



## Liberty Victoria Policy on the Right to a Basic Standard of Living

As part of a society which values and promotes human dignity, equality and freedom, a properly functioning social security system — that is, a system which is available, adequate and accessible to all without discrimination— is essential to ensure that all Australians have access to the basic necessities of life.

The United Nations Committee on Economic, Social and Cultural Rights (the Committee) has said that the right to social security encompasses the right to access and maintain benefits without discrimination in order to secure protection from, among other things, the lack of income caused by sickness, disability, maternity, unemployment, and caring responsibilities. The right also encompasses the right to access affordable health care services.<sup>1</sup>

Therefore, the right to social security plays an important role in supporting the realisation of many of the other important rights such as the right of individuals and their families to an adequate standard of living including adequate food, clothing and housing, and to the continuous improvement of living conditions.

Social security, through its redistributive character, plays an important role in poverty reduction and alleviation, preventing social exclusion and promoting social inclusion. Whilst acknowledging that social security schemes should be sustainable — so that the right can be realised for present and future generations – treaty bodies continue to emphasise that retrogressive measures that have the effect of reducing existing levels of social security benefits, or of denying benefits to persons or groups who were previously entitled to them, can only be made in very exceptional circumstances.<sup>2</sup>

Liberty Victoria reinforces the need to maintain higher levels of income support payments for community members to bring them above the poverty line, and index these to wage growth. These payments provide essential support to individuals and families, alleviating poverty and reducing pressures on communities and the community sector.

Liberty Victoria welcomes the passing of the *Social Security (Administration) Amendment (Repeal of Cashless Debit Card and Other Measures) Act 2022* (Cth) on 30 September 2022 which abolished cashless welfare arrangements (also known as the cashless debit card or 'CDC' program) and enables the 17,300 existing CDC program participants — many of whom are First Nations people — to regain financial freedom, including by providing the *option* to enter alternative income management arrangements voluntarily. This is a positive step in reversing several years of government-driven legislative and policy changes that has further eroded the right to social security and personal autonomy.

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<sup>1</sup> UN Committee on Economic, Social and Cultural Rights (CESCR), *General Comment No. 19: The right to social security (Art. 9 of the Covenant)*, 4 February 2008, UN Doc E/C.12/GC/19, para 2.

<sup>2</sup> CESCR, *General Comment No. 19: The right to social security (Art. 9 of the Covenant)*, 4 February 2008, E/C.12/GC/19, para 42.

Further, Liberty Victoria also welcomes the establishment on 18 August 2022 of the Royal Commission into the deeply flawed ‘Robodebt’ Scheme, the automated debt-recovery system introduced by the previous government that purported to strengthen the integrity of welfare payments. In its [submission](#) to the 2017 Senate inquiry into the scheme, Liberty Victoria raised serious concerns about the scheme’s lack of effective accountability mechanisms, the limited availability of merits review, the undermining of due process rights, and the overall uncertain legal basis of the scheme itself. To the extent that these issues will be reviewed – including the serious economic and psychological impacts on those it targeted – Liberty Victoria considers that the Commission should use its mandate to examine all forms of welfare debt, to the extent that Robodebt has continued in various forms through harsh welfare debts that continue to inflict significant hardship on the most marginalised people in our community.

‘Mutual obligations requirements’ undermine the right to social security and should be abolished or replaced with a system which legitimately assists, for example, the unemployed, underemployed and parents returning to work to find meaningful employment. Mutual obligation requirements are attached to a number of income support payments, and force social security payment recipients to complete tasks and other activities in order to keep receiving income support payments.<sup>3</sup> Despite past reforms, mutual obligation requirements have continued to remain in force. However, there remains a lack of evidence as to the extent to which these requirements are effective in improving the job prospects of people looking for work, and/or addressing the hardships and barriers that unemployed people have that impede their efforts to secure employment.<sup>4</sup> Indeed, some evidence suggest mutual obligations can make it *harder* for social security payment recipients to find work because the requirements are confusing and/or overly onerous.<sup>5</sup>

Under international law, having *adequate* housing means having secure tenure. Critically, this means people should not have to worry about being evicted. It also both encompasses and enables access to appropriate essential services, educational institutions, and employment. Therefore, implementing appropriate government policy and programmes is key to ensuring adequate housing for all.<sup>6</sup>

The house price boom that took off in late 2020, stimulated by Government measures to boost private market demand, has compounded longstanding housing unaffordability, inequality and indebtedness.<sup>7</sup> Further, as highlighted throughout the Victorian Government-commissioned ‘Social Housing Regulation Review’ (the Review) process, the profile of social housing tenants has changed significantly over the past 30 years. Now, a higher proportion of this demographic are unemployed, have complex health or social support needs, and/or are from other vulnerable groups.

Liberty Victoria welcomes the various proposed reforms outlined in the Review’s Interim Report including, amongst other things, establishing mechanisms for increased transparency and accountability of the performance of community and public housing providers, and the

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<sup>3</sup> Activity requirements were suspended for one-month until 31 August 2022 to assist people transitioning into the new Workforce Australia system: see <https://www.dese.gov.au/newsroom/articles/explainer-mutual-obligation-requirements>.

<sup>4</sup> See, for instance, <https://www.acoss.org.au/acoss-advocacy-on-mutual-obligations>

<sup>5</sup> See, e.g., L. Henriques-Gomes (August 2022) ‘In Australia’s welfare sector obligations are ‘mutual’, but profits flow only one way’, *The Guardian*: <https://www.theguardian.com/business/2022/aug/06/mutual-obligations-the-money-go-round-of-unemployment-industry>

<sup>6</sup> <https://www.ohchr.org/en/special-procedures/sr-housing/human-right-adequate-housing>

<sup>7</sup> Pawson, H., Martin, C., Thompson, S., Aminpour, F. (2021) ‘COVID-19: Rental housing and homelessness policy impacts’, *ACOSS/UNSW Poverty and Inequality Partnership Report No. 12*, Sydney, p 29.

establishment of a Social Housing Tenant Charter that will put tenants at the centre and gives tenants a greater say in relevant decision-making. It is important that these are carried into the Final Report and implemented.

It is imperative that both the State and Federal governments, in their respective areas of power and responsibility, adopt and centre a human rights-based approach to its poverty and social mobility policy objectives.

This requires governments to ensure that:

1. Every person enjoys a basic standard of living, including by providing appropriate levels of social security payments;
2. Every person is treated with dignity and respect when interacting with the social security system, including by providing reasonable assistance when required;
3. Income support payments are human-rights compatible, including by revising or abolishing mutual obligations requirements (similar to the response to the CDC program);
4. Every person has access to adequate public housing; and
5. Australia's social security system complies with international human rights standards in the international instruments which Australia has ratified.<sup>i</sup>

#### Sources

[Social Housing Regulation Review | Engage Victoria](#)

[Social Housing Regulation Review: interim report summary.pdf](#)

[The Australian Council of Social Service's COVID-19: Rental housing and homelessness impacts in Australia](#)

[Royal Commission into the Robodebt scheme](#)

[Liberty Victoria's submission into Robodebt Senate inquiry](#)

[Special Rapporteur on the right to adequate housing](#)

[Social Security \(Administration\) Amendment \(Repeal of Cashless Debit Card and Other Measures\) Bill 2022, Explanatory Memorandum](#)

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<sup>i</sup> These instruments include:

- a. Article 9 of the International Covenant on Economic, Social and Cultural Rights;
- b. Article 5(e)(iv) of the Convention on the Elimination of All Forms of Racial Discrimination;
- c. Articles 11(1)(e) and 14(2)(c) of the Convention on the Elimination of All Forms of Discrimination Against Women;
- d. Article 26 of the Convention on the Rights of the Child; and
- e. Article 28 of the Convention on the Rights of People with Disability.