

Submission to the Select Committee on Intergenerational Welfare Dependence on the Inquiry into Intergenerational Welfare Dependence

The Accountable Income Management Network,
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1. Introduction

The Accountable Income Management Network welcomes the opportunity to respond to the Select Committee on Intergenerational Welfare Dependence's Inquiry into Intergenerational Welfare Dependence. We appreciate the Committee's stipulation that the Interim Report should be taken as a guide for further submissions and have used the suggestions therein to develop our response.

2. About the Accountable Income Management Network

The Accountable Income Management Network (AIMN) is a nation-wide group of community members; representatives of national, State and local non-government organisations and community bodies; academics; social researchers and public policy experts. Our members have a strong commitment to social justice and human rights and are concerned about the provision of equitable and appropriate social security support to economically marginalised Australians. The AIMN is concerned in particular with the issues raised by compulsory income management and welfare conditionality.

3. Key concerns and recommendations about the Inquiry into Intergenerational Welfare Dependence

3.1 'Welfare dependency', intergenerational disadvantage and deficit discourse

The AIMN echoes ACOSS' concern that the Committee appears to conflate 'welfare dependency' with poverty¹. This clearly fails to acknowledge the impacts of enduring relational poverty- caused by structural disadvantage and systemic inequality- that is experienced by marginalised income support recipients in Australia². ACOSS and the UNSW Sydney have found that 13.2% of Australians currently live below the poverty line³- a concerning figure which indicates a lack of opportunities rather than participation.

Further, the notion of 'welfare dependency' appears to be used as an ephemeral and largely arbitrary category in the Discussion Paper, considering that it refers to some unspecified intersection between the amount of welfare received, proportion of family income derived from welfare, and duration of time spent receiving welfare⁴. The report also overlooks how citizens are always already 'dependent' through the social security system on fundamental public goods such as access to universal health care, education and the aged pension. The use of 'welfare dependency' is a way to further marginalise already marginalised people.

The AIMN recommends that the committee dispense of this conceptualisation of disadvantage and focuses on addressing pressing concerns raised by income support recipients in line with an approach that pays attention to resources and opportunities.

3.2 Removing an emphasis on behavioural approaches to welfare

The AIMN strongly discourages the use of behavioural and conditional approaches to welfare provision due to their paternalistic and punitive nature. The Discussion Paper notes that such an approach is 'based on the assumption that disadvantaged families need to change their behaviour in order to achieve better outcomes for themselves and their children'. However, it is unclear how applying behavioural conditions and sanctions on access to income support will cause any positive change in the lives of people making choices constrained by the lived experience of intersecting disadvantage. Indeed, behavioural conditionalities have been shown to cause detrimental impacts to child and family welfare⁵.

¹ <https://www.acoss.org.au/wp-content/uploads/2018/10/ACOSS-submission-to-HoR-Select-Committee-on-IWD.pdf>

² See Mendes, P 2004, 'Is there such a thing as welfare dependency?', *Arena Magazine*, vol. 69, pp. 31-35.

³ https://www.acoss.org.au/wp-content/uploads/2018/10/ACOSS_Poverty-in-Australia-Report_Web-Final.pdf

⁴ https://parlinfo.aph.gov.au/parlInfo/download/committees/reportrep/024203/toc_pdf/DiscussionPaper.pdf;fileType=application/pdf p. 5.

⁵ <https://www.lifecoursecentre.org.au/wp-content/uploads/2018/06/2017-22-LCC-Working-Paper-Cobb-Clark-et-al..pdf>; <https://www.lifecoursecentre.org.au/wp-content/uploads/2018/06/2017-23-LCC-Working-Paper-Doyle-et-al..pdf>

The AIMN endorses the Treating Families Fairly network's Statement of Principles⁶, which advocates on behalf of families facing barriers in accessing equitable income and social welfare support.

3.3 Ending punitive conditionality, including compulsory income management regimes

The AIMN notes that the Committee refers to welfare conditionality in the United Kingdom (point 3.26). The Committee is strongly encouraged to read the final report of the Welfare Conditionality Project 2013-2018⁷, the findings of which clearly demonstrate that welfare conditionality programs lack both ethical and fiscal legitimacy. With respect to the impact of conditionality on families, the Welfare Conditionality Project found that single parent families in particular suffered from welfare conditionality due to the intersection between inadequate support from social services and the severe financial and psychological distress caused by sanctions⁸. This experience is mirrored in Australia where the Welfare to Work system has caused significant hardship to single mothers, increasing financial insecurity, forcing women to make choices that were *detrimental* to long-term financial security, and harmfully misconstruing reasons for women's non-participation in the labour market⁹. This results in reliance on welfare payments in the longer term. These negative repercussions are now being imposed on mothers of infants and toddlers in the recently expanded ParentsNext program¹⁰, which particularly focuses on Aboriginal and Torres Strait Islander women.

The AIMN calls for an end to punitive conditionality in the form of both compulsory income management and the application of draconian compliance mechanisms and sanctions enforced through mutual obligations through programs such as *jobactive* and ParentsNext¹¹. By virtue of being recipients of Newstart Allowance, Youth Allowance or Parenting Payment, the majority of people subject to compulsory income management are by default also subjected to mutual obligations¹², and therefore fit the eligibility criteria for the *jobactive* program¹³. However, there is a concerning lack of analysis about the impacts of the overlap of compulsory income management programs such as Place-Based Income Management, the BasicsCard, and the Cashless Debit card, and the *jobactive* compliance frameworks of *jobactive* in urban centres and the Community Development Program in remote communities.

⁶ https://www.cfecfw.asn.au/wp-content/uploads/2018/10/Treating-Families-Fairly_Statement-of-Principles.pdf

⁷ http://www.welfareconditionality.ac.uk/wp-content/uploads/2018/06/40475_Welfare-Conditionality_Report_complete-v3.pdf

⁸ http://www.welfareconditionality.ac.uk/wp-content/uploads/2018/06/40475_Welfare-Conditionality_Report_complete-v3.pdf p. 29.

⁹ https://www.goodshep.org.au/media/2179/outside-systems-control-my-life_experience-of-single-mothers-on-w2w_web.pdf

¹⁰ <https://www.jobs.gov.au/parentsnext>

¹¹ <https://www.goodshep.org.au/media/1929/g sanz-submission-response-to-parents-next-discussion-paper-final.pdf>

¹² <https://www.dss.gov.au/families-and-children/programmes-services/welfare-conditionality/cashless-debit-card-overview>

¹³ https://docs.jobs.gov.au/system/files/doc/other/jobactive_-_helping_you_find_work_factsheet.pdf

Please find further information on this in Appendix A, which outlines evidence showing specific issues with income management programs. We request an effort from policy makers to account for and address the added impacts of the intersection and overlapping of different policy programs.

3.4 Other concerns: Indigenous rights

The AIMN recognizes the distinctly racialized nature of welfare policy development in Australia¹⁴, particularly with respect to compulsory income management and behavioural conditionalities. These approaches have been piloted¹⁵ and extended in remote Indigenous communities since the Northern Territory Emergency Response (Intervention) with a discriminatory focus on limiting the financial agency of Aboriginal and Torres Strait Islander income support recipients¹⁶. The overwhelming finding of a suite of research and analysis is that, after 11 years, the Intervention has not had its intended effects, but has instead exacerbated levels of poverty, undermined agency, and compounded peoples' reliance on welfare payments.

In the Northern Territory, compulsory income management has been operational since the Intervention in the form of the BasicsCard, which seeks to enforce behavioural changes in spending patterns by quarantining 50% of welfare payments for expenditure on priority goods with the view of increasing child welfare. However, study by the Lifecourse Centre found that this program has resulted in a *reduction* in school attendance over time¹⁷. A separate study by the Lifecourse Centre also found that the BasicsCard has resulted in significantly reduced birthweight in Indigenous communities in the Northern Territory¹⁸.

The AIMN condemns the use of remote Indigenous communities as testing grounds for increasingly punitive welfare policies.

¹⁴ Bielefeld, S 2012, 'Compulsory Income Management and Indigenous Australians: Delivering Social Justice or Furthering Colonial Domination?', *UNSW Law Journal*, vol. 35, no. 2, pp. 522-562.

¹⁵ Humpage, L 2016, 'Income management in New Zealand and Australia: Differently framed but similarly problematic for Indigenous peoples', *Critical Social Policy*, vol. 36, no. 4, pp. 551-571.

¹⁶ Mendes, P 2013, 'Compulsory Income Management: A Critical Examination of the Emergence of Conditional Welfare in Australia', *Australian Social Work*, vol. 66, no. 4, pp. 495-510.

¹⁷ <https://www.lifecoursecentre.org.au/wp-content/uploads/2018/06/2017-22-LCC-Working-Paper-Cobb-Clark-et-al..pdf>

¹⁸ <https://www.lifecoursecentre.org.au/wp-content/uploads/2018/06/2017-23-LCC-Working-Paper-Doyle-et-al..pdf>

4. Conclusion and recommendations

The AIMN calls for a system of social security payments that dismantles structural disadvantage rather than individualising disadvantage caused by dysfunctional and unsupportive systems. Any approach towards addressing poverty and inequality experienced by income support recipients must abandon punitive approaches, and should instead be:

- Culturally safe (particularly in reference to the UNDRIP¹⁹),
- Without paternalistic and punitive conditionality,
- Evidence-based,
- Based on broad community consultation, and
- Centred on human, economic, social, and cultural rights.

This will necessarily involve both raising the rate of social security payments to alleviate poverty²⁰, and providing sustained funding to culturally appropriate, relevant and accessible community support services.

¹⁹ <https://www.un.org/development/desa/indigenouspeoples/declaration-on-the-rights-of-indigenous-peoples.html>

²⁰ <https://www.acoss.org.au/wp-content/uploads/2018/03/Raise-the-Rate-Explainer-1.pdf>

Appendix A: Information Sheet and Key Concerns Relating to Compulsory Income Management²¹

Information Sheet and Key Concerns

Social Services Legislation Amendment (Cashless Debit Card Trial Expansion) Bill 2018

Prepared by the Accountable Income Management Network, August 2018

The Accountable Income Management Network (AIMN) has prepared this information sheet to highlight key concerns about the inherent problems of compulsory income management. We focus in particular on the Cashless Debit Card (CDC) and the ways in which it is being implemented and evaluated. This information is provided in the context of the upcoming Senate vote on the *Social Services Legislation Amendment (Cashless Debit Card Trial Expansion) Bill, 2018*.

The AIMN is a body of researchers, community sector organisations, trial participants, and other interested parties who are working to push back against compulsory income management regimes in Australia due to their lack of sound evidence and because of the social harms they perpetuate.

In summary, the AIMN's concerns with the Cashless Debit Card include the following issues²²:

- The cost of the scheme and the lack of financial account options.
- Insufficient evidence to support the claims of 'success' or justify the expansion of the CDC.
- Discriminatory nature of the CDC against First Nations Peoples and the violation of human rights.
- The top-down imposition and lack of community consultation and/or support for the CDC.

Cost of the Scheme and Financial Account Options

- For the first 12 months of the Cashless Debit Card trial in Ceduna and Kununurra, the estimated maximum cost of the trial was \$18.9 million²³: this equates to approximately \$10,000 per person²⁴.
- The cost for the scheme in the Goldfields region has not been publicly released despite the trial having commenced in the area in May 2018.

²¹ Please note: the following information was prepared in response to the *Social Services Legislation Amendment (Cashless Debit Card Trial Expansion) Bill 2018*- this may clarify some of the specific wording therein.

²² For further information, please refer to the AIMN's submission to the Senate Community Affairs Committee Inquiry into the Bill:
https://www.aph.gov.au/Parliamentary_Business/Committees/Senate/Community_Affairs/CDCTrialExpansion/Submissions.

²³ https://www.dss.gov.au/sites/default/files/documents/11_2017/foi_request_no._17_18-032_-_attachment_a.pdf

²⁴ https://www.acoss.org.au/wp-content/uploads/2018/02/010218-Cashless-Debit-Card-Briefing-Note_ACOSS.pdf

- For the Bundaberg and Hervey Bay region in Queensland, there has been no independently verified costing released for the proposed new trial sites/period. The Senate is being asked to vote on the expansion of the trial in the absence of financial costings.
- The partial and flawed evaluation conducted by ORIMA Research cost the Department of Social Services a total of \$1.6 million²⁵.
- The above costs are in addition to the current expenditure on income management in Australia which is in excess of \$1 billion.²⁶
- Affected communities and analysts of the CDC have proposed more cost-effective measures to tackle the issues that compulsory income management purports to address. These measures include the provision of a more comprehensive package of social support services, rather than the punitive targeting of individuals, many of whom do not have challenges relating to drugs, alcohol or gambling^{27,28}.
- There has been no weighing up of the potential damage to market incentives aimed at increasing access to appropriate savings account options for low income people. The CDC, at scale, would require a very large number of Australians to use a product designed, prescribed and supervised by government, without any consideration of the circumstances or needs of the individuals required to participate.

Insufficient Evidence to Support Expansion

- The ORIMA Research evaluations of the Cashless Debit Card Trials have resulted in numerous concerns being raised²⁹, including: administrative data limitations, participant recall bias, participant response bias, issues with self-reporting, observation bias, and a range of methodological flaws³⁰.
- A significant concern with the final ORIMA report was the lack of appropriate baseline data³¹ with which to compare data gathered at both the mid-point and end of the evaluation period. As a result, there has been misreporting of the indicators of gambling and alcohol/drug consumption. The evaluation and the use of its findings by proponents of the Card has implied that there has been a decrease in alcohol, drug use and gambling amongst CDC participants, even though most cardholders were not over-consumers of alcohol, drugs or gambling in the first place³².

²⁵ Australian National Audit Office 2018, *The Implementation and Performance of the Cashless Debit Card Trial*, Australian National Audit Office, Commonwealth of Australia.

Australian National Audit Office 2018, *The Implementation and Performance of the Cashless Debit Card Trial*, Australian National Audit Office, Commonwealth of Australia.

²⁶ From Buckmaster, Ey and Klapdor's 2012 analysis of income management: "An examination of all the federal budget measures relating to income management ... indicates the development and implementation of income management measures around the country from the period 2005–06 to 2014–15 will cost the Commonwealth in the range of \$1 billion" as cited in

http://parlinfo.aph.gov.au/parlInfo/download/library/prspub/1727168/upload_binary/1727168.pdf;fileType=application%2Fpdf.

²⁷ http://www.acoss.org.au/images/uploads/Income_management_policy_analysis_September_2014.pdf.

²⁸ https://www.aboriginalaffairs.nsw.gov.au/pdfs/research-and-evaluation/TAB-A-Alternatives-to-IM-Report_FINAL.pdf.

²⁹ An issue identified both by the Parliamentary Joint Committee on Human Rights and the Australian National Audit Office.

³⁰ http://caep.cass.anu.edu.au/sites/default/files/docs/CAEPR_Topical_Issues_1_2017_0.pdf

³¹ Australian National Audit Office 2018, *The Implementation and Performance of the Cashless Debit Card Trial*, Australian National Audit Office, Commonwealth of Australia, page 39.

³² In the ORIMA Interim report, 57% evaluation participants on the card reported that before the card, they did not have more than 6 drinks of alcohol at one time (page A33); 90% reported that they did not use illegal drugs (4% reported doing so), 80% reported that they did not gamble (3% more than once a week) (pg A41). In the final ORIMA report released on 1/9/2017, it is claimed that 48% of people were doing one of the three behaviours (alcohol/ drug consumption or gambling) less. However, there is does no accounting for the people

- The ORIMA report lacks rigorous data gathering or analysis on purported changes in domestic violence and crime rates. For example, police data indicating an increase in these factors in the East Kimberley since the introduction of the CDC is not included in the ORIMA data sets³³.
- Key wrap-around services in trial sites that related directly to participant wellbeing were not adequately monitored and evaluated to determine their effectiveness by ORIMA Research or the Department of Social Services³⁴.
- Despite its flaws, even ORIMA's final evaluation report notes that the majority of participants identified that the CDC made no positive change in their lives and that almost half of participants stated that the CDC had actually made their lives worse³⁵.
- Income management more broadly has failed to meet its purported objectives, as demonstrated by Bray's 2016 paper³⁶ highlighting the mixed, if not outright detrimental, effects of New Income Management in the Northern Territory.
- The Life Course Centre has produced several studies demonstrating the negative impact of income management on children, noting effects such as reductions in both child weight³⁷ and school attendance³⁸ in the Northern Territory under *Stronger Futures*. In addition to this, the ORIMA evaluation of the CDC found that 48% of persons in trial sites with caring responsibilities reported that the CDC *did not* support them to better care for their children³⁹.
- Notwithstanding the lack of evidence or financial costings to support an expansion of the CDC and mounting evidence of the harmful nature of income management, the Bill proposes that while current trials at all sites will end on 30 June 2019, they should continue in the Bundaberg and Hervey Bay area for an extra year, until 30 June 2020.
- In the absence of a rigorous and valid evaluation of the existing trials, there is currently no reliable evidence base to inform the Senate or decision-makers about whether to support the expansion of the CDC to new trial sites and/or for an extended timeframe.

Discrimination against First Nations People and Violation of Rights

- The CDC disproportionately targets First Nation peoples in all current trial sites, a point which has even been acknowledged within the current Bill proposing further expansion⁴⁰.
- Expansion to the Hinkler electorate both frames First Nation populations who are subject to the CDC in current trial sites as a 'test case' for non-Indigenous income support recipients and sets a precedent for the national rollout of the scheme. The ANAO Report states that the trial '...was not designed to test the scalability of the CDC ... Many findings from the trial were specific to the cohort (predominantly Indigenous) and remote location,

who were not doing the behaviours in the first place, who may have said yes to 'consuming less', to reflect not doing the behaviours at all (summary based on research by Dr Else Klein).

³³ <https://www.theguardian.com/australia-news/2018/jan/12/family-violence-rates-rise-in-kimberley-towns-with-cashless-welfare>

³⁴ Australian National Audit Office 2018, *The Implementation and Performance of the Cashless Debit Card Trial*, Australian National Audit Office, Commonwealth of Australia, page 59.

³⁵ <https://www.theguardian.com/australia-news/2017/sep/18/cashless-welfare-card-report-does-not-support-ministers-claims-researcher-says>

³⁶ http://caep.cass.anu.edu.au/sites/default/files/docs/Income_Management_Evaluations_WP111_2016_0.pdf.

³⁷ <https://www.lifecoursecentre.org.au/research/journal-articles/working-paper-series/do-welfare-restrictions-improve-child-health-estimating-the-causal-impact-of-income-management-in-the-northern-territory/>.

³⁸ <https://www.lifecoursecentre.org.au/research/journal-articles/working-paper-series/the-effect-of-quarantining-welfare-on-school-attendance-in-indigenous-communities/>.

³⁹ ORIMA

⁴⁰ Explanatory Memorandum, Social Services Legislation Amendment (Cashless Debit Card Trial Expansion) Bill 2018 (Cth), page 4.

and there was no plan in place to continue to evaluate the CDC to test its roll-out in other settings' (p. 8, 10).

- NACCHO has recently condemned⁴¹ the Prime Minister and Minister for Social Services' suggestion that the CDC should be extended to First Nation income support recipients in the Tennant Creek community (already subject to the Basics Card).
- According to the Expansion Bill's *Explanatory Memorandum*, the CDC engages and limits three human rights – the right to social security, the right to a private life and the right to equality and non-discrimination (*Statement of Compatibility with Human Rights*, p. 1). The Statement of Compatibility, however, fails to include a consideration of a number of other human rights which are being eroded by the imposition of the CDC, more specifically in relation to Aboriginal and Torres Strait Islander peoples subjected to the CDC.
- The lack of community consultation about the design and implementation of the CDC is a breach of the right of Aboriginal peoples to self-determination and flies in the face of Article One of the *International Covenants on Human Rights*, and the *United Nations Declaration of the Rights of Indigenous Peoples*, which require meaningful consultation with and the informed consent of Aboriginal peoples during the development and implementation of policies and laws that affect them. This is evidenced by key groups from the Bundaberg region, such as the Gidarjil Development Corporation, one of the largest Aboriginal organisations in Bundaberg, not having been consulted or approached by the Government about its views on the CDC⁴².

Top-Down Intervention Lacking Community Support

- Community support, a central requirement for the application of any welfare measure, has been demonstrably lacking in the proposed trial area⁴³ (along with other trial areas⁴⁴). Without adequate consultation and with negligible community support, this Bill subjects a further 6,700 people to compulsory income management via the CDC (noting that the Bill raises the total trial participant cap from 10,000 to 15,000).
- The mayors of both Local Government Areas in the proposed trial area in Queensland - Bundaberg and the Fraser Coast Shire - oppose the card⁴⁵, and yet the Hon Keith Pitt, member for Hinkler, continues to claim community support for the card⁴⁶.
- While the government claims to have consulted extensively in the region to solicit support for expansion, no Aboriginal corporations in the Bundaberg and Hervey Bay area have been directly approached by the federal government with respect to the proposed expansion⁴⁷.
- Despite the intention to target 'vulnerable' individuals and families for income management, eligibility is determined by catchment-area and a blanket mandatory approach, rather than on a case-by-case basis⁴⁸.

⁴¹ <https://www.theguardian.com/australia-news/2018/jul/25/no-evidence-cashless-welfare-card-will-help-tennant-creek-senators-told>

⁴² Cth. Parliamentary Debates. House of Representatives. 21 June 2018 (Proof), page 21.

⁴³ <https://www.news-mail.com.au/news/armed-police-show-up-to-cashless-card-rally/3187131/>;
<https://www.whitsundaycoastguardian.com.au/news/cashless-welfare-not-in-bundy-please/3188062/#/0>

⁴⁴ http://caepr.cass.anu.edu.au/sites/default/files/docs/Working_Paper_121_2017.pdf

⁴⁵ <https://www.theguardian.com/australia-news/2018/may/21/bundaberg-mayor-turns-against-high-cost-of-cashless-welfare-trial>

⁴⁶ Cth. Parliamentary Debates. House of Representatives. 21 June 2018 (Proof), page 16

⁴⁷ Cth. Parliamentary Debates. House of Representatives. 21 June 2018 (Proof), page 21.

https://www.apf.gov.au/Parliamentary_Business/Hansard?wc=21/06/2018.

⁴⁸ <http://guides.dss.gov.au/guide-social-security-law/8/7/4/10>.

- Many people who have never struggled with alcohol and/or other drug use or gambling are subject to the same restrictions regarding how they use their income support payments - something which has received push-back from many community members⁴⁹.

Broader Concerns with Compulsory Income Management

- Compulsory income management is premised on a deficit model and is contrary to a strengths-based approach to the provision of social security, which would enable a sense of agency, self-determination and choice. The current approach serves to undermine the human rights and consumer rights of participants.
- The CDC operates on the assumption that participants engage in 'harmful' or 'socially undesirable' activities purely because they lack financial management skills. It does not take into account the vast range of contributing factors that feed into gambling or substance use.
- Compulsory income management creates emotional and financial stress in people's lives, and makes it more challenging for some to escape pre-existing hardship. For example, one Ceduna resident has spoken about how, if she had been on the CDC while in a former abusive relationship, she would not have been able to escape⁵⁰.

The AIMN proposes that, rather than a punitive and mandatory scheme, where there is community support for income management, it should be voluntary and extensive support services- including financial management supports- should be made available. Irrespective of community attitudes to income management, all communities should automatically have access to a comprehensive suite of support services in order to tackle social issues in a way that does not further marginalise vulnerable people.

⁴⁹ <https://www.theguardian.com/australia-news/2017/nov/02/bundaberg-indigenous-group-resist-unfair-cashless-welfare-card>.

⁵⁰ <https://www.theguardian.com/australia-news/2018/feb/01/domestic-violence-survivor-could-not-have-escaped-abuse-on-cashless-debit-card>.

Appendix B: Network Member Endorsements

The Accountable Income Management Network has received formal endorsement for this submission from the following individuals and organisations.

Australian Council of Social Service	Community Sector Peak Body
Australian Unemployed Workers' Union	Community Sector Organisation
Centre for Excellence in Child and Family Welfare	Community Sector Organisation
Consumer Action Law Centre	Community Sector Organisation
Good Shepherd Australia New Zealand	Community Sector Organisation
National Social Security Rights Network	Community Sector Peak Body
Peter Sutherland, Australian National University	Individual
Uniting Communities	Community Sector Organisation