



CATHOLIC COMMISSION FOR  
**JUSTICE,  
DEVELOPMENT  
& PEACE**  
MELBOURNE

### **Occasional Paper No. 3 – June 1998**

## **Social deceit or social responsibility?**

*First they came for the socialists, and I did not speak out –  
because I was not a socialist.*

*Then they came for the trade unionists, and I did not speak out –  
because I was not a trade unionist.*

*Then they came for the Jews, and I did not speak out –  
because I was not a Jew.*

*Then they came for me – and there was no one left to speak for me.<sup>1</sup>*

The Jubilee Year of 2000 for Christians is significant. Not because of concern over the Millennium bug, nor the advent of the Olympics in Sydney, but because it marks the 2000<sup>th</sup> Anniversary of the birth of Christ. Christ who worked along side the dispossessed, the poor and the socially outcast. Only two years remain until the Jubilee celebrations. An integral part of the Jubilee is the importance of attaining a socially just society.

It is almost certain that in 1998 the citizens of Australia will be confronted with a federal election. Whichever party succeeds in gaining office, it will govern through and beyond the Year 2000. This is why it is of critical importance for Christians that those elected be capable of formulating then adhering to policies which have as their central concern issues of human rights, dignity and a special concern for the disadvantaged which underpin the teachings of Christ in the Gospels.

The question remains, will the lessons of history be remembered and averted in preference for a spirit of understanding, recognition of human rights and responsibilities, mutual respect and the common good. Policies of all the political parties should be judged on the attention that these matters are likely to receive in government after the election.

The recent comments by politicians and editorial views expressed in certain sections of the media surrounding the tax debate, social security, the so-called “aboriginal industry”, unemployment and race issues have all seen the weakest and most disadvantaged people

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<sup>1</sup> LOCKE, Hubert G (ed.), "Exile in the fatherland: Martin Niemoller's letters from Moabit prison", Grand Rapids, Mich., Eerdmans, 1986, p. viii.

in our community increasingly become scapegoats. Little account is taken of the real circumstances of these groups. Generalisations and negative stereotypes are used to blur any sense of moral accountability and societal responsibility. So often the commentaries forget that attacks upon socially disadvantaged people have a very real day to day practical consequence in the lives of these human beings. The long term cost of propaganda at the expense of truth and justice will be the loss of our cohesion as a society.

### **Poverty**

A book published earlier this year, "Poverty: Then and Now"<sup>2</sup> re-tracked the ground-breaking work of Professor Ronald Henderson in 1972 when he chaired the Commonwealth Commission of Inquiry into Poverty. It was found that in the 1990s the divide between rich and poor is not only widening, but that poverty is being spread amongst a much wider group than the elderly men who made up the greater proportion of poor in 1972. In 1997 the Monash University's Centre for Population and Urban Research found that in Melbourne one-third of the children were living in circumstances of chronic poverty. A survey released by the National Centre for Social and Economic Modelling in March 1998 stated that the percentage of those below the poverty line had grown to almost 17% of households nationwide with a further 13.7% classified as "rather poor." In summary 30% of Australians are now in deep poverty or near the poverty line.<sup>3</sup> Today's poor are increasingly women, young people, people with a disability, and indigenous Australians. There are chronic shortages of housing, those on social security benefits often live well below the poverty line as the level of income is not sufficient to cover basic necessities of life.<sup>4</sup>

For many people who are well off in society, poverty is generally focussed in the poorer suburbs such as Melbourne's West or North. It can easily be either ignored or dealt with by the odd donation to a charity. In the CCJD&P's view, this attitude is one of the main causes of inaction in society. As responsible citizens, the structural and systemic reasons for poverty must be addressed in a manner which reduces its prevalence and creates dignity, life opportunities, removes the low self-esteem and low levels of education which trap many of society's poor people.

Instead our current public policies make escaping the poverty loop even more difficult. Substantial cuts to employment vocational and training programmes, support counselling services<sup>5</sup>, legal aid<sup>6</sup>, and a reduction in funding of \$91 million in housing<sup>7</sup> do not assist. In addition there are greater targeting and onerous procedures for social security

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<sup>2</sup> Edited by Ruth Fincher and John Nieuwenhuysen, Melbourne University Press, 1998

<sup>3</sup> "The Age", 24 March 1998

<sup>4</sup> "The Australian" 14 March 1998

<sup>5</sup> Eleven Family Resource and Information Services were disbanded after the August 1996 Budget. Many of these were located in some of Australia's remote and poorest areas.

<sup>6</sup> In the Federal budget in August 1996 \$120 million was cut from the legal aid budget over three years. This was approximately 23% of the total legal aid budget.

<sup>7</sup> In the Federal budget in August 1996

recipients, and increasing user-pays policies including education which for many poor people presented one avenue for escaping the poverty cycle.

Income security averts poverty. To label such entitlements, as “handouts” is not only a misnomer, but completely misunderstands the reason our society has social security. In the social climate of poverty outlined above it is all the more imperative to actively intervene to provide a safety net for people. The consequences for society as a whole failing to do so can only be the increasing alienation of large sections of the community, increased cynicism and anger amongst the disadvantaged, a growing crime rate and a growing expanse between the haves and the have nots. In the United States, a country not unlike Australia in many ways, the failure to deal with domestic poverty has led to a society, which has huge ghettos and the segregation of society with the wealthy secluded behind high walls and security. In Australia we still have a capacity to avert such negative developments and to give opportunities to all members of society.

### **Employment as a social right**

Social rights imply an entitlement to certain essential goods and services. These include housing, food, education, health, water, energy, and income- support in times of need<sup>8</sup>. Such entitlements often flow from employment opportunities. In the absence of a capacity to find gainful employment<sup>9</sup> and to earn sufficient income to cover these necessities in life, social security provides a necessary fall-back, an assurance that all citizens can have their basic needs met and thereby exercise their capacity to participate constructively in society.

A joint report of the CCJD&P and Catholic Social Services, which was launched by the Archbishop of Melbourne Dr Pell last year, found that there were huge economic and social costs involved in long-term unemployment.<sup>10</sup> Of the eighteen people interviewed for the research there were profoundly destructive and demoralising impacts of unemployment, which hindered and exacerbated entry into the work force. Those interviewed were constantly trying to upgrade their skills with very little prospect of work. Many unemployed found that they lacked the social networks to get them into the workforce as many people in their region were also without work or were unable to afford to take on staff in their small business. Many worked in jobs well below their qualifications or could not get employment because they lacked experience. Some found work but it was always transient or part-time and often cost more to get to and from the job than they were being paid. In one case history, a man, Barry who had been retrenched in July 1995, felt embarrassed, was fearful of boredom and never finding a job, was demoralised and was worried about not being able to adequately support his family. The economic costs of his unemployment were in lost income \$19,000, in welfare payments so far \$47,637 and in lost production at least \$77,210.

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<sup>8</sup> “Common Wealth - Applying Catholic Social Principles to Public Policy” Vol 6 No.1 September 1997, Australian Catholic Social Welfare Commission p4

<sup>9</sup> Unemployment figures fluctuate at around 8.5-8.7%. Youth Unemployment is 26% but is often concentrated in certain geographical areas and so within one region unemployment rates can be significantly higher than the national average would reveal.

<sup>10</sup> "Opportunities Lost" CSS & CCJD&P, Melbourne

### **Human Rights Mechanisms Undermined**

The *Human Rights and Equal Opportunity Act 1986* recognised that the protection and advancement of human rights in this country required a multi-faceted approach, not one confined to education and information dissemination. It also included a capacity for the Human Rights and Equal Opportunity Commission (HREOC) to:

- i) deal with individual complaints;
- ii) conduct systematic inquiries into areas of injustice such as homelessness and mental illness;
- iii) monitor policy approaches and protocols within business and foster community responsibility;
- iv) ensure that governments and their instrumentalities act to ensure the protection of the human rights and dignity of all its citizens and in compliance with international obligations.

### **Role of HREOC**

The role of the HREOC in relation to infringements of human rights has been very narrow. It still required the permission of the Attorney, after having received a written complaint or of its own motion, to inquire into any act or practice of a Commonwealth Department or any other authority of the Commonwealth or under Commonwealth or Territory law that may be inconsistent with human rights.

The HREOC's role in examining legislation or proposed legislation and advising the Attorney as to whether it may be inconsistent with or contrary to a human right appears now to be perceived as an obstacle to government surely that role should be perceived as providing a mechanism for government to ensure fairness and consistency of approach and commitment in the human rights arena.

It is critical that an independent watchdog with a brief to advance human rights be vocal and unhindered in its work. Recent governments have made the work of the HREOC increasingly difficult. Workloads and reductions in funding have led to delays and backlogs in the processing of complaints. This has led to considerable frustration amongst both complainants and respondents. The CCJD&P has already publically expressed its concern in relation to these matters and over proposals in a Bill entitled the *Human Rights Legislation Bill* (No. 1). We have constantly reiterated the dangers for indigent complainants of increased legal costs and costs liabilities, and the deterrent effects such measures will involve for persons who have had their rights infringed. A further Bill introduced into the Federal Parliament in April entitled the *Human Rights Legislation Bill* (No.2) (Bill No.2) will add another layer of difficulty for these people. The proposed restructure of the Human Rights and Equal Opportunity Commission (HREOC) outlined in Bill No.2 by the dissolving of six specialist commissioner positions and their replacement with a President and three Deputies will limit their capacity to develop expertise. The workloads of these people are set to dramatically increase at the same time as they are expected to develop further expertise. This seems to be quite an unrealistic expectation.

The other suggested justification for the current measures to restructure the HREOC is concern over a proliferation of Commissioner portfolios eg arguments for an Aged Persons Commissioner and a Children's Commissioner. In the CCJD&P's view there are many groups of people with specific vulnerabilities, who by reason of those vulnerabilities are more likely to be exposed to infringements of their human rights and discrimination than other sections of the community. Addressing such vulnerabilities often requires concentrated research and efforts to monitor developments in a wide range of social policies as they effect those groups of people. Needless to say the "Seen and Not Heard" (June 1997) Inquiry of the HREOC it was made abundantly clear that children and young persons were often the victims of unfair detention, domestic violence and sexual assault, misleading advertising and marketing and the like. A contention that the provision of a dedicated person to examine their treatment would cause a problem is, in the CCJD&P's view, counter to the government's stated commitment to "the effective and equitable protection of human rights for all Australians". We view the current proposals to restructure the HREOC as likely to inhibit, if not silence the advocacy role of the HREOC. An additional proposal in Bill (no.2) is that before the HREOC can intervene in court cases it must seek the Attorney General's approval. Often the court cases involve the consideration of some government policy or legislation and so such a provision raises the question of conflict of interest in having a member of the government in a position where they can veto the capacity of the HREOC to raise human rights concerns in court cases.

### **What sort of equality?**

The CCJD&P is becoming increasingly concerned with the rhetoric, which while suggesting that all Australians deserve equal protection, implies that those who by reason of significant disadvantage are unable to equally participate in the life opportunities can only expect the same treatment as others. Such an approach to policy clearly is blinkered. For many Australians there is great difficulty in even entering the so-called level playing field in the first place. Catholic agencies are well aware of this in their day to day contact with many disadvantaged people who require assistance, counselling and empowerment due to their low self-esteem. The CCJD&P notes that people have not only rights but also have responsibilities. This is reflected in Catholic social teachings. These state that responsibilities and decisions should be attended to at the level of individual initiative in local communities and institutions and in the daily lives of all people. They also state that governments at all levels have a major role in the greater co-ordination and regulation of social structures, which are necessary for the common good.

Participation in political decision-making is one of the best ways for citizens to demonstrate respect for the dignity and liberty of people. Government, as the instrument of the people, regulates and protects human rights. The teachings of the Catholic Church, that persons who are disadvantaged should be given special attention as their disadvantage (be it economic, social, or cultural) often leads to a situation where they are likely to suffer oppression, powerlessness and injustice. To argue that persons who are disadvantaged must take on responsibility for their disadvantage can in many cases miss the mark. It requires those people to take on a burden additional to their initial disadvantage, being a position that others in the community do not have to bear. The role

of the HREOC in suggesting positive strategies to prevent discrimination recurring on an individual level, as well as on a systemic level, must not be undermined. People who experience disadvantage need bodies like the current HREOC who are entrusted with advancing human rights and with championing the refinement of the system so that while ensuring justice and fairness for all people in the community, special attention is provided to those who are on the margins.

### **Welfare Under Siege**

In Australia today, it appears punishing the most defenseless and disadvantaged members of our community, is becoming a regular pastime. Social security recipients have been singled out and labelled as stereotypically “dole bludgers” or “welfare cheats.”<sup>11</sup> Such labelling conveniently ignores the social realities that confront people in the circumstances of each case. Recently, the Springvale Legal Service<sup>12</sup> noted that six clients who sought representation from November 1996 - January 1997 on social security matters who were charged with contravening the Social Security Act were all migrants and the majority could not speak or understand English. In each case they failed to declare their employment or income. The motivations arose from misunderstanding as to their entitlements, fear their current employment would not last or form insufficient money to cover their families basic living expenses<sup>13</sup>. Whilst the Catholic Commission for Justice Development and Peace does not condone social security fraud, it does believe in fairness, the moral duty of each of us to our fellow human beings and the need to avert persecution.

Less than half of one percent of all social security recipients has committed proven cases of fraud and yet media coverage would imply that the figures are higher. Those who challenge the misrepresentation and targeting of the vulnerable are sectioned off as “welfare groups,” a tactic used to discredit as “vested” the concerns of a wide range of organisations in the community, the Churches and concerned citizens who do not approve of injustice and skewed sensationalism. It is largely community agencies or people who work in the welfare profession who have seen the day-to-day impact on people's lives of vilification and unjustified ridicule.

The current siege on “welfare” makes the majority of those who are in receipt of social security feel degraded, humiliated and stigmatised. Already genuine recipients are reporting that the focus on the so-called “cheats” is causing discrimination and recriminations by other members of the public against them. We have had reports from parents of their children in school-yards being bullied because their parents are “dole cheats” or “chinks”. The impact of media coverage is being felt day by day in practical

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<sup>11</sup> The Herald Sun, 30 October 1998, 31 October 1997,

<sup>12</sup> “For Whose Benefit Anyway?” Mayuran Sivapragasam, *Alternative Law Journal*, August 1997 p172

<sup>13</sup> Similar concerns have been raised by the Victorian Council of Social Services in a letter to the editor dated 31 October 1998 expressing concern over the misrepresentation of the facts and the manner in which such commentary reduced the morale of those honest people who are in receipt of social security through no fault of their own. The letter states that such commentary serves to further divide our already divided community.

personal ways. In an era where "user-pays" policies mean that those with very little money have less, a climate void of empathy or understanding can only serve to further disenfranchise these people. Families who are destitute through gambling, domestic violence or financial ruin caused by unemployment find themselves unable to access counselling services which if provided may obviate a down-ward spiral. Successive Federal and State budgets have only served to exacerbate their problems and preventative measures are often under-funded or struggling to cope with the increasing demands.

Such media coverage ignores that it is the weakest people in our community who are the most unable to improve their lot. It conveniently blurs the number of government overpayments and blunders that contribute to the so-called fraud rates. It also ignores the fact that many of the nation's wealthier citizens, who are not struggling with high unemployment rates or poverty, feel no scruples in exploiting every legal loophole in the tax system to minimise their contribution to public funds.

Over \$7.5 billion per annum is lost in the tax loopholes exploited by wealthy individuals, companies and trusts. Early in 1997 the Taxation office announced it would be examining 80 wealthy Australians with a net worth of over \$30 million who had declared taxable incomes of \$20,000 or less.<sup>14</sup> How virtuous is this given these sections of the community are the most capable of making a contribution? How un-Australian! Where do their loyalties and responsibilities lie? On the other hand, the Federal Minister for Social Security reckoned that \$24.8 million was lost in 1996-1997 in social security "fraud". Of these two groups which is the more capable of contributing to the resources available to the whole community and where is the greatest expenditure loss?.

### **Taxation Reform**

Maybe if the tax system was fairer and more wealthy people were prepared to be responsible citizens, as a society we might be able to ensure people could have a decent standard of living and participate in the workplace. Currently,<sup>15</sup> numerous tax shelters and loopholes benefit high-income earners, shifting the burden of tax to ordinary PAYE taxpayers. Yet, often sections of the media conveniently keep the focus on society's weakest and on the group whose cost to the community in terms of "fraud" is significantly lower and whose capacity to pay is considerably lower.

Currently, there is discussion under way about tax reform. Various sectional interests have had a loud voice in the debate. Some cry loudly for tax cuts. Already as a society we have problems providing for health, education and an accessible legal system. Reducing the taxation base is not likely to improve the situation. More and more in the globalised economy companies have allegiances off-shore and see little profit in contributing to the national revenue base. It is critical that Australians ensure that any proposed tax reform is equitable. It must meet present and future social needs, sustain economic development and restore integrity and public faith in the tax system. The imbalance between the State

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<sup>14</sup> ACOSS Tax Reform Pack, September 1997

<sup>15</sup> ACOSS Tax Reform Pack, September 1997 p3

and Commonwealth governments revenue-raising base needs to be examined<sup>16</sup>. The trend towards dependency on gaming revenue is not constructive in light of its uncertainty and social impacts. The CCJD&P is concerned about any proposals, which use consumption taxes to raise revenue lost from income tax cuts. Such taxation techniques are regressive. We are dubious about the so-called compensatory packages to be provided to low income persons from consumption taxes. These would be complicated for low- income earners to monitor and as history has shown can always be withdrawn or more stringently targeted by governments at a later stage to fund other areas. As stated earlier the current tax loopholes and shelters must be addressed. Some companies and individuals have been able to avert paying their share of tax for too long.

### **Race**

Another area where vulnerable members in our society have been targeted is on the basis of race. In Australia, we have been fortunate enough to have a multi-cultural society. Recently, our endeavours at understanding other cultures and reaping the benefits of diversity, have been placed at risk through racist, ill informed and divisive political opportunists who depict persons from a different cultural background as potential scape-goats for all of the community's social and economic ills.

History has lessons for us all. The 1930s should be a reminder of the consequences of unwarranted, misinformed attacks on particular groups. Already in Europe particularly in East Germany, the United Kingdom and Southern France we are seeing the rise of neo-Nazis and of disaffected youth venting their anger on people who are racially different or who are perceived as less worthy<sup>17</sup>

Pauline Hanson's speech to the Parliament on Tuesday, 2 June 1998 merely demonstrated One Nation as a party bereft of decency and intent on marginalising even further the Aboriginal community, spreading inaccuracy and fostering ill-feeling and racist attitudes. She talked of the "boom growth" of the indigenous population in Australia. She discussed how the Northern Land Council was seeking advice on creating a taxpayer-funded Aboriginal State. She also stated that Aboriginals wanted native title as a "scam" to get financial advantage.

When the facts are compared to the rhetoric, One Nation comes out badly. The "booty" of indigenous people she refers to ignores that the Aboriginal life span is significantly shorter than other Australians. It ignores that there are appalling health conditions, that only 9% are likely to attend tertiary education institutes and that many live without adequate shelter, lack of access to running water or sewerage<sup>18</sup> and that ATSIC's budget<sup>19</sup> is comparatively low compared with the revenue provided to the Australian community across all government departments. The Northern Land Council has not received any

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<sup>16</sup> Extracted from the Statement on Tax Reform from the Australian Council of Social Service, the Australian Catholic Social Welfare Commission, the brotherhood of St Laurence and the Uniting Church Community Services Australia, Issued May 14, 1998

<sup>17</sup> The Guardian Weekly, 18 January 1998 p13, p4

<sup>18</sup> The Age, 4 June 1998 "Hanson's Second Wave", Tony Wright p 15

<sup>19</sup> A Budget cut by \$480 million in the Federal August Budget of 1996

such advice and Mr Jull whom Hanson asserted was the advisor to the Northern Land Council, denies any such claim<sup>20</sup>. The tax payer state in Canada that Hanson claimed the Northern Land Council wants to model their state upon, happens to be a province where the majority of the people who live there are Nunavut, have lived there for thousands of years and they share basically the similar tax arrangements as other provinces.<sup>21</sup>

Further claims by One Nation have included allegations that the Jews financed Hitler and that Pope John Paul once worked for a company selling cyanide to the Nazis. Such wild claims would be laughable were it not for the groundswell of support the party is gaining in Queensland.<sup>22</sup> Concern about the disillusionment and alienation people are feeling must be the conclusion to be drawn. The people's concerns must be legitimately addressed through responsible policies and responsiveness to their concerns. Rural communities particularly are struggling with high unemployment and the removal of infrastructure. These problems must be addressed through practical, socially responsible methods not false rhetoric. As a nation there appears to be something sadly wrong when human beings vilify and attack each other because of perceived benefits or problems another group is said to create. One Nation has tapped into the great sense of fear and insecurity of many Australians. Unfortunately, some are listening unquestioningly to what Pauline Hanson has to say.

### **The Common Good**

In 1995 Justice Michael Kirby stated:<sup>23</sup> "The business of politics is properly that of leading the community, not twisting in the wind to transient public opinion." Politicians, media, business, institutions and members of the public all have a responsibility to promote the common good and respecting the dignity and liberty of all people. All human persons enjoy inalienable rights, which are political-legal, cultural and social-economic. These are realised only in community with others rather than through exclusion and isolation. With the unequal access to resources, an essential way to ensure basic rights for all citizens is by guaranteeing income for their necessities. It is essential that these rights are respected and protected by members of the community who are better off in order to promote justice and community solidarity.

Media and our politicians have great power and influence. But voters must not be enticed by techniques that catch votes irresponsibly or that gain ratings through sensationalist posturing. Both the media and politicians should act in the long-term interests of ensuring a humane, just, harmonious and fair society. All the parties sorely need leadership and positive policy direction. Recent trends appear to indicate a preference for conflict and division over humaneness and respect. Each of us has a responsibility to act to ensure a harmonious and positive framework exists to ensure that the young people of tomorrow do not have to pay for the sins of today.

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<sup>20</sup> The Age, 4 June 1998 "Hanson's Second Wave", Tony Wright p 15

<sup>21</sup> ABC Radio Broadcast, Wednesday, 3 June 1998

<sup>22</sup> As at 6 June 1998 One nation was polling at 34%, the Liberals 10% and the Labor Party 46% in Ipswich, Queensland.

<sup>23</sup> Australian, 20 October 1995

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*\*Friends of social justice are welcome to distribute this document.*