# Index

Abbott Government 189	Allison, Fiona 8, 231
Abel-Smith, Brian 33	Alston, Philip 196-7
Aboriginal and Torres Strait Islander Commission (ATSIC) 84	alternative dispute resolution 215, 222-8 access to justice and 215, 223
Aboriginal Australians see Indigenous Australians	appropriate use of 223, 224, 225 arguments in support of 223
Aboriginal Disability Justice Campaign 118	growing resort to 222 increased court fees and 223, 228
Aboriginal Legal Service 4, 233, 234, 237	indirect controlling processes 224 National Bulk Debt Project 224-5
access to justice <i>see also</i> legal aid alternative dispute resolution 215, 222-8 civil law matters 214, 220 Indigenous Australians 231-48	privatisation of judicial process 223 public interest litigation, undermining role of 223-7 Sackville Report 222, 225
legal aid not allocated to 214, 218-21,	_
230	anti-loitering law 56
criminal law and 262-4 legal aid 214, 218, 219, 220, 262	Argentina's financial collapse IMF policies 285, 289-90
disadvantaged people 19, 220, 231-4, 246 equality of 22	Asian financial crisis IMF policies 284, 289
Indigenous Australians 231-48	Asprey Committee 171, 172, 176, 181
civil and family law 234-48	Australia
importance of improving 246-8 Indigenous Legal Needs Project (ILNP) 231, 234-48 inequalities, addressing 214	inequality in <i>see</i> inequality national wealth increasing 1 poverty in <i>see</i> poverty poverty research <i>see</i> poverty research
legal aid see legal aid	Australian Constitution
Legal Australia-Wide (LAW) Survey 220	Bill of Rights, absence of 20, 217
limits 247-8	express guarantees, lack of 20
non-English speaking people 19, 27	Australian Council of Social Service
poverty and 79 Productivity Commission Report 220	(ACOSS) 43, 62
public interest litigation 223, 225-7	data on poverty 3, 62
ADR undermining role of 223-8	independent expert commission on
EDOs, funding cuts 4, 226, 227	social security, proposed 77
National Test Case Fund, abolition	Inequality in Australia Report 68, 71, 75
of 226	member organisations 169
test cases 223, 225-6	Poverty in Australia Report 64, 82 poverty line estimates 38, 64
reforms 250	raising community awareness about
Sackville Report 214, 222, 229, 231-4, 262 socially disadvantaged people 231-4	poverty 43
unrepresented litigants 5	social security payments, judging
ACOSS see Australian Council of Social	adequacy of 32
Service (ACOSS)	tax reform 169, 170, 172, 174-82
African financial crisis	Australian Legal Aid Office 24, 218, 229
IMF policies 282-4, 286-8	autonomous law 10, 47
ageing Australians see older Australians	autonomy, demand for 45, 46

bail determination process 261	community legal centres
Baldry, Eileen 8	Commonwealth funding cuts 4
banks	consistent poverty 41
HPL used in loan applications 32	consorting offences 258-9
financial hardship debt relief 136-8	Consumer Action Law Centre 135, 143, 140
National Bulk Debt Project 149, 224-5	consumer advocacy 4
Rank the Banks report, 149-50 self-regulatory mechanisms 4	consumer behaviour 147
begging laws 250, 256	consumer credit see credit and debt
Behrendt, Larissa 6, 8, 79	Consumer Credit Legal Service 137
Bell, Kevin 133	consumer leases 145
	consumer profiling 146
Bond, Carolyn 4, 134	-
Brinks, Daniel 222, 275	consumer protection 4, 6 class actions 147-8
Brotherhood of St Laurence 169, 173	consumer behaviour and 147
Buckley, Ross 9, 282	consumer credit 4, 134-42
Camdessus, Michel 286	consumer profiling and 146
capitalism and inequality 68-9	door-to-door sales 145-6
Cappelletti, Mauro 221	Indigenous legal need 235
Carney, Terry 187, 188	lease agreements 145 soft law 4
Castles, Frank 152	systemic redress and enforcement 147-8
Chambers, Kasy 196	unconscionable conduct 148
child sexual abuse 12	credit and debt 134-50
Indigenous communities 84	access to legal remedies 232-3
legal need in child protection issues 235, 236, 247	Consumer Credit Legal Service 137
Northern Territory Emergency	consumer protection 4, 140
Response 84-8, 91	contracts, 134-5 courts, role of 136-7
Royal Commission into Institutional	debt collection 136, 141-2
Responses 12	Debt Collection Guidelines 136, 141
children	disadvantaged consumers 135
demand for voice and autonomy 45	disparity of bargaining power 135, 232
deprivation studies 40, 41	dispute resolution 138-9
living below poverty line 64, 194, 195 need classification of essentials of life 40	door-to-door sales 145-6 easy availability 4
out-of-home care 114	excessive indebtedness 4
poverty affecting 65, 115, 194	financial hardship 136-8, 149-50, 224
prisoners, background of 114-15	freedom of contract 134
risk of poor outcomes 115	hardship application 138
Sackville Report 7, 17, 103 sexual abuse <i>see</i> child sexual abuse	imprisonment for debt 140 Indigenous communities 142
single parent families 65-6, 195-7	Indigenous legal need 235
understanding of poverty 41	industry codes of conduct 4, 136
civil law matters	instalments, payment by 137
access to justice 214, 218-21	insurance 143-4
Indigenous Australians 231-48	judgment debt recovery 137, 140, 141
legal aid not allocated to 214, 218-21, 230	law not protecting vulnerable people 19 low-income debtors 4, 134, 135
climate change 11, 226-7	National Bulk Debt Project 149, 224-5
Powering Up Against Poverty report 226	national uniform credit laws 140
Cohen, Stanley 263	necessity for poor people 4
Commission of Inquiry into Poverty see	ombudsman schemes 4, 138-9, 140, 144
Poverty Commission	payday lending 134, 142-3, 147, 148

poor people excluded 19	effects of 250
poverty creating reliance on 232	employment, impeding access to 250
poverty lawyers 148-9	English criminal law 251-2
poverty leading to debt 232	fines, issuing and enforcing 261
regulation of 134	'governing through crime' 259
Sackville Report, reforms since 27,	homelessness 56-7, 258
134-42, 149	housing, impeding access to 250
seizure of assets 140-1 tribunals, role of 139	imprisonment for non-payment of fines 261
unfair business practices 142	Indigenous Australians 107-8, 252-3,
unfair collection practices 141-2	257-64
vulnerability of consumers 19, 135, 136	marginalised groups 11, 258
Crenshaw, Kimberlé 105	methodology for understanding 249
criminal justice system see also criminal	no-trial processes 256, 260-1
law	over-policing 260
access to justice 262-4	paperless arrests 86, 107, 257
background of prisoners 114-15	police powers and practices 56, 257-8, 260-1, 263-4
deaths in custody 13	poverty as 'criminogenic' 253, 254
disability, poverty and 8, 108-18	poverty-related offences 254-5
incarceration rates 83, 85, 114	pre-emptive policing 259
Indigenous people in 6, 13, 18, 82, 83,	pre-trial processes 255, 256, 260-1
115, 246, 249	public drunkenness laws 27, 106, 107,
legal aid 214, 218, 219, 220, 262	256
mass expansion of 249, 258, 259	racism and racial profiling 260
poverty and 108-18, 217-18	risk factors for offending 254, 259
procedural fairness 262	Sackville report 249-56
racism and racial profiling 260	social disadvantage and crime 218, 253-
social exclusion and crime 215, 246	4
young people at risk 114-16	status offences 256, 258
criminal law see also criminal justice	street crime 254-5
system	structural and systemic dimensions 250
abolition of some offences 250, 256	structural disadvantage and 259
abolitionist approach 263	trial processes 255
class-based and colonial structure 253	understanding of poverty 250-1
criminalisation of poverty see criminali-	unemployment and crime 253
sation of poverty	vagrancy laws 18, 56, 106, 256
discriminatory enforcement 256	working class as 'criminal class' 252
marginalised groups and 11	critical theory
mass expansion of 249, 258, 259	critical legal studies 51
poverty as framework to study 250	critical modernity 50, 51
social disadvantage, compounding 6, 11,	intersectionality 8, 105
118, 249	law and poverty 9, 10
war on crime 259	progressive critique 50
war on terror 259	
criminalisation of poverty 6, 57, 106-8,	cumulative disadvantage 8, 105
206-7, 249-64	Cunneen, Chris 8, 231
access to justice 262-4	Dannefer, Dale 105
arrest, negative impacts of 262-3	debt see credit and debt
bail determination process 261	
begging laws 250, 256	deprivation
consorting offences 258-9	children, needs of 40, 41
construction of criminal offences 255	poverty, element of 34, 35, 39-43, 251
discriminatory enforcement 256	studies 39-43
education, impeding access to 250	Dewilde, Caroline 104-5

disability 108-18	Sackville Report 7, 17
Aboriginal Disability Justice Campaign 118	social disadvantage 104, 231 correlation with crime 253-4
cognitive impairment 109, 115	criminal law compounding 6, 11, 118
complex mental and cognitive needs 8,	social exclusion 105-6, 246
110, 114, 115, 118	tenants 121, 127, 132
concept of 108-9	women 7
criminal justice and 110-18	discrimination
background of prisoners 114-15	age of consent laws 99
international studies 116-18	discriminatory laws 18, 256
law as solution 118	enforcement of criminal law 256
criminalisation of people with 108, 110,	health disparities and 100-1
111	Indigenous legal need 235, 236
cumulative disadvantage 8, 105	Indigenous people 18, 83, 85, 86-7, 233
disadvantage 8, 65, 103, 105, 114	intersectionality of disadvantage and 7
criminal law compounding 6, 11, 118 drug and alcohol abuse and 8, 114	LGBTI people 7, 94, 98-101
financial hardship relief 144, 224	protection against 1
history of, in Australia 110-13	racial see racism/racial discrimination
incarceration rates 114	remedies 28
Indigenous Australians 115, 118	sexual orientation 94, 98-101 victim-blaming 98
intersectionality of disadvantage and 8,	Disney, Julian 6, 166
103, 105, 114	divorce law 20
lunatic asylums 110	Ireland 60-1
mental and cognitive disability 108-9	legal aid 218
mental health impairment 109 poverty, criminal justice and 108-18	no fault divorce 20
report on relationship between poverty	door-to-door sales 145-6
and 111	Draine, Jeffrey 116
Sackville Report not dealing with 103	
social model of 109	drug and alcohol abuse
targeted assistance 67	disability and 8, 114 financial hardship relief 144
UN Convention on the Rights of Persons	Indigenous community alcohol bans
with Disabilities 7, 108	85-6
disadvantage	LGBTI people smoking 96-7
access to justice and 19, 220, 231-4, 246	public drunkenness laws 27, 106, 107,
Australia slow in addressing 6	256
breaking cycle of 247 crime and 218, 253	Durbach, Andrea 5, 214
cumulative 8, 105	economics
disability and 8, 103, 105, 114	defining poverty in economic terms 3
factors affecting 17	'law and economics' theory 9
indicia of 3	Productivity Commission goals 12
Indigenous Australians	Edgeworth, Brendan 3, 4, 62, 119
role of law in reducing 231-2	education see schools/education
social and economic disadvantage 82, 238	employment
*	adequacy and consistency of 152
unmet legal need and 246-7 intergenerational disadvantage 8	caring responsibilities preventing 183
labour market, in 65	casual 6, 159-60
law enabling 7	changing nature of 6
LGBTI people 7, 92, 101	criminalisation of poverty impeding
poverty distinct from 17	access to 250
public housing tenants 127	disadvantage in labour market 65
role of law in reducing 231-2	Indigenous Australians 238 LGBTI people 94-5

non-standard 159, 161	global justice 9
part-time 158-62	global poverty framings 265-81
pathway from poverty 6	Human Rights-Based Approaches to
precarious, 158-62, 164	Development (HRBAD) 272-5, 280
Sackville Report 151, 159	Millennium Development Goals (MDGs)
self-employment 160 social, cultural and economic barriers	276-7, 280
183	national poverty compared 279
temporary workers 164	neoliberal 272, 274, 277, 279, 280 New International Economic Order
underemployment 159	(NIEO) 266-8, 280
unemployment see unemployment	post-Westphalian 8, 265
wages see wage fixing	poverty reduction strategy 270-2
Environmental Defenders Offices (EDOs) 227	Sustainable Development Goals (SDGs) 276-7, 280
funding cuts 4, 226, 227	transnational human rights obligations
Esping-Andersen, Gøsta 5	(THROs) 277-9, 280
European Court of Human Rights 58	Westphalian 265, 279
European Court of Justice 58	globalisation
Fair Pay Commission 156, 157	impact on poverty 2, 8-9 inequality, driver of 73
Fair Work Australia 157	
Fair Work Ombudsman 157	Goldblatt, Beth 5, 7, 183
	Goldie, Cassandra 3, 62
family law divorce law 20, 60-1	Gordley, James 221
legal aid 218, 219, 220	government charges and fines 144
no fault divorce 20	financial hardship 144
financial advisers 144-5	group rights and poverty 7-8
financial hardship relief	groups, vulnerable see vulnerable groups
consumer credit debts 136-8	Hancock, Keith 153
government charges and fines 144	Hawke Government 172-4, 205
hardship application 138	health
National Bulk Debt Project 149, 224-5	access to services 216
poverty lawyers 148-9	discrimination 100-1
Rank the Banks report, 149-50 taxation 169	LGBTI people, disparities 93, 96-8, 99, 100
	right to enjoy 215, 216
financial planning 144-5	Henderson poverty line (HPL) 6, 15, 29-32,
Fineman, Martha 183, 184	43, 151, 154
Foenander, Orwell 162	adequacy benchmark 31
Fraser Government 171-2, 205	advocacy aid 31
Fraser, Nancy 265, 279	bank loan applications, use in 32
Galanter, Marc 22	basic wage 152, 154 contemporary approaches compared
Garton, Stephen 111	36-7
Gauri, Varun 222, 275	measurement tool 31
gay people see Lesbian Gay Bisexual Trans	policy instrument 31
and Intersex people (LGBTI)	policy variables, linking to 30-1
German Constitutional Court 50	rejection of 32
Hertz IV litigation 60	Henderson Report 1, 15, 29, 62, 63, 67, 121,
legal reflexive modalities 50	171, 199
Gini coefficient 70-1	Henderson, Ronald 13-15, 24, 29-37, 43-4,
global financial crisis (GFC) 38, 42, 292	151-2, 171
	Henry Panel 177, 178, 181

Higgins, Justice HB 151, 152-3, 155	social and economic rights 215-17, 221-2
HIV/AIDS	social security, right to 184-99
LGBTI people 97-8	territorial bias of law 278
	transnational obligations of 9, 277-9
home ownership	Universal Declaration of Human Rights
Indigenous Australians 81	98, 184
inequality 73	
tax exemptions 170	Human Rights-Based Approaches to
homelessness	Development (HRBAD) 272-5, 280
consorting offences 258-9	addressing gap between development
criminalisation 56-7, 258	and human rights 272
demand for voice and autonomy 45	definition 273
financial hardship relief 144, 244	features 273
Homelessness Act 2003 (Scotland) 58-9	global poverty frame 265, 272-5
Indigenous Australians 238, 247	importance of law 274
LGBTI people 94	interaction with policy and legislation
non-criminal legal issues, associated	275
with 247	normativity 274
public housing evictions causing 216,	strengths and weaknesses 274
217, 238	Human Rights Commission 12
repressive law 56-7	inclusive growth 76
Sackville Report 7, 27, 103	
social security POI procedures and 211	income
vagrancy laws 18, 56, 106, 107, 256	adequate to maintain standard of living 3, 214
homosexuality see Lesbian Gay Bisexual	inequality 68-72
Trans and Intersex people (LGBTI)	LGBTI people 94-5
Horner, Jed 7, 92	low level of 3
housing	poverty 250
costs 31, 38	wages see wage fixing
criminalisation of poverty impeding	Indigenous Australians 7-8, 79-91, 231-48
access to 250	1967 referendum 80, 87
Indigenous legal need 235-8	Aboriginal and Torres Strait Islander
intra-class conflict 54-5	Commission (ATSIC) 84
public see public housing	Aboriginal Disability Justice Campaign
rooming houses 125	118
tenancy see tenancy	Aboriginal housing 126
Howard Government	Aboriginal Legal Service 4, 233, 234, 237
	Aboriginal Tent Embassy 80
labour law 161, 163	access to information 243-4
social security 189	access to justice 231-48
taxation 174-7	civil and family law 234-48
human rights	importance of improving 246-8
access to justice 262	limitations of 247-8
Bill of Rights, Australian not having 20,	alcohol bans 85-6
217	arrest, negative impacts of 262-3
global justice 8-9	cashless welfare 196
global poverty framings 265-81	child protection
ILO Convention 169 59	legal need 235, 236, 247
international protection 184, 188, 215	Northern Territory Emergency
lack of protection in Australia 79, 86, 217,	Response 84-8, 91
229	child sexual abuse 84
National Human Rights Consultation	civil law matters 8, 233-48
Committee 229	access to information 243-4
Parliamentary Joint Committee on	access to justice 234, 238-9
Human Rights 188-91, 194, 195	legal needs 235-8
rights-based law 48-50, 51, 57-61	-0

legal service delivery 239-40	Mabo decision 23, 27, 82, 225
non-Indigenous legal service engage-	marginalisation 6
ment 241	middle class 81
service provision outside capitals	native title 6, 23, 81, 82
242-3	Ngarrindjeri Regional Authority (NRA) 90
working strategically 241-2	Northern Territory Emergency Response
colonisation, effect of 245-6, 252	84-8, 91
community-controlled organisations 80,	paperless arrests 86, 107, 257
88	police criminalising social-economic
Community Development Employment	disadvantage 260
Program (CDEP) 84	policy initiatives 88
Community Housing Infrastructure	poverty 66, 82
Program (CHIP) 84	affecting legal need 238
complex mental and cognitive needs	role of law in reducing 231-2
115, 118	public drunkenness, laws against 106-7
consorting offences 258-9	public housing 126, 235-8
credit, unfair practices 142	racial discrimination 83, 85, 86-7, 233
criminal justice system in 6, 13, 18, 82,	remote communities 88
83, 85, 115, 233, 249	Royal Commission into Aboriginal
criminalisation 107-8, 252-3, 257-61, 264	Deaths in Custody 13, 257
cultural difference 245-6	Sackville Report 7, 79-81, 91, 103, 231,
deaths in custody 13	233-4, 237
demand for voice and autonomy 45	developments since 81-3
different approaches to 7-8	ILNP compared 231, 237
disability 115, 118	school attendance 84, 85, 86, 89
discrimination 83, 85, 86-7, 233, 236	self-determination 8, 83-6, 90, 262
discriminatory laws 18, 87	service delivery 88, 90
dispossession, effects of 252, 253, 264	social and economic disadvantage 82,
employment 238	238
Hindmarsh Bridge case, 87	role of law in reducing 231-2
homelessness 238	unmet legal need and 246-7
human capital, need to invest in 89	social and economic mobility 81
impact of myriad laws on 6	social justice 252-3
incarceration rates 83, 85	social security 66, 82, 196
Indigenous Legal Needs Project (ILNP)	POI procedures 210
231, 234-48	suicide rates 85, 86
inequality 69	systemic barriers 6
involvement in solutions 89	targeted assistance 67
labour market, disadvantage in 65	tenancy issues 235-8
lack of legal assistance 236-7	top-down interventions 85, 86
lack of rights protections 79, 86	unemployment 66, 82, 85, 238
land rights 1, 6, 82	unfair business practices 142
law magnifying injustice 233	wills and estates 235, 236
legal needs 235-8	Indigenous Legal Needs Project (ILNP)
child protection issues 235, 236, 247	231, 234-48
complexity of, 244-5	inequality 7, 62-78
cultural difference and colonisation	access to justice 214
245-6	ACOSS Report 68, 71, 72, 75
discrimination matters 235, 236	after-tax income for different groups 72
ILNP findings 235-8	Australia 1, 3, 67-72
interconnected legal issues 245	average wealth 71
poverty affecting 238	other countries compared 76
priority areas 235-6	rise and fall in 69-70
tenancy issues 235-8	share of national income and wealth
unmet, link with social exclusion and	72
offending 246-7	

inequality (cont)	International Covenant on Economic, So-
capacity of law to address 9, 19	cial and Cultural Rights (ICESCR) 98
capitalism and 68-9	Australia ratifying 229
components of 68	right to social security 184, 185, 191, 215
cumulative disadvantage and 105	social and economic rights 215, 229
democratic ideals and 75	International Monetary Fund (IMF) 282-94
distinct from poverty 67	African crisis (1980s) 282-4, 288, 291
division of society 74	evaluation of policies 286-8
drivers of 72-4, 105	Argentina's collapse and 285, 289-90
extent of poverty and 63-5	Asian crisis (1990s) 284, 289
Gini coefficient 70-1	bailouts 289, 290
globalisation and 73	criticism of policy prescriptions 285, 292
Henderson Report not focusing on 67	Economic Development Document
horizontal inequalities 197	(EDD) 270, 271
inclusive growth 76	evaluation reports 286-8, 290-1
income 68-72	excessive reduction of budgets 292
LGBTI people 94-5	focus of reform programs 283-4
independent expert commission on	Heavily Indebted Poor Countries'
social security, proposed 77	Initiative 270
Indigenous Australians 69	human cost of policies 283
institutional practices, from 45	inconsistency in IMF policy advice 287
investment income 73	Independent Evaluation Office (IEO)
law and poverty and 62-78	286, 287, 290-1
National Reform Summit 2015 76	inequality, tackling 76
negative effects 75	narrow backgrounds of staff 293
patrimonial capitalism 3, 68-9	'pesofication' 289-90
policy responses 76	policies contributing to global poverty
politics and 74, 75	282-94
poverty and 67, 196, 214	poverty reduction
protests against 45	how to achieve 291-3
real estate ownership 73	main concern 286
reasons for tackling 74-5	strategy papers (PRSPs) 270-1, 285-7,
research 68-9	290
Sackville Report not focusing on 67	role of 9, 282
single parent families 195-7	socialisation of private sector debt 288-90
social mobility, reduction in 75	South American crisis (1980s) 282-4, 289
spike in 69	Structural Adjustment Policies (SAPs)
structural, poverty as result of 32, 104,	270, 285
279	studies on policies 292
tax evasion by wealthy 75	
taxation system and 73, 75-6	international poverty line studies 36-9
technology and 73	international trade
union movement and 74	impact of 2
United States 69, 71, 76	WTO adjudicatory system 51
vertical inequalities 196-7	intersectionality 8, 79-81, 105
wealth 68-72	critical theory concept 8, 105
injustice	disability, poverty and criminal law 8,
attempts to redress 28	103, 105, 114
jurisdictional error 28	discrimination and disadvantage 7
legal aid redressing 25, 28	Sackville Report 7, 79-81, 103, 104
	intra-class conflict 54-6
intergenerational disadvantage 8	
International Covenant on Civil and	investment income and inequality 73
Political Rights (ICCPR) 98	Ireland
access to justice 262	consistent poverty 41
ACT and Victorian statutes reflecting 229	divorce law 60-1

Krieger, Nancy 100-1	Law and Poverty Inquiry
labour law 6, 151-65	diagnosis 17-20
enforcement 162-5	Henderson as Commissioner 13-16, 29,
part-time/casual employment 158-62	34, 171
Sackville Report not examining 151	Henderson Report 1, 15, 29, 62, 63, 67,
unions 74, 162-3, 170	121, 171, 199
wage fixing 151-8	Poverty Commission 1, 13-16, 77, 171
Lagarde, Christine 76	Sackville Report see Sackville Report
	scope 16-20
landlord and tenant see tenancy	taxation matters 171-2
Langford, Malcolm 10, 45	terms of reference 13-17, 171
law	whether successful 26
administrative law remedies 48	law reform
autonomous 10, 47	agencies and advocates 10
discriminatory 18	credit regulation 27, 134-42, 149
equality before 2, 18	limits of 22-4
inequality, capacity to address 9, 19	need for 11
paradigmatic rise of 45-6	obstacles to 20, 21
paths of 47-50	optimism about 21
poverty and see law and poverty	parameters confronting 2
power-critical aspects 266	political and socio-economic reforms
recognition of vulnerable groups 45-6	needed with 10, 21
reform see law reform	priorities 2
repressive 10, 47, 56-7, 61	public housing 127-8
responsive 10, 47, 50-4, 57	Sackville Report 20-2
rights-based 48-50, 57-61	social security 5, 203-5
rule of law 47	tax 169, 170, 172, 174-82
social justice, fostering 9	tenancy law 4, 27, 119, 122-6
Law and Justice Foundation	leases see also tenancy
Legal Australia-Wide (LAW) Survey 220	consumer protection 145
law and poverty 2, 45-61	public housing 127-9
capacity of law to alleviate poverty 26,	Leckie, Scott 219-20
263, 279-81	legal aid 4-5, 19, 28, 148-9, 214, 218-21
challenges 50-6	access to 5, 19, 214
comparative perspective 45-61	Australian Legal Aid Office 24, 218, 229
critical modernity 50, 51	civil matters not receiving 214, 218-21,
critical theory 9, 50-1	230
difference and identity, recognition of 9	Commonwealth funding cuts 4, 5
discriminatory laws 18	community legal centres 4
dual function of law 10	criminal law matters 214, 218, 219, 220,
global poverty, addressing 279-81	262
historically 63	cuts to funding 219
inequality and 62-78	disadvantaged people denied 19, 220
'law and economics' theory 9	eligibility criteria 4-5
'law and society' theory 9	family law matters 218, 219, 220
law as force to eliminate poverty 19, 28	funding arrangements 28, 219
law discriminating against poor people 18	Legal Aid Commissions (LACs) 4,
neoliberalism 50, 51-4	218-19, 234
	grants by, 220
programmatic approach 47 role of law in reducing poverty 231-2	means test thresholds 221
Sackville Report see Sackville Report	state-based 4, 218
social justice perspective 9	levels of funding 28
	means test thresholds 221
theoretical approaches 9-10	poverty lawyers 148-9

legal aid ( <i>cont</i> ) redressing injustice 25, 28	global poverty frame 265, 276-7 Sustainable Development Goals 276-7
Sackville Report recommendations 20	money metric approach 30-3
Senate Inquiry into Australian Legal Aid	Nader, Laura 224
System 219 social rights 221-2	National Bulk Debt Project 149, 224-5
legal proceedings	National Reform Summit 2015 76
unrepresented litigants 5	native title 6, 23, 27, 81, 82
legal system access to see access to justice	Mabo decision 23, 27, 225
Leigh, Andrew 3, 69, 73, 74	neoliberalism 50, 51-4, 61, 204
Lesbian Gay Bisexual Trans and Intersex people (LGBTI) 92-102 anti-discrimination legislation 101, 102 disadvantage 7, 92, 101 discrimination against 7, 94, 98-101	definition 204 global poverty framings 272, 274, 277, 279, 280 individual responsibility 106, 204, 207 socio-economic policy shaped by 52 welfare reform 188
earnings differences 94-5	
gay rights, recognition of 1	Nevile, Ann 106
health disparities 93, 96-8, 99, 100 HIV 97-8	New International Economic Order (NIEO) 266-8, 280
homelessness 95 income differences 94-5 mental health issues 96, 98 percentage of population 92	global poverty frame 265, 266 main documents 266-7 poverty as underdevelopment 267 proposed global justice principles 267
poverty 66 procedural and substantive justice 101-2 rights of 98	Ngarrindjeri Regional Authority (NRA) 90
Sackville Report overlooking 7 same sex marriage 23-4 smoking 96-7	non-English speaking people access to justice 19, 27 poverty 66
socio-economic disparities 93-5	Nonet and Selznik 47, 52, 57
workplace discrimination 94	Northern Territory Emergency Response
Liebenberg, Sandra 216	84-8, 91
Mack and Lansley 34	Norway
Malaysian financial crisis 284-5	civil rights, review of 50 old age pension 54
Marshall, TH 55	prohibition on sleeping rough 57
Marston and McDonald 204	public interest and student law centres
Massing, Michael 75	46
McMahon Government 16, 35, 171	repressive law 57 social assistance levels 52, 54
Melbourne Institute 29	O'Donnell, Anthony 6, 151
Mendes, Philip 199	
mental health issues <i>see also</i> disability consorting offences 258 financial hardship relief 144, 224	OECD see Organisation of Economic Cooperation and Development (OECD)
LGBTI people 96, 98 mental and cognitive disability 108-18	older Australians age pension 65
migrants police criminalising social-economic disadvantage 260 Sackville Report 7, 17, 92, 103	disadvantage 7 housing costs 31 poverty affecting 65 Sackville Report overlooking 7
Millennium Development Goals (MDGs)	unconscionable conduct in relation to 148
276-7, 280 2000 Millennium Declaration 276	ombudsman schemes 4, 138-9, 140, 144, 16

Organisation of Economic Cooperation	Sackville Report see Sackville Report
and Development (OECD) 62	statistics 25-6, 64-7
data on poverty 3, 62	Australian research see poverty research
inclusive growth, work on 76	climate change and 226-7
inequality, tackling 76	criminal justice and 108-18, 217-18
poverty line 64	criminalisation see criminalisation of
tax data 167-9	poverty
Orshansky, Mollie 33	definition 2, 3, 6, 34
paperless arrests 86, 107, 257	deprivation approach 34, 35, 39-43, 251 disadvantage distinct from 17
parenting payment 64, 68, 190-5 cuts to 5, 190-5	economic terms, defining in 3
Indigenous Australians 82	eliminating 1, 67-8, 214
sole parents 66, 68, 191-5	geographical spread 66
Parliamentary Joint Committee on Human	global poverty framings 265-81 groups experiencing 65-6
Rights 188-91, 194, 195	historical account of 3
patrimonial capitalism 3, 68-9	increase in 67
payday lending 134, 142-3, 147, 148	indicators of 63-4
	Indigenous Australians 66, 82
pensions	inequality and 67, 196, 214
age pension 65 law reform 3	institutional generation of 46
	international perspectives 2
Norway 54	law and see law and poverty
'pesofication' 289-90	legal scholarship waning 2
Pieterse, Marius 216	life course approaches 104-5
Piketty, Thomas 3, 68-9, 71	line see poverty line
Pogge, Thomas 52	measuring 3, 14, 15, 29-34, 63 neoliberal view 51-4, 106, 204, 207
police powers and practices 56, 257-8, 260	poverty reduction strategy frame 265,
bail determination process 261	270-2
campaigns to constrain 263	punishment of 5, 6, 218
corruption 260-1	race and 79, 80
crime control model 263	research see poverty research
criminalising poverty 257-61	right to development frame 265, 268-70
fines, issuing and enforcing 261	social attitudes and practices 23
'loading up' offences 260-1	social disadvantage, element of 104, 250
over-policing 260	social exclusion 105-6, 215, 251
pre-emptive policing 259	sole parent households 65-6
poor people <i>see also</i> poverty	structural determinants of 4, 7, 32
criminal justice system, in 108-18, 217-18	studies and data on 3
criminalising see criminalisation of	taxation and 6
poverty	trends in risk of 67
disadvantaged groups distinguished 17	unemployment and 65, 66
law discriminating against 18	poverty and law see law and poverty
poverty line see poverty line	Poverty Commission
'punishing the poor' 5, 6, 218	establishment 1, 13-16, 171
tenants see public housing; tenancy	Henderson as Commissioner 13-16, 29,
unemployed 65	34, 171
'working poor' 65, 67	Henderson Report 1, 15, 29, 62, 63, 67,
Pou, Pedro 290	121, 171, 199 Main Reports 32, 77
poverty see also poor people	measuring poverty 3, 14, 15
Australia, in 1, 2, 25-6, 63-7	poverty research leading up to 35
compared with other OECD countries	rationale for establishing 68
67	Sackville Report see Sackville Report
increase in 67	1

Poverty Commission (cont) scope of inquiry 16-20 terms of reference 13-17, 171	Social Policy Research Centre 39, 41 Sweden 34, 36, 44 Townsend 33, 34, 36, 44
poverty lawyers 148-9	United Kingdom 33, 34
poverty line 33-9, 43, 63-4 after housing costs (AHC) poverty rate 38	United States 33-4 waning activity 2 Williams 29, 35
basic wage and 152, 154	procedural fairness 22, 28, 262
before housing costs (BHC) poverty rate 38 children living below 64, 194, 195	Productivity Commission Access to Justice Report 220 economic goals 12 Human Rights Commission compared
deprivation approach compared 41-2 'dollar a day' absolute line 36-7	12
Henderson poverty line (HPL) 6, 15,	progressive critique 50
29-32, 43, 151, 154	public drunkenness laws 27, 106, 107, 256
international 36-9, 64	•
people living below 64 relative (50 per cent of median income)	public housing 119, 120, 126-33 Aboriginal housing 126 acceptable behaviour agreements 128
line 36, 37, 64 social security recipients living below	community housing 126
64-5	demographic composition of tenants 126
studies 33-9, 43	disadvantage of tenants 127, 132, 133
poverty reduction strategies (PRSs) 270-2	discretion not to renew lease 128
global poverty frame 265, 270-2	disputes 129-32 duties of authorities as landlords 127
Heavily Indebted Poor Countries'	evictions 133, 238
Initiative 270	fair hearing prior to 217
IMF see International Monetary Fund (IMF)	homelessness, causing 216, 217, 238
OHCHR Guidelines 271	implementation of order for 217
Poverty Reduction Strategy Papers	lack of protection from 133, 216
(PRSPs) 270-1, 285-7, 290	'three strikes policy' 238
Structural Adjustment Policies (SAPs)	Indigenous legal need 235-8 insecurity of tenure 128, 132, 133
270, 285	international standards 133
poverty research 29-44	intrusive approach to regulation 128
1960s 33-4 1970s 34-6-103-4	Land and Housing Commission 128, 129,
1970s 34-6, 103-4 ABS survey 34, 37	131, 132
academic context 33-4	law reform 127-8 leases 127-9
Australia 29-44	New South Wales, in 126-9
consensual approach 34	obligations of tenants 128
consistent poverty 41	policy priorities 128
contemporary 36-43	Public Housing Appeal Panel 127
deprivation studies 34, 35, 39-43 GFC, effect of 38, 42	renewable/probationary tenancies 128-9
Henderson 14, 29-37, 43-4	Residential Tenancies Act 2010 (NSW), 129 Residential Tenancies Tribunal 131-2
housing costs 31, 38	Sackville Report 127, 132
international poverty line studies 36-9	termination of leases 132
Ireland 41	punishing poverty 5, 6, 218
measuring poverty 3, 14, 15, 29-34, 63	race and poverty 79, 80
Melbourne Institute 29, 33 money metric approach 30-3	racism/racial discrimination
need classification of essentials of life 40	criminal justice system 260
People in Poverty study 36	desegregation of US public schools 20,
political context 34-6	21, 22
poverty line studies 33-9, 43	discriminatory laws 18, 87

discriminatory structures and assump-	assumptions 17-18
tions 83	comparative perspective 45, 61
Indigenous people 18, 83, 85, 86-7, 233	criminalisation of poverty 249-56
institutionalised 6	disadvantaged people and the law
Racial Discrimination Act 1975 18, 25, 80,	103
85, 87	five-year assessment, 24-5
racial profiling 260	focusing on poverty not inequality
rights-based law 48	67
Ralph Review 175, 176, 181	forty-year assessment, 25-8 groups not considered by 7
Rawls, John 52	Indigenous Australians 7, 79-81, 91, 103,
real estate ownership and inequality 73	233-4, 237
refugees 11	Indigenous Legal Needs Project
repressive law 10, 47, 56-7, 61	compared 231, 237
anti-loitering law 56	intersectionality 7, 79-81, 103, 104
counter-terrorism policies 56	labour law not examined 151
vagrancy laws 18, 56, 106, 256	legislative responses to 4
research	oversights of 2, 7 Poverty Commission 1, 13-16
inequality 68-9	progress since 2, 24-8, 79-81
poverty see poverty research	purpose of 27, 63
residential tenancy law see tenancy	race and poverty 79, 80
responsive law 10, 47, 50, 57	recommendations 2, 4, 5, 63
intra-class conflict 54-6	reforms since 4
neoliberalism 50, 51-4	scope of inquiry 16-20
rights-based 48-50, 57-61	social justice framework 8-9
social support 58	social security 183, 185-7, 199-202, 213
social welfare policy 52-3	tenancy issues 121-2, 127, 132
right to development 268-70	terms of reference 13-17
coining of phrase 268	understanding of poverty 251
Declaration on the Right to Development 268, 269	Sackville, Ronald 1, 48, 79, 103-4, 108, 111, 118, 171, 199, 222
global poverty frame 265, 268-70	same sex marriage 23-4
human rights dimension 269	Saunders, Peter 3, 26, 29, 104, 250
socio-economic self-determination 268	Scheingold, Stuart 22
rights-based law 48-50, 51, 57-61	schools/education
Rosenberg, Gerald 58	criminalisation of poverty impeding
Rowse, Tim 7, 253	access to 250
Roxon, Nicola 223	desegregation (US) 20, 21, 22
Royal Commission into Aboriginal Deaths in Custody 13, 257	financing (US) 49, 59-60 Indigenous children's attendance 84, 85,
Royal Commission into Institutional Responses to Child Sexual Abuse 12	86, 89 LGBTI people, discrimination 100
Rubin, Seymour 268	Schwartz, Melanie 8, 231
Rudd-Gillard Government	self-determination
human rights 188	Indigenous Australians 8, 83-6, 90, 262
labour law 163	social justice and 8
social security 189	Sentas, Vicki 6, 249
taxation 177-9	single parent families 65-6, 68
Sackville Report 1-10, 17-20, 48, 55, 62, 63,	higher risk of poverty 195
79	inequality 195-7 living below poverty line 195
40th anniversary of 1 access to justice 214, 222, 229, 231-4	parenting payment 66, 68, 191-5

correlation with crime 253-4 criminal law compounding 6, 11, 118 Indigenous Australians 82, 238, 246-7 poverty as element of 104, 250  neoliberal welfare policy 52-4, 2 Newstart Allowance 64, 65, 66, 6 190, 191 procedural fairness 22	
Indigenous Australians 82, 238, 246-7 190, 191 procedural fairness 22	
poverty as element of 104, 250 procedural fairness 22	,c, c <u>-</u> ,
unmet legal need and 246-7 Proof of Identity (POI) procedu:	res 200,
social exclusion 105-6, 251 207-13	
crime and 215 abridged process 209	
individual responsibility for 106 alternative POI policy 210, 21	1
unmet legal need and 246-7 current policy 208-12	
difficulty meeting 209, 211	
disadvantage in 2, 7 error, cause of 212	
vulnerable see vulnerable groups	
identity review period (IRI).	210, 211
social justice Indigenous claimants 210	
access to 79 logic of 212-13 capacity of law to foster 9 onerousness 209	
* *	
Indigenous Australians 252-3 tier 3 208-9 law and poverty perspective 9 rates of 3	
1:1 1: 1 = 4	lina 64 6
Colored Police Colore	III1e 04-0
self-determination and 8 reforms 5, 203-5 reducing entitlements 190-4	
visions of 2 right to 5, 183-90, 199, 215	
social mobility Sackville Report 183, 185-7, 199-	202, 213
Indigenous Australians 81 scrutinising recipients 205, 207	,
inequality reducing 75 sole parent households 66, 191-5	5
suspicion of claimants 5, 202, 20	
unemployment benefits 5, 60, 19	
adequacy of payments 32, 62 administration 186, 199-213 viewed as exceptional, tempora	
poverty and punishment, producing undesirable 200	-
200 violation of right to 186, 190-1	
research 201-2 welfare dependency 204	
Sackville on 201-2, 213 welfare state see welfare state	
unjust outcomes 200, 211 women's rights, violation of 186	)
appeals 187, 202 Social Security Appeals Tribunal	187
claimants' rights 17, 201 subsumed into AAT 187, 202	
cohabitation rule 186-7 sole parents see single parent fam	lies
compliance regime 200, 202-6 Stiglitz, Joseph 69, 74, 284	
compulsory contributions 167, 171-2	
criminalisation of welfare 206-7 superannuation  Cuts to 60, 190-4  National Superannuation Comm	nittee of
Inquiry 171	intice of
tayation of 170	
eliminating poverty by increasing 67-8	SDCs)
entitlement based on 'mutual obligation' Sustainable Development Goals (5, 189, 205 276-7, 280	DGs)
-,,	
- · · · · · · · · · · · · · · · · · · ·	
National Frank and Overnayment wights based lavy 40	ocoarch
National Fraud and Overpayment rights-based law 49 Strategy 208 Swodish Institution for Social R	escarcii
Strategy 208 Swedish Institution for Social R	
Strategy 208 Swedish Institution for Social R welfare as 207 36, 44	
Strategy 208 Swedish Institution for Social R welfare as 207 36, 44 human rights 184-98 taxation 166-82	
Strategy 208  welfare as 207  human rights 184-98 Indigenous Australians 66, 82, 196 In the strategy 208  Swedish Institution for Social R  36, 44  taxation 166-82  1970s 171-2	)
Strategy 208 Swedish Institution for Social R welfare as 207 36, 44 human rights 184-98 taxation 166-82	

capital gains tax 166, 172, 173, 174, 175	residential tenancy law 18-19, 27, 119-33
carbon tax 178, 179	rooming houses 125
categories of tax 166-7	Sackville Report 121-2, 127, 132
community organisations 169	reforms since 4, 27, 119, 122-6
Community Tax Project 169, 176	Sydney case study 129-31
corporate income 166, 173, 181	tribunals cheap and efficient 4
design of tax system 166	Townsend, Peter 33, 34, 36, 44
direct taxes 168	trade, international see international trade
financial hardship relief 169	·
fringe benefits tax 172, 173, 174, 175, 177,	transnational human rights obligations
181	(THROs) 277-9, 280
goods and services tax (GST) 167, 174-5, 181	extraterritorial human rights obligations (ETOs) 277, 278
Hawke-Keating years 172-4	global poverty frame 265, 277-9
Henry Panel 177, 178, 180, 181	role of law 278
Howard-Costello years 174-7	territorial paradigm 278
inequality and 73, 75-6	Turnbull Government 189
international comparisons 167-9	Turner, Patricia 85
National Tax Forum 178	
OECD data on 167-9	UN Convention on the Rights of Persons
personal income, tax on 166, 180	with Disabilities
poverty and 6, 10	Australia ratifying 7
Poverty Commission 171-2	concept of disability 108
Ralph Review 175, 176, 181	unemployment 24, 159, 204
Rudd-Gillard years 177-9	benefits 5, 60, 190, 204
state taxation 179-80	correlation with crime 253
tax evasion by wealthy 75	disadvantage in labour market 65
tax-free threshold 178, 180	fall in, reducing poverty 67
Tax Justice Network 178-9	Indigenous Australians 66, 82, 85, 238
TaxWatch 169, 178	Newstart Allowance 64, 65, 66, 68, 82,
unfair concessions 170, 180	190, 191
unions dealing with issues 170	poverty and 65, 66
vulnerable people, interests of 169-70	unions 74
echnology and inequality 73	minimum wage enforcement 162-3 tax issues, dealing with 170
enancy 119-33	United Kingdom
boarders and lodgers 125	'Breadline Britain' studies 34
disadvantage of tenants 121, 127, 132	GFC, decline in poverty after 38
disputes 124, 126, 129-32 fixed-term tenancies 124	poverty research 33, 34
history of regulation in Australia 119-21	United States
Indigenous legal need 235-8	constitutional rights 49
landlord's right to terminate 124, 125	desegregation of public schools 20, 21, 22
law not protecting vulnerable people	inequality 69, 71, 76
18-19	legal adversarialism 50
law reform 4, 27, 121-6	legal and social reforms 20-2
legal disadvantage of tenants 121	'myth of rights' 22
market-determined rents 122, 123, 125	poverty research 33-4
periodic tenancies 124	repressive law 56-7
poor people as tenants 18-19, 119-33	rights-based law 48, 49, 51, 58
poverty and 121-2	same sex marriage 23-4
protected tenancies 120	school financing 49, 59-60
public housing see public housing	Uvin, Peter 279
renewable/probationary tenancies 128-9	
rent control 123	vagrancy laws 18, 56, 106, 107, 256
rental bonds 123	Vandenhole, Wouter 9, 265

vulnerability to poverty 183 standard, full-time work 159 temporary workers 164 vulnerable groups total wages 154 demand for voice and autonomy 45, 46 unions, role of 162-3 identifying 4 unskilled workers 153, 154 law failing to protect 18 poor tenants 121 wealth inequality 68-72 poverty 7-8, 65-6 levels in Australia 3 Sackville Report 7, 17, 92 targeted assistance 67 welfare state 10, 184, 203-4 criminalisation of welfare 206-7 wage fixing 151-8 decommodification 55 adequacy and consistency of work 152 equality of status 55 arbitrated awards 152 'Golden Age' 5, 204 artisan wages 153 intra-class conflict 54-6 Australian model 151-8 Keynesian 199, 203 origins 152-4 performativity 51 since 1975 155-8 targeted approaches 55 Australian workplace agreements 155 wage earners' 158 basic wage and poverty line 152, 154 casual employment and 158-62 Whitlam Government 15, 16, 17, 24, 35, 171 compliance by employers 162-5 Wilcock, Scarlet 5, 199 enforcement 162-5 Williams, Ross 29, 35 Fair Pay Commission 156, 157 wills and estates Fair Work Australia 157 Indigenous legal need 235, 236 Fair Work Ombudsman 157 fairness 155, 156 women family needs 157 demand for voice and autonomy 45 federal tribunal's role 155 disadvantage 7, 45 Harvester model 152, 153, 155, 157, 158 poverty affecting 65 social security, right to 186, 190 Henderson poverty line (HPL) 151, 154, 156 workforce participation 1 household 'needs' 152, 154 work see employment; labour law needs-based minimum wage 151-2, 153 workplace discrimination needs not considered 155, 156 Australian Workplace Equality Index 94 part-time employment and 158-62 LGBTI people 94 poverty threshold 157 Workplace Ombudsman 163 relative living standards 157 Wriston, Walter 293 Sackville Report 151, 152 safety net wage decision 155, 156 Zucman, Gabriel 75