



# **Social Security and Other Legislation Amendment (Welfare Reform and Reinstatement of Racial Discrimination Act) Bill 2009**

**Submission to the Senate Community Affairs Legislation  
Committee Inquiry**

February 2010



17/461 Bourke St Melbourne VIC 3000  
Tel: (03) 8636 4408 | Fax: (03) 8636 4455  
[www.pilch.org.au](http://www.pilch.org.au)

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## Acknowledgments

The PILCH Homeless Persons' Legal Clinic gratefully acknowledges the significant contributions of Alexandra Jones, Jacob Chylinski and Tiffany Gutierrez of Baker & McKenzie to this submission.

### **James Farrell**

Manager / Principal Lawyer  
PILCH Homeless Persons' Legal Clinic  
T: 03 8636 4408  
E: [james.farrell@pilch.org.au](mailto:james.farrell@pilch.org.au)

### **Caris Cadd**

Seconded Solicitor  
PILCH Homeless Persons' Legal Clinic  
T: 03 8636 4409  
E: [seconded2@pilch.org.au](mailto:seconded2@pilch.org.au)

# Executive Summary

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This submission is made by the PILCH Homeless Persons' Legal Clinic (HPLC)<sup>1</sup> to the Senate Standing Committee on Community Affairs, in its review of the *Social Security and Other Legislation Amendment (Welfare Reform and Reinstatement of Racial Discrimination Act) Bill 2009 (Bill)*.

The Bill proposes the extension of the 'income management regime' to any 'declared income management area'. The government has announced that it proposes to roll out this new model of income management across the Northern Territory from 1 July 2010, and that this is the first step in a nationwide roll out of income management.<sup>2</sup>

Under international law, all persons have a fundamental human right to social security. Social security must cover all risks involved in the loss of means of subsistence beyond a person's control and to a level sufficient to ensure the realisation of each person's right to an adequate standard of living.

The income management regime contained within the Bill raises serious concerns in relation to the Government's international obligations to respect and promote the human rights of people experiencing homelessness. More specifically, the HPLC submits that the income management regime in the Bill breaches the following fundamental human rights:

- ▶ the right to social security;
- ▶ the right to non-discrimination;
- ▶ the right to self-determination; and
- ▶ the right to an adequate standard of living.

The HPLC submits that any limitation or restriction on a person's fundamental rights can only be justified where it is demonstrated as necessary and only when measures are proportionate to the pursuit of legitimate objectives. As there is insufficient evidence to demonstrate the effectiveness of the proposed income management regime, there is no demonstrable justification that warrants the extension of the income management regime in the manner proposed in the Bill.

Further, the HPLC notes that many people experiencing homelessness already struggle to deal with the administrative processes of social security, on top of a daily struggle to meet basic needs. The HPLC's clients report issues with bureaucracy and a lack of compassion and understanding in the administration of social security, and as a result find the process both frustrating and disempowering. The income management regime appears only to exacerbate this situation for disadvantaged people by imposing a significant administrative burden on a person, who must constantly deal with the administrative pressures of negotiating funding for basic living and family items.

For these reasons, the HPLC opposes the measures proposed in the Bill.

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<sup>1</sup> Refer to the Appendix for details about the HPLC.

<sup>2</sup> See media release from the Hon Jenny Macklin MP, Minister for Families, Housing, Community Services and Indigenous Affairs, [http://www.jennymacklin.fahcsia.gov.au/internet/jennymacklin.nsf/content/welfare\\_reforms\\_protect\\_children\\_25nov2009.htm](http://www.jennymacklin.fahcsia.gov.au/internet/jennymacklin.nsf/content/welfare_reforms_protect_children_25nov2009.htm), 25 November 2009.

# Right to Social Security

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The International Covenant on Economic, Social and Cultural Rights (**ICESCR**)<sup>3</sup> codifies a body of fundamental economic, social and cultural human rights. Australia is a party to the ICESCR and is bound by its terms.

Although article 9 of the ICESCR does not specify the type or level of social security to be guaranteed, the United Nations' Committee on Economic, Social and Cultural Rights (**CESCR**) has commented that it must be available to 'cover all risks involved in the loss of means of subsistence beyond a person's control'.<sup>4</sup> Further, it must be sufficient to ensure the realisation of the right to an adequate standard of living, which includes adequate housing, food, clothing, water and the continuous improvement of living conditions.<sup>5</sup>

In fulfilling obligations under the ICESCR, Australia is subject to distinct obligations to respect, protect and fulfill the rights.<sup>6</sup> Failure to perform any one of these obligations constitutes a violation of the ICESCR.<sup>7</sup>

In the HPLC's view, the Bill is clearly incompatible with the Right to Social Security and by adopting the Bill, Australia would fail to respect and fulfill its obligations under the ICESCR.

## Incompatibility between the Bill and the Right to Social Security

The Bill is incompatible with a person's human right to social security.

Article 2(1) of the ICESCR obliges Australia to take steps, to the maximum of its available resources, to progressively achieve the full realisation of all ICESCR rights. Failure to make progress, together with the adoption of regressive measures that result in a diminution in access to or realisation of the right, is a violation of international human rights law.

Generally, benefits payable under the *Social Security Act 1991 (Cth)* are not conferred as a legal right, but instead are available subject to administrative discretion and any rights of due legal process such as administrative review. If enacted in its current form, the Bill will effectively widen the gap between the realities of the Australian welfare model and the concept of a rights-based welfare system. For instance, under the Bill, if a person falls within the criteria for income management, between 50% or 100% of their social security benefits are withheld, depending on the nature of their respective entitlement to payment. The income quarantined is restricted for use only for certain approved items under the Bill, and is subject to the discretion of Centrelink administrators.

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<sup>3</sup> Opened for signature 16 December 1966, 999 UNTS 171 (entered into force generally 3 January 1976 and for Australia 10 March 1976).

<sup>4</sup> CESCR, *General Comment 6: The Economic, Social and Cultural Rights of Older Person*, UN Doc E/1996/22 (1995), [26].

<sup>5</sup> ICESCR, article 11.

<sup>6</sup> *Limburg Principles on the Implementation of the International Covenant on Economic, Social and Cultural Rights*, UN Doc.E/CN.4/1987/17 (**Limburg Principles**); CESCR, *General Comment No. 19: The right to social security (Art. 9 of the Covenant)*, UN Doc. E/C.12/GC/19 (2008).

<sup>7</sup> International Commission of Jurists, *Maastricht Guidelines on Violations of Economic, Social and Cultural Rights* (1997), item 6.

Furthermore, while the Bill does provide for a mechanism by which long-term welfare recipients may be exempted from income management, these are generally only triggered where the person either undertakes study or works for a certain minimum amount and at the minimum wage. There is no provision under the Bill for a person to otherwise be exempted from income management by demonstrating a responsible use of their income. The HPLC believes that the measures contained in the Bill are regressive and inconsistent with the rights-based approach to the provision of social security required under article 9 of the ICESCR.

## Principle of human dignity

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The Bill violates a fundamental value of dignity of the individual which underpins the ICESCR.

The Universal Declaration of Human Rights recognizes the 'indispensable' relationship between economic and social rights and a person's dignity.<sup>8</sup> The CESCR has emphasised the central importance in guaranteeing human dignity for all persons<sup>9</sup> and the obligation of State parties to pay full respect to the principle of human dignity and non-discrimination.<sup>10</sup>

In addition, a party's obligation under article 9 must also consider the redistributive aim of social security, and its role in 'preventing social exclusion and promoting social inclusion'.<sup>11</sup>

The compulsory nature of the income management regime under the Bill and the method in which it is administrated offends the dignity of those subject to it. Income management imposes a significant administrative burden on a person, who must constantly liaise with a Centrelink officer to negotiate funding for basic living and family items, an often bureaucratic and frustrating process. Many of those subject to the regime will be marginalised and disadvantaged individuals who already struggle to deal with administrative and bureaucratic processes on top of a daily struggle to meet basic needs.

### Homeless people's existing view of dealing with social service agencies

Between March and May 2009, the HPLC held 18 workshops at homelessness specific service providers in Victoria to ask people experiencing homelessness what they think about human rights in Australia.<sup>12</sup> Participants spoke about the lack of understanding and compassion exhibited by welfare and social services; the people who were supposed to be assisting them. One participant noted how inflexible Centrelink was in relation to accommodating his mental health issues. He said that Centrelink did not understand how difficult it is for people with anxiety issues to wait in a queue for hours.<sup>13</sup> The income management regime appears only to exacerbate what is a frustrating process for disadvantaged people.

In addition, the process by which quarantined money is used for the payment of approved items is degrading. Payments generally occur by use of Centrelink BasicsCards. The use of these cards identifies the person as someone who is the subject of an income management scheme, immediately subjecting the person to harassment, discrimination and social isolation. In the HPLC's consultations with people experiencing homelessness, many participants have reported being discriminated against at the hands of goods and service providers when providers discovered they were homeless, or in receipt of social security benefits.<sup>14</sup> For instance, participants described being refused accommodation

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<sup>8</sup>UN General Assembly, *Universal Declaration of Human Rights*, 217 A (III) (1948), article 22.

<sup>9</sup> CESCR, above n 6, [1].

<sup>10</sup> Ibid, [22].

<sup>11</sup> Ibid.

<sup>12</sup> HPLC, *Promoting and Protecting the Human Rights of People Experiencing Homelessness in Australia* (2009). Available at [www.pilch.org.au/hplc](http://www.pilch.org.au/hplc).

<sup>13</sup> Ibid, 29.

<sup>14</sup> Ibid, 26.

when the accommodation provider discovered they wanted to pay rent out of their social security benefits.<sup>15</sup>

This issue has also been highlighted by the Northern Territory Emergency Response Review Board in its 2008 report (**NTER Review Board Report**), which noted reports of people who:

*'suffered frustration, embarrassment, humiliation and overt racism because of the difficulties associated with acquiring and using store cards',*

and

*'told many stories of negative unintended consequences: embarrassment in supermarkets, frustration in dealing with Centrelink and the impacts of reduced spending on mobility and daily life.'*<sup>16</sup>

Likewise, in the Government's Report on its Northern Territory Emergency Response Redesign Consultations (**NTER Redesign Consultation Report**):

*'a large number of comments highlighted the stigma and embarrassment many people feel about the BasicsCard.'*<sup>17</sup>

These experiences paint a picture where the self-worth of those subject to the income management regime is constantly undermined. As such the HPLC submits the scheme is fundamentally inconsistent with the respect for dignity that lies at the core of the ICESCR.

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<sup>15</sup> Ibid.

<sup>16</sup> Northern Territory Review Board, *Northern Territory Emergency Response Report of the NTER Review Board* (2008) (NTER Review Report), pp. 20,85.

<sup>17</sup> Department of Families, Housing, Community Services and Indigenous Affairs, *Report On the Northern Territory Emergency Response Redesign Consultations* (2009).

## Right to freedom from discrimination

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The right to be free from discrimination operates as a general and basic principle relating to the protection of all human rights,<sup>18</sup> and is considered an integral component of the broader human rights framework. Both the International Covenant on Civil and Political Rights (ICCPR) and the ICESCR contain comprehensive prohibitions on discrimination.

Article 2(2) of the ICESCR provides:

*'The State Parties to the present Covenant undertake to guarantee that the rights enunciated in the present Covenant will be exercised without discrimination of any kind as to race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status.'*

Article 26 of the ICCPR provides that:

*'All persons are equal before the law and are entitled without discrimination to the equal protection of the law. In this respect, the law shall prohibit discrimination and guarantee to all persons equal an effective protection against discrimination on any ground such as race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status.'*

Although 'discrimination' is not defined in the ICCPR, the United Nations' Human Rights Committee (HRC) has defined it as 'any distinction, exclusion, restriction or preference... which has the effect of nullifying or impairing the recognition, employment or exercise by all persons, on an equal footing, of all rights and freedoms.'<sup>19</sup>

The right to non-discrimination is not restricted to the enjoyment of rights that are contained in the ICCPR, but prohibits discrimination, in law or in fact, in all aspects of public life. Consequently, discrimination in the provision of a right under the ICESCR, such as social security, is capable of constituting a breach of article 26 of the ICCPR.<sup>20</sup> Discrimination on the basis of social origin or socio-economic status is also captured by article 26 of the ICCPR.

The HPLC believes that the Bill will operate in an inherently discriminatory manner. The eligibility criteria for imposition of income management are primarily determined by geographic area. A person who is located within a 'declared income management area' (as decided by the relevant Minister), becomes automatically subjected to income management if, among other conditions, they remain on welfare beyond a specified time. The Government has already indicated it intends to apply the scheme to areas with a significant prevalence of inhabitants from a disadvantaged background or low socio-economic status. People within these areas, including those experiencing homelessness, will be subjected to onerous income management obligations and associated stigmas primarily on the basis of their socio-economic background. This constitutes differential treatment on the basis of their socio-economic background.

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<sup>18</sup> HRC, *General Comment No 18: Non-Discrimination* (1989) [1].

<sup>19</sup> *Ibid*, [7].

<sup>20</sup> *L.G. Danning v. the Netherlands* (Comm. No. 180/1984) UN Doc CCPR/C/29/D/180/1984 of 16 April 1987.

The HPLC acknowledges that not all differential treatment will constitute discrimination. The HRC has held that where the criteria for differentiation is 'reasonable and objective and if the aim is to achieve a purpose which is legitimate under the Covenant', there will be no breach of the prohibition of non-discrimination.<sup>21</sup> In determining whether differential treatment is permissible under this test, the HRC has adopted a case by case approach with regard to the facts of the case.<sup>22</sup> While the Government's stated aim of delivering 'a welfare system based on the principles of engagement, participation and responsibility' appears to be a legitimate purpose, the HPLC submits that the Government's goal could be achieved by less punitive and more participatory measures.

For example, the Bill provides for the compulsory quarantining and control of up to 100% of welfare income payable to recipients in prescribed categories for a period of 12 months, with the possibility of exemption available only upon presentation of certain evidence. In response to the quarantining of welfare payments as part of the Northern Territory Emergency Response, the HREOC Social Justice Commissioner noted that human rights require that 'governments are obliged to consider less intrusive or [a] voluntary option as a first response before moving to options as broad-reaching as compulsory income management'.<sup>23</sup>

In such circumstances, it has not been established that the differentiation in respect of people subject to the legislation is reasonable and objective. The legislation singles out certain Australians for different treatment by the law, and differential treatment from state authorities acting in administrative capacities, based on their social status. The HPLC therefore considers that this differentiation amounts to unlawful discrimination contrary to Article 26 of the ICCPR.

International human rights law imposes an obligation on Australia to ensure that its legislation, and its application is non-discriminatory, and to take positive steps to address the special needs of vulnerable groups so as to enable them to realise all of their rights and freedoms. Far from discharging this obligation and providing protective legislation, the proposed legislation works to further discriminate against marginalised and disadvantaged people, evincing a clear disregard for international law and Australia's obligation to uphold and abide by it.

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<sup>21</sup> Ibid.

<sup>22</sup> Sarah Joseph, Jenny Schultz and Melissa Castan, *The International Covenant on Civil and Political Rights: Cases Materials and Commentary* (2004) 23, 40.

<sup>23</sup> Human Rights and Equal Opportunity Commission, *Social Justice Report 2007* (2007) 249.

# The right to self-determination

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The HPLC is concerned that the manner of implementation of the Bill (if adopted) will fail to respect the right of self-determination.

The importance of the right to self-determination is evidenced by its prominence in Article 1 of both the ICCPR and the ICESCR. Both provide that:

- 1. All peoples have the right to self-determination. By virtue of that right they freely determine their political status and freely pursue their economic, social and cultural development.*
- 2. All peoples may, for their own ends, freely dispose of their natural wealth and resources without prejudice to any obligations arising out of international economic cooperation, based upon the principle of mutual benefits, and international law. In no case may a people be deprived of its own means of subsistence.*
- 3. The State Parties to the present Covenant, including those having responsibility for the administration of Non-Self-Governing and Trust Territories, shall promote the realization of the right to self-determination, and shall respect that right, in conformity with the provisions of the Charter of the United Nations.*

In the context of the Bill, the right of self-determination relied upon is the right of all persons to freely pursue their economic, social and cultural development without outside interference.

The Bill fails to take into account Australia's obligations under the ICCPR and the ICESCR, and destroys any sense of control that the disadvantaged have over their own lives. International law makes it clear that everyone, including the marginalised and disadvantaged, have a right to make their own decisions and choices regarding social security, yet the legislation expresses no such respect for individual autonomy.

Apart from taking away the autonomy of the homeless, the Bill also threatens to take away the dignity of the homeless, by stating that they are incapable of managing their own lives and affairs.

When the 'income management' scheme was originally introduced into the Northern Territory, the Aboriginal and Torres Strait Islander Legal Service (**ATSILS**) reported Aboriginal people feeling that their self-worth had deteriorated. The practical implications were explained as follows:

*'They feel they have returned to a previous welfare system of the past. Indeed, the Government has implicitly sanctioned the view that all Aboriginal people are irresponsible with their money, and unable to properly care for their family... This has led to many Aboriginal people finding incoming management to be an insulting and degrading experience.'*<sup>24</sup>

By denying social security recipients the ability to decide for themselves, the Bill may have a similar psychological effect as that experienced by the Aboriginal people in the Northern Territory subjected to

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<sup>24</sup> Central Australian Aboriginal Legal Aid Service, CAALAS/NAAJA Joint Submission on the Northern Territory Emergency Response (2008) 17-18.

the income management regime, further eroding their fragile sense of self-worth and perpetuating the marginalised status in society of people who receive social security.

The practical effects of the Bill adversely impacts on people who are homeless or at risk of homelessness. The fact that social security payments are generally pegged and paid below the Henderson Poverty Line,<sup>25</sup> is a significant contributor to people living in or being at risk of poverty and homelessness in Australia.<sup>26</sup> At the National Human Rights Consultation held by the HPLC, over 83 per cent of participants at the workshops stated that the amount of social security that they receive is inadequate to meet their most basic needs.<sup>27</sup> Many participants described the difficulties they had meeting the basic costs of life on Centrelink payments. In the HPLC's experience Centrelink payments are pegged so low that people must at times resort to begging to supplement their income in order to pay for medication and other basic necessities.<sup>28</sup>

Some practical effects of the income management regime may lead to further disadvantage, for people experiencing homelessness: For instance, a proportion of the quarantined income is intended to pay for accommodation costs. Many people experiencing homelessness will pay for accommodation through cash, for instance in the case of rooming houses. This means that they will need to pay for their accommodation out of their non-quarantined income.

Further, many of the HPLC's clients pay outstanding fines through Centrepay. Fines are not considered a 'priority' and as such disadvantaged persons who pay infringement debts through Centrepay, will be debited these amounts from their non-quarantined income.

The practical effect of the income management regime is to perpetuate a cycle of poverty and homelessness for severely disadvantaged members of our community who are forced to focus on surviving rather than securing employment and getting their lives back on track.

The Bill clearly detracts from welfare recipients' rights to freely pursue their economic, social and cultural development without outside interference. The HPLC submits therefore that the application of a compulsory income management regime is inconsistent with the right of self-determination and equality before the law.

### Lack of affected groups' participation

The CESC and the Office of the High Commissioner for Human Rights (**OHCHR**) have stated the need for consultation with affected persons and groups in the process of formulating relevant policies.<sup>29</sup> The OHCHR has further stated that the principle obliges governments to facilitate participation by affected groups at all stages of the policy process, from initial conception through to

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<sup>25</sup> Melbourne Institute of Applied Economics and Social Research, *Poverty Lines Australia* (December Quarter 2008).

<sup>26</sup> Report of the Special Rapporteur on adequate housing as a component of the right to an adequate standard of living, Miloon Kothari, *Mission to Australia* (11 May 2007) A/HRC/4/18/Add.2.

<sup>27</sup> See

<http://www.pilch.org.au/Assets/Files/Promoting%20and%20Protecting%20the%20Human%20Rights%20of%20People%20Experiencing%20Homelessness%20in%20Australia.pdf>, page 26.

<sup>28</sup> HPLC, *We Want Change: Report on Begging in Melbourne* (2005). Available at [www.pilch.org.au/hplc](http://www.pilch.org.au/hplc).

<sup>29</sup> See eg OHCHR, *Human Rights and Poverty Reduction: A Conceptual Framework* (2004), 18-20, 23; see also Limburg Principles [10]-[11]; Claudia Geiringer and Matthew Palmer, 'Human rights and social policy in New Zealand' (2007) *Social Policy Journal of New Zealand* 30.

implementation and evaluation.<sup>30</sup> It is further contended that the adoption of the Bill would violate the principles of the ICESCR, given that there has been next to no discussion with the affected groups.

In respect of the Bill, the Government has undertaken some consultation and review with the Northern Territory community, in the form of its 2009 NTER Redesign Consultation, to assess the affected communities' feelings on the future of the compulsory income management regime.

However, there were major flaws with the methodology of the consultation format. All stages of discussion were focused towards obtaining responses from a list of closed questions outlined in the Government's Future Directions Discussion Paper.

In relation to income management, the format of the Government's consultation questions were formulated in such a way that it favoured the continuance of a form of management scheme. For instance, in a question on the best model to implement going forward, participants were directed to express a preference between two main versions of an income management scheme, leaving the participant to choose between the status quo or an alternative scheme which allowed for an exemption from income management based on individual assessment. In other words, the participant did not have the option of choosing self – determination.

This is despite the fact that the government had previously received strong and consistent community feedback in its 2008 NTER Review Report that a 'voluntary' model was preferred.<sup>31</sup> This preference was reiterated by the community at the NTER Redesign Consultation, with the Consultation Report noting that a 'sizable number' of people expressed a preference for income management to be applied voluntarily when asked how income management could be improved.<sup>32</sup> Yet despite this obvious strong interest there is no evidence in the NTER Redesign Consultation Report that any meaningful discussion relating to the potential applicability or structure of a voluntary income management scheme took place. The Report instead reflects a series of detailed discussions with the community on both compulsory options and their respective merits.

The HPLC views this lack of discussion with respect to self-determination as suggesting a level of disregard for a legitimate and widely held community preference.

In any case, the Government has not conducted and does not purport to have conducted any consultation whatsoever with broader areas of the community, beyond the Northern Territory, that stand to be affected by the Bill. The Bill stands to strongly impact a wide range of groups, such as the homeless, long term unemployed, youth, or people with disabilities or mental illness. None of these groups have had any input into the scheme under which they now may be subject to onerous compulsory income quarantine requirements.

The Bill has been developed without genuine and meaningful participation with affected groups, and the HPLC submits that the application of a compulsory income management regime is therefore inconsistent with the right of self-determination and equality before the law.

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<sup>30</sup> OHCHR, *Draft Guidelines on a Human Rights Approach to Poverty Reduction Strategies* (2002). See also Ann Nevile, 'Human Rights, power and welfare conditionality' (2002) 14(1) *Australian Human Rights Journal*.

<sup>31</sup> See NTER Review Report, p.21.

<sup>32</sup> See NTER Redesign Consultation Report.

## Conclusion

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If the Bill was to be adopted in its current form, Australia would fail to meet its obligations under international human rights law.

The HPLC shares and echoes the concerns of the CESCR, who in May 2009 called on Australia to review the quarantining of welfare payments because of its potential to have a punitive effect on disadvantaged and marginalised families, women and children.<sup>33</sup>

In the HPLC's opinion, the punitive and discriminatory effect will continue under the Bill in its current form. Since coming into office, the Australian Government has proposed a new Asia-Pacific community and has identified the need for comprehensive and active engagement with the Asia-Pacific region.<sup>34</sup> As a developed country and an influential power in this region, the need for moral leadership in acting consistently with international human rights obligations is significant. The promotion and protection of human rights at home is inextricably linked with our capacity to promote human rights abroad.<sup>35</sup> The Committee is urged to request significant amendments to the Bill in order to address the issues raised in this submission.

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<sup>33</sup> CESCR, *Concluding Observations of the Committee on Economic, Social and Cultural Rights, Australia*, E/C.12/AUS/CO/4 (2009), [20].

<sup>34</sup> The Hon Stephen Smith, 'Australia, ASEAN and the Asia-Pacific' (Speech to the Lowy Institute, Sydney, 18 July 2008, [http://www.foreignminister.gov.au/speeches/2008/080718\\_lowy.html](http://www.foreignminister.gov.au/speeches/2008/080718_lowy.html)).

<sup>35</sup> See Philip Lynch, 'Australia, human rights and foreign policy', (2009) 34(4) *Alternative Law Journal* 215, 218.

## Appendix – About the HPLC

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The HPLC is a project of PILCH and was established in 2001 in response to the great unmet need for targeted legal services for people experiencing homelessness.<sup>36</sup> The HPLC is funded on a recurrent basis by the Victorian Department of Justice through the Community Legal Sector Project Fund, administered by Victoria Legal Aid. This funding is supplemented by fundraising and donations. While the HPLC recently received a one-off funding boost from the Federal Government, it does not currently receive recurrent funding from the Federal Government.

The HPLC has the following aims and objectives:

- ▶ • to provide free legal services to people who are homeless or at risk of homelessness, in a professional, timely, respectful and accessible manner, that has regard to their human rights and human dignity ;
- ▶ to use the law to promote, protect and realise the human rights of people experiencing homelessness;
- ▶ to use the law to redress unfair and unjust treatment of people experiencing homelessness;
- ▶ to reduce the degree and extent to which people experiencing homelessness are disadvantaged or marginalised by the law; and
- ▶ to use the law to construct viable and sustainable pathways out of homelessness.

Free legal services are offered by the HPLC on a weekly basis at 14 outreach locations that are already accessed by people experiencing homelessness for basic needs (such as soup kitchens and crisis accommodation facilities) and social and family services.<sup>37</sup> Since its establishment in 2001, the HPLC has assisted over 4500 people at risk of, or experiencing, homelessness in Victoria.

The HPLC also undertakes significant community education, public policy advocacy and law reform work to promote and protect the right to housing and other fundamental human rights. In 2005, the HPLC received the prestigious national Human Rights Law Award conferred by the Human Rights and Equal Opportunity Commission in recognition of its contribution to social justice and human rights. In 2009 it received a Melbourne Award for contribution to community in the City of Melbourne.

The HPLC operates and provides its services within a human rights framework. Central to the human rights framework is the right to participate, including individual and community participation and consultation, which creates an empowering environment for individuals to assert their rights and contribute to the democratic process. The HPLC recognises the right to participate by working and consulting directly with a range of key stakeholders, the most important of which is the Consumer Advisory Group (CAG). The CAG was established by the HPLC in 2006 and is comprised of people who have experienced homelessness or who are currently homeless. The role of the CAG is to

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<sup>36</sup> See <http://www.pilch.org.au>.

<sup>37</sup> Host agencies include Melbourne Citymission, Café Credo, The Big Issue, the Salvation Army, Anglicare, St Peters Eastern Hill, Ozanam House, Flagstaff Crisis Accommodation, Salvation Army Life Centre, Hanover, Vacro, Koonung Mental Health Centre, Homeground Housing Service, St Kilda Crisis Centre and St Luke's Bendigo,. Legal services are provided at our host agencies by volunteer lawyers from law firms: Allens Arthur Robinson, Arnold Dallas McPherson, Baker & McKenzie, Blake Dawson, Clayton Utz, Corrs Chambers Westgarth, DLA Phillips Fox, Freehills, Mallesons Stephen Jaques, Minter Ellison and Stella Sutcliffe & Associates.

provide guidance and advice, and make recommendations to the HPLC with a view to enhancing and improving the quality of the HPLC's service delivery, policy, advocacy, law reform and community development activities. The CAG not only provides feedback and guidance to the HPLC but also gives people who have experienced homelessness a voice to actively represent their interests and build the participation and engagement of the general community around the issue of homelessness.

