THE BROTHERHOOD OF ST. LAURENCE, MELBOURNE

POVERTY, HUMAN RIGHTS AND DEMOCRACY: THREE VALUES AT RISK

2026 SAMBELL ORATION

The Honourable Michael Kirby AC CMG

22 October 2026

THE BROTHERHOOD OF ST. LAURENCE, MELBOURNE

POVERTY, HUMAN RIGHTS AND DEMOCRACY: THREE VALUES AT RISK[*]

2026 SAMBELL ORATION

The Hon Michael Kirby AC CMG[**]

The Brotherhood of St. Laurence (BSL) began in 1930 during the Great Depression. Father Gerard Tucker, an Anglican priest, activist and social reformer, started BSL alongside a group of like-minded people to respond to urgent social needs of the time and spur reform efforts. The work began in Adamstown in NSW and, in 1933, moved to Fitzroy in Melbourne.

Today BSL is one of Australia's leading independent social justice organisations with the same vision, an Australia free of poverty. Its purpose is to advance a fair Australia through leadership on policy reform, partnerships with communities, and the quality of its services. BSL supports practical, innovative action, and sparks positive change to the biggest systems and services in our communities—changes that can reduce poverty in Australia.

As Jane Hodder has explained, the Sambell Oration is named after the Reverend Geoffrey Sambell, who led BSL between 1954 and 1969. He

---

[*] Sambell Oration 2026, Brotherhood of St. Laurence, Melbourne, 22 October 2026.

[**] Justice of the High Court of Australia (1996-2009); Australian Human Rights Medal 1991; President of the International Commission of Jurists, Geneva (1995-1998); Co-chair of Human Rights Institute of International Bar Association (2018-2023). The author acknowledges the assistance of research provided by BSL.

was a visionary leader, driven by a conviction that poverty was neither inevitable nor acceptable, certainly in a prosperous society like ours. He believed social justice required more than charity or even prayer. What was required was structural change, public action, and a commitment to universal human rights and human dignity.

The years that Sambell led BSL were formative years for many of us, including me. As Geoffrey Sambell pursued his work with BSL, I was beginning my own journey. I attended Fort Street High School in Sydney — an outstanding public school — and later the University of Sydney. I was discovering the law, aspects of public service and the possibilities of social reform. I also met Johan van Vloten, my lifelong partner. We met in 1969, 57 years ago.

Looking back now, I can see that many of the questions that animated Geoffrey Sambell's life and work became recurring themes in my life.

I am conscious I follow a distinguished line of Sambell Orators, including Her Excellency, the Governor-General, the Hon. Sam Mostyn AC. As chance would have it, she was my associate (law clerk) in 1988 when I was President of the New South Wales Court of Appeal. She delivered last year's Oration. The current leader of BSL is Dr Travers McLeod, Rhodes Scholar and brilliant lawyer. He was also my judicial associate. He served with me at the High Court of Australia in 2006-7. I am grateful to BSL for the invitation to join the tradition tonight.

The Governor-General’s oration last year focused on how fostering care and belonging, core activities of BSL, is not just a social ideal. It is a practical activity for reducing poverty, strengthening inclusion, and building a more equitable Australia.

Tonight, I want to develop these themes. And to explore the relationship between three ideas that are often considered separately but which, in my view, are deeply connected and should be considered as such. Those ideas are poverty, human rights and democracy.

My proposition is simple.

> Poverty is not merely an economic condition, though it is that.
>
> It is also a human rights issue.
>
> And it is a democratic and political issue.

These are not separate fields of inquiry. They are different expressions of a common concern: ensuring the dignity of every human being.

This is not simply true because poverty is invariably accompanied by hardship. As human rights scholars have observed, poverty threatens the value that underpins the whole structure of human rights: human dignity. Its effects are rarely confined to one part of our lives – whether it be health, housing, education, security, participation and political voice.[1] Its effects are multi-faceted.

You have heard some stories already tonight, including Angel's story, one of the MCs. Angel arrived from Burundi less than a year ago. She was supported, found community connections, and is clearly thriving.

[1] Dianne Otto, 'Addressing Poverty as a Violation of Human Rights in the Australian Context' (2003) 31 *Just Policy* 49, 49-51.

Let me tell you a different story. For more than 60 years, I have normally started my day near Martin Place in Sydney. This is near the Law Courts Building in Queen's Square. It is where many barristers' chambers are found. Thousands of lawyers, clients, and judges circulate between Martin Place and the Law Courts Building every day. St James Railway Station adjoins the Law Courts Building, now with its direct connection to Sydney Airport, the Metro and Light Rail. My judicial associates worked for hours there, early mornings and late evenings. As did I.

Last December, a human body was discovered in Hyde Park outside the St James Railway Station. The body lay undiscovered for six days.[2] The body was so decomposed, the person could not be immediately identified. Ultimately, it was discovered that he was Bikram Lama, an international student from Nepal. Bikram came to Australia dreaming of a brighter future. He had fallen upon rough times. He was living on the streets. Martin Place was relatively safe. And it was, and is, a place near to charitable services.

What does it say about us that a body could go undiscovered — unnoticed — for six days, outside one of the busiest metropolitan locations in Australia?

Poverty is often hidden because we consciously or unconsciously avert our eyes.

Here in Melbourne, in the streets, laneways and alcoves within the commute to your own homes tonight, 78 people are known by name to

[2] https://www.abc.net.au/news/2026-07-22/returning-body-of-homeless-man-bikram-lama-sydney-to-nepal/106929628

sleep rough in the city centre. However, we do not know the names of many others, let alone their memories, stories, or who they want to be.

From the last national statistics for this inner city, 1,725 were recorded as without adequate housing. Across Victoria, the priority social housing waitlist is more than 40,000 households.[3] The Victorian Homelessness Network reports that 70% of Victoria's services focused on homelessness are at breaking point.[4]

Bikram Lama's fate, and that of those we do see or hear about, obliges us to ask ourselves, as a country, some uncomfortable questions:

Who do we fail to see? And what does that failure say about us?

In 1975, when I was 35, I was appointed the inaugural Chairman of the Australian Law Reform Commission. We quickly produced a report on the payment and recovery of debts. This was also the time of the major report of the Henderson Poverty Inquiry. Australia was beginning to focus on poverty. Poverty was increasingly being understood not as an individual failing but as a social and structural challenge. It required collective action for repair.

Through subsequent work with UNESCO and other international institutions, I encountered another evolving idea. Human development was about far more than economic growth. It is about whether people are able to live lives that they have reason to value. Important scholars, like Amartya Sen and Martha Nussbaum, helped to express this understanding through their work on capabilities and human

[3] https://chp.org.au/article/victorias-urgent-social-housing-waitlist-passes-40000-threshold/
[4] https://www.vhn.org.au/smashed

flourishing.[5] For them, the question was not simply whether people can survive. It is whether they can live fulfilling lives. And, when viewed in this way, poverty looks different.

From this perspective, poverty is no longer merely an absence of income. It manifests as an absence of opportunity. A denial of capability. Increasingly, a denial of fundamental human rights.

Poverty in Australia today matters, because it damages people, families, households, and communities. Poverty denies people the opportunity to live lives that they value and that society also values. If people in Australia are unable to live a good life, that reflects poorly on all of us. Reducing poverty does the opposite – empowering people to flourish, to participate, to contribute, and improving the health and prosperity of our society.

So we know some things about poverty. But we do not know enough. It is upsetting. It is certainly not fashionable. It is not a state anyone voluntarily enters. Good information matters. Without it, accountability becomes difficult. Progress becomes harder to assess.

BSL has consistently argued that Australia is now an international outlier in not having an accepted national measure of poverty. About 160 countries do have such a measure. We do not. Yet, according to unofficial measures, the level of poverty in Australia is now the highest it has been in decades.[6]

---

[5] Amartya Sen, *Development as Freedom* (Oxford University Press, 1999); Martha C Nussbaum, *Creating Capabilities: The Human Development Approach* (Belknap Press of Harvard University Press, 2011).

[6] Productivity Commission, *Fairly equal? Economic mobility in Australia*, Research Paper (July 2024) 4. The Productivity Commission estimated around 14 per cent of Australians lived in poverty in 2022.

Those most at risk of poverty include people outside paid employment; older Australians who live in rented private accommodation; those in social housing or without housing at all; people living alone; single-parent households, many migrants and refugees; and our First Peoples.

The duration of poverty matters. The longer a person is trapped in poverty, the more their capabilities, opportunities and choices are constrained. This makes it harder for them to build futures they value.

However, there are now important shifts underway in how we think about poverty.

I want to discuss three of them.

The first is a **move away from considering poverty solely in monetary terms**. Income matters, of course, but it does not tell the whole story. People on similar incomes may have profoundly different opportunities depending on their health, housing, education, employment and social connections. Poverty is not simply about what people have. It is also about what they are able to do and become.

In her 2024 Sambell Oration, Oxford Professor Sabina Alkire proposed that Australia adopt two official measures of poverty: one monetary and one multidimensional. A multidimensional measure would identify deprivation across the areas of life necessary for dignity, capability and participation – things like education, employment, health, and social connection.[7]

[7] https://www.bsl.org.au/news-events/events/2024-sambell-oration/

One of the most influential advocates of this perspective has been the Australian international lawyer, Philip Alston AO. He is a graduate of the University of Melbourne and was a United Nations Special Rapporteur on Extreme Poverty and Human Rights. He has done much to place the relationship between poverty, dignity and rights at the centre of international human rights thinking. Alston describes the Multidimensional Poverty Index as the leading global non-monetary measure of deprivation.[8] Many countries use such multidimensional measures in understanding poverty in their society and what can be done about it. Australia does not.

Professor Alkire offered a memorable illustration in her Sambell Oration from the animated film *Minions*. Some minions have one eye; others have two. With two eyes, she suggested – a monetary measure and multidimensional measure – we can see further into poverty. I have not seen the Minions movie—animated films are not generally my scene—but the proposition is sensible. If we truly wish to understand poverty, we should use both lenses.

The second shift is the growing **understanding of poverty as a denial of fundamental human rights, requiring action as such**.

Human rights provide a universal language for human dignity. They remind us that education, housing, health and participation are not merely policy issues. They are matters of basic justice. This is why multidimensional poverty and human rights are so closely inter-connected. One helps us measure disadvantage. The other helps us

[8] Philip Alston, '*The Parlous State of Poverty Eradication: Report of the Special Rapporteur on Extreme Poverty and Human Rights'*, UN Doc A/HRC/44/40 (19 November 2020), paras [28], [81].

understand why it matters. When people are denied opportunities in education, housing, health or employment, poverty is not simply being experienced. Rights are eventually being diminished. The language we use matters. To describe housing, education and social security merely as desirable "policy" outcomes is to leave them vulnerable to competing priorities. Alston argued there is a profound difference between treating economic and social wellbeing as a 'policy *aspiration*'. Things become different when we recognise it as a 'matter of fundamental human rights'.

To understand housing, education and social security as having the quality of basic rights is to recognise dignity, agency, and accountability in essential harmony with each other. This harmony changes the citizen from a passive recipient of assistance into a holder of fundamental rights. [9] It promises a voice and participation in reform. It promises action because of the individual's citizenship and personhood.

That proposition deserves serious consideration.

Of course, rights language, on its own, is not a complete answer. Legal frameworks can sometimes become overly technical, inaccessible or detached from the structural conditions that produce disadvantage. Rights are most powerful when they are not confined to lawyers, courtrooms and economists. They might be understood and claimed by the people whose dignity and opportunities are at stake.[10] But how can that be done when the spirit is sapped out of human beings, even though they are human beings and usually citizens.

---

[9] Philip Alston, 'Report of the Special Rapporteur on Extreme Poverty and Human Rights', UN Doc A/HRC/32/31 (28 April 2016) [8]; see also Beth Goldblatt, '*Claiming Women's Social and Economic Rights in Australia'* (2017) 23(2) *Australian Journal of Human Rights* 261, 276.

[10] Otto, 2003, pg 51.

The language of human rights invites us to consider things that were once thought to be acceptable, but which are now considered intolerable. Slavery is one example.[11] So too, if I may say so, was denying people like Johan and me the right to sexual equality, public respect and the right to marry. The absence of poverty should be another expression of a vital human right to full personhood.

The third shift is a growing recognition that **poverty negatively impacts the health of our democracy**.

By the world's standards Australia generally remains a robust functioning democracy. We should never take that fact for granted. The alleged attack on Helen Haines this week, still under investigation, is a reminder of this. I send respects to Helen, her family, and community.

Signs of strain in our democracy are all too visible. Large numbers of Australians appear to believe that politics focuses excessively on short-term interests, and rewards vested interests. A substantial proportion of citizens do not feel understood or represented. They are not convinced that their voices are heard. This is not a healthy foundation for democratic confidence. It has relevance to poverty in our country. Those with resources have greater access decision-makers. Those without resources are often excluded. They will often lack an effective voice.

Poverty can therefore be, at once, a cause and a consequence of democratic erosion. When citizens conclude that institutions protect

[11] See Thomas Pogge (editor), *Freedom from Poverty as a Human Right* (Oxford, OUP, 2007).

wealth, power and influence but remain indifferent to human insecurity and deprivation, democratic trust is put under strain.[12]

On this note, I agree with another former associate of mine, Andrew Leigh, Assistant Minister for Productivity, Competition, Charities and Treasury, who told the National Press Club in June that Australia needs a *trust agenda*, and that charities and community organisations are central to that endeavour.[13] However, what seems clear to me that is the trust agenda also requires an ambitious poverty reduction agenda.

Social and economic exclusion often becomes civic exclusion – and civic exhaustion. Yet democracy depends upon participation, representation and agency. When significant groups are unable to influence decisions that affect their lives, democracy inevitably falls short of its promise and legitimate expectations.

The High Court of Australia has recognised that representative government requires what my former colleague, Justice Susan Crennan called a "fully inclusive franchise". That principle must be understood practically, not abstractly. In the same High Court case, Chief Justice Robert French drew attention to the consequences that seemingly neutral electoral rules may have for itinerant and homeless people. Formal entitlement is not enough if the circumstances of a person's life effectively prevent that entitlement from being exercised.[14]

---

[12] Alston, 2016, UN Doc A/HRC/32/31, para [15], [17].

[13] https://ministers.treasury.gov.au/ministers/andrew-leigh-2025/speeches/address-national-press-club-canberra

[14] *Rowe v Electoral Commissioner* (2010) 243 CLR 1, para [73] (French CJ), para [367] (Crennan J).

An unhealthy democracy can worsen poverty. When institutions become more responsive to the powerful than to the vulnerable, public policies inevitably reflect that imbalance. The result is a vicious cycle. Poverty weakens democracy. Weakened democracy allows poverty to persist and even to get worse.

So what can be done?

BSL has, from the start, been a strongly practical organisation with a practical purpose.

I offer two practical suggestions for your consideration. The first is straightforward. Australia should establish, enact or adopt official poverty measures, both monetary and multidimensional. What is not measured will often be ignored.

We measure inflation. We measure unemployment. We measure economic growth. Surely poverty deserves similar attention around which political consensus can gather.

If poverty affects millions of Australians, how can we assess our national progress towards the good life for our people without measuring adversity properly?

This conclusion is widespread. In 2026, the Australian Human Rights Commission called for a national plan to eradicate poverty, supported by robust measurement and feasible targets. The United Nations Committee on Economic, Social and Cultural Rights has expressed concern that Australia still lacks an official nationwide poverty indicator and a comprehensive public poverty-reduction strategy. The

Committee recommended explicit definitions, measurable targets and time-bound benchmarks.[15] The Federal Government's Economic Inclusion Advisory Committee has repeatedly recommended the adoption of official poverty measures. These include multidimensional measures. They also include practical action to reduce poverty, as befits one of the wealthiest countries on the planet.[16]

My second suggestion is equally important.

All Australians, but especially those who enjoy the fruits of prosperity should listen more carefully to those with endemic experience of poverty. Sadly, the voices of those experiencing poverty are too often absent from public debate and certainly muted and ignored.

Listening is not merely an act of human courtesy. Listening is an essential attribute of treating people as rights-holders and democratic participants. A human-rights approach gives legitimacy to experiences that might otherwise be dismissed as just a private misfortune. Such an approach reveals their social and structural dimensions.[17]

This reality is brought home to me in my life, almost daily. Those who drive, or are driven to work in limousines, or even taxis or Uber with windows firmly closed, driving into designated venues will often miss the actuality of life about them. Partly for exercise and partly for

---

[15] Australian Human Rights Commission, 2026, *Australian Human Rights Assessment 2026 Report Card*, pgs 2, 6; Committee on Economic, Social and Cultural Rights, Concluding Observations on the Sixth Periodic Report of Australia, UN Doc E/C.12/AUS/CO/6 (25 February 2026), para [36]-[37], [61].
[16] Economic Inclusion Advisory Committee. (2026). *Economic Inclusion Advisory Committee: 2026 report to Government*. Australian Government Department of Social Services. dss.gov.au

[17] Otto, 2003, pg 51; Committee on Economic, Social and Cultural Rights, 2026, UN Doc E/C.12/AUS/CO/6 2026), para [37].

engagement with the world, I always walk part of my journey to work. My iPhone demands it. Sleep scores support it.

When I pass St. Stephen's Church, in Macquarie Street, Sydney, on my daily journey to and from my work, I observe the growing number of people receiving hot meals from young volunteers. People like Bikram. There are the regular homeless who sit or sleep on the footpaths, surrounded by remnants of meals consumed in the shadow of the Reserve Bank of Australia. No one can walk into those buildings and miss the daily sights of poverty.

The young Asian Australian who sits there everyday, same place, challenging his well-heeled fellow citizens passing by, including me. The long queues of young and old Australians who line up for breakfast and then, at night, for dinner. Many of these people rely on cardboard packaging to help ward off the cold or to protect them from wind and rain. The sights are worse than in earlier years in my lifetime. These are the images of poverty in modern Australia. Today, we also see them everywhere. We all know them. Somehow, they seem worse than before. They challenge us. We must not avert our eyes. Even if we are taxpayers and consider that we spend high taxes, our democratic rights include duties. How do we ensure that governments, officials and political parties see the realities up close.

Australian law tells us homelessness does not place a person beyond the protection of rights. In 2026, the Supreme Court of Queensland held that official action against people sleeping in public parks, unlawfully interfered with several protected rights. Administrative decisions that may appear routine from an office desk. But they can inflict profound

harm and dislocation upon those who have the least capacity to absorb it or repel it.[18]

The voices of those excluded from prosperity must be heard. This is not only because their predicaments discomfort us. And not because justice requires it. But because democracy requires it. And universal human rights cannot truly be upheld whilst things are in the present state. And appears to be getting worse.

Reducing poverty is no small challenge. Building a genuinely inclusive democracy is harder still. Yet these two challenges are inseparable.

For many years I have argued human rights reasoning has a life beyond the courtroom. Human rights discourse empowers individuals and organisations and helps decision-makers to see familiar problems in a new light.[19]

At their best, organisations such as BSL help give practical expression to this insight. They strengthen democracy and human rights by helping us understand poverty more clearly. Deprivation is made more visible. Institutions can then respond more effectively.

There are also encouraging developments within Australia in legal human rights protection. Victoria, Queensland and the ACT have now enacted human rights legislation. Increasingly, these *Charters* include reference to economic and social rights as well as the usual commitments to civil and political rights.

---

[18] *Bobeldyk v Moreton Bay City Council; Eichin v Moreton Bay City Council* [2026] QSC 27, para [472]-[480], [497]-[500], [527]-[547].

[19] Michael Kirby, "Protecting Human Rights in Australia Without a Charter" (2011) 37(2) *Commonwealth Law Bulletin* 255, 271

Human rights commissions continue important work in monitoring progress and exposing shortcomings. Globally, businesses are increasingly engaging with concepts such as modern slavery and the UN *Guiding Principles on Business and Human Rights*.

All of these developments are significant. They strengthen the institutional architecture needed to combat exclusion. They give the vulnerable a voice. They provide tools by which to assert and define rights, politically, economically and legally.

For many years I have argued for a national *Human Rights Act*.

The arguments for such a measure have only become stronger as the years of inaction by both sides of politics have rolled by.

Of course, such an Act would not cure every injustice. I have never suggested otherwise. But it would strengthen the institutional foundations through which those rights can be understood, applied and asserted in the public space. People facing exclusion and their supporters are not asking for favourable treatment. They are asserting equal dignity. Rights are derived from human dignity and from basic human need to share in our democratic society, beyond triennial elections.

The more sophisticated our understanding of poverty becomes, the clearer it is that poverty involves a denial of fundamental rights that Australia has already recognised internationally. The need is clear in all aspects of basic human rights. But it is especially clear in relation to

economic, social and cultural rights.[20] In today's world our default is unusual and unjustified. Enacting human rights and freedoms would not, of itself, improve the lives of the homeless and food deprived. But it would contribute measures to hold our political and institutional leaders to account.

For me, the argument has never been merely technical or legal. I have previously said:

"It is when the law protects the poor, the powerless, the vulnerable and the unpopular that it knows its finest hour."[21]

Poverty challenges us to ensure that our legal and democratic institutions are equal to the tasks that are their duty.

Let me conclude. Last year the Governor-General reminded us *belonging* is essential to a fair and inclusive Australia. Poverty underlines that belonging and the sense of being a real part of the Australian community. Poverty limits participation. It weakens agency. It leaves people being, and feeling, unseen. A society committed to reducing poverty is ultimately a society committed to ensuring that everyone *belongs*.

History teaches us social progress is rarely immediate. Every generation inherits injustices. Sometimes people assume that these

[20] Committee on Economic, Social and Cultural Rights, 2026, UN Doc E/C.12/AUS/CO/6, para [6].

[21] Michael Kirby, 'The Rule of Law Beyond the Law of Rules' (2010) 33 *Australian Bar Review* 195, 203, quoting *Falbo v United States* 320 US 549 (1944) at 561 per Murphy J. Applied *Australian Broadcasting Corp v O'Neill* (2006) 227 CLR 57 at 114; 229 ALR 457; [2006] HCA 46; BC200607692 at para [165].

are permanent. Not so. Slavery once appeared permanent. Our country was once described as belonging to no one, as terra nullius. The legal persecution of homosexual citizens once appeared permanent. The exclusion of women from full democratic participation once appeared permanent. People of colour were excluded under "White Australia". People with disability were neglected. Trans people were denied full dignity. Intersex people were reshaped in their bodies to fit the binary concepts of parents or doctors. Victims of pandemics were denied vaccinations or basic care. The sick missed out on basic medication. Dental care was and is seriously neglected and often unavailable.

Yet each of these injustices has been challenged. Each was resisted. Some were overcome. Poverty must be approached with the same progressive spirit.

A change in moral imagination is now required: to move poverty from the category of the unfortunate but inescapable, to the category of the unacceptable and intolerable.[22] This is why we need to recognise that human ingenuity, democratic commitment and moral courage can help to reduce poverty. And ultimately render it truly exceptional.

Australians should commit themselves to three tasks.

1. To measure poverty honestly and comprehensively;

2. To understand poverty through the lens of human rights; and

[22] Hannah Wootton, 'Interview: Philip Alston, UN Special Rapporteur on Extreme Poverty and Human Rights' (2017) 26(3) Human Rights Defender 28, 28.

3. To strengthen our democratic institutions so as to enable every person to participate as fully as their physical and mental capacities permit, in our common civic life.

The challenge belongs to all of us. It requires community organisations, business community, the legal profession, researchers, policymakers, politicians and people with lived experience to work together to tackle poverty – especially to tackle the new and growing evidence on our streets, in our towns and cities. Our needs extend beyond Potemkin facades and temporary respite. In the tradition of BSL, Australia must gather the evidence and face it squarely in its reality.

The challenges that Geoffrey Sambell and others posed through BSL remain our challenges today. Whether we possess the data and imagination to see those who are excluded. Whether we will concede Australia today is incompatible with the "fair go" people of Australia pride ourselves on Whether we possess the courage to act, however and wherever we can. And whether we possess the determination to ensure that one day serious poverty in Australia is no longer regarded as inevitable, but as intolerable. It is contrary to our basic entitlements to human rights, human dignity and political democracy.

If he were still with us and present at this occasion, Geoffrey Sambell would still be urging us to dedicate ourselves to this cause. Not to look away from the homeless people who sleep on our footpaths; not to ignore the ever longer queues of people seeking support; and not to reject the moral sedative that these new and widespread phenomena are not our problem or our fault. Our priorities are wrong. Whilst there is still time, we must gather full data and provoke change.