

3<sup>rd</sup> Universal Periodic Review of Australia, January 2021 – Stakeholder report

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*Background*

In February 2020, the Commission of the Churches on International Affairs of the World Council of Churches and the National Council of Churches in Australia convened a human rights workshop ahead of the 3<sup>rd</sup> UPR of Australia. Participating churches and organisations included the Uniting Church, the Catholic Archdiocese of Brisbane, the Salvation Army, the Sisters of Saint Joseph, the Institute of the Blessed Virgin Mary – Loreto Generalate, Queensland Churches Together, and the Anglican Board of Mission.

Participants identified six key themes which they considered of particular priority to be brought to the attention of the Human Rights Council through the Working Group of the Universal Periodic Review. Prior to the submission of this report, the UPR of Australia was postponed by several months. Participants considered it important to report on the response to the Covid-19 pandemic and their views are reflected in this report.

1) The Climate Emergency

During the 2<sup>nd</sup> UPR of Australia in 2016, no recommendations were made with respect to the climate emergency.

Australia has faced a particularly difficult few years due to the confluence of ongoing drought followed by severe bushfires and then heavy rain and floods. The unprecedented level of these climatic events that has drawn international attention in 2019 and 2020 has indicated clearly the crisis facing the country, and indeed the entire global community. 30 people died across the country during the disaster, and thousands of homes were destroyed, but the full extent of the impacts on the land and communities are only starting to be assessed. In addition to the lives which have been lost, there will be lasting health impacts from burns, from inhaling smoke and noxious chemicals over a sustained period, and from related accidents. Entire businesses have been destroyed, children's education has been affected as they have not been able to go to school – some of which have been destroyed by fire.

There has been a massive loss of wildlife and species diversity. The water crisis continues to particularly affect rural communities and pose threats to natural ecosystems including the Great Barrier Reef. As always, it is the poorest communities which bear the greatest brunt of the effects of the climate crisis.

The lives of Australia's nearest neighbours across the Pacific which had already been affected by the climate emergency, have been further impacted by the smoke from the bushfires of 2019 and 2020 which have added to the pollution across the Pacific region. Even though their own ecological footprint is negligible, small island nations in the Pacific are being disproportionately harmed by climate change. The region has experienced severe cyclones in recent years, rising sea levels are affecting homes and lands, and drinking water is being contaminated on vulnerable islands. Rising temperatures are also affecting fishing and agriculture and impacting upon the food security of communities in the region. Such impacts, if allowed to continue, will lead to an increased susceptibility to disease and unprecedented global migration of affected populations.<sup>1</sup>

It has been widely recognised that the Government was slow in responding, ineffectual in their response, and unwilling to face the implications of the climate crisis for the present and future of Australia. By comparison, communities and individuals responded as best they could to the needs of those who were suffering, but in many cases their efforts could not replace what should have been the responsibility of the Government.

The shortcomings of the brief for the Bushfire Royal Commission released in February 2020<sup>2</sup> reflect that inadequacy. None of Australia's two major political parties have been able to take leadership in this climate emergency and appear unwilling to put the future of the community and the nation before their own political advancement or the influence of fossil fuel companies and the profits derived from them.

*Recommendations:*

- i) As the largest emitter of greenhouse gases in the region, we call upon the Government of Australia to take bold action to rapidly reduce emissions from all sources and sectors including through agriculture. Specifically, the Government must implement policies to meet the target set by the Paris Climate Agreement, by reducing carbon emissions by 45% on 2010 levels by 2030, and ensure net zero emissions by 2050 to keep global warming to no more than 1.5°C above pre-industrial levels.
- ii) We call upon the Government to work in partnership with all state and territory governments, local governments and businesses who have already committed towards net zero emissions, to adopt renewable energy sources as a matter of urgency.
- iii) There must be a ban on all new coal mines and coal-powered electricity generation, combined with the orderly phase-out of the existing plants to create the low-carbon and renewable energy industries of the future. Proper support to the coal and mining employees and their communities who will be affected must be ensured.
- iv) Measures to reverse the alarming loss of unique Australian species and for the preservation of vulnerable ecosystems must be adopted, as well as national water-use policies that can protect rural communities facing continuing drought.
- v) Australia must support the human rights of local communities whose way of life or livelihoods have been negatively affected by climate change.
- vi) Whilst the Government's recent move to ban the export of recyclable waste, and support measures to create a viable Australian recycling industry is to be commended, measures must also be taken to reduce the use of unnecessary plastic packaging in food and other industries.

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<sup>1</sup> <https://actalliance.org/wp-content/uploads/2018/11/ACT-Alliance-public-statement-on-climate-change-in-the-Pacific-EN.pdf>

<sup>2</sup> <https://theaustraliannewscorpau.files.wordpress.com/2020/02/bushfiresroyalcommission.pdf>

- vii) At the international level, Australia must add their voice to those Governments around the world who are seeking to strengthen climate finance commitments, supporting initiatives that build climate resilience and adaptation and assist recovery from climate-induced disasters.

## 2) Indigenous issues – the situation of First Nations People

During the 2<sup>nd</sup> UPR of Australia in 2016, more than 40 recommendations were made pertaining to the rights of Australia's indigenous people.

We would like to acknowledge the Australian Federal government's promise of a more inclusive approach to First Nations Peoples issues; its appointment of a Minister for Indigenous Australians in its 46<sup>th</sup> Parliament - who is himself indigenous; that Minister's commitment to the development of an indigenous voice in Australia's parliament; the consultation with First Nations Peoples which led to the *Uluru Statement From the Heart in 2017*<sup>3</sup>, and Australia's support for the UN's *Declaration of Rights of Indigenous Peoples* which establishes the framework of minimum standards for the survival, dignity and well-being of indigenous peoples and fundamental freedoms as they apply to the specific situation of indigenous peoples.

Whilst we welcome these steps, we express our on-going concern for the situation of indigenous people and regret that most of the recommendations made in 2016 have not been implemented. Whilst we commend the announcement in February 2020 of a new *Closing the Gap* framework to include targets addressing the over-representation of Aboriginal and Torres Strait Islander children in both the criminal justice system and out-of-home care, we note that just two (early childhood education attendance and year 12 attainment for Indigenous Australians aged 20 to 24) of the seven *Closing the Gap* targets from 2008 have been met, with four of the targets having expired in 2018, as revealed in the 12th annual progress report released on 12 February 2020.<sup>4</sup>

The target for child mortality was to halve the gap in mortality rates for indigenous children under five within a decade by 2018. This target has not been met and in 2018, the indigenous child mortality rate was 141 per 100,000 - twice the rate for non-Indigenous children (67 per 100,000). While the indigenous child mortality rate has improved slightly, the rate for non-indigenous children has improved at a faster rate.

Concerning education, the target for school attendance was to close the gap between indigenous and non-Indigenous school attendance by 2018. In 2019, most indigenous students attended school for an average of just over four days a week. Gaps in attendance start from the first year of schooling and widen into high school. In rural and remote areas where most students are indigenous, the quality of education is often so poor that they reach year 12 with a very low level of skills in literacy and numeracy.

The target for literacy and numeracy was to halve the gap for indigenous children in reading, writing and numeracy by 2018. This target has not been met, but there have been some improvements. In 2018, about one in four indigenous students in Years 5, 7 and 9, and one in five in Year 3 remained

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<sup>3</sup> [https://www.referendumcouncil.org.au/sites/default/files/2017-5/Uluru\\_Statement\\_From\\_The\\_Heart\\_0.PDF](https://www.referendumcouncil.org.au/sites/default/files/2017-5/Uluru_Statement_From_The_Heart_0.PDF)

<sup>4</sup> <https://closingthegap.niaa.gov.au>

below national minimum standards in reading. Year 3 literacy rates are improving.<sup>5</sup> Concerning employment, the target was to halve the gap in employment outcomes between indigenous and non-indigenous Australians by 2018. In 2018, the indigenous employment rate was 49 per cent compared with 75 per cent for non-indigenous Australians.<sup>6</sup>

The target concerning life expectancy was to close the gap within a generation by 2031. This target is not on track. Life expectancy is 71.6 years for indigenous males (8.6 years less than non-indigenous males) and 75.6 years for indigenous females (7.8 years less than non-indigenous females). While there have been improvements in indigenous mortality rates from heart disease, stroke and hypertension, cancer rates are increasing.<sup>7</sup>

Other issues of concern also include the ongoing unacceptable statistics of incarceration of indigenous Peoples. Since 2004, the number of Aboriginal Australians in custody has increased by 88% compared to a 28% increase for non-Aboriginal Australians. In December 2017 the rate was 2,440 prisoners per 100,000 adult Aboriginal population, compared to 216 prisoners per 100,000 non-Aboriginal population<sup>8</sup>.

Children as young as 14 are incarcerated, and some even held in solitary confinement. There are many reported deaths and suicides in custody. A 2018 review of the implementation of the recommendations of the *Royal Commission on Deaths in Custody*<sup>9</sup> found that only two-thirds of them have been fully implemented. The report found that while the rate at which indigenous people have died in custody has halved in the 27 years since the Royal Commission handed down its final report, the rate of incarceration has doubled.

The key finding of the royal commission was the need to reduce the rate at which Aboriginal and Torres Strait Islander people are jailed.

The report also found that monitoring deaths in custody has “reduced over time” across all jurisdictions, and reporting of data about police custody was “an ongoing issue”. Only 55% of recommendations designed to keep people out of prison by using jail as the last resort have been implemented, such as non-custodial sentencing and diversionary programs. Prison safety had improved significantly but Aboriginal mental health workers were needed in jails. All jurisdictions needed to ensure more Aboriginal employment in health services and the provision of “culturally sensitive health care. Some jurisdictions still failed to perform regular in-person cell checks of people in custody, particularly at police watch houses.<sup>10</sup>

Children being removed from families, high rates of domestic and sexual violence, the age threshold of incarceration, overrepresentation in the criminal justice system, deaths in custody, suicide rates, mental health, ignorance of and lack of education of First Peoples culture in the education system and cultural appropriateness across other areas remain major issues for Australia’s First Peoples.

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<sup>5</sup> The violations of the Convention on the Rights of the Child here include Article 3 (best interests of the child) Article 9 (non-separation from parents against their will) Article 17 (d) (role of the mass media with respect to linguistic needs of minority/indigenous child) Article 19 (protection from violence) Article 20 (deprivation of family environment) Article 24 (right to highest attainable standard of health), Article 27 (adequate standard of living) Article 28 and 29 (right to education). International Covenant on Civil and Political Rights Article 10 (special protection for juveniles deprived of their liberty), Article 14 (4) (Special legal measures to take age of juveniles into account). International Covenant on Economic, Social and Cultural Rights Article 13 (Right to education).

<sup>6</sup> International Covenant on Economic, Social and Cultural Rights Article 7 (Right to work)

<sup>7</sup> International Covenant on Economic, Social and Cultural Rights Article 12 (right to highest attainable standard of health)

<sup>8</sup> <https://www.creativespirits.info/aboriginalculture/law/aboriginal-prison-rates>

<sup>9</sup> <https://www2.deloitte.com/au/en/pages/economics/articles/review-implementation-recommendations-royal-commission-aboriginal-death-custody.html>

<sup>10</sup> International Covenant on Civil and Political Rights Article 2 (non-discrimination) Article 9 (protection from arbitrary arrest and detention) Article 10 (protection of rights when deprived of liberty) Article 14 (equality before the courts the the law)

*Recommendations:*

- i) We call upon the Federal Government to take renewed and urgent measures to commit to closing the gap between indigenous Australians and the rest of the population.
- ii) The Federal Government must work with First Peoples in a genuine partnership across all key areas of policy, including health, education, justice, employment, housing, disability, and children and families.
- iii) There is an urgent need for significant resourcing of health and wellbeing services for First Nations' in order to close the gap.
- iv) Indigenous children must have access to quality education based on their own culture, and non-indigenous children must be educated on indigenous matters in order to address the high levels of ignorance about the cultural differences.
- v) There must be indigenous representation at all political levels of Australian society.
- vi) As called for in the *Uluru Statement from the Heart*: The Federal Government must establish a "Makarrata Commission to supervise a process of "agreement-making" and "truth telling" between Governments and Aboriginal and Torres Strait Islander people.
- vii) The Federal Government must establish a First Nations Voice enshrined in the Australian Constitution.

3) Asylum seekers

During the 2016 UPR, 52 specific recommendations were made regarding the situation of refugees and asylum seekers. We express our deep concern about the lack of implementation of these recommendations and the on-going violations of the rights of those seeking asylum in Australia.

In the past, Australia has traditionally demonstrated strong global leadership in protecting refugees, but in recent decades that leadership has been increasingly abandoned. Governments have redoubled policies of deterrence and deflection, while dehumanising and forcibly removing those people in search of – and in desperate need of – protection.

The Government has detained people in onshore and offshore detention centres for months and years without hope or future.<sup>11</sup> It has kept babies, children<sup>12</sup> and families in conditions which threaten health and security. It has instigated forced returns to countries of origin, with asylum seekers facing imprisonment and torture.<sup>13</sup>

*Offshore detention*

In February 2020, the Prosecutor of the International Criminal Court said that Australia's offshore detention regime is a "cruel, inhuman, or degrading treatment" and unlawful under international law. The policy of the current Government is to repel asylum seekers – using military might to intercept boats of people seeking asylum and turn them away at sea. It is forcibly holding people

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<sup>11</sup> International Covenant on Civil and Political Rights Article 9 (protection from arbitrary detention), Article 10 (rights when deprived of liberty)

<sup>12</sup> Convention on the Rights of the Child Article 22 (child refugees)

<sup>13</sup> Convention against Torture Article 3 (non-refoulement to countries where there are substantial grounds for believing the person would be in danger of being subjected to torture)

who previously arrived by sea in Pacific locations in Papua New Guinea and Nauru, and denying them the chance of resettling in Australia, even if they are found to be refugees. It has retained ultimate control of their lives, while abdicating responsibility for their well-being. Access to those in detention is severely restricted. There have been consistent report of self-harm and distress in Nauru and particularly on Manus Island, Papua New Guinea, and there are still no transparent solutions for safely re-settling all vulnerable people in both locations.

Even though an agreement with the US has resulted in 632 people departing for that country by September 2019, almost 500 people are still being held in Papua New Guinea and Nauru, many of whom have been there for almost 7 years. 12 refugees have died in offshore prisons.

#### *Asylum seekers within Australia*

Since the last UPR in 2016, there have been significant changes in the determination of refugee status which have the effect of subjecting asylum seekers and refugees to long periods of processing, leaving them in a state of suspension and insecurity. These changes have included the re-introduction of Temporary Protection Visas and the removal of government-funded legal assistance, and the re-assessment in 2018 of Status Resolution Support Services for those deemed to be “Work Worthy” with cuts to most financial support and loss of accommodation.

In addition, asylum seekers on bridging visas are being assessed for their “work readiness”, irrespective of their skills or the availability of jobs. If they are found to be “work ready” all benefits cease. Tertiary students are being forced to exit their programs. By removing the minimal Status Resolution Support Services (SRSS), previously available to those refugees without any other means of support, the Government has chosen to render already traumatised people vulnerable to exploitative work, in danger of homelessness and generally at risk of destitution. At the same time, there is on-going stress caused by the denial of family reunions.

This withdrawal of support is plunging vulnerable people into poverty and is placing intolerable pressure on charities that are already struggling to support the increasing number of poverty-stricken people in Australian society. The “fast-track process”, aimed at placing further pressures on asylum seekers who arrived in Australia between 2012 and 2014, has become even more restrictive since the last UPR in 2016.

#### *Recommendations:*

- i) We call upon the Federal Government to explore constructive policies to assist distressed people at source, through use of aid, diplomatic initiatives and other means.
- ii) The refugees on Nauru and Manus Island must be removed and given safe settlement - in Australia or in New Zealand (as previously offered by that country), and the people of Nauru and Manus Island, for whom the detention centre is an important part of their economy, must be assisted through investment and training to move to a new economic life.
- iii) Serious negotiations with other countries must be commenced as a matter of urgency to work towards an agreed long-term regional solution, which recognises Australia’s international obligations.
- iv) The policy of offshore processing and boat turn backs be abandoned, and the principle of non-refoulement must be reinstated into Australian law.
- v) Welfare agencies and those who can offer humanitarian support must be granted full access to the detention centres.

- vi) Appropriate processes must be developed to facilitate the settlement of asylum cases, with adequate resources provided to the immigration department to resolve the approximately 60,000 people currently waiting for their visas.
- vii) That people seeking asylum should be detained for no longer than the time it takes to process documents and carry out health and security checks.
- viii) The processing of citizenship applications must be expedited and all temporary protection visas be converted into permanent protection visas. Family reunions should be urgently re-established.
- ix) SRSS funding must be restored as a matter of urgency and other measures of assistance, such as the voluntary relocation of asylum seekers to areas where they might find work, should be put in place.
- x) Extra-discretionary powers given to the relevant ministers must be removed to ensure that transparency and the protection of human rights can be more objectively maintained.
- xi) The Government must review its legislation and policies with regard to asylum seekers and take measures to comply with international obligations.
- xii) Australia's refugee settlement program should be increased to an annual intake of 30,000 places, over the next 4 years, with special consideration be given to acknowledge the plight of the Rohingya people and the Syrian refugees.

#### 4) Migrant workers

During the last UPR of Australia, 22 recommendations were made with respect to the human rights of migrant workers, including 14 recommendations to ratify the Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families. These recommendations have not been implemented.<sup>14</sup>

There has been an increase in the demand for visas from countries in south east Asia and the Pacific nations to work in Australia, but migrant workers in Australia face particular vulnerabilities. Limited English language skills, lack of awareness of Australian workplace laws, and fear of visa cancellation or removal from Australia are only some of the factors which make migrant workers particularly vulnerable to workplace exploitation. Some groups remain more vulnerable than others, such as women, children, people from refugee backgrounds, and people on temporary visas. Those with irregular status, in particular, are often denied basic entitlements and services. Children of migrant workers who are born in Australia are sometimes in an unclear situation and risk being left stateless.<sup>15</sup>

Whilst temporary visa holders have been subjected to higher rates of exploitation, wage theft and human trafficking, it is not the act of migration itself that is the root cause of the problem but rather

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<sup>14</sup> International Covenant on Economic, Social and Cultural Rights Article 6 (right to work), Article 7 (right to favourable conditions of work), Article 8 (right to join Trade Unions), Article 9 (right to social security). International Covenant on Civil and Political Rights Article 8 (prohibition of slavery), Convention on the Rights of Persons with Disabilities Article 27 (Right to work and to employment).

<sup>15</sup> Convention on the Rights of the Child Article 24 (right to birth registration and nationality).

two key issues – visa conditions and the poor enforcement of labour and criminal laws. Visa conditions foster reliance on a potentially unscrupulous employer and limit an employee’s right to remain in Australia to access justice and return to work in Australia if they are unfairly dismissed for reporting unlawful conduct. The poor enforcement of labour and criminal laws has resulted in a low risk operating environment for those seeking to exploit migrant workers.

The Government's stated commitment to protecting all vulnerable workers, including migrant workers is acknowledged. The introduction of more stringent penalties, additional resources and strengthened investigative powers for the Fair Work Ombudsman (FWO) are some of the steps taken by the Government to eliminate exploitation in some Australian workplaces. However, more needs to be done to ensure that temporary workers experience equal protection under Australian law.

It is clear that there is a role for temporary migration in the Australian workforce. There are areas where employers are unable to attract permanent residents to take up the work. However, in some cases the inability to attract permanent residents is because the sector is plagued with wage theft and mistreatment of workers – particularly for example, the horticultural sector and the cleaning businesses.

Where possible, permanent migration is to be preferred over temporary migration as it removes the reliance on a particular employer for the right to work in Australia, thus reducing vulnerability to exploitation. Being a citizen also means a person is more invested in the good of the Australian community.

*Recommendations:*

- i) Australia should ratify the Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families.
- ii) Prospective migrant workers to Australia should have access to independent advice in their countries of origin and in their own language, prior to their departure for Australia, as well as once they are in Australia. Community-based organisations should be funded to deliver the information as well as provide meaningful and sustained linkages to community based support and to reduce social isolation.
- iii) The information provided should cover key issues regarding wages, costs, conditions of employment, workplace health and safety, union advice and community support services for all work-related visa holders and their family members.
- iv) The Government must implement its commitment to introduce a national labour hire registration scheme to incorporate the existing state based labour hire licensing schemes. The scheme needs to ensure the real owners and controllers of labour hire companies are identified and registered, making it illegal for businesses to use unregistered labour hire companies.
- v) Labour Hire companies should be legally obliged to provide access to community support services to ensure that workers are not isolated and neglected.
- vi) A hotline which migrant workers can call should be established and operated in a manner in which workers are confident to use.
- vii) Policies must be put in place to ensure that migrant workers are protected from discrimination, exploitation and intimidation. The use of piece rates in the horticulture



sector should be abolished, given their demonstrated wide-scale misuse for exploitation.

- viii) Portability to visa conditions should be built in to enable workers to leave bad employers.
- ix) Wage theft, where sustained, substantial and intentional, should be made a criminal offence. Penalties for all wage theft (criminal or civil) must provide sufficient deterrence against the behaviour.
- x) The system of Government industrial inspectors must receive adequate funding so that site visits can be conducted at regular intervals and whenever necessary. All immigration integrity operations, including those of Taskforce Cadena, should include specialists in slavery and trafficking who are guided by victim management protocols reflective of best practice in trafficking victim identification and management.
- xi) The status of children of migrant workers who are born in Australia must be clarified to avoid any risk that they are left stateless.

## 5) Domestic Violence

During the last UPR, 12 recommendations were made specifically on the situation of domestic violence and violence against women and children.

The Government of Australia committed itself to addressing the situation of domestic violence, and since the last UPR, it is acknowledged that Government agencies and community groups have united in an effort to raise community awareness and challenge abusive attitudes and beliefs. Millions of dollars of funding have been poured into efforts that assist women and children who suffer. This has increased available resources and has allowed many women to courageously take the step to come out of the shadows and seek assistance in ending their particular abusive relationships. Churches have been active in these efforts alongside government and community groups. While we applaud what is happening, we believe that more should be done to change the ways in which women and children are regarded by society as a whole and men in particular.

Domestic violence against women and children continues to be a prevalent concern in Australia. Every year an alarming number of women are murdered by their partners. Thousands others are physically injured and many more suffer emotionally as a result of psychological abuse, economic abuse, or being controlled or isolated. Abuse of all types leads to serious psychological damage. Domestic violence does not discriminate and exists in all relationships including traditional marriage, de-facto relationships and within the LGBTI+ community. Cases of abuse tend to spike after major sporting events when intakes of alcohol are increased and emotions and frustrations reach a peak. Concerns are also expressed that the recent and prolonged period of disastrous bushfires, drought and floods will contribute to an increase in violence.<sup>16</sup>

In particular, we are concerned that efforts are mainly focused on addressing the effects and impacts of domestic violence and not on preventing it happening in the first place. It is critical that measures are taken to reach out to men at an early stage to prevent them from becoming abusers.

### *Recommendations:*

- i) Further support should be given to all who have been injured and emotionally abused to make positive decisions about their own and their children's futures.

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<sup>16</sup> Rights violated include Convention on the Rights of the Child Article 19 (protection from violence and abuse), and Convention on the Elimination of Discrimination against Women Article 5 (modification of social and cultural patterns of conduct of men and women)

- ii) Awareness must be raised of the different forms of domestic violence, including psychological abuse, economic abuse, control and isolation.
- iii) Outreach and support to men and boys should be provided to ensure that they do not become perpetrators of domestic violence.
- iv) More research, resources and outreach is needed to help facilitate an entire culture change throughout society with regards to relationships, attitudes and respect for women and children.
- v) Whilst the Government has channelled a lot of resources into tackling domestic violence, it is critical that efforts are made to examination the aspects of the issue which are not receiving funding.
- vi) We call on the Government to provide secure funding for women’s refuges so women and children are provided with support and protection. Proper funding for affordable and transitional housing are also needed to ensure that women and children do not suffer homelessness or are forced to return to abusive relationships.

## 6) Homelessness

More than 750,000<sup>17</sup> people across Australia live on unemployment and student payments which do not cover the cost of housing, food, transport and healthcare. Newstart - the Active Employment Strategy which was created in 1991, gives claimants less than \$40 per day. Those who live on Newstart and Youth Allowance – primarily those over the age of 55, and the young - are most likely to be living in poverty.

Primary reasons for people to become homeless include those escaping domestic violence and or the breakdown of the family relationship, and those facing financial difficulties for these or other reasons. Indigenous Australians, veterans and the young are also disproportionately affected. The climate emergency has also exacerbated the situation of homelessness. Secure, safe and affordable housing is also a prerequisite for coping with and adapting to extreme weather and disasters driven by climate change. People who are sleeping rough, are particularly at greater risk to adverse weather due to their exposure, than the general population. Further, they have limited capacity to cope and recover from events as they have far fewer material and financial resources to draw upon to stay safe.

Their risk is also increased by higher rates of chronic disease, smoking, respiratory disease, mental illness and substance abuse than the general population. This renders them profoundly vulnerable to climate change related weather events (heat waves, floods, storms), air pollution and in some regions, changing distribution of vector-borne diseases. In particular, extreme heat magnifies health risks of those experiencing homelessness. This is especially problematic for people with pre-existing health conditions such as cardiovascular disease, renal disease and mental illness. This vulnerability is made worse by inadequate access to medical services and in some circumstances, being forcibly ‘moved on’ by security personnel and police.<sup>18</sup>

Those confronted with a lack of safe and secure housing are most likely to suffer further human rights violations such as discrimination, a lack of privacy, and violations of their rights to security,

<sup>17</sup> <https://www.abs.gov.au/ausstats/abs@.nsf/mf/2049.0>

<sup>18</sup> <https://www.nccarf.edu.au/sites/default/files/Forum%20report%20on%20homelessness%20and%20climate%20change%20final.pdf>, pg. 2

health and education.<sup>19</sup>

Statistics from 2016, when the most recent census was taken indicated that on any given night in Australia, 1 in 200 people are homeless.<sup>20</sup> 116,427 people were counted in the Census as being homeless on Census night (up from 102,439 in 2011)<sup>21,22</sup>. Estimates suggest that just over half (51%) of lower income households experience housing affordability issues due to rental stress (paying more than 30% of their gross income on housing costs.<sup>23</sup> After a decade to 2011 which saw the rate of homelessness fairly stable, the past five years witnessed a marked increase. Australian Bureau of Statistics (ABS) in 2017 estimates that overall national homelessness rose by 14% in the five years to 2016. Data on people requesting help from homelessness services indicate a growth rate of 22% over the same period. Even on the lower ABS Census-based estimate, overall homelessness numbers at the national scale ran well ahead of general population increase for the same period.<sup>24</sup> Another census is due to be carried out in 2020.

The rate of homelessness (which takes into account population density) is 50 out of every 10,000 people —up five per cent from the 48 persons in 2011, and up on the 45 persons in 2006.<sup>25</sup> 20% (or 23,437) are Aboriginal and Torres Strait Islander Australians (down from 26% in 2011)<sup>26</sup>. 30% of homeless people are born overseas.<sup>27</sup>

Homelessness has increased the most in capital cities. Overall, homelessness has been increasing fastest in Sydney (up 48% in the five years to 2016), in Darwin (up 36%) and in Brisbane (up 32%). Generally, rates of increase have been highest in the inner areas of the five main cities (e.g. 53% in inner Sydney). However, rises well above the national norm were also seen in the outer suburbs of Sydney (39%), Melbourne (22%) and Brisbane (25%).<sup>28</sup>

Rough Sleepers represent just 7% of all homelessness nationally.<sup>29</sup> In 2016 the figure was 8,200, which was 20% higher than 2011.<sup>30</sup> Although there has been a disproportionate rise in rough sleeping, the biggest increase in homelessness over the past few years is attributed to the growing problem of severe overcrowding — that is, people crammed into dwellings with at least four bedrooms fewer than required. The number of people in this situation grew by 23% in the five years to 2016.<sup>31</sup>

There has been a 28% increase in Australian's aged 55+ experiencing homelessness making it a rapidly growing age bracket.

### *Recommendations:*

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<sup>19</sup> International Covenant on Economic, Social and Cultural Rights Article 11 (adequate standard of living), Convention on the Rights of the Child Article 19 (protection from violence and abuse), Article 23 (special protection for children with disabilities), Article 24 (right to the highest attainable standard of health) Article 27 (right to an adequate standard of living). Convention on the Rights of Persons with Disabilities Article 16 (freedom from exploitation, violence and abuse) Article 28 (adequate standard of living and social protection). Declaration of the Rights of Indigenous People Article 17 (right to fully enjoy all rights) and Article 21 (right to improvement of their economic and social conditions).

<sup>20</sup> <https://www.homelessnessaustralia.org.au/sites/homelessnessaus/files/2017-07/Homelessness%20in%20Australiaiv2.pdf>

<sup>21</sup> <https://www.homelessnessaustralia.org.au/about/homelessness-statistics>

<sup>22</sup> <https://www.aihw.gov.au/reports/homelessness-services/specialist-homelessness-services-2017-18/contents/policy-framework-for-reducing-homelessness-and-service-response>

<sup>23</sup> Australian Bureau of Statistics (ABS) 2017a. Housing and occupancy costs, 2015–16. ABS cat no. 4130.0. Canberra: ABS.

<sup>24</sup> Australian Homelessness Monitor 2018, pg. 9

<sup>25</sup> <https://www.homelessnessaustralia.org.au/about/homelessness-statistics>

<sup>26</sup> <https://www.homelessnessaustralia.org.au/about/homelessness-statistics>

<sup>27</sup> <https://www.homelessnessaustralia.org.au/about/homelessness-statistics>

<sup>28</sup> Australian Homelessness Monitor 2018, pg. 9

<sup>29</sup> <https://www.homelessnessaustralia.org.au/about/homelessness-statistics>

<sup>30</sup> Australian Homelessness Monitor 2018, pg. 8

<sup>31</sup> Australian Homelessness Monitor 2018, pg. 9

- i) The single rate of Newstart, Youth Allowance and related payments must be raised – this would be the most effective step the Government could take to lift people out of poverty in Australia.
- ii) We call on the Government to create an independent Social Security Commission, with the power to set income support payments based on the actual cost of living and job seeking.
- iii) Housing affordability is a key factor in addressing homelessness<sup>32</sup>. There is an urgent need for an increase in available and quality social and public housing, as well as an increase in crisis and emergency accommodation. We call on the Government to work in partnership with state and local governments, community and private sector to develop a national housing strategy.

## 7) Response to Covid-19

The Government is to be commended for its actions during the Covid crisis. The lockdowns worked more successfully than was anticipated, and the special assistance through organisational and income support payments including the JobKeeper and JobSeeker schemes, provided immediate relief to many. The Australian Government demonstrated a readiness to engage and listen to concerns.

As a result of quick and decisive actions by Aboriginal and Torres Strait Islander health organisations to isolate communities and restrict travel, First Nations people in Australia were largely spared the health impacts of Covid-19 in their communities. In many cases, Indigenous communities have led the response to coronavirus, including Mapoon, located in Far North Queensland, where a self-imposed lockdown was implemented in March, ahead of government advice. Others were instrumental in spreading public health messages among communities, including in a variety of Indigenous languages.

Simultaneously, however, concerns are expressed for the more than 1.5 million people who did not benefit from Government support at this time. Casual workers, asylum seekers, refugees, migrant workers, international students and others on temporary visas, and homeless people have been totally disregarded in the Government's support packages. The numbers seeking assistance grew as they lost their mostly low-paid, part-time or casual work, and used up any savings on food, rent and utility bills<sup>33</sup>. Many of these people faced destitution.

### Recommendations

The Covid response has demonstrated the urgent need for a stronger form of direct income support, and an overhaul of the current social security payment system to create a social safety net which would be available to all. Temporary visa holders should have access to such support for a three to four-month period until employment options are realistically available.

Under the JobKeeper and JobSeeker legislation, Ministers were given flexibility to vary the original framework and guidelines. This flexibility must now be enshrined in social services' legislation to allow it to be exercised on a more permanent basis on the advice of expert advisory panels.

### Recommendations

<sup>32</sup> [https://amplify.csi.edu.au/documents/37/Amplify\\_Insights\\_Housing\\_FINAL.pdf](https://amplify.csi.edu.au/documents/37/Amplify_Insights_Housing_FINAL.pdf)

<sup>33</sup> <https://newsroom.unsw.edu.au/news/general/covid-19-survey-shows-support-vulnerable-reaches-new-low> (Accessed 28 May 2020)

The Federal Government should deliver specific programs of support for migrant workers trapped by COVID-19 'in' and 'out of their home country across the Asia - Pacific region.

The Federal Government policy must demonstrate clear support for charities working with the most vulnerable to enable them to reach those who are most in need.

The overseas aid budget of Australia must be restored to at least the level provided in 2007, so that Australia will once again accept its global responsibilities.

Experts have predicted that the problems of COVID-19 will be with us for several years, hence the country must plan accordingly. Policy structures and systems must be put in place to build a just, equitable, participatory and resilient society founded on compassion, solidarity and care for all. We will do all we can to support such a cooperative endeavour.