

National Human Rights Consultation Submission

AGWW-7PGW2E

Submission Text:

I live a comfortable middle class lifestyle and was born at a time when I could enjoy the best of what Australia had to offer. I was able to enjoy the brief period in Australian history where tertiary education was free, as a result I was the first and only member of my family to leave school and go to university. I studied part time as I still needed to support myself but at least it was an option. I see my young nieces and nephews 30 years later, with the same lack of family support that I had, and with fewer choices. It is rarely an option in poor families for one member to not bring an income into the home as soon as they can, or to put themselves into enormous debt. Countries should realize rights such as education, progressively, and certainly not go backwards as Australia has done. There needs to be greater equity in the distribution of resources allocated to education.

A human rights Act would be an important statement from the Government to the people of Australia that our behaviour and responsibilities have a benchmark and a standard to strive towards. At the moment, we have nothing but gaps and double standards that we can point to, and standards which are slipping.

By the time fees were introduced I had moved on to postgraduate education, this ended immediately fees were introduced. Few options for women in the work force at senior levels that attracts benefits such as study leave and paid fees, lack of an employer to pay for business school fees, meant I moved to a course which I did not have up-front fees and so was left to enter a field with fewer prospects, and modest employment options.

My education was not privileged, the primary schools did not have libraries, and the one art book in the high school library and similar subjects stretches the definition of library. The facilities were poor, and teachers were rarely working in their subject area. Girls were not permitted to do industrial subjects and were encouraged to leave at 15. I realize that policies and resources such as these have changed in recent years, as has the characteristics between the poor schools and wealthier schools. However there are still too many differences so that the standard of education a child receives will depend on their geographic location of the school they attend. That is, the government schools I went to may now have libraries but their resources remain poor compared with government schools in wealthier areas. A human rights act which protects economic and cultural rights will shine a light on these inequities so that we can start to address inequities.

Another feature of the poor area I lived in, was 'the welfare' and court appearances for young girls. Usually they were kept home to look after younger children, the welfare system threw them into the criminal system so that they could start their path on a real criminal career. I know that the charges for girls in juvenile courts may have changed but the rate of detention and the available alternatives for secure accommodation has not changed. Girls are still committing crimes of survival and remaining in detention because of homelessness and lack of alternative accommodation. This is a clear breach of the rights of the child, a human rights act should lead Government laws and Departments to strive towards maintaining those rights, not openly breach them. This may be a State issue, but a Federal human rights Act should serve as a challenge to State Governments to strive to meet and implement these basic rights.

My grandmother was left with the responsibility of five children, I grew up hearing stories of the poverty and her attempts to keep her children during

the depression. Her fine education at Monte St Angelo convent did nothing to prepare her for what she was to experience. Social security was difficult to access and family members were left to scrounge for money to get basic meals, and at times her children were placed in 'care' where they were physically and emotionally abused. If anyone asked my mother what her religion had been, her response would be 'depended on what charity was handing out'. She described how the children were taken from church to church to be christened according to the charitable hand-outs that were available. There were always churches to find in their new suburbs as they had no secure housing, so they moved continually each time the rent arrears became too much. Needless to say I developed the same cynical attitude she had towards the church. It seems today that the right to social security is based on a similar model my grandmother confronted and lost. It seems a very small step back to the 1930's and 40's where people in need were treated with such indignity. A human rights Act should include economic, social and cultural rights to ensure we have an open discussion and scrutiny of these rights and how they are implemented.

Growing up in a migrant community, many of my neighbours had spent time in concentration camps and suffered torture or time in POW camps. The experiences of these neighbours were spoken of in a hushed tone, to explain their silence or other behaviour. My memory of the topic, was that it was too awful to discuss, something better left alone, and to be grateful that others we knew had escaped such treatment. And so, I found it very disturbing that recently commentators had openly discussed whether torture was acceptable and what can be defined as torture. Working with older people from this group who suffer dementia has made me realise that such experiences never go away. I spoke to a family carer recently who described how her father who spent time in a POW camp had started to say to her on visits to the nursing home, that he was to be executed tomorrow. Many decades later, they were the memories he was left with. There are such basic principles which should be rights for every Australian, and some which are important enough to be in our constitution.

In the nursing homes I have visited over the past 15 years, I have seen many breaches of rights, basic inhuman and undignified treatment of residents. Of the carers I have met, only one made an official complaint. They had no faith in a complaints system that sort to negotiate a resolution that was not necessarily based on basic rights, but what each party was prepared to give away. In my own case of a complaint about physical restraint being used as general practice for any resident who could walk, I was offered the alternative of chemical restraint - doses of valium. A human rights act would have been something I could NOT point to a standard by which treatment of people could be measured. I have read of cases in the UK, in which the Human Rights Act has been successfully used to improve services in nursing homes, without recourse to courts.

Women are the majority of care givers, of children, of people with disability, of the frail aged, both as family carers and professional carers. We need your support to protect our rights and those whom we care for. I do not want to rely on politicians to decide if my rights have been breached. I want an independent body that has the authority to make changes and order our service providers to cease the breach and promote the rights of their clients.

In relation to how rights should be protected, there should be an alternative to courts, it should be free or very low cost, and the Tribunal or commission which determines cases should have the authority to ensure rulings are adhered to. Community education is also important but is not enough on its own. The Victorian model is not a good model, those seeking redress should not have to find another piece of legislation on which to bring a complaint before it can use the human rights Act. Many services which breach rights are funded or provided by State Governments, the Commonwealth Government should use the COAG process and funding agreements to ensure that States introduce underpinning human rights legislation.

In my work experience, I have found the level of civic education in

Australia appalling. the Human Rights Act would be a way of engaging the community to take an interest and learn about how our parliamentary and judiciary system works.