

## Social (In)Security and Inequality in Australia: The Limited Role of Human Rights in the Policy Debate

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### Introduction

This chapter explores the place of human rights within policy and legislative debates on social security in Australia 40 years after the Sackville Report recommended that the government treat income support as a right. It examines recent consideration by the Federal Parliament of the right to social security and the response by non-governmental bodies to violations of the right by the Australian Government. The chapter concludes that the international right to social security, while gaining greater prominence and definition, has proved limited in its capacity to improve the lives of Australians facing poverty, insecurity and inequality in the current political and legal context. The chapter proposes that calls for a right to social security should be linked to a right to equality and reiterates the long-standing and widely-held view that enforceable human rights are overdue in Australia.

### The Right to Social Security

Vulnerability to poverty can arise at any time during a person's life due to the exigencies of job loss, illness, temporary or permanent disability, old age or youth. Martha Fineman explains vulnerability as the 'primal human condition' since:

As embodied beings, we are universally and individually constantly susceptible to harm, whether caused by infancy and lack of capacity, disease and physical decline, or by natural or manufactured disasters. This form of dependency, although episodic, is universally experienced and could be thought of as the physical manifestation or realization of our shared vulnerability as human persons, which is constant throughout the life course.<sup>1</sup>

Caring responsibilities may arise that prohibit people's entry into the workforce or compel them to abandon or limit their paid work. In addition, social, cultural and economic barriers may prevent access to the workforce. It is for all these

1 Martha Fineman, 'Equality and Difference – The Restrained State' (2015) 66(3) *Alabama Law Review* 609 at 614.

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