

Bordered welfare in Australia: Income management as a bordering technology of neoliberal and colonial governance

Punishment & Society

2025, Vol. 27(1) 68–90

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DOI: 10.1177/14624745241251590

journals.sagepub.com/home/pun



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Abstract

In this article we investigate the imposition of compulsory income management on racialised categories of welfare recipient in Australia, identify the contribution made by neoliberalism and settler colonialism in shaping that policy, and characterise income management as a form of 'bordered welfare'. We begin by acknowledging that key features of neoliberal governance include an ideological aversion to the provision of welfare and the shifting of responsibility onto individuals to promote their own financial security and wellbeing. This has been accompanied by punitive approaches to welfare provision for those perceived to be deficient neoliberal citizens and a commitment to using financial levers, including the welfare system, to shape all manner of human behaviour. We trace the contours of the income management system and report the views of Aboriginal organisations and community leaders about their differential treatment as welfare recipients, noting that restrictions on financial autonomy are a well-documented form of surveillance and control historically directed towards Aboriginal Peoples in Australia. We conclude that this system operates as a form of bordered welfare that classifies certain categories of Aboriginal people as deficient citizens, subjecting them

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to differential, and detrimental, treatment driven by the ideologies and technologies of both neoliberalism and settler colonialism.

Keywords

Aboriginal Australians, bordering, borders, colonial control, colonialism, income management, Indigenous peoples, neoliberalism, Northern Territory Emergency Response, penal welfare

Introduction: Welfare as a technology of neoliberal-colonial control

Far from being simply a measure to alleviate financial hardship, welfare plays a key role in delineating the relationship between citizens and the state. The increased regulation of the poor and marginalised, spanning both the penal and welfare systems, has been a notable development in an era dominated by the global rise of neoliberalism and an ongoing feature of settler-colonial governance. Researchers have identified imperatives within neoliberal governance to subject welfare recipients to intensive surveillance aimed at detecting fraud and restricting access to payments (Headworth, 2020), and have confirmed the enduring relevance of race within penal-welfare systems shaped by neoliberal paternalism (Soss et al., 2011). In this article, we examine how compulsory income management – a program that controls the means by which social security payments are delivered, with the aim of effecting far-reaching behavioural change – has been deployed against a specific group of racialised Australians, namely Aboriginal and/or Torres Strait Islander peoples.¹ We identify elements of both neoliberalism and colonialism in this form of welfare-based governance that delineates a border, we argue, between those granted the full benefits of neo-liberal citizenship and others relegated to subordinate citizenship categories determined largely by Indigeneity.

Many commentators agree that the reach and character of the penal-welfare nexus has taken a significant new turn in the neoliberal era. This trend has been analysed in terms of welfare nationalism (Barker, 2018), a culture of control (Garland, 2001) and as punishing the poor (Wacquant, 2009). As Garland (2001: 176) has observed: ‘If the official aim of penal-welfare was the promotion of social welfare the overriding concern today is, quite unashamedly, the efficient enhancement of social control’. Whereas Garland attributes this shift to increased crime rates in liberal democracies, Wacquant (2009: 306) sees the ‘normalization of insecurity’ ushered in by US-style neoliberalism as the main catalyst, aimed at ‘remak[ing] the nexus of market, state, and citizenship from above’.

According to Wacquant, the neoliberal agenda is marked by four logics: economic deregulation and the promotion of market mechanisms; welfare state privatisation and restructuring, including the imposition of behavioural obligations in exchange for public assistance; the elevation of individual responsibility alongside reduced state accountability; and an expansive, intrusive and proactive penal apparatus deployed to

contain the disarray arising from sustained social insecurity and inequality. He considers neoliberal governance to be bifurcated along class lines, being typically liberal at the top, and paternalistic and authoritarian at the bottom. In particular, social groups who are excluded from the market economy become casualties, while being cast as having no one but themselves to blame: '[By] reinventing penal and welfare bureaucracies to supervise and warehouse members of stigmatized groups that are marginal to the restructured economy, these policies render the poor invisible (or at least morally culpable)' (Schoenfeld, 2011: 474).

While Wacquant's focus is on socio-economic class, the societal divisions that characterise the neoliberal era are also delineated along other dimensions. The relationship between race, citizenship and penal-welfare has been explored, for example, by Vanessa Barker (2018). She acknowledges that Swedish citizens, living in one of Europe's remaining social democracies, are subjected to high levels of social control through their incorporation into the welfare state, and argues that generous welfare provision and punitivism can co-exist. The crucial question to ask is who receives support and who is penalised, within any particular system. Barker's answer is that those who are excluded from sources of state support by 'welfare nationalism' – which seeks to restrict welfare entitlement to citizens – are the most liable to receive punitive treatment. This is not merely a cost-saving measure, as might be compatible with the economic rationalism that is central to neoliberalism, but also highlights the powerful boundary-reinforcing role of welfare and the vulnerability of those considered to fall outside the boundaries of belonging, which may include Indigenous groups and ethnic minorities who are nevertheless legal citizens.

Counter-colonial theorists have also highlighted the systematic exclusion of colonised peoples from the protections of citizenship, including financial and physical security. Mbembe (2003) has argued that colonised populations have been subjected to regimes of 'necropolitics' in which colonial governments mobilise fear and material deprivation to exercise a pervasive power over life and death. While actual death may be an outcome, the primary objective is to maintain 'besieged' populations in an ongoing 'state of injury', most readily identified in the creation of townships 'starved of bread, of meat, of shoes, of coal, of light' by restricting access to essential resources (Mbembe, 2003: 27). In later writing, Mbembe (2019) locates the antecedents of pervasive insecurity and social division that are now observable in contemporary societies within colonialism, rather than neoliberalism, and observes that elements of colonial governance now feature in the domestic governance of colonial powers. Like Wacquant and Barker, Mbembe notes a bifurcation in contemporary governance in which those not recognised as full members are subjected to authoritarian / punitive / necropolitical regimes of control, but in this case the division is decided along overtly racial lines: 'Two orders exist ... a *community of fellow creatures* governed, at least in principle, by the law of equality, and a *category of non-fellows*, or even of those without part, that is also established by law ... founded on the prejudice of race' (Mbembe, 2019: 17, italics in original). In a settler colonial society such as Australia, such racialised governance translates seamlessly into the differential treatment of Indigenous people.

Objectives and methodology

In this article, we first establish that income management (explained in more detail later) is a penal-welfare policy that combines the mentalities and technologies of *both* neo-liberal and colonial governance. We draw on the work of political theorist Elizabeth Strakosch, who identifies direct links between neoliberalism,² colonialism, conceptions of citizenship and policies adopted by Australian governments concerning Indigenous peoples. Strakosch (2015: 39) notes that contemporary liberalism reconfigures citizen rights and entitlements as temporary gifts that are ‘bestowed only so long as the recipient undertakes to become a responsible, autonomous subject’. During earlier eras of ‘classical’ liberalism, which coincided with widespread acceptance of biological racism, Strakosch argues that Indigenous people could be *openly* excluded from the benefits of citizenship by permanently excluding them ‘from the category of capable individuals, and hence from citizenship and its associated rights’ (Strakosch, 2015: 5). While there was a brief period in the 1970s and 80s in which there was a retreat from overt discrimination and paternalism in favour of a measure of self-determination and Indigenous rights, current liberal thinking, according to Strakosch (2015: 17), returns to the divisiveness typical of colonial governance during the classical liberal era, but redraws the boundaries of differential entitlement in a more temporary and contingent way:

In the transition to neoliberal logics, there is a complex rearticulation of the terms of Indigenous inclusion in the settler order. They are nominally included as citizens, but this inclusion is detached from the permanent attribution of capacity. Instead, Indigenous people must constantly perform this capacity or face coercive regimes *within* the framework of liberal inclusion. (Emphasis in original)

Special measures can then be imposed without necessarily resorting to categorical exclusion based on race, but by reference to ‘statistical clusters of risk, threat and incapacity’ (Strakosch, 2015: 46). Individuals and groups deemed capable will be assigned to ‘regimes of freedom’ (23), while others designated as ‘market failures or as catastrophically irresponsible’ (26) are relegated to more authoritarian regimes. As a result, both historically and under present circumstances, Strakosch observes that welfare policy has operated as a ‘state performance of authority through care’ in relation to Indigenous peoples, facilitating regulation and assimilation ‘in the name of their own wellbeing’ (123). The Indigenous welfare recipient is therefore subjected to the combined effects of exclusionary treatment arising from their unique positioning within both neo-liberal and colonial frames of reference, as explained here by Bielefeld (2014: 700): ‘Under the colonial discourse of government benevolence, Indigenous welfare recipients are constructed as too “vulnerable” to possess adequate budgetary skills, failures according to neoliberal values, and in need of a paternalistic push in the right/white direction’.

In addition to establishing that compulsory income management in Australia embodies the merger of neoliberal and colonial technologies of governance, we argue that this form of differential treatment along racialised lines has a bordering function we describe as ‘bordered welfare’. We derive this term by analogy with the scholarship on ‘bordered

penalty' developed by Katja Franko (formerly Aas), in which penal systems in Norway were found to operate 'abnormally' in relation to non-citizens: 'The thesis presented in the article is the following: when penal power is exercised over individuals without formal membership, it essentially changes its nature and becomes – even in arguably one of the most inclusive and least punitive societies in the world – more openly exclusionary' (Aas, 2014: 521). Franko links the creation of a 'double-faced penal culture which is mild towards insiders and punitive towards outsiders' to the 'intrinsic boundedness of the welfare state, where its normative framework of social equality and inclusion reveals itself to be "universal" exclusively within the boundaries of citizenship' (Aas, 2014: 534).

While the bordered penalty thesis was developed to explain the incursion of *immigration control* objectives into the operation of the criminal justice system, whereby access to the resources of the welfare state is restricted primarily by the *physical exclusion* of unwanted outsiders, we contend that income management reflects the incursion of *colonial control* objectives into the operation of a penal-welfare system increasingly orientated towards *social exclusion* of those positioned as 'outsiders' within the neoliberal, settler colonial state. The possibilities for such an expansive application of the thesis in relation to both the targets and the technologies of bordered penalty are contained within its original framing. While territorial exclusion is the primary objective of bordered penalty, Franko (2020: 82) also acknowledges the bordering function of social exclusion, which may be enacted through any application of coercive power on those with disputed or precarious membership: 'Bordered penalty, therefore, requires a conceptual apparatus which captures how and why distribution of membership becomes so salient for understanding contemporary patterns of social exclusion and the use of state power and coercion'.

In this article, we build on that work and seek to identify a form of bordered welfare that delineates a boundary, not between citizens and non-citizens, but between citizens and a particular category of 'sub-citizens', identified both by their identity as colonised peoples, and by their presumed incapacity to exercise the financial responsibilities of neoliberal citizenship. We draw on a wide range of official reports and academic commentaries about the income management scheme (much of it reviewed in Maher, 2021); a systematic review of submissions to parliamentary inquiries; and open-ended interviews conducted with 12 Aboriginal Elders and community leaders.³ Recruitment for the interviews was led by one of the authors who is First Nations. Potential interviewees were located using purposive sampling based on media and parliamentary inquiry submissions. Those who represented communities who supported the policy were invited to participate, as were those who did not support the policy – which were a considerably smaller group. Of those who participated, ten did not agree with trials, one initially supported them as they believed the policy might help address other social issues in their community, and another was ambivalent. Six of the participants were female and the other six were male. Interviews were relatively open-ended in that a few questions were prepared, but a community-led and culturally appropriate approach was adopted, meaning that interviewees were given time and space to speak uninterrupted on what they thought was relevant to the subject. Since evaluating the technical detail of the

income management program was not the research objective, participants were invited to speak broadly about the targeting of the schemes, the degree of community consultation and individual autonomy, and their overall feelings about how the policy had impacted their community.

Before presenting our analysis of the documentary and interview data, we first set out the broad contours of the income management policy as it has developed, through many iterations, over time.

A brief overview of income management

Compulsory income management was introduced in 2007 under then Prime Minister John Howard via the expansive Northern Territory Emergency Response (NTER), which was directed explicitly at Aboriginal communities. Also known as the 'Intervention', the NTER was supposedly a response to a report titled *Ampe Akelyernemane Meke Mekarle: 'Little Children are Sacred'* (Northern Territory Board of Inquiry into the Protection of Aboriginal Children from Sexual Abuse, 2007). The report found sexual abuse of children in the Northern Territory (NT)⁴ to be widespread and often unreported. The report's authors located the solutions to the problems they identified within the communities themselves. Nonetheless, just six days after the report was released, in the lead-up to a hard-fought federal election, the conservative government used this longstanding issue as a pretext for a sweeping intervention that imposed a raft of 'special measures' on Indigenous communities. Most of these measures had little obvious connection to the prevention of child abuse, while significantly winding back earlier gains in community self-determination (Maddison, 2008).

One of the special measures imposed was income management.⁵ This involved compulsory quarantining of at least 50% of income support provided by the federal government to be spent only on household items deemed essential. The scheme was not assessment based; those affected had no opportunity to show that they could manage their income or opt out of the scheme. All welfare recipients in 'prescribed areas', the vast majority of them Indigenous, were simply deemed to lack the capacity for financial self-management. This 'blanket approach' continued unabated, despite no credible evidence that it was achieving its stated goals (Australian National Audit Office (ANAO), 2022; Marston et al., 2020; Mavromaras et al., 2019; Mavromaras et al., 2021), and the scheme was subjected to numerous restructures under successive governments to expand its use to other parts of Australia.

The policy was initially operationalised through the Basics Card which was later introduced in small trials in Queensland and Western Australia by the federal Labor government in 2008. In 2009, rights of appeal were introduced; however, complaints continued about the 'race-based' nature of the scheme (Mendes, 2013). In response, a revised, 'place-based' scheme named New Income Management (NIM) was implemented that included some relatively deprived urban locations with more mixed populations. Since First Nations welfare recipients were still disproportionately targeted, this merely represented a shift from direct to indirect discrimination. Further place-based measures were introduced in 2012, in the form of Place-Based Income Management (PBIM), a variation

on NIM, which was trialled in the suburbs of Bankstown (Sydney, New South Wales), Logan (Brisbane, Queensland), Playford (Adelaide, South Australia), the city of Rockhampton (Queensland), and the regional city of Shepparton (Victoria) – all sites of cultural diversity, welfare dependency and high unemployment (Maher, 2021: 18).

With the return of a conservative government in 2014, income management took an extraordinary turn. Andrew ‘Twiggy’ Forrest – one of Australia’s wealthiest businessmen, who has no professional credentials in policy development or Indigenous affairs – was appointed to review the provision of ‘Indigenous training and employment’. He recommended, inter alia, the Australia-wide introduction of ‘cashless welfare’ – a scheme far harsher than previous income management regimes – and proposed a new ‘Healthy Welfare Card’, a bank-styled debit card that could be used in any location and would entirely prevent cash access to social security payments (Commonwealth of Australia, 2014).

Forrest failed to gain full support for the scheme, but in 2016, a revised version, which instead quarantined 80% of payments was operationalised as the Cashless Debit Card (CDC), with trials for working-age welfare recipients commencing in Ceduna (South Australia) and the East Kimberley (Western Australia), both of which have very high proportions of First Nations residents. By 2019, the Goldfields region (Western Australia) and Bundaberg and Hervey Bay (Queensland) had joined the trial, with some local variations.

In the following sections we examine the neoliberal and colonial characteristics of these policies in more detail. While we have emphasised the synergy between neoliberal and colonial governmentalities in the discussion so far, in the interests of clarity the two sections that follow discuss these two dimensions of the income management policy somewhat separately, with reference to our research evidence.

Income management as neoliberal governance

As net consumers of public assets, welfare recipients have been accused by neoliberal governments of engaging in irresponsible spending of taxpayer funds, supposedly linked to a range of anti-social activities ranging from gambling to alcohol misuse and child neglect and abuse. The government response to these perceived failures to perform fiscal responsibility exhibits several defining features of neoliberal governance outlined earlier, including the control of welfare spending to effect wide-ranging behavioural change and the privatisation of welfare services.

Reliance on financial levers to effect behaviour change

Throughout its many and varied iterations, income management has been deployed, ostensibly, to address an astonishing array of social problems. At its inception, its stated purpose was ‘promoting socially responsible behaviour particularly in relation to the care and education of children’.⁶ The publicly stated rationales for other iterations of the scheme have included: to increase financial and money management skills; reduce hardship and deprivation; learn budgeting; reduce discretionary income for use on

alcohol, gambling, tobacco, illegal drugs and pornography; reduce social harm in communities with high levels of welfare dependency; allow vulnerable families to find financial stability; and to reduce the harassment and abuse of income support recipients by family members (Maher, 2021).

Yet evaluations of both the Basics Card and the CDC have shown little evidence of positive change on any of these indicators (ANAO, 2022; Maher, 2021) and some evidence of negative effects (Butler, 2022). Community leaders we spoke with were keenly aware of the failure of the scheme to address its publicly stated objectives: '[T]hey're not ever going to fix the problem by taking people's wages, their livelihood. They keep saying, alcohol, gambling, drugs, they're saying all of this ... It's not just a problem for Aboriginal people'.

There is good reason to conclude, therefore, that these policies are driven by normative concerns and ideological values, rather than evidence, being underpinned by a distinctly neoliberal narrative. As Bielefeld (2014: 96) has noted, that narrative:

... maintains that poverty arises from moral deficiency, and the idea that the state is not obliged to make the provision of social security easy for the 'undeserving poor'. Thus people falling into these categories are presumed to be incapable of possessing appropriate values and/or budgetary skills, a failing which the compulsory income management scheme seeks to rectify through limiting access to cash payments.

Critics have pointed out that this approach does nothing to address the underlying causes of socio-economic problems being faced by some Indigenous people and communities (Bennett and Gates, 2021), while diverting considerable resources that might have been used to this end into an expensive system of punitive welfare surveillance. As one commentator put it: 'Such control assumes that the state, through the logics of the market, can make better spending decisions than individuals, even as the state spends upwards of AUSS\$117 million (2007–2012) to implement the cashless debit card program' (Dee, 2013, cited in Coddington, 2019: 535).

An Aboriginal Elder interviewed by members of the research team in 2021 identified the hypocrisy inherent in a scheme that controls the spending of community members while supporting harmful practices that generate profits for private companies:

Well, I know they fly in the grog, actually – fly the grog into those communities up in the Northern Territory where they're not accessible by road. And up at Palm Island, they boat it in. Nice big boats. So who is selling the grog to these people? And they would know, the communities. The towns are big enough to know who's selling the sly grog over on the communities. And did they do anything about it? No, they don't, because they don't want to take the business away from the hotels and such. And the gambling, same thing. They're just not addressing it from the other end.

In addition, Aboriginal critics have argued that the imposition of income support has actively undermined efforts to generate local solutions to community problems. A submission to a 2019 Senate Inquiry⁷ stated:

MG Corporation have been implementing the 100+ Jobs Initiative, a new way of tackling Indigenous employment in the East Kimberley focused on some of the hardest to reach and most disadvantaged individuals. As part of this Initiative our staff have had multiple interactions with local Indigenous people who refuse to register for Centrelink for payments they are entitled to because they do not want to be stigmatised by the CDC.

Finally, in a direct repudiation of income management as a tool for positive change, the National Congress of Australia's First People endorsed community empowerment over financial restrictions in their submission to a 2017 Senate Inquiry:⁸

We stress the enormous role which feelings of disempowerment play in driving Aboriginal and Torres Strait Islander people towards destructive behaviour. The solutions to these social problems do not lie in mandatory restrictions on the financial decision-making of individuals. Instead, evidence-based research strongly indicates that effective policies that achieve desired outcomes to close socioeconomic gaps or the broader social, economic, cultural and political aspirations of Indigenous peoples, are those which strengthen the capacity of Indigenous peoples to exercise genuine decision-making and to implement those decisions.

The privatisation of welfare

As well as sustaining profits in the service sector, income management has itself become a target for private profiteering. The appointment of Twiggy Forrest to lead the inquiry that introduced the for-profit CDC - widely known as the Indue Card after the private 'payment services' company that won the government contract to run the scheme - marked a turning point in this regard. After this development, Coddington (2019: 539) observed: 'Despite being relegated to the margins of the national economy, card users are simultaneously generating profits for states and contractors'.

This largesse with taxpayer funds was also criticised in a submission by the GLSC Aboriginal Corporation to the 2018 Senate Inquiry,⁹ which pointed out the significantly higher costs of the CDC in comparison with the government-run system:

I have seen unattributed references to costs of \$10,000 plus per person for the administration of the CDC mechanism. With costs of this order, the cost of administering the CDC is approaching the level of benefits that are payable to recipients. This surely must signal that the CDC is not a cost-effective option, particularly when implemented in a manner that is poorly targeted, sweeping up recipients who do not exhibit the behaviours that the CDC seeks to address.

AAP Factcheck (2021) has since calculated that from March 2016 to around September 2020, Indue was paid \$50.3 million, plus \$2.87 million for an information technology system built prior to the commencement of the CDC trials at its first sites. This independent source also determined that the widely-quoted figure of \$10,000 per welfare recipient was inaccurate, being based on early figures, and estimated a figure closer to \$1200 per cardholder. Nevertheless, numerous concerns remained.

An Aboriginal community leader interviewed in 2021 echoed these suspicions about financial wrongdoing, saying:

... my real concern was, who was Indue? Who was managing this? And where does all this money go? And because, for \$10,000, a fee ... That's not right. That's free money for these people who nobody really had heard of.

The 2021 federal election brought to power a Labor government that had long criticised many aspects of the scheme, while supporting the continuation of a largely voluntary version (Henriques-Gomes, 2021). Early into its term, the government announced the scrapping of the CDC/Indue Card in favour of the original, government-run Basics Card that was still in circulation. In a joint media release, government ministers openly criticised the CDC/Indue Card, not only for the lack of evidence about behaviour change (e.g. see ANAO, 2022), but also as a 'piece of technology that was used by a private organisation for profit'.¹⁰ While this seemed to signal an ideological objection to the privatisation of welfare services, certain cohorts of welfare recipients in the NT who had been subjected to the original and most discriminatory version of income management, were given no option to withdraw from that scheme. This led one media commentator to argue that the new government was returning the scheme to its 'racist roots' with a reform that 'forces Aboriginal people into a scheme that was developed to punish participants rather than empower them' (Abbatangelo, 2022).

Income management as colonial control

In this section, we demonstrate how the imposition of compulsory income management schemes in Australia signals a partial return to historical forms of 'protectionist' legislation that controlled almost every aspect of Aboriginal lives from the mid-1800s to late into the twentieth century, and consider how successive neoliberal governments have relied on categorical attributions about lack of financial and social capacity to justify the imposition of paternalistic policies. We begin by confirming that Aboriginal welfare recipients have indeed been both directly and indirectly targeted for differential, and more punitive, treatment within the welfare system.

Enacting 'special measures' for Aboriginal people

By September 2008, a year after its imposition, the 'special measures' of the NTER (outlined earlier) had been imposed on approximately 45,500 members of Aboriginal communities in the Northern Territory. The sole criterion for welfare recipients to be selected for compulsory income management was being resident in one of the prescribed areas as of June 2007, when the scheme was introduced (Commonwealth of Australia, 2008: 9, 20). While Indigenous status was not an overt criterion (in contrast to earlier 'protectionist' legislation), over 70% of the Aboriginal population in the NT lived in these prescribed areas. In fact, the Intervention was acknowledged to be so blatantly

discriminatory that the operation of the *Racial Discrimination Act 1975* (Cth) (RDA) in the Northern Territory was suspended to avoid legal challenges (Calma, 2009).

As the scheme was rolled out in differing locations with ever-changing rules and rationales, Aboriginal welfare recipients continued to be disproportionately caught up in its restrictions. As detailed earlier, two out of three sites chosen for the CDC trials introduced by the conservative Liberal-National Coalition included regional communities with high populations of Indigenous people in South and Western Australia. In a submission to a 2019 Senate Inquiry into legislation that extended the CDC in three trial sites,¹¹ the National Aboriginal and Torres Strait Islander Legal Services expressed a commonly held view about the coercive and discriminatory nature of the scheme:

It is inappropriate for the Government to expand such a blanket, rights-limiting and discriminatory measure on the East Kimberly, Ceduna and Goldfields regions in the absence of any reliable evidence to justify the significant limitation of rights, together with the free, prior and informed consent of the Aboriginal and Torres Strait Islander peoples disproportionately targeted by the trials.¹²

Despite sustained resistance from many Aboriginal communities, by June 2021 the percentage of CDC holders who were Aboriginal ranged from 82% in the East Kimberley region to 18% in Bundaberg/Hervey Bay.¹³

Towards the end of its term, the Coalition government signalled its intention to impose the CDC across all of Australia (Kelly, 2019), a move that might be interpreted as elevating neoliberal motives over colonialist ones. The public furore that erupted as a result only served to emphasise the relative acceptability of testing the system initially on Indigenous communities. This sentiment was well expressed by Indigenous leader Noel Pearson (2018), whose qualified support for income management had always rested on community management of the scheme:

White Australia has long believed that the mistreatment of Indigenous Australians could never be perpetrated against them, but we are already seeing this happen with cashless welfare cards being rolled out to non-Indigenous people, work for the dole, and other punitive measures that were first trialled on Indigenous people. The denial of rights that Indigenous people never got the chance to enjoy is now plaguing the rest of the country as well.

An attempt to make trial sites permanent, as the precursor to expansion, had failed in 2020 (Haydar, 2020). Even if the scheme were to be rolled out to broader sections of the population, commentators have argued that Aboriginal people will always be differently impacted: 'There are several reasons for this. One lies in the Eurocentric value-laden laws and policies that still have a racially discriminatory effect and promote an assimilationist agenda. Another reason lies in the context of Australia's racist colonial history' (Bielefeld, 2014: 725). It is to this colonial history we now turn.

Historical control of mobility and finances

So strong was the intention to reinforce a lack of agency through income management, that control was imposed, not only directly over spending, but also indirectly over mobility. If persons under income management moved from a prescribed area, they nevertheless remained on the scheme (Bray et al., 2012), meaning they would have to use their card in their new location. This showed that the policy was directed towards particular sections of the population, rather than specific locations. Under compulsory income management policies, the ability to move about freely is determined by where you can use the income management card as the CDC may only be used at merchants who accept Visa or EFTPOS (Mavromaras et al., 2019). Coddington (2019: 536) conducted research into the Basics Card throughout the NT in 2012 and found that there were ‘cases where the complications from administering income management tied individuals to nearby welfare benefits offices and denied them access to funds for travel, even as they needed to travel for funerals or significant occasions’.

This condition echoes earlier, more comprehensive controls over the finances and mobility of Aboriginal and Torres Strait Islander people and has not changed in all subsequent iterations of the policy. The policy of income management is related closely to the Stolen Wages and Wage Theft that occurred under Aboriginal Protection Acts, which were first established in the late 1800s. Provisions within Aboriginal Protection Acts allowed for in-kind payment, which included rationing of food, blankets and shelter as opposed to cash payment, despite the rationale behind Aboriginal Protection Acts as a means to ‘protect’ Aboriginal people from settler colonists who were exploiting them (Huggins, 1995). The *Aboriginal Protection Act 1869* (Vic) gave powers for a Board of Protection to be established, which had complete oversight of Aboriginal people’s lives. This included control over where Aboriginal people could live; restriction of movement across borders and throughout Victoria; wages and employment agreements; child removal, under the guise of care, custody and education; and any other matters relating to Aboriginal people (Behrendt, 2013). The Victorian *Aboriginal Protection Act* was the first official Act that enabled the colonial government to impose forced employment agreements onto Aboriginal people, including the portioning or percentage of wages given to Aboriginal people for their work (Standfield, 2015). Similar legislation was enacted in every other Australian state.

After Federation, in 1901, Aboriginal Protection Acts provided for more control over Aboriginal people’s lives and racist provisions were introduced against other groups, namely, the Chinese or anyone with Asiatic background. The *Immigration Restriction Act 1901* (Cth), also known as the White Australia Policy, was Australia’s very first legislative Act as a federated country. Although the White Australia Policy was primarily an immigration policy denying certain races from entering Australia, it had a major impact on Aboriginal and Torres Strait Islander peoples, which has been largely ignored by non-Indigenous researchers. The limitations on immigrants entering the Australian labour force meant that Aboriginal people were forced into employed through work agreements under the Aboriginal Protection Acts (Leroy-Dyer, 2021). The White Australia Policy enabled the colonial government to control work arrangements and

enter into employment agreements as the legal ‘protector’ of Aboriginal people. These work agreements resulted in the complete control of wages, dictated where the wages were to be held (in trusts), how much was to be paid to the employer and, if at all, to the employee. It was not until the twentieth century that Aboriginal people who worked as stockmen were given a percentage of their wages as ‘pocket money’, ranging from 30% to 70% (Kidd, 2009).

Elements of these past policies and provisions are intrinsically linked to contemporary income management policies. The continuities with former colonial policies controlling the lives of Aboriginal people have been identified by other critics of income management. The portioning of payments is comparable to work agreement provisions within the Aboriginal Protection Acts and other similar targeted policies of income management (Ottley, 2020). Another commentator notes that the scheme restricts ‘capacity to participate freely in the cash economy, which involves a denial of [Aboriginal people’s] autonomy to manage money in a manner similar to that facilitated by Australia’s earlier colonial laws and policies’ (Bielefeld, 2014: 698).

Elders from different jurisdictions spoke about how ‘the card’ was restricting movements, controlling Aboriginal people’s lives in similar ways to previous policies of wage control and movements under Aboriginal Protection Acts. They considered abusing fundamental Indigenous rights to self-determination to be a repeat of ‘past’ provisions:

[T]hey’ve taken so much off us and now they want to take our rights to spend money. They just want to give us a card like it’s old mission days again and I’m sure a lot of other people feel that way.

[W]e’ve been putting up with crap from the government for a long time. You know, they tell us what to do, how to do it, where to live. How to speak. They’re taking all rights away from us and all our traditional ways and culture and language.

The systemic racism and colonial mentality embedded in such policies and legislation are keenly felt by many Indigenous people subject to the scheme. Community leaders and Aboriginal Elders we interviewed complained that rather than allowing communities some level of self-determination they are ‘going back to the old ways where it’s them telling us how to run the program’. Others drew on family experience to highlight the impact of this resurgence of paternalistic forms of control:

That’s what happened to my grandfather, great grandfather and my mother. They were given the rations, and they never actually received their money that they worked for.

The government of this day wanted to control people’s personal lives again. I mean, like I told you, that’s what happened to my family, they were under the Act where everything was governed for them.

The new paternalism

One way to conceal the colonial underpinnings of policies affecting Indigenous peoples is to recast the deficiencies of the state in failing to alleviate sustained socio-economic disadvantage and trauma arising from colonisation as a moral failure of Aboriginal peoples themselves, rendering them liable to increased paternalistic governmental control. Indeed, former Prime Minister Tony Abbott, who would later appoint himself to the Indigenous Affairs portfolio, publicly endorsed a 'new paternalism', which he claimed to be based on 'competence rather than race' in an attempt to disguise its colonial character (Metherell and Peatling, 2006).

In 2006, as federal Health Minister, Tony Abbott had called for these 'new' (or rather renewed) paternalistic measures for Aboriginal people, saying: '[V]esting authority in an administrator makes sense but only when combined with the power to take decisions and make them stick. Someone has to be in charge'. Abbott further stated that 'in places where Aborigines form the bulk of the population, mission authority has been replaced with a vacuum' (Grattan, 2006: np). From 2013 to 2015, then Prime Minister Tony Abbott described the rolling-out of income management policies as helping 'Indigenous communities lift their people up by their bootstraps', ensuring that people 'do not blow their dough on harmful things' (Chan, 2015: np).

The return to the paternalistic policy of compulsory income management has been transacted through a neoliberal sleight of hand that attempts to disguise its colonial underpinnings by pointing instead to the deficiencies of certain welfare recipients. As Strakosch (2015: 176) explains: '[neoliberalism] recodes the policy landscape in ways that make strategic intervention possible' by classifying certain groups as lacking 'capacity' as neoliberal subjects. This sleight of hand is evident in the ways in which contemporary governments have consistently represented Aboriginal communities using the language of deficit, in the imposition of income management without genuine community consultation, and in the lack of voluntariness at both the community and individual levels.

The language of deficit has always been a feature of the depiction of Indigenous peoples by colonial governments. Dodson (1994: 4) contends that the meaning of Aboriginality, as defined by colonisers, will always serve colonial interests that 'continue to construct us as innately obsolete peoples. Forde et al. (2013: 164) state that 'assumptions and accusations of Indigenous deficit have saturated the history of cultural relations in Australia since contact and are a key component of racism and prejudice'. Financial autonomy is constructed as a 'privilege with which they cannot yet be entrusted' (Bielefeld, 2014: 698). Even in relation to voluntary elements within the scheme, Strakosch (2015: 158) argues that 'communities were being assisted to self-problematise and to provide the settler state with justifications for extending its authority into their lives'.

Being subjected to paternalistic policies is then likely to enmesh Indigenous welfare recipients still deeper within the deficit narrative imposed by governments, since they 'can never demonstrate their capacity to participate in the economy in what the state considers appropriate ways without access to cash' (Dee, 2013: 272,

cited in Coddington, 2019: 540). This characterisation has much in common with the 1938 publication by Jack Patten and Bill Ferguson on citizen rights for Aboriginal people, which identified the self-reinforcing nature of Aboriginal Protection Acts:

The Aborigines are regarded as outcasts and as inferior beings who need to be supervised in their private lives by Government officials ... a system which regards these people as incurably 'backward' and does everything in its power to keep them backward ... no real effort is being made to bring these 'backward' people forward into the national life. They are kept apart from the community and are being pushed further and further 'backward'. (Patten and Ferguson, 1938: 6)

Another key feature of neo-paternalism is the failure to engage in respectful and genuine community consultations and or community participation in the management of new policy. Consultations were conducted in the prelude to community-level decisions about whether to opt in or out of income management, but they were seen by a majority of our research participants as tokenistic 'box-ticking exercises' with no meaningful outcomes for self-determination and autonomy for Aboriginal and Torres Strait Islander people.

They don't listen to anything that we do say. They don't take anybody's concerns. They go around and they have these community consultations and the like.

Whilst it was marketed as consultation, it was very much, here is a fact sheet, this is what will happen. This is how it will impact on you in your community. Not so much, here is a two-way conversation in which you can put forth your views or talk about any of the risks that you see with this in your community.

Community leaders had often experienced this approach before and said that they had entered the consultations with the strategic goal of at least being forewarned about what the government was planning to impose on them.

If you work with government or against government for a long, long time you'd understand once they've got an idea, they're going to roll it out whether you like it or not. So, by us, sort of, saying, we will get on the front foot, we agreed to meet with our own types to say, yes, we will support it on these conditions but we'd also like a further eight months of consultation with the community before you do bring it in.

Other participants stated that communities selected for the policy, should have been involved in how it was applied:

It's more, going back to the old ways where it's them telling us how to run the program, so, do this and do that. So, that's all because there wasn't the consistency in there on how to deal with the card and what communities are asking for.

[W]e should be able to tell DSS [Department of Social Security] who shouldn't have to go on the card [and] who can be exempt because we know as many people in town that should not have been put on the card and we know many of those who deserve to be on the card are not on it but not to come in with a blanket approach.

In some other sites that were considered for inclusion – most containing high numbers of Indigenous people – resistance from community leaders prevented the trials going ahead. Moree in Northern New South Wales was proposed as a trial site but was excluded after opposition from the community. Halls Creek in the remote Kimberley region of Western Australia was nominated instead, but this proposal was also dropped, although trials went ahead in two neighbouring communities. This resistance was often bound up with wider calls for self-determination, as enshrined in the *United Nations Declaration on the Rights of Indigenous Peoples*, most notably the right to 'freely pursue their economic, social and cultural development' (Article 3) and for 'autonomy and self-government in matters relating to their internal and local affairs' (Article 4). While such lobbying was not always successful, and some communities did seemingly accept the trials (often on the basis of misleading information, Bielefeld (2014: 721) has noted that '[i]t takes strength for Indigenous peoples to stand up for their human right to social security delivered in a non-discriminatory manner'.

Questions have also arisen over the failure to assess the appropriateness of the policy at an individual level. In the Senate Inquiry into the Social Services Legislation Amendment (Cashless Debit Card) Bill 2017, a submission from the MG Corporation stated:

In contrast to the government's commitment to the empowerment agenda, the implementation of the CDC trial in Kununurra in April 2016 failed to take into account the views of those most affected by the CDC – local Indigenous people.

Even supposedly voluntary schemes have included financial incentives in the form of annual payments for those who agree to enter the scheme and processes that have resulted in Aboriginal card holders/recipients opting into the scheme without their knowledge (Bielefeld, 2014). While there have been pockets of support, one community member told us that 'nobody agrees with the Indue card, nobody'. Moreover, another community member argued that the policy, paradoxically, has reduced individual capacity for financial independence:

This policy cuts in completely the opposite direction. It's very much back to that, you're incapable and so, therefore, we're going to just take it out of your hand and tell you how this is going to work... But the irony of all of that is we're creating another generation or two of people who are going to be financially ignorant because it's like, oh well, the card determines a significant amount of my choices or if I don't want to be limited by the card's choices then I find ways around it. That – like an unintended consequence of developing these behaviours.

Exemptions from the CDC trials only became available in 2019. While this seems to offer some level of individual autonomy, we have argued elsewhere that the process of applying for an exemption echoes the painful and degrading exemption process associated with previous protectionist legislation and that, in any case, Indigenous cardholders have been less successful than their non-Indigenous counterparts in exiting the scheme using these measures (Newitt et al., 2023). Faced with a system seemingly stacked against them, many Indigenous welfare recipients have found their own ways to express their autonomy. Bielefeld (2014) reports that large numbers of Basics Cards have been ostensibly 'lost' by Aboriginal and Torres Strait Islander recipients, with 3.8 replacement cards on average having to be reordered or reissued, compared to 1.3 for non-Indigenous recipients.

Income management as bordered welfare

Having demonstrated its neoliberal and colonial dimensions, it remains to explain how the policy of income management can be viewed as an instance of *bordered* welfare. One of us has argued elsewhere that internal borders, while constituted through a variety of legal and administrative technologies, can all be characterised as processes for the sorting of populations into categories of risk and entitlement, in order to subject them to differential regimes of support, surveillance and control (Weber, forthcoming). In contrast to external borders, internal borders may be viewed as dynamic, socially constructed boundaries that delineate the limits of belonging more so than the reach of territorial sovereignty (Fassin, 2011). Understanding borders in this expansive way enables us to see them as ideologically-infused technologies of differential in/exclusion operating at multiple sites of governance.

Franko's work on bordered penalty has shown how the differential application of penal power to non-citizens or those with 'precarious membership' constitutes a form of bordering, marking non-citizens for territorial exclusion or 'termination of membership' while citizens subjected to 'normal' criminal justice practices are destined for reintegration into the welfare state (Aas, 2014: 529). Our analysis has shown that income management, as practiced in Australia, operates as a form of bordered *welfare* that subjects certain categories of Indigenous people to detrimental treatment within the penal-welfare system, driven by the ideologies of both neoliberalism and colonialism. While the membership of Indigenous welfare recipients cannot be 'terminated',¹⁴ income management nevertheless diminishes membership by restricting the capacity to participate freely and fully in the neoliberal economy in pursuit of life goals. Access to welfare, when used as a bordering technology, deepens and demarcates divisions between citizens, non-citizens who are physically excludable, and various categories of sub-citizens who, while not removable from territory and polity may nevertheless be sustained within the nation-state in ongoing conditions of relative deprivation and intensive state control.

Barkway (2023) has shown how Canadian welfare recipients lacking bank accounts who were forcibly transitioned to 'digital money' systems feared increased surveillance by government caseworkers and often changed their purchasing patterns accordingly,

even though the scheme imposed no restrictions on how the payment cards were used. Within the more restrictive income management system operating in Australia, welfare recipients have much less opportunity to avoid digital surveillance that is widely dispersed across points of sale where cards either can, or cannot, be used. Accordingly, our participants viewed the scheme as explicitly introduced to modify their behaviour, intentionally punitive and overtly stigmatising.

Franko has noted that penalty ‘functions as border control in an *extended sense* and it defines, and defends, the boundaries of membership. The primary focus is therefore not on moral censure as such, but on who has the right to be here’ (Aas, 2014: 530, emphasis added). This question of rightful presence lies at the heart of settler colonialism. The use of the penal-welfare system as a bordering device therefore serves to reinforce the colonial project, not through the control of physical presence, but, as Mbembe has put it, by signifying who is to be included in the *community of fellows* or relegated to the *category of non-fellows* (Mbembe, 2019: 17). While he notes that these distinctions are often ‘founded on the prejudice of race’, the racialised imposition of compulsory income management has been couched instead in the neoliberal lexicon of categorical risk and failure to demonstrate capacity as responsible neoliberal citizens.

Indigenous Peoples have long occupied a position of lesser citizenship within Australia’s settler colonial state, as people whose ‘right to be here’ is a central problematic for the colonial project. This ongoing struggle has been enlivened and intensified by the discriminatory imposition of income management regimes, which are both neoliberal and settler colonial in character. The protracted history of differential treatment by government was widely acknowledged and keenly felt by the Indigenous leaders we spoke with, one of whom expressed their disdain for the income management scheme in this way:

[T]hey’re using Aboriginal people as guinea pigs again, and it’s insulting, and I don’t think this government has ever learned from their mistakes. We are continually put down, and it’s those horrible, horrible ways and now they’ve really hit the nail on the head with this cashless card.

Conclusion

Alongside some arguably progressive trends,¹⁵ successive Australian governments have continued to pursue divisive policies such as compulsory income management that perpetuate entrenched practices of colonial control; sometimes openly, and at other times disguised in neoliberal discourses of risk and financial incapacity. For reasons that we have articulated in this article, the ‘de-bordering’ of welfare through the repeal of all vestiges of compulsory income management would mark a limited, and yet significant, reordering of power relations between Australia’s colonised peoples and the settler colonial state. Such a re-(b)ordering would constitute a significant shift in the boundaries of belonging and membership associated with recognition as an Australian citizen with the full range of rights and freedoms that entails. Some campaigners for Indigenous sovereignty might dismiss this ambition as either meaningless or as a dangerous

incorporation into the settler-colonial state. But for others, including the community leaders whose words we have reproduced in this article, it would constitute an important step towards greater self-determination at the individual and community level and away from historical and contemporary policies marked by racism, paternalism and control.


Declaration of conflicting interests

The authors declared no potential conflicts of interest with respect to the research, authorship and/or publication of this article.

Funding

The authors disclosed receipt of the following financial support for the research, authorship and/or publication of this article: This work was supported by the Australian Research Council (grant number FT140101044).

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Notes

1. Throughout this article, the terms Aboriginal, Torres Strait Islander, Indigenous and First Nations will be used interchangeably to refer to all First Nations peoples across the country, for what is now termed 'Australia'.
2. Strakosch focuses her detailed historical analysis on different phases of liberalism without much reference to the term neoliberalism. Here we use the term neoliberalism for consistency noting that the contemporary forms of liberalism she identifies as a return to 'classical' liberalism exhibit the features that other writers generally refer to as neoliberalism.
3. This work was completed as part of a Future Fellowship research programme funded by the Australian Research Council awarded to Leanne Weber (FT140101044).
4. In the 2021 Census, Aboriginal and Torres Strait Islander peoples represented 26.3% of the population of the Northern Territory, which is administered by the Commonwealth (see <https://www.abs.gov.au/articles/northern-territory-aboriginal-and-torres-strait-islander-population-summary>).
5. *Social Security and Other Legislation Amendment (Welfare Payment Reform) Act 2007* (Cth): <https://www.legislation.gov.au/Details/C2007A00130>.
6. *Social Security and Other Legislation Amendment (Welfare Payment Reform) Act 2007* (Cth).
7. Submission 18 Senate Inquiry into Social Security (Administration) Amendment (Income Management and Cashless Welfare) Bill 2019: https://www.aph.gov.au/Parliamentary_Business/Committees/Senate/Community_Affairs/IncomeManagementCashless/Submissions
8. Submission 42 Senate Inquiry into the Social Services Legislation Amendment (Cashless Debit Card) Bill 2017.
9. Submission 9 Social Services Legislation Amendment (Cashless Debit Card Trial Expansion) Bill 2018: https://www.aph.gov.au/Parliamentary_Business/Committees/Senate/Community_Affairs/CDCTrialExpansion/Submissions
10. Ministers for the Department of Social Services media release 'Cashless debit card program to end following passage of legislation', 28 September 2022 Cashless debit card program to end following passage of legislation | Department of Social Services Ministers ([dss.gov.au](https://www.dss.gov.au)).

11. Social Security (Administration) Amendment (Income Management and Cashless Welfare) Bill 2019.
12. Submission 31 Senate Inquiry into Social Security (Administration) Amendment (Income Management and Cashless Welfare) Bill 2019: https://www.aph.gov.au/Parliamentary_Business/Committees/Senate/Community_Affairs/IncomeManagementCashless/Submissions
13. Adapted from data.gov.au, 2021. Note that at circa 3% of the Australian population, even the lower end of this range represents a significant over-representation of Indigenous people.
14. However, it may be no coincidence that disputes over membership have also lately arisen in relation to the attempted deportation of individuals who identify as Indigenous and are accepted as members of Aboriginal communities, but lack formal Australian citizenship (see Gerard and Gainsford, forthcoming)
15. Examples include the recent Voice to Parliament referendum (which failed to pass but was supported by the federal government) and ongoing state-level truth-telling and treaty processes.

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