

Inquiry into Australia's Human Rights Framework – 27 September 2023 hearing:
Economic Justice Australia's responses to questions on notice from Senator
Thorpe

Question 1: Compulsory income management is known to go against Australia's human rights obligations, yet this Labor Government has introduced an effectively identical scheme through recent legislation. How do we ensure through legislative drafting that the proposed Federal Human Rights framework would be able stop this type of legislation going through and ensure paternalistic laws are not seen as reasonable and proportionate limits on rights?

Other organisations submitting to the inquiry would be better placed to comment on whether the operation of prison commercial business units are in breach of Article 8 of the ICCPR, and whether provision of social security income support to people in prisons would address any exploitation. We do note, however, that a Commonwealth Human Rights Act would apply to the federal prison system, and the federal government / federal prisons would be required to consider and comply with human rights when making and applying any policies that affect human rights of prisoners – including the example presented by Senator Thorpe.

Question 2: Would a Federal Human Rights require introducing social security to those in prison as avenue to address human rights abuses there? For example, currently the commercial arm of Corrective Services NSW, operates over 100 commercial business units where those in prison earn a maximum of \$70.29 for 5 day, 30 hour week - which amounts to serious exploitation and modern slavery and is in breach of Article 8 of the ICCPR.

Although Economic Justice Australia (EJA) was pleased that the Labor Government acted swiftly to introduce legislation to begin the dismantling of the CDC program in the first session of Parliament, compulsory income management (CIM) remains firmly in place. The UN Declaration on the Rights of Indigenous Peoples (UNDRIP) makes it clear that rights to health, housing, education and other basic needs essential to well-being are understood as being inextricable from rights to self-determination, participation in decision-making, respect for and protection of culture, and equality and non-discrimination. Despite Australia's commitments under the UNDRIP, there has been a lack of due regard to First Nations communities' perspective on the interconnectedness of these rights in the development of social security CIM policies, which will inevitably primarily impact people in these communities. In EJA's submissions to various inquiries into Bills effecting CIM, EJA has proposed that CIM, whether under the Income Management program or the Cashless Welfare program, should be immediately brought to an end; and that where income management continues as a policy measure, participation should be voluntary and opt-in only. EJA believes that a Commonwealth Human Rights Act would have ensured proper consideration of the impacts of CIM when CIM legislation was first introduced, and that CIM would not now be part of Australia's ongoing social security policy framework. If we legislated for a Human Rights Act that included rights to social security along with other rights, in combination with UNDRIP principles, this would prevent CIM policies from being enacted in the future, and would provide grounds to challenge such policies by individuals who are affected by them.

Linda Forbes
Economic Justice Australia
10 October 2023