

Getting In On The Act F+E Con 2024 Video.m4a

[00:00:00] We're now ready to move on to our first plenary and I invite panelists to join me on the stage so if Roz, Les, Philip, Dinesh, George, and Danny can please make their way onto the stage and get comfortable for our next session, that would be appreciated. And as they do so, I've got a few things to share with you. All plenaries are going to be held in this room together. Breakout sessions are in various locations. There are two here in this room, two at the far end of the Maritime Ballroom on this level, and the others are downstairs. Morning tea, lunch, and afternoon tea will all be served in the Maritime Ballroom, just across from this room. You may have been there last night for the welcome reception.

[00:00:41] There is also a prayer room and a quiet room in the building; please ask any of our staff and volunteers, and they will show you the way. It now gives me great pleasure to introduce to you our star-studded panel. Thank you. Starting with Emeritus Professor Rosalind Croucher. Welcome back onto the stage, Rosalind. Lawyer, academic, and one of Australia's most eminent international human rights practitioners, Professor Philip Olsen. Great to have you with us, Professor. We have lawyer, academic, Australian constitutional law expert and freshly minted Vice-Chancellor of Western Sydney University Professor George Williams. Congratulations on your appointment, George. We have fighter for First Nations rights known around the world as such. Gubby Gubby, Bachelor, and Gamilaroi man Les Maltzer. Great to have you with us, Les. Doctor, Lawyer, and disability advocate Dinesh Palihaporni.

[00:01:38] Hello, Dinesh? And Human Rights Law Centre Campaign Manager Danni Fadoul. Welcome, Danni. Can we please give our panelists a big round of applause? Alright. President Ross, I'm gonna start with you. The Act means a human rights lens would need to be applied to new laws, policies pretty much everything. This makes me think of that movie title: 'Everything Everywhere All at Once.' How can something be applied to all of those things at the same time? I think the the language that our superb keynote speakers used was about the the empowering nature of tools, and it's it's the possibility of applying to everything that is the secret to it. It's the foundation, the bedrock, of what provides that enabling tool that can be used by communities, by individuals, by advocates to provide that support.

[00:02:42] I think is the number one answer all right! Let's get down into the nuts and bolts now, layers.

If I can go to you, Queensland's human rights act was suspended twice last year to lock up children, which disproportionately impacted First Nations children, that made international headlines. And at the time, the state's human rights commissioner described human rights protections as very fragile. So, when a state can have so little regard, do you think a national human rights act would be respected? I think, in fact, it gives example of how people react to a weakening of a right, and particularly in statute, so there are consequences because of what the Queensland Government proposed to do. And I'm sure though that will

I believe a rectification of all that, so I think that X statutory laws can be changed and we've experienced that with the racial discrimination Act knocked in the Hindmarsh Bridge case or in the Northern Territory intervention case, and in other cases.

[00:03:44] So they're the negatives of it, but at the same time, it gets the publicity. And I think going to Cairo home, we need to give access to thinking on immigration when companies are affected. That point among ourselves where that is dealing with the state's viewpoint as well as what is happening at a national level in the state, where you know even how shadows can be cast. The outrage principle, of course. Places to lack we're Taco, not all looking for certain information details that back to our first keynote speaker talking about the strength of the universality of rights and the basis on which those rights exist. So it still does create a platform, I think, for our human rights to be protected.

[00:04:05] Because we've got a history of suspending human rights and there are some delegates in the room that are advocating to raise the age. Is that a human right, to allow children to have a childhood? Well, I think absolutely. In fact, it is a big issue for Aboriginal and Torres Strait Islander children because of removals and child protection policies, and so on. So changing the age of criminality has a huge effect on First Nations peoples, and, of course, it has created, as I said, this body of reaction to it, which will lead, I believe, to it being overcome. Because it is a serious issue. It is a serious situation that, again, picking up what has been said already, that politicians are a little too prepared, I think, to dismiss the human rights concerns.

[00:05:00] But having a Human Rights Act does, in fact, help build that foundation so that the public and the media know right from wrong and know, you know, what is the correct way to deal with when breaches of human rights occur. And we see this in Queensland. Dinesh, that must be speaking your language as well, building the foundation, giving a place to go to when there are breaches. There's a lot being said about the Disability Royal Commission, the 220 recommendations. How effective could a Human Rights Act be in implementing those recommendations? Yeah, I mean, there are so many things that we found through the Disability Royal Commission. And it is really widespread. The thing is, when I graduated from medical school, I was a nurse.

[00:05:49] And when I was trying to access medical school as a person with a spinal cord injury, I remember employment became a really difficult challenge. And I spoke to a friend who was a lawyer at the time. He said, 'This is a really difficult thing to get across the line.' So there are many things that I come across today, whether it be education, whether it be access to healthcare. Human rights are being impinged on every single day. But for people, I think it's really important that they understand that there are so many things going on. There is very little recourse at the moment. So for the findings of the Disability Royal Commission and the recommendations, I think this will be a really important tool for people with disabilities to move forward.

[00:06:32] What was the thing that you were told was hard to get over the line? Employment. So it was a real struggle. I graduated from medical school. I had good grades. I did everything right. I had references. But for me, to start work as a doctor in a wheelchair was incredibly challenging. But there was no way to find a legal recourse for that. It was very difficult. And it was going to be a very challenging road to do that. So fortunately, we got it over the line without doing so. But there are many such issues. And I still see people with disabilities in my work as a doctor, in my

work as an educator. And across the spectrum. But for these people, some of the things that the Disability Royal Commission recommends, it's really hard for them to find a recourse.

[00:07:27] So you were told straight out that it was your disability that was stopping them from employing you. Absolutely, yeah. Like it was somehow your fault. Well, yeah. Danny, religious freedom often impinges on the human rights of the LGBTQIA+ community, who are denied jobs because of their sexuality. I think that's a really important issue. Because, you know, similar to what Dinesh was saying, but because of their sexuality. How could a Human Rights Act assist that in terms of holding people accountable for breaches of human rights? Well, the good news is that a Human Rights Act benefits everyone. And what it does is balance human rights so that everyone's human rights are being upheld and respected. And when it comes to LGBTQIA+ people, it's about making sure the right to equality is there at the same time as freedom of religion, so that those rights can be balanced with each other.

[00:08:21] That's how, in Victoria, with their Charter of Rights, you have a situation where the Bendigo Islamic Community Centre were able to use the freedom of religion provisions in the Victorian Charter to make sure they were able to get their mosque constructed against some pretty nasty opposition that they faced from some people who were outside of the community. But at the same time, that didn't infringe on the right to equality before the law that LGBTQIA+ people or anyone else in the community could benefit from. And that's why the same Victorian Charter was able to help ensure same-sex couples were able to access superannuation. That is the benefit of having human rights standards at the heart of our laws, making sure those values of fairness, equality, compassion, dignity, and freedom are there for government decision-making to be improved and for people to take action when their rights are being violated.

[00:09:04] And I want to mention a little example earlier about the rights of Aboriginal and Torres Strait Islander people, in particular children. That same Queensland Human Rights Act was suspended twice last year, and that was terrible; that happened. But that's a sore thumb. When you look at the rest of the hand, you also see that that same Queensland Human Rights Act was able to ensure the cultural rights of the Wurundjeri and Jagalungu people in the Galilee Basin were able to be respected in terms of being able to practice culture on country. You have a situation in Victoria where the Victorian Charter was used to ensure Aboriginal and Torres Strait Islander children were taken out of a maximum security adult prison, the Barwon case. By contrast, in Western Australia and Northern Territory, similar action didn't succeed.

[00:09:45] Why? Because they didn't have enforceable human rights standards regarding the protection of children and families. And that's why we've got 101 examples of those charters and Human Rights Acts in Victoria, Queensland, and ACT benefiting people on our website, humanrightsact.org.au. Here's a copy of the report, available at all good online bookstores.

Thank you, Danny. Actually, Dinesh, have you ever done like a pretty woman moment and gone back to them and said, 'Look at me now'? Big mistake. Huge. Sometimes. Sometimes. All right, Phillip, would a National Human Rights Act mean Australia would be obliged to respond to matters of international law, to which we are a party, or human rights abuses overseas? The answer that

you don't want is no, because that obligation exists anyway. Australia is a party to all of the major international human rights conventions.

[00:10:45] It's been an active participant, as Michael Kirby and Jennifer Robinson have said. And the ACT wouldn't actually change that. But it does signify that Australia is standing up domestically for the values that it will and should already be promoting overseas. George, how would a National Human Rights Act be applied? Does the ACT perform the duties of an umbrella? Well, if you think about what we've got now, of course, we don't have an umbrella. And what we've got now is a bit like walking out in the rain and pretending it's not raining. Good analogy, actually. So what we're actually hoping to do is move from that pretending state, which you see in some of the dissenting reports in the parliamentary inquiry, pretending we don't have a human rights problem, pretending we don't have systemic issues with how vulnerable and disadvantaged people are treated in our community.

[00:11:44] And so the starting point is the ACT. Is actually to come to grips with that, and be honest and truthful about what's happening in our country. And be willing to fix what I'd deep and systemic problems. So a Human Rights Act is special because it's a systemic fix to a systemic problem. A good Human Rights Act will be like an umbrella it will apply to everything that the federal government does, and will provide in respect of that action a tool and ability to advocate, and an ability to get things changed where otherwise we would see injustice and human rights being defeated. Now, where that umbrella may run short is when it comes to states and territories. We're talking about a National Human Rights Act, and there are limits to what we can do in Australia when it comes to states and territories constitutional limits.

[00:12:30] So, we want a really strong federal umbrella, but we need to be get real about the fact that we're still going to have debates at the state and territory level. We need the Queensland ACT, and Victorian Instruments, and we also need those instruments in the other states and territories that will be complete protection, and that's why even if we get this wonderful national instrument, there'll still be work to do within a federated structure that needs federated solutions. I want to talk about climate for a moment because the Joint Committee on Human Rights last week recommended the introduction of a Human Rights Act and based on the model that you have proposed, they mentioned climate specifically. And last night, Jen Robinson said that she was going to be representing the Watu government in the International Court.

[00:13:16] of Justice which is driven by the student movement and I had the absolute privilege and honor of meeting Cynthia Hanyuhi from the Solomon Islands during the week it is just it is going to it is going to be world-changing this this particular action and Jen last night said by 2050 there's going to be 200 million climate refugees and we are a big community and we are going to be creating those and the the inundation that we're seeing in the Pacific Islands and in the Torres Strait who would like to talk about climate and and our obligations and the human rights obligations that we don't yet we don't yet know that we have evidently George, yeah, I think that there's no doubt that climate change is of course one of the most significant concerns when it comes to human rights.

[00:14:16] There's no doubt about that. And if we're talking about an effective Human Rights Act, it needs to intersect with those concerns. If we talk again about the umbrella, you need actually to have the capacity for remedies; you need also the ability for legislation to impact decision-making in Parliament and also within bureaucracies. So yes, I would like to see a Human Rights Act, and people should argue I believe for protections about a healthy environment ensuring that these Things are dealt with, and there's otherwise frankly, people are right to ask questions. What is the value in one of the most largest and significant existential challenges for human rights we face? And Liz, for First Nations people, water accessibility and the right to be able to perform cultural practices and protocols hangs on the climate being right.

[00:15:07] There was a traditional owner in the Northern Territory that just this morning made a statement. Tony Wilson said about fracking that Tamborin has already been caught out for polluting water this week. The other big gas company, Empire, was found to have impacted our Land what happens when there are thousands of wells, our sacred waterways, the plants, the animals, we hunt, our children will be poisoned, absolutely. And I start off by saying it's a big impact on indigenous peoples all around the world and particularly in our Pacific region and Australia. The Torres Straits is very much a threat as a result of climate change, and it comes down to a number of things. In this case, we talk about freshwater or inland water; it does affect, and we know in Australia, the type of country, and we are that water is a lifeblood, and it plays in many different ways a significant role in culture,

[00:16:03] first off, in relation To the shape of Australia and boundaries of our social connections, and so on, are often formed by rivers themselves. You've mentioned about underground, about the damage that can be done with fracking. People might remember with drilling, with the concerns about Noongar and Bar decades ago, it was driving into the heart of the Aboriginal people. So culturally, it has a big effect. And as I think we appreciate now, the cultural association with lands, territories, and resources - what we call sacred connection with that - is connected to the land, and the resources, and the land, and what is associated. With the reality that Western society would see about the importance of resources, but also with the developed relationship that we have developed over those 60,000 years with those areas, so anything that happens it affects the flow of water or the existence of water is a big part.

[00:17:04] And already, we've seen the protests that are coming from Aboriginal Torres Strait Island communities about how they're losing access to the waters that they have traditionally had being able to access along the Murray-Darling system, for example. So it has a huge impact and, of course, it brings into play the importance of recognising the Rights that the Aboriginal and Torres Strait Islander peoples have to the natural resources and the well-being of those natural resources very much linked to the well-being of the people themselves. And, Dinesh, it's not just about the existence of culture and the existence of homes but it's also about the existence of life, absolutely. Yeah! And I can give two perspectives on this as a person with a disability: I've been stuck in an earthquake; I've been stuck in a flood.

[00:17:52] The mortality rate for people with disabilities in disaster situations is significant more risk of death, more people die. For me, being stuck in an Earthquake with no one to help me get

down from a building and stuck in a flood without any access to medical support supplies and things. It's a bad situation. And there are other things that affect people as well. So again, for me, other people with spinal cord injury, multiple sclerosis, can't regulate the body temperature. So imagine being stuck in a place like India at the moment where they're experiencing 50 degree temperatures. You're going to die, most likely. So there are hidden populations like this who are more vulnerable, who are more affected, who don't have a voice in this that we need to think about.

[00:18:46] My second perspective, it goes back to one of the points made earlier. I come from Sri Lanka. I was born in Sri Lanka. Small Island. And places like that are affected by big polluters like us. One of the reasons Australia functions is because we as human beings, we follow the road, ㄅ the 願 selfddabadi,,, that we drive path to happiness. That we follow the road rules we we follow the laws and regulations that are in place but are we going to do that as a global citizen or are we going to be the polluter that affects our neighbors and fellow countries who are more vulnerable I think we need to think about that and that global citizenship has a lot of implications not just for climate but for all sorts of things it's interesting when when visitors come to Australia I met the parents of Matthew Shepard who was murdered in a gay hate crime in in America and Judy and Dennis Shepard

[00:19:44] believe that Australia had a very good standing with human rights and and said that the world needs to be more like Australia but Danny are we are we as good as that impression I wish we could say yes right I really do wish we could say yes right I really do wish we could say yes right I really do wish we could say yes right I really do wish we don't problem is the problem is we've wish we don't problem is the problem is we've wish we don't problem is the problem is we've got you know royal commissions worth got you know royal commissions worth

[00:20:04] got you know royal commissions worth of reasons why that is not the reality of reasons why that is not the reality of reasons why that is not the reality for far too many people across our for far too many people across our for far too many people across our society age care disability robo-debt society age care disability robo-debt society age care disability robo-debt that's millions of people we're talking that's millions of people we're talking about who haven't had their human about who haven't had their human about who haven't had their human rights respected systemically both sides sides of politics across the palm that agreed that's why those were Royal Commission's held

[00:20:20] on it and we didn't have a situation where they said oh it's just a couple of random problems here systemic problems and all of them talked about putting enforceable human rights standards in our laws we've heard a little bit earlier from Justice Kirby and from Jen Robertson about like why haven't we had this Human Rights Act until now something else That's in the Amnesty International human rights barometer, polling that Jennifer Robertson mentioned, 51% of Australians think we already have one now. It could be because they're watching US cop shows, you know, where's my Miranda rights, where's my phone call? But I actually think it's because for most people, most of the time, human rights are pretty fine; they don't think that there's a human

rights abuse that they're dealing with or confronting.

[00:20:56] And when they do have one, chances are they're not thinking 'that's a human rights breach', they're thinking so... for us it's about talking about this issue, not just Talking about the problems in our society, but also showing what the benefits are of having enforceable human rights standards in our laws. Because once we're able to show those benefits for everyone across our community, then we can get that groundswell to the point where we can have the palm tree-drunk community, and Human Rights Act turned into a legislative reality, so that everyone across the community can take action when their rights are being breached. Can I just add from Aboriginal and Torres Strait Islander viewpoint, and I've done a lot of work internationally, and so on, Australians. Themselves, I'm talking very generally here.

[00:21:34] Think they are good human rights performers, and see the rest of the world as being despotic, you know, and off the planet, and so on, and it really is not true. Particularly when you're talking on the topic of indigenous peoples, and looking at what's going on even with our neighbors in New Zealand, or looking elsewhere in the Pacific and Asian regions, but all around the world Australians are not as good as they think they are. Maybe they need to have something against which they measure performance. I think Australians want to be good human rights performers. I think Australians want to have standards, but politically and vested interests they want to have control as was said before. You know historically it's been this desire to have control of what does get recognized, what doesn't get recognized.

[00:22:21] And Ros, I asked you this yesterday on the 10th year first midday that we have a problem in this country when racists are attacked - sorry, when people calling out racism are criticized more than the actual racist incident, or racism. What was your response to that? Well, I want to loop back for a second excuse me because, I think, what's what's been resonating really strongly with me is you know there is a generally speaking we're a very rights-respecting society, but what that misses is the invisible bits. Mr. Kirby, Michael Kirby, likes to be called Mr. these days as he is a citizen again, and the spoke of the invisibility of him as a gay man at a time when the racial discrimination was so strong that the rights-respecting Australian society criminalised intimate sex between men, and the invisibility of women, of which Jen spoke.

[00:23:28] We only get under the surface of that invisibility when we have incident upon incident of individuals whose rights have been egregiously abused. And we get a Royal Commission, and what does that show? Oh my goodness, we see, we see, we hear those that were invisible before. And it's when you have that absence, that silence, that invisible space - you don't see it, and that's the problem. That without that ability to rest on those values. Values that are enshrined in a way that Michael Kirby holds so dear when he refers to that Universal Declaration of Human Rights which made such an impact on him and for him showed the absences, the silences, the invisibility that was otherwise there, hence we're also supporting now a convention on the rights of older people because of the invisibility of older people in terms of the general perspective.

[00:24:38] There are protections that you could say apply very well but when you recognise the invisibility that assumption generates you have to think again. And in terms of the issue of racism

and the issues that my colleague Giri Sivaraman spoke of, our Race Discrimination Commissioner, hello Mr Sivaraman Commissioner, that what it shows is that if you talk about racism and racism versus discrimination based on what's shows is that if you attack the person who is calling out or drawing attention, it speaks to a breakdown under the surface again in social cohesion. And that's the problem that we need to address. And in a way, it's part of the invocation I gave you all this morning, in terms of continuing the conversations respectfully because it's in that respectful space, active listening, that we start to build the understanding.

[00:25:40] This act and the conversations that we're having about the act come at a polarizing time for social cohesion in this country. George, can we have a little chat about what obstacles there might be between this and getting in the way of a Human Rights Act? What could we see in the lead-up to this act being proposed? Yeah, there might be a few obstacles along the way. I think it's fair to say. And I suppose I'd just ask you to throw yourself back maybe 18 months. And if we propose the idea of giving our First Nations a say on the laws that affected them, I mean, surely everyone would agree with that. I mean, that's a pretty uncontentious proposition. And yet we had the most bitter and divisive referendum in our history, and that proposition lost.

[00:26:22] And it says a lot about the challenges in this area that even ideas that have rational force that play well to basic values in this community, that they can be hard to achieve. And I think, when I think of a Human Rights Act, I think of a lot of resonance with those values that should make it possible. And it is possible, there's no doubt. But we are a country that values freedom. We're a country that talks often about the fair go. We're a country that talks about equality. But we're also a country that, at this point, does not see the language and tools of human rights as being legitimate. And it's important to call that out. I've seen that firsthand so many times. This room does.

[00:27:02] But in terms of asking, do our politicians, do our institutions, does the community have the political, legal, and cultural resonance to say 'I'm ready for this?' Well, I think the answer is not yet, and we've got to win that debate. And to get this done, my starting point would be to assume this is going to be really hard. Unlike the voice where the assumption was 'this will get through, this won't be hard', and we see where it got - you've got to go in recognizing this will be a difficult process. It can be one; I have no doubt it can be one. In fact, it's been one in every other comparable country. But this isn't going to be easy.

[00:27:36] And as to why that is, I think partly it's that, as Danny has indicated, most Australians think we've got a Human Rights Act. So, to take the umbrella analogy, if I'm going out in the rain, I've already got an umbrella. You don't need to sell me one. I mean, that's a tough thing to do, to sell somebody an umbrella when they've already got one. We've also got the problem where many Australians think not only have they got it, but they don't have a problem themselves. They don't see this as relevant or resonant to them. So we've got to make that clear. And in fact, every single person in this country has the potential to benefit from a Human Rights Act. At some point, they're going to be dependent upon government services.

[00:28:12] It could be aged care. They could have a family member with a disability. There's all

sorts of reasons. But making it real to them and the stories, I think, are very powerful. And the other thing we have to anticipate is there will be political opposition. And it will be opposed, almost certainly, as we saw in the Parliamentary Committee, is because opposition parties see an upside to opposing this, just as they did The Voice. So you've got to go in recognizing that. You've got to plan. You've got to strategize. You've got to have your messages. And at the core, you've got to understand, to overcome that, that we've got to have powerful stories that connect with people that help them understand why their lives will be better. And I've absolutely no doubt that is the case.

[00:28:51] The stories are there. But if we ever lose sight of that, the stories, the connection, the people, the more it's about constitutional law in my area, the more you're going to lose, I'd have to say. It's about people. And I think that's what overcomes those obstacles. I'd like to get to you. I'd really love to have your thoughts, Les. But Phillip, during the referendum debate, it didn't matter how much constitutional experts said that it wasn't, that there were going to be no implications on other people's rights and that sort of thing. The more people thought that it was a conspiracy, almost, and the more it divided the community. So, what can possibly be done to counter any naysaying when it comes to matters of human rights law?

[00:29:33] I think that; I think George has raised a lot of issues that are really important and have not been given the sort of attention that they need to get. In my various UN capacities, I visited about 30 different countries, made detailed reports on their human rights situations and the problems they faced. But whenever I did that, the challenge was to work out who the potential constituents were. You know, these were. There wasn't any point in going there and saying, 'You guys have to embrace human rights because they're terrific and you'd really like them.' Huge skepticism. And when I come back to Australia, I see a country that is not very keen on human rights. And so I ask myself, why would the average Australian be interested in supporting this initiative?

[00:30:26] And it's not that easy. And the thing that, for me, is really important and has not got the attention that it deserves, is the second word, the second noun, free and equal. What's dramatic about the proposals by the commission and also by the parliamentary committee is that economic and social rights are there. My sense is that the average person will almost never see that civil and political rights are things that really matter for them. I'm not Aboriginal. I'm not gay. I'm not a protester. I'm fine. I'm an old white male. I don't need those rights. It's for troublemakers. What we need to do, I think, is to start selling economic and social rights. We haven't done that. The human rights community has neglected them dramatically.

[00:31:24] Economic and social rights say to people that there is a right to an adequate standard of living, that human rights are about the same. It's about values, not just about courts, not just about violations, but about how we live on an everyday basis. And just to give you one example, which will seem incredibly challenging, most of the people out there who are under 40 will have immense difficulty getting adequate and affordable housing. We've set up a system to ensure that. Those of us over 40 are doing fine. We're getting richer by the minute. Others will struggle, perhaps, throughout their lives. A commitment on the part of governments to ensure that there really is

adequate and affordable housing for every Australian is something that could be done. There are ways to do it.

[00:32:22] And it is something that should mobilize large parts of the constituency. And that's what we really need to do, is to work out who are the constituencies that are not currently engaged that we can mobilize and demonstrate to them that there's really something in this for them. I think the reports that are on the table are terrific in terms of embracing that broader approach. And 40% of voters are in that age group, 25 to 39. So if this is an election issue going into the next election, then there could be a definite message from that majority. I will get to you, Denny, you wanted to say something? Yeah, I'll make Philip's day. So one of the examples in the Queensland Human Rights Act is about a domestic violence survivor who was being evicted from her housing due to the actions of her abusive ex-partner.

[00:33:14] And because of the Queensland Human Rights Act provisions, she was able to, with the existence of Tennis Queensland, raise that issue with the community service provider. That led to that eviction being rescinded. Those are examples that we have right now happening in Queensland, Victoria, and ACT, where they do have human rights standards at the heart of their laws. In those economic, social, cultural rights areas. And I think those are the sort of stories that will help show how everyone benefits across our community by having those human rights standards that they can rely on. All right, Les. Such a bruising debate with the referendum. Are we ready, as Dorj suggests, for the vitriol that may come with this? Well, referring to the referendum, thank you. The fact is it wasn't a bipartisan referendum.

[00:33:58] It should have been a bipartisan referendum. It doesn't matter whether you're a yes or no voter. The fact that it wasn't bipartisan, it was going to lose. And I think everyone should have known that. We knew that before, and so on. But the point I want to make, which has come up earlier, is Australia already has obligations to human rights through the treaties it's signed. That's too conveniently overlooked, because those obligations are not necessarily enacted in law. Particularly, the civil and political rights are not there, and they're not there to protect Aboriginal and Torres Strait Islander peoples, when it is an obligation upon the nation. And even Robert Menzies himself said, the Constitution is meant to be an evolving document.

[00:34:42] It wasn't meant to sustain the views that existed in 1900, 'we've got to protect ourselves from the black people.' It's meant to be evolving. It hasn't been evolving. A Human Rights Act, hopefully, will be part of an evolution. But at some stage, it's got to be, I think, a clear message going across that these are obligations. These are obligations taken for granted in Australia. Civil and political rights taken for granted, but not available to Aboriginal and Torres Strait Islander people, who are essentially always closed out when it comes down to those sorts of issues. So a Human Rights Act, I think, is at least a statutory attempt to try and rectify that situation, and has already been said a few times, a constitutional correctness. And I think that's something that the election is also needed.

[00:35:32] Thank you. The Australian public isn't going to be asked to vote on this, unlike marriage equality and the referendum. Do you think that will, I don't know, can limit the amount of vitriol

we hear? George, I mean, it's not going to vote on this, but we do have an election next year. And that's the important point, that in many ways, an opposition, if this is debated prior to the election, may make this an election issue. So, in essence, that often happens. Make this a referendum at the election on a particular issue. We've got migration emerging as a strong issue. It's very clear that the opposition could take a number of points about how this might assist certain people. Where the media is already railing against people who are in the community seeking asylum, who have committed crimes.

[00:36:18] There's a lot there that could be done if they want to. And that's got to be anticipated. And even quite apart from that, just think of the misinformation. There's enormous potential there on social media and the like. And again, this can be one, but you've got to go in with a really honest perspective about how hard it is and what is likely to happen. The last time we had a debate like this, where I and others were very much involved, what happened was; in the end, it was cast not as a human rights act, but the language was the pedophiles' charter - is how it was described. And what happened was, they mobilized tens of people called electorate officers and the like, and were very, very active at that time.

[00:36:54] It wasn't, of course, but was very effective. I would say, in terms of the political configuration, though; there's been never a better time to get this through - That's the counterexample. Because the ALP has attempted to do this in every single occasion it's been in government since World War II, but has been defeated largely in the Senate. The crossbenchers now have the opportunity to get it through. So, it's a different political dynamic. But again, I suppose the bottom line is: just be prepared. You've got to fight for this if you want it. You've got to get the stories out. You've got to get the narrative out. This will be a tough but winnable campaign. And often, it's been lost. But as people have assumed, it's much easier than it actually will turn out to be.

[00:37:32] A couple of interesting points coming out of that. Mis- and disinformation protections would be very handy right now. But also, something that I remember Justice Kirby saying last night to Josh Burns when Josh said, 'Well, you know, you can lobby your parliamentarians to get this legislation up.' And Michael Kirby said, 'Well, they're not in parliament, but you are.' So Roz, did you have any thoughts about whether this could go before parliament in this term? The government's commitment going into the last election was to do a review of Australia's human rights framework. We've got that. The parliamentary joint committee's work came on top of the work of the Human Rights Commission. And we've seen, gave a ringing endorsement to our work. I think the opportunity is there now, going into the next election.

[00:38:28] Certainly, from our perspective, we will be seeking for a response in terms of our work and the parliamentary committee's work and the Disability Royal Commission. There is an opportunity to open that conversation as to what's next. But I also wanted to loop back about the politics. And Les, thank you for reminding us about the promises that our governments have made to the world. Early in my term as president, I conducted an exercise for myself, which was taking a political perspective on human rights protection. And so, I looked at all those international treaties and I looked at all the signing and ratifying moments. And I found 21 occasions of signing and

ratifying, and I thought, 'Twenty-one? Okay, I'll take one off.' Which was a second optional protocol in relation to the abolition of the death penalty.

[00:39:23] I thought, 'That's not going to be a political issue,' so I took the other 20. Twenty occasions of signing and ratifying promises to the world red pen for labor, blue pen for the coalition. I kept going through all of those 20, and you know what the result was? Dead heat! Now, if anything says our promises to the world and bringing them home into a domestic law, making those commitments Australian law, that it should be above politics, frankly. I think that's one of those answers, thanks for that role. Dinesh, the people that this Human Rights Act will make most visible that was talking about a moment ago could also make them the most vulnerable on our way to this Human Rights Act.

[00:40:12] Do you think there should be some kind of is there any way to protect the most vulnerable for from what we might hear on the road to a Human Rights Act? I think you know that's the only thing necessary: bad things to happen is a good people to do nothing, so we can have all the laws, we can have treaties, we can have whatever. But if we see something bad happening and we don't do anything about it Nationalness so, I think what we need to do is when we see these things happening is to stand up and speak against it. We've seen this we've seen people become vulnerable through these conversations until these things come to life. But I think the most important thing is for the Australian public to actually stand up, stand by each other, and do the right thing.

[00:41:08] There have been times when I was going through this journey whether it be education or employment people stood by me; people took risks; people did the right thing. People took personal and professional risks. That's what it's going to take for us as a community and I think that is the most important thing when when I was living in Sri Lanka as a kid we had so much division seeing Hallease and Tamil killed each other communists and capitalists killed each other there were in when we were living in a town they used to kidnap some of their kids 15 years old who were suspected of being communists they locked them up in a dungeon without

[00:41:52] food and water and they had to go to the hospital and they had to go to the hospital and they had to go to the hospital and they had to go to the water in the dark until they died my mom she risked her life to free some of these kids and today she says that so I heard asking Someone asked, 'Why do you care? Why do you why do you do all this for people and people with disabilities?' She says, 'Because she can' and that's what it is. It's up to us. Thank you for sharing that. Dinesh Les and Danny.

Do you think the Australia that we aspire to be could be realized by the journey into a Human Rights Act? To me, well I think we have to aspire to it and it is possible.

[00:42:40] Australia does do good things; there's no question about that when it comes to human rights. I think the fact is that, as we saw with the referendum, people can feel threatened by a number of things that Aboriginal people... You hear these things like, 'I don't want them...!' Stealing the barbecue out of my backyard, or things like that. I mean, where do those things come

from? It's fear. And it's fear that Aboriginal people are getting a particular right that's been denied. But there's no such thing as a special right for Aboriginal people or Indigenous peoples. It's all the same. It's the things that we're fighting for - rights that have been denied. So, I've always been optimistic, and I've always been optimistic. You know when things go bad, they go out.

[00:43:25] I don't get pessimistic at that point; I just get more optimistic about well, what do we do to deal with that? Or where do we go forward from there? So, I think That idea would be positive, and at the moment, you know my current thinking is as we've heard from the other panelists is that look to the elections and look to the political people that are representing us because that's where the the battle is being fought. I think is the debates about having a Human Rights Act shouldn't Parliament keep control of what rights are expressed and how they're expressed. We don't want the courts creating something that is, you know, going to be a threat I suppose to vested interests in Australia.

[00:44:03] So um, you know, I think that this is a case of uh as has already been said, that let's do the things that Are we right? And let's be, um, be positive and active about doing the things that are right, and try and always work out what is going to benefit at the moment on the table. This question of the Human Rights Act, and I think, without a doubt, that's where it's at. And I think if people appreciated the fact that it will really only be verifying what we've signed up to since Second World War, under the treaties and the Human Rights declarations and so on, we've signed up to that in Australia. We believe in that in Australia.

[00:44:43] We're just suspicious about what it's going to mean for Aboriginal trust on a people upsetting the boat here in a you know, otherwise. Happy environment for non-indigenous people, yeah. Danny, where our politicians are maybe um, you know very polarizing their views about Palestine, and uh, or unlikely to even make their position known publicly about issues like Palestine. Would you hope that the Human Rights Act would force them to make their position known about the Human Rights Act? I actually think one of the things that we've had to debate for decades has been far too often we talk about the nonsense that's been peddled and then we're responding to the nonsense, and that's a lost opportunity to talk about the possibilities, the opportunities.

[00:45:23] The positive benefits that we have when we have enforceable human rights standards in our laws by putting those values of equality, freedom, compassion, and of dignity at the heart of decision making because our society, we are deluged in the news by a whole bunch of negativity and terrible things here, a terrible thing there, and that stuff's important to know. But at the end of the day, we're in a mystic positive society; we should have a conversation that's more geared towards that once we have a conversation that's geared towards that. Not only are the possibilities of like a human rights act much clearer and stronger. But so are the possibilities for making sure we have that human right, human rights-minded culture in our society. Not just from people doing everyday good things, looking after each other as mentioned earlier.

[00:46:07] But also, our decision makers thinking consciously about human rights standards and making sure that's incorporated the decisions they make, services they provide. And people being confident to take action when their rights are being reached. That's when you can expand the

conversation to all manner of areas in a way that's focused on what unites us, what can bring us together as a community. Making sure nobody's left behind, but also making sure we're always aspiring for the best. That every child has a quality education, regardless of their postcode. Everyone has access to great healthcare, regardless of their bank balance. Everyone has a secure place to call home. Those are values that all of us across our society agree on.

[00:46:49] I think a lot of us are living in this world meaning that doesn't really matter if we put our slavery aside. We can do it, we can do it so yes, I think there are certain spaces for okay, we can do that. I guess we need to have a degree be nobody's disability is an issue, and that's what I have to understand. Why did I go? On a field trip, I mean just like the director as I said I would always - I would always I should think and act. There's going to be a lot of debate about what should be in it, about how the right to a healthy environment should be framed, how economic and social rights should be subject to progressive realisation or whatever, but I think having an act; what we see is that there's a certain momentum that comes from it.

[00:47:31] You have the institutional arrangements, you've got bodies like the Commission which are then empowered to be constantly pushing the electorate to be reminding politicians of the obligations that are there. I think we need to think less about legal remedies and courts than we tend to because that's not ultimately the key. Judges are actually very conservative, and to pin all our hopes on the courts is, I think, largely mistaken. But I think having an act in place that does tell the politicians, that does tell the government that there are certain minimum standards that the community demands is going to make a huge difference. So, I'm very optimistic about the potential change that will come from the adoption of this act.

[00:48:25] The challenge is mobilisation and the challenge is not to look at conservative MPs and others and say, 'Why aren't you supporting this?' The answer is to say, 'Mobilise' and make the point to the MP that it's actually in their interests to drop the negativity and to see that supporting this act is going to help them as well. So, community mobilisation that's the key. You gave your one-word answer, George. Did you want to have another go? Like, seconds. I would say, yes, these instruments are powerful. They have legal and political power, they have cultural power and most importantly, they have the power to do whatever they want. They have educative power. They change things in our community, and their real power is they improve people's lives. The evidence is in from around the world and in Australia.

[00:49:13] And if we get this, I think we can be confident that we'll be making a big and positive difference, in particular to the people who need our help most. Ros, final words from you. The Commission has drafted a statement that it would like to issue on behalf of delegates after the conference. So there is an action plan on the app. Can you tell us a little bit more about that? I guess it's seeking the commitment from the people in the room as a delegate statement, providing the beginning of that, lighting the torch, the blue touch paper that leads towards the change. And the, I love the way that my fellow panellists have framed things and it's about, it's about that foundation piece of building a culture of rights-mindedness on values.

[00:50:04] On the positive things. So that we do see those who are invisible, that we recognize

the pain that invisibility brings, and that we enable all of us to help to provide effective solutions. And looking to the future, the things that, that any survey of children through the National Children's Commissioners and have done, the things that matter to our kids are. Environment, education, and housing now. If we miss those in our conversation, but it is about the values that all of us hold dear, and making sure that they become tools to improve understanding and commitment to the values we all hold dear. Thank you very much. And that draft statement is on your app, so if you agree, you all just need to do is tick a box. Well, it's now time for morning tea; it's being served next door. And the next four sessions are going to start bang on 11:30. Can you please put your hands together and give a big round of applause to our panel, Rosalind, Philip, George, Liz, Dinesh, and Danny? Enjoy your morning tea. See you back at 11:30.