

Ms Rowan McCrae
Office of International Law
Attorney-General's Department
By email: upr@ag.gov.au

5 April 2011

Dear Rowan,

**Response to Australia's Universal Periodic Review
Consultation on Recommendations**

The Australian Communications Consumer Action Network (ACCAN) is grateful for the opportunity to provide a submission on the recommendations made to Australia during its Universal Periodic Review ('UPR') appearance in January 2011.

ACCAN welcomes the constructive manner in which the Australian Government has engaged in the Universal Periodic Review ('UPR') process to date. It has been pleasing to see the Australian Government recently call for submissions regarding acceptance and practical implementation of the UPR recommendations and draw upon the expertise of NGOs working in the field of human rights. It is ACCAN's hope that the Australian Government continues to work with and draw upon the expertise of NGOs.

On 2 March 2011, in his Ministerial Statement about the UPR, Attorney General, the Hon Robert McClelland MP, spoke of the Government's commitment to human rights and the need to "achieve more".¹

Australia's formal response to the UPR before the United Nations Human Rights Committee in June 2011 is an opportune time for Australia to highlight its leadership in the field of human rights.

Based on the premise that human rights are universal, inalienable, indivisible and interdependent ACCAN recommends that all 145 UPR recommendations be accepted. ACCAN also fully endorses the principles to guide Australia's response to the UPR recommendations as outlined in the NGO Coalition's submission. We hope the comments about social inclusion in this letter, which further build upon the comments made in the NGO Coalition's submission, are of some assistance.

ACCAN also recommends that in order to ensure transparency and accountability, elements of good governance, that in the event the Government rejects or partially rejects some UPR recommendations, reasons be provided for doing so.

¹ The Hon Robert McClelland MP, *Ministerial Statement: Universal Periodic Review*, House of Representatives, 2 March 2011 accessed on 1 April 2011 at:
http://www.attorneygeneral.gov.au/www/ministers/mcClelland.nsf/page/Speeches_2011_FirstQuarter_2March2011-MinisterialStatement-UniversalPeriodicReview

Social Inclusion

ACCAN notes at least three UPR recommendations² were made relating to social inclusion and that further clarification has been sought by the Government about what this means. We provide preliminary comments in this submission regarding the National Broadband Network and contacting government and crisis services by mobile phone. We look forward to providing further details at a later time regarding suggested implementation strategies to help inform the development of the National Action Plan.

In the Concluding Observations of the Committee on Economic, Social and Cultural Rights ('The Committee') on Australia made in June 2009, the Committee urged Australia:

*to take all necessary measures to combat poverty and social exclusion, and to develop a comprehensive poverty reduction and social inclusion strategy which should integrate the economic, social and cultural rights.*³

The Committee further referred Australia to an earlier statement on Poverty. This statement defines poverty as a:

*lack of basic capabilities to live in dignity ... a human condition characterised by sustained or chronic deprivation of the resources, capabilities, choices, security and power necessary for the enjoyment of an adequate standard of living and other civil, cultural, economic, political and social rights.*⁴

ACCAN submits that available, accessible and affordable communications is an important element of an adequate standard of living and social inclusion.

This is further supported by Peter Phillips who states:

*Children without the internet at home are increasingly hampered in their education. The elderly and poor without the internet increasingly have to pay higher prices which strain limited budgets. Adults without the internet increasingly shut out from looking for work. The internet is also particularly valued by many disabled users, who may find online shopping or banking more accessible than using the high street. The list goes on.*⁵

² United Nations Human Rights Council, *Draft report of the Working Group on the Universal Periodic Review Australia* A/HRC/WG.6/10/L. 8, 3 February 2011, Recommendations 86.32, 86.33, 86.63 accessed on 30 March 2011 at: http://lib.ohchr.org/HRBodies/UPR/Documents/Session10/AU/Australia-A_HRC_WG.6_10_L.8-eng.pdf

³ Committee on Economic, Social and Cultural Rights, *Concluding Observations of the Committee on Economic, Social and Cultural Rights, Australia*, E/C.12/AUS/CO/4 (2009) at paragraph 24 accessed on 4 April 2011 at: <http://daccess-ods.un.org/TMP/6283687.9491806.html> .

⁴ Committee on Economic, Social and Cultural Rights, *Substantive Issues Arising in the Implementation of the International Covenant on Economic, Social and Cultural Rights: Poverty and the International Covenant on Economic, Social and Cultural Rights*, E/C.12/2001/10, Annex VII at paragraph 7-8. 10 May 2001, accessed on 2 April 2011 at:

<http://www2.ohchr.org/english/bodies/cescr/docs/statements/E.C.12.2001.10Poverty-2001.pdf>

⁵ Peter Phillips cited in ACCAN, *Our Broadband Future: What Consumers Want*, ACCAN, Sydney, June 2010 at 3 accessed on 4 April 2011 at:

http://www.accan.org.au/campaign_full.php?id=14&PHPSESSID=67728f324ee2d9fe69a1b60ea5809312

Suite 4.02, 55 Mountain St
ULTIMO NSW 2007
Ph: 02 9288 4000
Fax: 02 9288 4019
Email: info@accan.org.au
www.accan.org.au

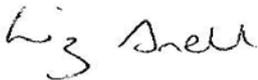
Additionally, a 2008 study by Mission Australia of young people aged between 11-24 years found that 40.7% of homeless young people access the internet for support and advice.⁶ This highlights the importance of the internet as a means to facilitate and promote social inclusion.

This is particularly important in the context of the National Broadband Network ('NBN'). To be socially inclusive the NBN must be ubiquitous, accessible and affordable for all. ACCAN submits the Government has an obligation to work towards broadening universal service policy so that it extends to include broadband access.

Another issue of concern is that people without a landline are unable to access the 'free' and local call phone rates that are applied to 1800, 13 and 1300 numbers used as the primary means of contacting government, charities and essential services. This includes services such as Centrelink, Medicare, LifeLine, Kidsline, domestic violence counselling services, just to name a few. Currently, '18' freephone and '13' local-rate calls are charged at high per-minute rates from mobile phones. Calls to a 1800 number can cost between 20c - \$1.78/minute plus a flagfall fee.⁷ Given the high use of mobile phones this impacts significantly upon people being able to exercise their basic human rights. ACCAN submits that *Access to Fair Calls for All* should be an essential part of a social inclusion strategy.

Please contact Liz Snell on ph (02) 9288 4000 or email: liz.snell@accan.org.au should you require any further information.

Yours faithfully,



Liz Snell
Senior Policy Advisor

⁶ Mission Australia, *The experiences of young people: How do their living arrangements impact?* Macquarie Group Foundation, 2009 at 4.

⁷ ACMA, *Numbering: Structure of Australia's telephone numbering plan, Consultation paper number one*, ACMA Melbourne 2010 at 45 accessed on 4 April 2011 at:
http://www.acma.gov.au/webwr/_assets/main/lib311975/ifc36-2010_module_one-structure_of_aust_telephone_numbering_plan.pdf