discrimination under American discrimination law. The structure of discrimination law siloed their experience without acknowledging their intersecting experiences of gender and race based discrimination, leaving them with no scope for redress. Crenshaw (1989) suggested that the law as well as feminism and antiracist politics, placed an emphasis on a single-axis category framework, thereby distorting and obscuring the experience of Black women. Intersectionality, then, provided a framework to recognise this experience. Discrimination law as a tool for redress, reflects an acknowledgement that people who 'differ' from the 'norm' are treated differently based on their gender, race, sexuality or ability. Though criticised for 'othering' groups already stigmatised, and in practice for failing to recognise an intersectional experience, such mechanisms developed in response to neutral policies which, through assuming 'sameness' (or that 'likes should be treated alike'), ignored how power and privilege operate to define who is 'alike' and what this means for those who are disadvantaged. What has been termed the 'sameness/ difference dilemma' (Williams, 1991), has also been discussed and problematised by disability studies scholars and critical race and whiteness studies scholars in an Australian context with regard to formal and substantive equality treatment in discrimination law (Nielsen, 2008; St Guillaume, 2011). This is because sameness (formal equality) obscures the everyday reality of disadvantage, oppression and privilege through assuming a state of equality, therefore reinscribing privilege. Difference (substantive equality) reifies the 'differences' of the 'other' without unpacking the privilege ascribed to the 'norm'. Intersectionality thus examines questions of difference and sameness around identity categories but also is 'part of a larger critique of rights and legal institutions... [seeking to address] the larger ideological structures [such as, policy] in which subjects, problems, and solutions were framed' (Cho et al., 2013:791).

While intersectionality scholars have transformed the terms of debate about sameness and difference, there are ongoing challenges associated with translating this approach into a coherent methodology for policy analysis. The first is the sheer complexity of synthesising a framework to analyse how multiple and intersecting social relations of oppression and privilege shaped lived experience (Hankivsky, 2012; Hankivsky and Cormier, 2011). Second, there is uncertainty about what kind of change intersectionality demands from established approaches to policy analysis and, relatedly, how to determine which categories to examine in a specific policy context. Much intersectionality research is concentrated on the categories of race, class and gender while other axes of experience are marginalised (Hankivsky, 2012; Hankivsky and Cormier, 2011).

This paper contributes to a growing research agenda concerned with demonstrating the value of intersectionality as a methodology for policy making and analysis (Hancock, 2007; Hankivsky, 2012; Hankivsky and Cormier, 2011; Lombardo and Rolandsen Agustín, 2012; Lombardo and Rolandsen Agustín, 2016; Manuel, 2007; Parken, 2010; Schiek and Lawson, 2011; Squires, 2009; Strid et al., 2013). It applies Spade's (2013) conception of population control to examine how colonisation produces harms across intersecting policy fields that target Indigenous people with a PCW as a population. While empirical applications of intersectionality in policy have tended to focus on race, class and gender, there are a number of studies within a Southern context examining how the lived experience of marginalised people with a disability and/or Indigenous peoples is not sufficiently taken into account in single-axis policy making (Kayess et al., 2014; Soldatic et al., 2014; Thill, 2015). Building on this research, we also apply SDT to analyse how the lived experience of Indigenous people with a disability remains invisible not just within single-axis policy making, but across intersecting policy fields.

Southern disability theory

SDT examines how the intersecting social categories of race and disability have been employed in policy to govern populations in specific ways. It emerged from concerns about the dominant role that Global North framings play in disability theorising, silencing Southern theoretical perspectives and the experience of disability in the global South (Connell, 2011; Meekosha, 2011). Southern disability theorists suggest that disability studies needs to be decolonised to allow for alternative conceptualisations of bodies, minds and spaces (Connell, 2011; Goodley, 2013; Soldatic, 2015, 2013a; Soldatic and Grech, 2014). Rather than establishing a distinction between impairment and disability like the social model (Oliver, 2009) or understanding 'disability as a limitation or lack of competence on the part of the individual' (Ariotti, 1999: 216), like the medical model, SDT considers both impairment and disability as significant to lived experience (Connell, 2011; Hollinsworth, 2013) and worthy of examination. As such, it theorises that race and impairment cannot be separated in practices of colonisation (Hollinsworth, 2013; Meekosha, 2011; Meekosha and Soldatic, 2011; Soldatic, 2015), therefore placing an emphasis on recognising the role of colonisation and dispossession in the production of impairment (Connell, 2011; Hollinsworth, 2013; Meekosha, 2011) and acknowledging the role of the state and state violence in producing impairment rather than championing inclusion, equality and human rights. As Hollinsworth suggests 'understanding Indigenous disability in Australia requires a critical examination of the history of racism that has systematically disabled most Indigenous people across generations and continues to cause disproportionate rates of impairment' (2013:601). History also demonstrates the similarities between experiences of regulation for people with a

disability and Indigenous Australians (Hollinsworth, 2013; Meekosha, 2011; Soldatic, 2015).

Employing SDT is also useful for acknowledging the cultural construction of the term 'disability' and how definitions of disability vary across Indigenous communities (Gilroy, 2009; Hollinsworth, 2013; Meekosha, 2011; Soldatic, 2015). In some cases, disability was absent from language. Instead, impairments were attributed to individual organs rather than described through an overarching term which would segregate some members of society from others (Ariotti, 1999). Furthermore, 'the category of disability for indigenous people within the white-settler colonial state resonates strongly with ongoing violence, oppression and stigmatization' (Soldatic, 2015:57), which results in many Indigenous people not wanting to identify as a person with a disability or impairment because this categorises them as another marginalised identity which is also often controlled, managed and regulated in disempowering ways similar to categorisation based on skin colour and physical characteristics by the colonisers (Gilroy, 2009; Soldatic, 2015). In addition, Ariotti (1999) discusses how European settlement, institutions and professionals introduced the concept of disability into the *Anangu* and often it was through interaction with professionals and institutions that Indigenous children were identified as having an impairment. At times, this identification meant that the child was removed from the family for medical treatment or care with some children never returned. Acts such as these contribute to a reluctance to identify as a person with a disability (Gilroy, 2009). Hollinsworth also suggests that 'poverty marginalization and racism can mean that many Indigenous Australians do not see impairment as a disability but as an aspect of more general challenges and disadvantage' (2013: 601) which are attributable to colonisation. SDT provides a lens to capture the production of impairment through mechanisms of colonisation and dispossession and to understand different conceptualisations of disability. These alternative conceptualisations of disability are often obscured by the homogenising tendencies of disability theorising, which ignore the communities, lands and structures of power which have shaped the experiences of Indigenous people with a disability (Soldatic and Grech, 2014).

Methodology: policy analysis

We applied intersectionality and SDT as frameworks to analyse the targeting of Indigenous people with a PCW under CIM. Precisely because the intersection of indigeneity and disability is invisible in this policy context, we examined evidence that each category is targeted separately and then evidence of the intersection between categories. The point of our analysis, however, is not simply to reveal the cumulative effect of two categories of 'disadvantage'. Rather, we draw on SDT to expose the continuities with disabling and colonising technologies of population control that produced the intersection in the first place, and are likely to reinscribe it.

Documents analysed, were official documents in the public domain including legislation, parliamentary debates, and civil society submissions to parliamentary inquiries selected through a purposive sampling technique. Since our research question concerned targeting, analysis of official policy documents was required. Documents were analysed when there was mention of the PCW category, and policy changes were made to the unemployment payment which were likely to impact upon people with a PCW. In addition, policy documents associated with income management were analysed when they automatically subscribed an income support recipient to income management based on the length of time spent on payment. This is known as the long-term welfare payment recipient CIM measure (part of the Vulnerable Welfare Payment Recipients measure), and is unlike other types of CIM where an individual is referred by an authority to be income managed. A decision was made to exclude types of income management requiring referral by an authority because of the role played by authorities in assessing one's circumstances and determining whether a recipient should be subscribed to income management. The focus on people with a PCW and the automatic subscription to income management based on duration of payment, also underpinned the way in which the documents were searched. By applying intersectionality and SDT, it was possible to draw on the social and historical context of the policy documents, highlighting the historically contingent PCW category, and understand how Indigenous people with a PCW are constructed and governed as part of a wider process of population control (Spade, 2013). It also provided a framework to reveal and challenge regimes of truth in the policy documents, as well as disrupt the silences in the documents, including the failure to recognise the intersection of policy in governing the lives of Indigenous people with a PCW.

Nonetheless, one of the ongoing limitations with intersectional policy analysis is a focus on oppression without attention to agency and resistance (Hankivsky, 2012). Our research engages with existing studies that examine the lived experience of Indigenous Australian's subject to CIM (Bray et al., 2014) and that documents strategies of resistance (Bielefeld, 2014; Marston et al., 2016). Further research could involve interviews with Indigenous people with a PCW and examine how the intersectional experience of indigeneity and disability shapes strategies for agency and resistance in this context.

Findings

Targeting at the intersection of social policy reforms

By outlining recent social policy reforms, it can be established how changes to income support for people with a disability intersect with CIM to govern Indigenous people with a PCW. In 2006 the Australian Federal Howard Coalition government implemented the *Employment and Workplace Relations Legislation Amendment (Welfare to Work and Other Measures) Act 2006 (Cth)*. This Act tightened the eligibility criteria for the DSP. People with

a disability assessed as able to work 15 hours per week, were no longer eligible for the DSP and had to apply for an alternative payment such as NSA (Humpage, 2007). They became categorised in the income support system as people with a PCW, however, are often homogenised as NSA recipients. Since then, there have been further changes to the eligibility criteria for the DSP by various Federal governments, including subscribing DSP recipients to participation requirements and further increasing the number of people categorised as having a PCW (Mays, 2015). These changes to income support payments for people with disability have been actively supported and extended by both mainstream political parties in Australia (with only nuanced differences). Figures from September 2017 indicate that there are over 172, 000 people in Australia on NSA classified with a PCW (Department of Social Services, 2017).

CIM was part of a packaged response (the Northern Territory Emergency Response) (NTER) by the Howard government to the *Ampe Akelyernemane Meke Mekarle 'Little Children are Sacred'* Report of the NT Board of Inquiry into the Protection of Aboriginal Children from Sexual Abuse (Wild and Anderson, 2007) and allegations of child sexual abuse in remote NT Indigenous communities. Following a declaration of a 'national emergency' by the Australian government in June 2007, the NTER legislated a number of measures, including the suspension of the *RDA 1975 (Cth)* which would separately govern Indigenous Australians in 73 prescribed Indigenous communities in the NT. The measures included widespread alcohol restrictions, welfare reforms and compulsory health checks. The reforms also disestablished the Community Development Employment Projects (CDEP) in prescribed areas. CDEP was a voluntary workfare scheme established in 1977 which 'provides bulk grants to urban and remote Indigenous communities for community development, income support and employment creation' (Stringer, 2007). Through this scheme, wages were provided to Indigenous people for their employment through Aboriginal organisations. They also received superannuation and protection through industrial mechanisms (McQuire, 2014). This was the largest employer of Indigenous people in the NT (McQuire, 2014). However, disestablishment occurred in favour of streamlining welfare payments, mainstreaming employment programs and job opportunities in the 'real' economy (Australian Government, 2007). This was a contested response to the Report (Thill, 2009; Watson, 2011). Another measure introduced through the NTER was CIM, which managed the income support payments of Indigenous Australians residing in the prescribed communities in the NT (Humpage, 2016). CIM was *not* one of the recommendations of the Wild and Anderson (2007) Report.

Following concerns raised with the indiscriminate application of CIM to Indigenous people (Watson, 2011), in 2010 the Rudd Labor Federal government revised CIM, introducing legislation to broaden it to both Indigenous and non-Indigenous welfare payment recipients. Despite theoretically extending CIM, in practice, the measures still predominantly target Indigenous welfare recipients (Bray, et al., 2012; Buckmaster, et al., 2012; Humpage, 2016).

While there were various ways in which CIM was extended, this article will specifically focus on the long-term welfare payment recipient CIM measure.

The long-term payment recipient measure targets ‘groups of people at high risk of social isolation and disengagement, poor financial literacy and participation in risky behaviours’ (Department of Social Services, 2015). The long-term payment recipient measure quarantines the income support payments of welfare recipients, aged 25 years to pension age in the NT receiving income support payments, including Youth Allowance, NSA, Special Benefit or Parenting Payment ‘for more than 12 of the last 24 months’ (Department of Human Services, 2016). This includes people with a PCW. The income managed money is placed on a BasicsCard which is ‘a PIN protected card that allows [... access to income managed money] through EFTPOS facilities at approved stores and businesses’ (Department of Human Services, 2017a). In 2016, the Australian Government also trialled an extension of welfare quarantining wherein 80% of all welfare payments (excluding the age and veterans’ pensions) are subject to CIM and placed on the ‘Healthy Welfare (debt) Card’ (Humpage, 2016; Marston et al., 2016). The trial responded to a central recommendation of the Indigenous Jobs and Training Review (see Forrest, 2014) and was implemented in communities with high Indigenous populations (Marston et al., 2016). Although the Healthy Welfare Card trials support our argument that CIM continues to be racially targeted, the trial sites are outside of the NT and so an analysis of these changes is beyond the scope of this research.

The capacity for the long-term payment recipient CIM measure to capture people with a PCW is unacknowledged in existing literature and policy discussions. This emphasises the importance of recognising how policy intersects to govern subjects and could be because ‘[q]uite often we look at Newstart as one cohort; whereas, if you break it down, there are lots of cohorts’ (Australian Greens Senator Rachel Siewert cited in Commonwealth of Australia, Senate, October 24, 2012: 3). This has significant implications for Indigenous people with a PCW which will be explored shortly.

Targeting people with a PCW

Given that there is a lack of recognition of the intersection of policies governing Indigenous people with a PCW and, therefore, a shortage of data on the number of Indigenous people with a PCW who are subject to CIM, it is important to outline why Indigenous people with PCW are more likely to be captured by the criterion categorising long-term payment recipients. A person is placed on the long-term payment recipient measure once they have been identified by Centrelink (the agency responsible for the distribution of Australian social security payments) as close to meeting the criteria because of their duration on payment. The individual is contacted via postal letter informing them that they will be subject to CIM. The letter requests that they ‘attend an interview with Centrelink to discuss their income

management arrangements' (Bray, et al., 2014:23). As the subscription of Indigenous people with a PCW to CIM remains unexamined, this exploration occurs through examining why people with a PCW and Indigenous people are likely to meet the criteria separately. This is not to suggest that the identity categories themselves do not intersect in the lived experiences of recipients, but rather to provide further evidence of the need for an intersectional approach in this context.

The criteria is likely to automatically and disproportionately capture people with a PCW because it does not consider the disadvantaged social and economic position of PCW which could impact on their duration on payment. Additionally, the criterion ignores the average length and median duration of payment for people with a PCW and the ableist notions underpinning the time-based subscription criteria to income management.

The unemployment rate for people with a disability in Australia is 10%, which is nearly double the rate for people without a disability (5.3%) (ABS, 2016a). Furthermore, Australia's employment rate for people with a disability is low at 53.4% (ABS, 2016a) compared with an OECD average of 60% or 70% for the top eight OECD countries (PwC, 2011). People with a disability are also more likely to be engaged in part-time employment and experience higher rates of underemployment (ABS, 2012). The barriers to accessing and participating in employment for people with a disability are well documented (Australian Human Rights Commission, 2016; Humpage, 2007; National People with Disabilities and Carer Council, 2009; Soldatic and Chapman, 2010). Social barriers to employment include employer attitudes, education experience, inaccessible public transport, insufficient transport infrastructure, inaccessible buildings, discrimination and the cost of participating in the labour market for people with a disability (Galvin, 2004; Humpage, 2007). If these social barriers to employment participation are not addressed for people with a PCW, their position is likely to be reproduced, perpetuating the conditions which lead to the subscription of people with a PCW to CIM.

In addition, because the long-term payment recipient criterion does not consider the average length and median duration on payment for people with a PCW and the overrepresentation of people with a disability considered to be long-term unemployed (Fowkes, 2011), it is anticipated that people with a PCW would be subscribed to CIM. People with a PCW receive welfare payments for an average of five years as opposed to approximately three and a half years for the general NSA population (DEEWR et al., 2012). The 'median duration for Newstart Allowance recipients with a partial capacity to work [on payment was]...151 weeks compared to 88 weeks for the general Newstart Allowance population' (DEEWR et al., 2012: 81). While the long-term payment recipient criteria could then capture both groups of NSA recipients, the prolonged duration on payment for people with a PCW, means that it is more likely that people with a PCW would be automatically income managed. The long-term payment recipient CIM trigger, then acts as a disciplining technique to encourage

employment and punish those who do not comply. This time trigger perpetuates an able-bodied norm and, similar to Soldatic's (2013b) argument about 'the Appointment' with regards to the original changes to the DSP, the time trigger for income management does not consider the lived experience of people with a disability.¹ The CIM trigger for long-term payment recipients in the NT who have been in receivership of NSA for 52 of the previous 104 weeks, is a deadline which requires people with a disability, particularly those with episodic conditions, to synchronize their bodily patterns to gain employment within a system which contains many barriers to their participation despite a willingness to work (Australian Human Rights Commission, 2016). This suggests that people are able 'to control and synchronize the competing set of temporalities managed in everyday life' (Soldatic, 2013b:411). It also suggests that a failure to do so is a problem of the individual who has deliberately chosen to remain on income support. In addition, the effects of placing a time limit on PCW, such as increased anxiety and unrealistic expectations based on social and impairment barriers such as pain, are ignored. This neutral policy then overlooks the cost and labour involved in attempting to perform in accordance with an able-bodied norm for people with a disability.

Targeting Indigenous Australians

Alongside explaining the reasons why it is likely that people with a PCW will be captured by the long-term payment recipient CIM measure, it is also important to establish why Indigenous Australians are captured. Particularly, and given that statistics suggest that despite the extension of CIM to Indigenous and non-Indigenous welfare recipients in the NT, Indigenous Australians were more likely to have their incomes managed. For example, as at August 31, 2016 87% of those subscribed to the long-term recipient measure in the NT, were Indigenous (Australian Government, 2016). Much like people with a disability, the disadvantaged position of Indigenous Australians who are impacted by historical policies and have difficulty accessing the labour market is ignored. Furthermore, the design of mechanisms in the income support system, perpetuate conditions which could facilitate income management.

The long-term payment recipient measure, ignores the structurally disadvantaged position of Indigenous Australians (Dawson, 2011/2012; Mendes, 2013) produced through colonisation and dispossession. This is similar to the problem identified by disability studies scholars earlier where the 'problem' of unemployment is individualised to people with a disability, without considering or addressing the social barriers which impede their economic participation. Bielefeld (2012) emphasises how the government appears to blame Indigenous Australians for their position on income support, obscuring the colonial context which has produced conditions of poverty for Indigenous Australians. By doing this, it justifies the paternalistic regulation of Indigenous Australians through measures which seek to 'normalise'

their conduct such as, CIM. It also ‘resonates with the same fundamentally erroneous assumptions that characterised many years of colonial legislation preceding it, namely, that there was truth in the Darwinian logic that Indigenous peoples are too child-like and simple-minded to deal with something as complicated as participation in the cash economy’ (Bielefeld, 2012: 535) and require conditions on the receivership of their payments to promote compliance with the values of whiteness and develop skills in self-government. If Australia’s CIM laws do not allow for reparation or justice for Indigenous Australians affected by historical policies, and instead promotes a continuation of the ‘same colonial assumptions about Indigenous people’s financial capacity’ (Bielefeld, 2012:528), then it is unlikely that the reforms will succeed- ‘substantive injustice will occur, and... reparation will not’ (Bielefeld, 2012:528). This is because, as Bielefeld (2012) suggests, the measures undermine the autonomy and dignity of Indigenous Australians rather than promote skills in self-government.

Similar to people with a disability, Indigenous Australians experience barriers to their employment participation. According to the 2014-15 National Aboriginal and Torres Strait Islander Social Survey (NATISS), these populations have ‘a labour participation rate of 58%’ (cited in ABS, 2016b) with the lowest labour force participation rate in the NT at 47%. They are significantly less likely to be employed than non-Indigenous Australians (ABS, 2016b). For example in 2012, 64.5% of Indigenous Australians were participating in comparison to 78.6% of non-Indigenous Australians (ABS, 2017). In addition, like the systematic exclusion of people with a disability from the labour market, Indigenous Australians have also been excluded and discriminated against. Indigenous Australians experience discrimination in employment including, difficulty securing employment and underpayment (Australian Human Rights Commission, 2015) making it difficult for them to participate in the market economy (Australian Human Rights Commission, 2015; Bielefeld, 2012). Biddle et al. (2013) describe how in some cases, experiencing discrimination in employment leads Indigenous Australians to withdraw from participating in the labour market.

The CIM exemption criteria is also problematic for Indigenous Australians subscribed to CIM (Bielefeld, 2012; Bielefeld and Altman, 2015; Humpage, 2016). The exemption criteria for the long-term payment recipient measure places the ‘burden of proof...on those [income managed] recipients to demonstrate that they are socially responsible’ (Buckmaster et al., 2010:17) and do not need to be income managed. Though the criterion differs dependent on whether recipients have dependent children, social responsibility is evidenced through engaging in employment, enrolment in study and responsible parenting (Buckmaster et al., 2010). This criterion may be difficult for Indigenous Australians in remote communities to meet, because ‘there are limited opportunities for study or part-time work in many Aboriginal communities, so the prospect of exemption based on learning or earning is illusory’ (Billings and Cassimatis, 2009:68).

In addition, Bielefeld (2012) indicates that there is discrimination and paternalism operating in the application of the exemption criteria, using evidence of the significant number of non-Indigenous recipients granted an exemption, in comparison to Indigenous recipients who are income managed. Bray et al. (2014 cited in Humpage, 2016:560-561) found:

...both lower rates of application and higher rejection rates for exemptions among Indigenous peoples, resulting in their on average spending 97.1 out of 124.5 weeks on income support under CIM compared to 34 out of 54.7 weeks receiving income support amongst non-Indigenous people

Several problems have been raised with the exemption criteria, including language barriers and a lack of knowledge about and difficulties with applying for an exemption (Bielefeld, 2012; Billings and Cassimatis, 2009). This provides evidence for why Indigenous Australians are likely to be captured by the long-term payment recipient measures. The exemption criteria should be practically plausible for Indigenous Australians and not just a theoretical possibility (Bielefeld, 2012).

Furthermore, the situation of those Indigenous welfare recipients in remote communities is complicated with regard to employment and income support. Successive governments have been criticised for their lack of investment in employment and education in remote Indigenous communities and their lack of engagement with community-led initiatives (Central Land Council, 2017). In addition, the existence of various ‘work-for-the-dole’ schemes in remote communities has impacted on Indigenous welfare recipients. Though the Howard government dismantled CDEP through the NTER, and in the process increasing unemployment rates dramatically (Altman cited in McQuire, 2014), the Rudd government reintroduced a watered-down version. This was transitioned into the Remote Jobs and Community Program (RJCP) in 2013 which was superseded by the Community Development Programme (CDP) in 2015. These programs have seen Indigenous peoples working long hours for NSA payments. For example, ‘Under the...RJCP, Aboriginal workers in NT communities were already working 16 hours a week for Newstart wages’ (McQuire, 2014). CDP toughened ‘requirements forcing welfare recipients in remote areas to work 25 hours, five days a week over 52 weeks in order to receive their welfare payments’ (McQuire, 2014). According to Fowkes (2017):

All people on income support who have ‘participation requirements’ and live in CDP regions must participate in the ... program as a condition of receiving income support. Most participants are on Newstart (72%)...84% of [...participants] are identified as Indigenous [and] unemployed people with disabilities are also included in this program.

There is no superannuation paid or industrial protections in place (Gibson, 2017). Payments are docked if obligations are not kept, and Centrelink payments can be stopped for eight

weeks. Furthermore, despite participating in such a program, the payments of NT CDP participants can be income managed (Gibson, 2017; Klein, 2017). Programs such as this which seek ‘to deliver better opportunities for remote job-seekers and foster stronger economic and social outcomes in remote Australia’ (Department of Jobs and Small Business, 2018), contribute to the problematic conditions of income support receivership.

Through an examination of why people with a PCW and Indigenous Australians are likely to be captured by the long-term payment recipient criteria, it is clear that without an acknowledgement of intersectionality, across identity and policy, Indigenous people with a PCW are more susceptible to CIM, particularly given the similarities across employment participation rates and barriers to employment. This failure to recognise the intersection of policy in governing the lives of Indigenous people with a PCW subscribes them to policies which regulate them through a white, able-bodied norm.

Continuities of population control

Since both Indigenous people and people with a PCW are disproportionately targeted by CIM, then it follows that Indigenous people with a PCW are disproportionately targeted by CIM. Disability is prevalent in Indigenous communities, with Indigenous people twice as likely as non-Indigenous Australians to be living with impairment (Hollinsworth, 2013; Soldatic, 2015). Nonetheless, our point is not simply to claim that indigeneity and disability combine to produce a ‘double disadvantage’ (Gething cited in Hollinsworth, 2013:602). Rather, by using an intersectional framework to examine subjection to CIM, we have traced how supposedly neutral policy measures target marginalised subpopulations of long-term unemployed people— Indigenous people, people with a disability and, by extension, Indigenous people with a disability— without considering their oppressed position. For example, in 2012, ‘Aboriginal and Torres Strait Islander people with a disability were significantly less likely than non-Indigenous people with a disability to be employed (25.6% compared with 48.7%)’ and ‘[t]he unemployment rate for Aboriginal and Torres Strait Islander people with a disability was nearly three times as high as the comparable rate for non-Indigenous people with a disability’ (ABS, 2017). While CIM as a technology of population control has been labelled ‘unprecedented’ (Mendes, 2013:503), in this final section, we draw on Southern disability studies to expose the continuities with disabling and colonising technologies of population control.

Mendes (2013:503) suggests that CIM represents a significant shift in Australia’s welfare system, transferring welfare from a mechanism of poverty alleviation to one of control. He describes how:

CIM [which includes the long-term payment measure] seems to take ... [the] shift to

conditional welfare even further by imposing an *unprecedented* restriction of individual freedom in an attempt to promote behavioural change. Centrelink is arguably being given judicial powers similar to those granted to Guardianship authorities in cases where people assessed to have significant disabilities are unable to manage their personal or financial affairs (emphasis added).

Mendes' (2013) analogy between guardianship authorities and CIM is contradictory, however, since it demonstrates the opposite point, that the subscription of people with a psychological disability to government measures which manage income is not 'unprecedented'. Likewise, numerous scholars trace the continuity between CIM and historical mechanisms of colonial control such as rationing (see Bielefeld, 2014/2015; Gibson, 2012; Humpage, 2016; Watson, 2011). Rationing is associated with "assimilation" as a formal policy framework...when Aboriginal people were not entitled to handle cash like other citizens and rationing regimes were used to control Aboriginal movement and labour, as well as to try and discipline people out of 'Aboriginal' behaviours' (Gibson, 2012:63). In this context, Indigenous workers were denied all or part of their wages and required to petition Aboriginal 'protectors' to access and use their own income (Watson, 2011).

While there are similarities between these practices of population control, they do not simply operate separately, but also intersect. For example, the racialising discourse of indigenous inferiority that underpinned rationing is 'disabling for all Indigenous Australians regardless of impairment' (Hollinsworth, 2013:602). Furthermore, the dehumanising process of subjection to colonial domination and the widespread poverty produced by practices such as rationing, has generated significantly disproportionate impairment rates among Indigenous Australians (Hollinsworth, 2013; Meekosha, 2011). These rates are disproportionate not only in comparison to non-Indigenous Australians, but also to first peoples of other settler colonial nations such as Canada, the US and New Zealand where treaties exist between indigenous and non-indigenous people (Soldatic, 2015).

We argue that the continuity between CIM and colonial practices of population control renders CIM similarly disabling. CIM not only reproduces the historical representation of Indigenous people as 'primitive, childlike and thus incapable of dealing with financial matters [but] also [adds] the inability to stay sober, resist drugs and demonstrate a work ethic to the list of cultural deficits found in Aboriginal communities' (Humpage, 2016:567). As Hollinsworth (2013) suggests, this type of negative stereotyping is disabling for all Indigenous Australians. Moreover, evaluations of CIM have found that the stigma associated with using the BasicsCard has produced shame, humiliation, disempowerment and experiences of psychological impairment including anxiety and depression (Humpage, 2016; Mendes, 2013; Watson, 2011). The Australian Indigenous Doctors Association maintains that the NTER (including CIM) has produced a sense of "collective existential despair"...characterised by a widespread sense of helplessness, hopelessness, and

worthlessness, and experienced throughout entire community(s)' (cited in Watson, 2011: 151). This claim resonates with Meekosha's (2011) use of the concept of social suffering to capture the lived experience of Indigenous Australians disabled by conditions of colonisation. Importantly, her point is not to reproduce dominant representations of disability as a personal tragedy, but rather to recognise the collective injustice of colonisation and the complex intersection between indigeneity and disability in this context.

Conclusion: intersectional solidarity

In this article, we applied intersectionality and SDT to analyse the subjection of Indigenous people with a PCW to CIM. Although the program is ability-neutral and now formally complies with the Racial Discrimination Act 1975, we found substantive evidence that it targets Indigenous people with a PCW. This is because it fails to address the social and cultural barriers experienced by Indigenous people with a disability, and reinscribes disabling and colonising technologies of population control, which produce impairment. By way of conclusion, we reflect on the significance of intersectionality and SDT as frameworks for policy analysis and advocacy.

One of the key contributions of applying an intersectional and SDT framework to policy analysis is to expose how policies such as CIM, target and stigmatise— in this case, Indigenous people with a PCW. This process does not contribute to solving the problems of Indigenous people with a disability, but instead constitutes a mechanism of population control that reproduces social suffering and produces impairment. While the government has justified CIM on the basis of protecting Aboriginal women and children from violence and abuse, contributing to community wellbeing and promoting self-reliance (Humpage, 2016; Watson, 2011), a decade after its implementation, the evidence-base for these claims remains limited (Marston et al., 2016). It is contradictory to suggest that paternalistic mechanisms of population control can promote self-reliance. Instead, they are likely to exacerbate the problem of welfare dependency and undermine Indigenous claims for self-determination (Humpage, 2016).

Another contribution of this approach is to demonstrate the importance of 'building solidarity between indigenous people and the disability movement' (Soldatic, 2015:64) as a basis for resisting disabling and colonising technologies of population control reproduced in contemporary social policy reforms. From an intersectionality and SDT perspective, however, fostering a basis for solidarity is a complex task. UN human rights instruments have been used to argue for the reinstatement of the Racial Discrimination Act 1975 in the context of the NTER (Anaya, 2010) and as a tool for national advocacy of the intersectional rights of people with a disability (Kayess et al., 2014). Nonetheless, although this suggests that human rights might offer a shared basis for solidarity, the use of human rights instruments for rights-based

advocacy at the national level, also problematically reinforces the sovereignty of the nation-state, obscures recognition of Indigenous sovereignty, and undercuts Indigenous practices of decolonisation (Soldatic, 2015).

Marston et al. (2016) suggest self-determination as a shared principle that could unite Indigenous people and the disability movement. They make clear, however, that mobilising popular support for self-determination would require reframing the argument that ‘governments have a right to determine how [‘taxpayer money’] is spent’ (Marston et al., 2016:410). Arguments for the recognition of shared vulnerability and complicity in social relations of power and privilege can usefully contribute to this reframing (Marston et al., 2016) and contribute to a broader basis for solidarity. Such arguments articulate with the claims of SDT that vulnerability to impairment is shaped by colonial relations (Meekosha, 2011). They also align with intersectional disability justice activism seeking to transform the stigmatisation of dependency with recognition of shared interdependence (Spade, 2013) as well as the Indigenous norm of reciprocity (Bielefeld 2014/2015; Humpage, 2016; Watson, 2011).

Notes

¹ The changes made by the Howard government to the DSP through the Employment and Workplace Relations Legislation Amendment (Welfare to Work and Other Measures) Act 2006 meant that those people with a disability who were previously eligible for the DSP would no longer be eligible if they were assessed as capable of working between 15-29 hours per week. Instead, they became eligible for NSA. As part of maintaining access to NSA, people with a PCW may be required to report any weekly earnings, attend regular interviews and appointments and job search. Should a recipient fail to meet the obligations required for payment, such as failing to attend an interview or appointment, they are seen as having committed a participation failure, breaching their responsibilities with the government and could lose their payment. Soldatic (2013: 407) discusses the Appointment as a disciplining mechanism which ‘frames and reframes individual biographies and the experience of everyday life, determining access to a range of social supports and service’. She problematises the Appointment which although ‘appear[...s] as a neutral, rational, calculable action’ (415) may ignore those bodies which are unable to synchronize with the Appointment time, thus becoming ‘a social relation of power’ (415).

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