

Activating Equity F+E Con 2024 Video.m4a

[00:00:00] Welcome back, folks. You know it's a good conference when there are more people to speak to than you have time in the breaks. So, with that in mind, every time there's a break, make a beeline for the person you want to speak to, exchange your contact details, do some networking and isn't that where all the magic happens? We are enriched by what we hear in the sessions, and then it's up to us to take that into our everyday jobs and lives. Building relationships is a big part of that. Well, welcome back! I hope you enjoyed the morning session and also morning tea. The next session is entitled 'Activating Equity Participation as a Right' and it gives me great pleasure to introduce to you your moderator, Australia's Age Discrimination Commissioner, Robert Fitzgerald.

[00:00:52] Good morning, and thanks for joining us on this very important topic around participation. I should just say to you those in the economy class seats: can come forward to the business class at any time you would like. We're non-discriminatory and highly inclusive on this panel, so if you want to come forward, please do. It is a great joy and I obviously want to, on behalf of the panel and myself, acknowledge the traditional owners, the Gadigal people, and join in the acknowledgments that have been already made. Today, we'll have an opportunity to talk about some of those issues. Specifically, in relation to the economy. I want to start by saying that in many senses, all of you have had material in relation to participation as a right, and it's a very important right.

[00:01:46] It's one of the most central rights of the human rights legislation that exists, the covenants that exist around the world, and of course what's being proposed by the Australian Human Rights Commission. But I just want to talk about myself in one sense as a white male born in the 1950s, and I am old. Let me tell you, I was born went into a privileged position. It has never been an issue as to whether or not I have the right to participate in economic, social, political activities. It is a given, and it has been a given all of my life. As an advocate, I've used that position effectively, and yet in all my time involved in the community sector, public policy, and private enterprise, it's always been very much on my mind that for many others, that is not a right that has existed, or it's a right that's had to be fought for at every step of the way.

[00:02:46] Firstly, in relation to women. Their right in the court system, as you well know in Australia, the voice of a male witness was always to take precedence over the voice of a female witness. In fact, the female's witness evidence was to be discounted relative to the male. That's in my lifetime. The voice of children wasn't to be heard. In our court system, the voice of a child was always to be discounted relative to that of an adult. We've seen the struggle in relation to our First Nations people over and over again in relation to having their voice heard. We hear today the difficulty of people from culturally diverse backgrounds. Linguistically diverse backgrounds, and especially if you're a refugee or newly arrived migrant.

[00:03:32] We've seen only recently the voice of people with disabilities being heard, and fortunately, there is, of course, a very strong United Nations Convention on the Rights of People with Disability. And now, of course, in my current role as Age Discrimination Commissioner Val, and I are there to fight for the rights of older people, hopefully at an international level, but also at a

domestic level as well. But it's interesting in the last act the statute that governed my last position as New South Wales Aging and Disability Commissioner, where I was the Commissioner for five years, there's a special provision that required me as the Commissioner, in the examination of the abuse of people with disabilities and older people, to pay particular regard to a number of groups: people with background culturally and linguistically diverse backgrounds, people in regional and rural communities, First Nations people.

[00:04:32] People with disability, indeed, the only group that I was not meant to pay attention to; what white heterosexual males that live in the city? Everybody else was a special group, and that's in legislation. So it goes to show that even in legislation, paying attention to special needs means that everybody had a special need, everybody. Was sort of a minority, other than me, and that's extraordinary. The second phenomenon which I think we have to take account of in this discussion is for most of my adult life, public policy has been designed by middle-aged white males or recently, middle-aged white males and females for middle-aged white males and females.

[00:05:52] When I was at the United Nations pursuing with our friends from the civil society, including Bev there and others, one of the panels there was on the participation of older people in public life, economic, social, political, public life, right throughout the world. We listened to an expose of how older people were being treated in different countries. And, as I said at that time, for older people, and Val will back this up, we become invisible and, worse, voiceless. It's not that older people don't have anything to say, it's just too few people wish to listen to us. And that's the truth. Throughout the world, older people have become onlookers in their own lives, onlookers on society, rather than active participants in their lives.

[00:06:40] But I'm sure today in this panel we'll hear that at various points in their lives, that's been the case as well. And so one sense of human rights is about stopping us becoming onlookers. And active participants in the decisions that directly affect us, and in the decisions, sorry, the design of the systems and services that are meant to support us and protect us. So participation is about the individual's right to be heard in the decisions that affect us, whether or not it's about a service delivery or otherwise, but it's also about the design of the systems. And that's, of course, why human rights matter so much. Even if we were to give everybody a genuine right in the decisions that affect us, that's to say, we're going to give everybody a genuine right in the decisions that they make, so-called choice and control that dominates the NDIS and other areas of our services.

[00:07:26] If those voices can't be heard in the shaping of the systems, shaping of the policies, shaping of the protections and safeguarding, then, in fact, we will fail. So today, our great panel is going to explore some of those issues, and you're going to have lots of time for questions, I hope. That's of course if they will stick to time, and they will. They're really, really good. I'm going to do the very briefest of introductions. And then we'll just then going to have a bit of a discussion. So firstly, Hannah Diveny. Hannah is a writer, an author, a disability advocate, and is a person with the lived experience of disability. So, welcome. Thank you. Yes. So terrific. You guys are so nice. Thanks. That's right. What's one thing you'd like them to know about you?

[00:08:16] Oh, gosh. One thing. One thing. One thing. I mean, I think it's important to know that

I have a reputation for being brutally honest. We will hold you to that. Yes. Zahra Al-Halali is the Chief Executive Officer of Oaktree Australia, and that's the largest youth-led international development organisation in Australia, so that's a big claim. So, Zahra, welcome. And what's the one thing we should know about you? Oh, big question, but I will say: I've moved jobs, so good thing to know that I am no longer with Oaktree. I am now with the National Association for the Prevention of Child Abuse and Neglect. Terrific. Great stuff. So she's definitely taken on an easier role, ladies and gentlemen. I know. I know. No big deal. Here. Val. Val is a stalwart in the advocacy for older people.

[00:09:12] Val Fell. And Val's been an advocate for all of her life. She's had the lived experience of relatives that have fallen ill. She's had Alzheimer's and dementia, and she's an ambassador for the great organisation COTA, the Council of the Ageing, and a member of the National Older Persons Reference Group. So welcome, Val. Thank you. And what should we know about you? I'm also on the Council of Elders. Good. And if you give me a microphone, I'll talk too long, so beware. Beware. All right. We'll be very aware. So that's terrific. Then Vanessa Turnbull-Rogers. Vanessa Roberts is the first ACT Aboriginal and Torres Strait Islander Children and Young People Commissioner. Is that correct? Just started in February.

[00:09:55] And she's been a great Fulbright scholar, and she's also currently, this might be a little bit out of date, a doctoral researcher in the field of law and children's rights concerning family policing and statutory out-of-home care. Is that true? Yes, Phil. Took a leave of absence while I took up the appointment for a little bit, but I'm still going back. That's good. And tell us something we should know about you. I'm not sure. I'm just going to second what Val said. I'm known for a long yarn, so I'm so glad you're here to spend time with me. So, yeah. That's very good. And Juliana Nkrumah. And Juliana Nkrumah, a women's rights and refugee advocate. I think, Juliana, you're still the manager of gender equality and women's safety at the terrific organisation, Social Services International.

[00:10:43] And I noticed the CEO is here and others from that organisation today. And you've also been a very interesting role for 10 years coordinating the New South Wales Police Forces Multicultural Community Liaison Officer Program. Is that true? Yes. So, what should we know about you? God, I'm a very dangerous disruptor. You don't give me a microphone. So, we sort of like that. Okay. So, what I'm going to start is, I've asked the panel to just give a personal reflection on a moment when their voice was listened to or it wasn't listened to. You can choose. And just to do it in a very short way. Because, in many senses, I can argue and talk about the intellectual framework for participation.

[00:11:28] But the truth of the matter is, the only way we'll win this battle is if we can demonstrate that it's going to make a difference. But starting from our personal experiences, that of our communities - that's the way to go. So, why don't we start, Juliana, a personal experience, good or bad? My voice matters when I have a platform. But it doesn't matter when I'm racialized and ignored and overlooked. Especially when I'm treated as invisible. Right. Good. Thank you. And let's just move across. Thank you. A time when my voice didn't matter, and I'm going to bring it back – please cut me if I talk for too long – was probably when I was 10 and a half years old.

Forcibly removed by police officers and told that this was going to be the trajectory for my life.

[00:12:15] I didn't have a voice. I didn't have a say. I couldn't do anything in that situation. I was just a little child. The time that my voice did matter, which is a strength and a power to not only the ACT, First Nations community that fought for this role, but actually the way they strategically wrote the legislation for the appointment as Aboriginal and Torres Strait Islander Commissioner for Children and Young People. My first three weeks in my appointment, I had the privilege to appear in a court matter that probably shouldn't have had to get to the court process, but we got to stand up and act as a party and fight for a child to get that child home.

[00:12:46] And that's why rights matter, and that's why voices matter, and that's why it's so important that when we strategically continue to advocate for this Federal Human Rights Act, that we remember that there is power for the little people who didn't have a voice, for then when we are big people and can fight for those little people's voices. Good. Terrific. Val. Yes, well, I suppose when my voice wasn't heard, I was a little child. And this is a humorous story, but it's a true one. But I think because we're dealing with a very, very serious subject, a little bit of humor doesn't go away. I went to a dinner with a lot of older people and a lot of younger people from all generations. But I was sat at a table with an older group of people.

[00:13:37] And before dinner arrived, the waiter came and stood between myself and somebody else who was an elderly person. But she was only 70. So she was quite young as far as I was concerned. I was old enough to be her mother. But apart from that, the waiter said, 'Would you like a drink before dinner?' And he looked at us; we both said yes. So he turned to the younger person and said, 'Would you like a shandy, a soft drink, a beer, a wine, whatever?' And she chose a wine. So he went and said, 'Would you like a shandy, a soft drink, a beer, a wine, whatever?' And he went through the thing saying, 'White or red.' And she said, 'No, I'll have white.' Then he said, 'Sparkling.' But in any case, he eventually gave her her drink.

[00:14:26] And then he looked at me very carefully and looked quite hard actually. I don't think he really realised what he was doing and said, 'And would you like a cup of tea?' But there were a lot of things that had happened in that. In the meantime, of course, since then, my daughter actually had someone say to her, because this person wanted to send me a document. And then she turned to Katrina and said, 'Can she still read?' And then 10 years ago, when I was only 85, somebody I knew said to me, 'Have you made arrangements to go into a nursing home now?' And I said, 'No, why?' She said, 'Because I'm a nurse.' And I said, 'Of course, you're old. Surprise. No, I have no intentions of going into a nursing home.'

[00:15:20] Apart from which, I don't think any of the nursing homes would have me. I'd make too much trouble.' That's true. But I now realize that my voice is being heard. Otherwise, I wouldn't be here. Thanks to the Human Rights Commission, I do have a voice. That's very good. Well, Val, I have little doubt that you've had a voice for a long time, but it's great to be formally recognized today. Sarah? Interestingly enough for myself, it was a few months ago I was sitting on a panel discussion. I believe it was about gender equality, and I was speaking with a few other older activists in the space - two other men, two other women. Essentially, it was an hour-long panel

discussion, and by the end of the hour, I still hadn't spoken.

[00:16:08] We opened up for Q&A. The moderator went to one of the other panelists, to which the panelists had redirected their question to myself, which was amazing, don't get me wrong, but absolutely embarrassing to be sitting there in a room full of 500 gender equality activists and to not say anything. Now, alternatively, I'm here with my sisters today, and I think that's fundamentally proof of power in our ability to truly translate. I think that's the best way to transform what participation looks like. Good, thanks Sarah. And Hannah? My turn. Dun dun dun. So, I have a physical disability, cerebral palsy. It affects my fine and gross motor skills, which means it affects everything from my ability to walk, stand, balance, to doing up the buttons on a shirt, playing a musical instrument, using cutlery, handwriting neatly.

[00:17:06] But lots of people with cerebral palsy do have issues with speech. And when I was born, my parents were told that, worst-case scenario, was that I would never walk, talk, or feed myself. Obviously, because I'm sitting in this room looking at it, all of you, that didn't come to pass. There's no particular reason why. It's just kind of how the cards fell. I guess it's pure luck, really. But for me, I was thinking about what Robert was saying. What Robert was saying earlier about how older people become overlooked and invisibilized, and that's the reality of a disabled person for their entire life, depending on when they become disabled. If they've been disabled from birth, like me, it is our reality forever.

[00:18:01] Like, I grew up in the early 2000s, and the two incredibly narrow streams of life that I had available to me were Paralympians, who back then were lucky if they were given five minutes at the end of the evening news, or road safety ads, where ending up like me was the worst possible thing that could happen to a person and was presented as the ultimate consequence of a terrible decision behind the wheel. Now, in the sense that if it stops someone from speeding or drink driving or whatever, I'm all for scaring people. I'm all for the bejesus out of people. That makes sense to me. What doesn't make sense to me is presenting that life, the life of a disabled person, as being over before it begins.

[00:18:52] And that was kind of the message that I internalized at five, six, seven years old. Like, I often say to people, my future was a blank page, not because it was filled with possibilities, but because I literally didn't know what was going to go wrong. I didn't know what was going to go there. I didn't know if the book was going to run out of pages. I didn't know what was going to happen. So I think we've come a long way with disabled rights and disabled voices being heard. We still have a very long way to go. Like, it's only in the last 25 years that we've stopped institutionalizing people as the norm. Like, when I was born, there was a friend of my uncle's who very politely asked me, asked if my diagnosis meant that I was going to be going into a home.

[00:19:43] And that was only in 1999. Like, I'm 25 in two months. So when you think that, like, we've made this much progress this fast, it's great. But also the fact that we have this much still to go is also exhausting. Thanks very much. So I'll just come back to Vanessa in relation to Indigenous and First Nations issues. In the Uluru Statement from the Heart, there is a paragraph that identifies the litany of disadvantages experienced by Indigenous people. And then there's a powerful line

that says, 'Nothing will change unless we address the torment of the powerless, the torment of powerlessness.' And their response to that was the Voice. We've heard about the Voice. But you know, in many senses, in many of the groups we've been dealing with over time, have all experienced that same thing.

[00:20:37] That sense of powerlessness. Right through that. Some less powerless today than others. Some just as equal. But Vanessa, just why do you think participation right, given, you know, the voice was so strong about actually wanting that participation? Why do you think it's so important in the area that you're dealing with First Nations, and in particular children and young people? I think when we ultimately look at the premise of how the colony was established, and in particular, invasion and history, when we're talking about this idea of human rights, we need to recognize that the very successful process of being able to colonize this country was on the basis of the traditional custodians actually aren't even human. So therefore, we have a justification to claim this as terra nullius and take the land.

[00:21:23] And so I think when we look at history, and we look at, you know, particularly my father being placed under Flora and Fauna policies, and then we move a bit more forward, and then we look at the strength and power of the Charlie Party. We look at the power of the Republicans and the activism in the space that's moved forward, and the incredible activists that are still doing work today. And then we look at where are we seeing even greater gaps in terms of participation, and in particular, who's being disproportionately impacted. I think we can all agree here as people in the spaces of children's rights and human rights in general, that we know First Nations children and young people and parents and communities continue to be disproportionately impacted by a variety of intersecting systems.

[00:22:04] And they do it really well. They do it really well. They do it well with really strong intention and action on the receiving end – back end, black bodies, children and young people. And so, in the field of work where I continue to see powerlessness for both families, mums, dads, communities, grandmas, aunties, uncles, kinship, around case management tables, all the way to actually not being able to hear that child or young person's voice, I cannot say how urgent enough it is that we start pushing on how do we interpret the rights and interests of Aboriginal and Torres Strait Islander children and young people. And the reason I shared that bit about the very first premise of this country was a bit on the fact that we weren't considered human is when we're reshaping this form of what does active participation look like.

[00:22:49] We need to recognize there are groups of people that actually might not want to participate in that process because of the historical harms as well. And so when we move forward and we're getting creative and reimagining what does better practice look like, what does better legislation and active participation mean? We need to remember that when it comes to Indigenous rights. That our cultural rights and our wellbeing and our safety of our children and young people might be interpreted differently. I know Commissioner Laurie is here in the space. I had breakfast and a coffee with her this morning, and one thing that she shared with me was about sign language and communication, and tools, and different ways of what does it mean to participate from a First Nations perspective.

[00:23:25] So I think that it's going to be a really big task, a really important task, but one that we actually can't hold on to put on a pause any longer because I'm seeing the detrimental impacts both internationally. I've seen where I've worked on Hague matters where children and young people have not had their voices heard. I've seen a Wiradjuri young child be forcibly displaced from her homelands and told, 'Actually, no, this is your place and this is where you belong' and taken overseas. And then I've seen it at the state level where I've sat around a table and watched families be completely disempowered through lack of participation. Thankfully, we get to sit at that table now; but that table needs to be in every single state and territory, in every single case conference, and in every single form of conversation that involves my people and my people's future and their safety.

[00:24:08] So Zahra, you've got a special interest obviously in youth, but you also bring that culturally diverse aspect to it. So again to you, why do you think a right to participate is important from the communities that you've been dealing with? Well, one of the very first lessons that I was taught growing up, my mum and my dad they sat me down. I think maybe like a decade ago now, and they said to me, Zahra, you need to be very careful about what you say in this country. We are going to be deported one day because of what we do, what we say. And this has simply manifested. I mean, I'm wearing a keffiyeh hijab right now in front of you all, and my mother literally had tears telling me not to wear this because of the fear of deportation that consistently is embedded at the back of our minds, in our blood, in the way that we speak.

[00:24:56] So when we look at participation, when we look at active participation I think first and foremost I do want to clarify. Again, I do back you my sister. I completely back you. Thank you. Thank you. I think participation is very important because participation is going to look very different and we must not adopt this holistic approach, recognising that every single community wants to participate. Participation will look very, very different. But for me, internally, what participation looks like is not just dealing or working with a demographic that is already privileged and already has the power to create a shift and a change. It is super important to recognize that privilege is embedded fundamentally across every single community.

[00:25:33] But the work that I choose to do is to truly work with different, diverse, culturally and linguistically diverse communities to work with the grassroots individuals who do not understand that they have a power to create an impact in this country. Just like I was taught at a very young age to be very careful about what I say in this country, I really want to decolonize this notion because there are so many community members in my own suburb. And I live in one of the most multicultural suburbs in Western Australia that are too scared to speak up because of this notion that we will face deportation one day. That is why I choose to do what I do. Thanks very much. And Juliana, you've got a special interest in women's rights but also refugee issues.

[00:26:23] And of course the refugee community has been subject to an enormous amount of pressure and discrimination for many, many years. So, why do you think again this sort of right, this right to participate in decision-making both at an individual but also a systemic level would make a difference? So we have slogans like 'nothing without us', 'nothing about us without us' or 'leave

no one behind.' Now these are just slogans, but they embody the reasons why participation matters. How do you know to make policies that impact on my life without input from others? That is the question that these slogans bring forward. Such lack of access to decision making, even the empty act of consultation without incorporation of the voices or the issues that are presented at the consultation table is deemed to be a little bit arrogant on the part of the policy and decision makers.

[00:27:27] Participation matters because it leads to effective decision making. And it demonstrates respect for as far as marginalized and minoritized communities are concerned. It embodies a sense of belonging and provides a tool that helps prevent discrimination. So, I cannot seem to be able to bring any other positive angle to this because a lot of refugees and migrants coming to Australia, we need to understand that they're not the poor. They're actually what we call the *crème de la crème* in their societies. But on arrival, are made to feel like they don't have a voice, they don't belong. And what we want to do is to be able to instil back into people the fact that they do have a right to participate. Don't sit on the edges.

[00:28:26] Make sure that you are able to get access to the tables where you can participate. And that's been the bulk of the work that I've done in many, many years in Australia. I'm able to say to groups of people: Listen, Australia has brought you to Australia for refuge, but it doesn't mean that they've done you a favour. It's actually their responsibility. But I know that from where you've come, you understand human rights. You have been participating. And you have a right to participation here. But how do you access that right? How do you access those tables? How are you able to bring to the table exactly what you did in your own country? The problem we have is that there's a lot of fear.

[00:29:14] If I speak, like I spoke in my country and I was pushed out, if I speak in Australia, I have a joke that says, 'if you speak in Australia, you might be pushed into the sea.' But that's not what it is. It's important that we open up in Australia to understand that refugees and migrant women and men have something to contribute. And what we need to do is provide the access to that table for that contribution to take place. And we'll be the richer for that. So, will a right to participate deal with the –

[00:29:55] Will a right to participate deal with what Zahra said, which is her community, some communities, as you then said, fear – fear participation. It's not normally part of their culture. In their own home countries, they are, in fact, not only discriminated against but brutally treated. So do you think – and Zahra as well – this sort of human rights legislation would aid in reducing that fear? Or, as I've often seen in multicultural forums that I've hosted in my previous jobs, they still don't – they will still say, well, that's all very well, but we actually don't trust the authorities. We don't trust government. We don't trust the police. I can't tell you the number of forums I've been at where someone from a multicultural community gets up and says to the police who are on the battlefield, 'We don't trust you.' So, will it make that difference?

[00:30:42] Julia, what do you think? It will make a difference if people are made to feel that they're part of. It's about that sense of belonging. It's about social inclusion. It's about saying –

it's about the thing that we say we are all Australian. What does that mean? Yeah? It's about making the migrant and refugee understand that upon entry to Australia, they are a part of. And not, I don't know, when I was a crazy younger woman, I used to say, 'Did you just bring us here so that we could serve your table?' And you'll be happy for that. It's not about that. It's about equality. It's about equal sharing. But how do I know? How do I really, really understand that you want me to be part of the system? Okay.

[00:31:37] Zahra, do you have a thought? I may very quickly just add that I do think there needs to be a very significant investment into education. And the reason why I say this is because I look at what's going on in Palestine and I look at international human rights law. My community in particular has been significant. It's significantly distrustful of government, and of law, in particular. Understandably. So I do really think that there needs to be a big priority in recognising how this law will be able to protect and to recognise the value of every single voice. Okay. Thank you. Can I just go to Val? One of the phenomena that you may not be aware of is that most of the areas covered by the Human Rights Commission are covered by international conventions, for just about everything except older people.

[00:32:28] And one of the reasons I was in the US was, in fact, to promote the cause of having the United Nations Convention on the Rights of Older People, which is a slow process. And the Australian government is not yet supportive of that, but they're not opposed to the process. But Val, Val's had a lifetime experience. Why do I think particularly older people need or would benefit from this right, this right to participate, both in individual decisions, but also in systems and structures? Well, at the moment, you may all be aware, because I hope a lot of you looked at the draft exposure of the New Aged Care Act, but if you didn't, I'll tell you now that it is written around the person.

[00:33:12] This New Aged Care Act, which hopefully will go to Parliament before the end of this term, but the participant, the older participant, that deals with people over the age of 65, they are at the centre and everything revolves around them. And it's implicit in the whole Act. But at the moment, you can't enforce that because we haven't got an act. You can say, 'You have to do this.' The participant comes first. You have to do this. Otherwise, there's a breach of the Act. But it doesn't matter. Because at the moment, there's no enforceable way. If we had a Human Rights Act, we could then have some penalties or some form of sanction against the people who are breaching these rights if we had that act.

[00:34:11] And I might tell you that representation of the people in general is quite part of the Council of Elders. If you're not aware of what the Council of Elders was or is, the Royal Commission into Aged Care recommended that a group of people over the age of 65 with lived or living experience of being old or having various disabilities or dementia or what have you, be formed. And the government did that straight away. And we've now been operating for two and a half years. And most of the time, we are working on various aspects, not just of looking after people who need aged care, but looking after people who may not need aged care now but might in the future. So this means that we need representation from everybody.

[00:35:06] And on the Council, we have First Nations people. On the Council, we have people from LGBTI. And we also have people from the CALD group. And I might tell you that they're all very important and very outspoken about the meetings that we have, about the needs of their particular group, because they each have specific needs. You can't have a blanket bill and saying, 'We're all going to be treated like the mainstream people.' We must have specific pieces of the Act which refer to the CALD people and their need for – because as people coming from – from other countries get older, they quite often revert to their original language. And therefore, they need to have access to interpreters. And that should be made available to them. It's the right that they should be understood.

[00:36:05] They should be allowed to participate. And the same thing with people from the LGBTI community. They will have different needs in their aged care time of life. So, Val, that particular Council is an advisory Council. The question – some would say that's enough. You don't need rights. Here we are, we've got a Council of the Elders, formed by the last government, continued by the current government. That's participation. But, of course, we're saying something a bit different to that, aren't we? Oh, yes. Well, there's no point having the new Aged Care Act if we can't enforce the elements of that Act. We must, must, must have that right. So, please, all promote. And I'll tell you ways of promoting it later on, if I get a chance. You'll get a chance.

[00:36:59] Val, you'll get a chance. I have a feeling I know what's coming, Robert. So, the question here is: Here we have the NDIS. The NDIS is based on a set of rights. It was a document that has been – it is meant to be, yes, based on a set of rights. It has both very good features and very poor features, as was mentioned. We'll hear. But here we've got a – the most major reform we've ever seen in disability. It is based on rights. There is an international convention on the rights of people with disabilities. It's totally based on rights. And the Royal Commission then said, we now need a Disability Rights Act in the absence of an Australian Human Rights Act. Yes. What more do you want?

[00:37:39] How long have you got, Robert? I mean, what difference would it make if we had a Human Rights Act, given that those are already in place? Well, I would hope that a Human Rights Act might actually investigate that the NDIS does what it says it's going to do, because I can tell you there's a ginormous – and that's a very academic word, ginormous – that's a ginormous gap between what it's meant to do and what it does. And at the moment, members of the disabled community and the NDIS are being used as a political football by the government because they'd like to balance the budget. Unfortunately for them, disabled lives can't be balanced by budget. I don't – as a disabled person, the government should not be allowed to make my life smaller because it makes things cheaper for them.

[00:38:47] But that's what they'd like to do. And the current reforms that the government is suggesting are severely lacking in detail, severely lacking in community consultation, and threatening to remove – those magic words Robert mentioned earlier – choice and control, which are the very fundamental purposes of the NDIS. Now, the NDIS as it currently stands is indeed a broken system. It's in need of urgent reform. It's my view, and the view of many in the disabled community, that the current proposal to put the NDIS back on track, proposed by the

government, is not the way to do that. Well, that's going to go over well, isn't it? So, Hannah, just because the Royal Commission made a specific recommendation around a Disability Rights Act, I don't want to put you on the spot, but I will: what do you make of that?

[00:39:55] Well, I think the fact that the Disability Rights – the Royal Commission feels that our rights are being so fundamentally not met by the existing structures in place tells you why we need a Disabled Rights Act. I think the fact that stories of abuse and neglect, just the kind of limiting of disabled life, in the Royal Commission were not in singular numbers, but instead in the hundreds and often in the thousands, show you that there's fundamentally something wrong with the way we view, approach and handle the lives of disabled people in this country. And I think part of that is because we expect so little of the disabled person themselves. I often say the bar for our expectations is underground. It's not just on the floor, it's underground.

[00:40:53] And it's also because I think fundamentally, as brutal as it is to say, there are a lot of people who don't – who recognize us as potentially even something other than human. And the value put on our lives and our experience or our quality of life is abysmal because they think if you can't verbalize yourself or you can't, or you have to not work a nine-to-five because you're chronically ill, that that means you're worth less than an able-bodied person, and that's – fundamentally not true, but it's – I've got to tell you, it's really hard to believe that as an individual when that's what everyone in power tells you. Thanks. So a couple of things. We are taking questions, as I understand. There's two microphones between the A and the B class, the business and the economy class there.

[00:42:01] And if you wish to ask questions, you can. There's a mic there. Whilst you're coming to the mics, I just wanted to run through one of the things about Australia which I've understood being in public policy a long time. It's a nation that is exceptionally tactile and practical. Very unusually so that almost nothing in Australia gets up unless people can touch it, feel it, and sense it. And the moment in history for those are quite profound. Climate change is only relevant when we're suffering a drought or floods or a disaster. I'm Australian. I've seen that in Australia too, in lots and lots of social policies, a lot of solutions. It's progressive because there's something to it. But if the people pick up the phone and say, 'You know, we have this right to participate in trade,' you know, this is an exam. I think I was so... I think if we just go to .

[00:43:30]

Oh, that's

[00:44:03] there was decision in parliament to have a law against the practice of female genital mutilation. The community knew nothing about it; they were going to around their normal life. And what happened in New South Wales was a woman had been brought from overseas who has subject matter expertise on female genital mutilation. She arrives two days before the passage of the law in New South Wales, and she asks to speak to the African community leaders on a Saturday afternoon. We gather around, and she talks to us about why she's in Australia and this law is going to be promulgated and finalized in parliament on Tuesday. We met on Saturday; what were we supposed to do? What was the community supposed to do? And the law was passed on Tuesday,

and the community was in shock.

[00:45:11] Some of us were left to mop up. It's been 20 years, and we are still, mopping up is that participation I think, what this law or this act will do, will be enforcing that level of consultation, not only consultation but actually getting their co-designation, the new word, the co-design into the system to ensure that nobody's practice is legalized or criminalized without their say. I look forward to that and I hope that can happen. Thanks very much. A very good example, that's a terrific example. Vanessa, what difference would it make in a practical sense do you think? I think last night it was mentioned by Rose, um, human rights and rights being intersectional, and what are the ripple implications of when we actually involve uh in this, particularly what I'll be talking about with First Nations people is when people are a part of the process, they want to be a part of the outcome.

[00:46:14] And then when we start seeing the outcomes and we're going to start seeing the changes on the ground, and we're going to start seeing a repetition of greater, greater, and better outcomes for um Aboriginal tourists under children and young people. I think in the field that I work if it's not that where I'm not putting our perspectives and our voices and our appropriate solutions to the table, it's just that they're not heard or responded. To and it goes back to what you were sharing around, it takes a moment of when it's really going to have an impact to drive it over the line and get it. And I think if we were to see appropriate participation that actually involved, I mentioned the table analogy just before, but when you sit at a table, just reflect for a moment who's not at that table, and maybe, should I have a bit of a conversation with those people not at the table.

[00:47:02] It kind of goes into when we had the parliamentarian come and speak last night about the importance, and Justice Kirby so powerfully said, 'What isn't that your job to get the other side on board', and it actually is his job, and whilst I can recognise that there is a complete different perspective between Liberal and Labor in terms of our leadership of our nation. There needs to be an ability to actually have those heavy conversations even with the people that disagree, and actually bring them on the journey, and then recognise the people on the ground that it's going to impact, and bring those people on the journey journey as well to make those changes. And in the field of family policing or what many know as out-of-home care, is if we look at returning our First Nations children and young people back to family, if we look at land back, and Land restoration, and we bring our children back to land.

[00:47:47] Our cultural practices, our protocols, our sovereign rights a country in place to belonging. We're then we're then tackling the issue of climate change because then we can strategically come together as First Nations people with our children and young people, and bring back what has always existed since the first sunrise here in this nation. And so there will be, as mentioned last night, there will be intersectional implications when we choose to actively participate in the most appropriate way again. I would say we've put forward many, many solutions around what Does work, um, it's now just a matter of are we willing to listen and actually thank you. So those are what I'll ask questions can go to the mics now while we go across Wales; what do you think the biggest difference would be in just and as you given me a list of things you'd like

to say, but ageism will it make a difference to ageism?

[00:48:35] Do you think having a right to participate in individual decisions and of course decisions affecting the design of systems? There has been a great deal of consultation going on with regard to the new aged care act, and that's one of the reasons why it's been delayed because the voice of people out There have been heard and there are changes being made, and one of the things that will the bill will do is show people that they can still have choice and control over their whole life. For myself, I'm on the lowest level; I'm on CHSP [I don't need to go on a package yet], that's cross your fingers but um I want to be able to remain independent as long as I possibly can, and I can only do that if certain elements of the new act are passed.

[00:49:37] Apart from that, the human rights that well, the new act won't be any good unless the human rights part of it comes through as well. Um, I want to be independent; I want to decide where I'm going to live how I'm going to live with whom I associate, and I need to re retain my connections to the community. And that happens not just to me, but to many older people; they want to stay at home, live a life that they choose, have the help, have the support to stay at home. And um, that won't be possible in a major sense unless we do have this act. But unfortunately, it's dependent not just on the act itself, but also on how that will affect the community as a whole.

[00:50:29] Most of the consultations that have been held there's some been face-to-face, but there have been lots of surveys done by various research organizations about the changes in aged care. Um, but a lot of Those surveys are done online, and we have to remember that not everybody over the age of 65 has a laptop or a computer or is computer literate. Or, we have to get on the other side of the device how to play anything other than solitaire on it! Like my grandpa, yeah... We have to make sure that we get out there and educate the community about what this act will mean for them when they become older, good. And that's one of the main things, thanks Val.

[00:51:17] I just wanted to say one of the notions in Australia which is - you hear all the time - Australians want to age in place. It's a lovely expression; all governments have embraced it much more. Then, most of the community seems to accept it; the challenge with that is: what does that actually mean? And surely, the age in place only is an appropriate answer if we have affordable and accessible housing. We have safe and frequent access to health services. We have people that are connected into their communities. So Australia is a nation of slogans. The trouble with the slogans is that they don't often understand or articulate entirely involved in that. So, in fact, that little statement - 'the right to live at home' or 'to age at home' - what are the rights that go with that?

[00:52:06] The rights to affordable and accessible housing; the right to a decent Health care system delivered appropriately, which we didn't see in the pandemic. The right to actually be socially included and engaged and other rights that go with that so Australia is a nation of slogans. The problem for us who are engaged in these is to unpack those and I think the rights do have an extraordinary important part in informing even those sorts of what appear at first glance as very simple uh sort of approach, to achieve Zara practical outcomes, big question to be honest. Um, do you know what I was thinking about it as these beautiful panelists were speaking? And I think almost everyone in this room if they were provided The right to participate they fundamentally

would, but the question is, how do we get people outside the room?

[00:52:52] And I keep thinking about my community many who are scared. For example, I think about some of the biggest issues like gender-based violence. I think about some of my own Muslim sisters in the community who go through a significant trajectory of different challenges every single day living in fear, living in so much, living with so much abuse, emotional, physical, etc. And I just think about how integral or right to participate is, so foundational, not only in their ability to care number one, but also in their ability To lose that fear that is so deeply rooted within us, and I think in particular what is so powerful about a right to participate is that we bring that power back to community; we bring that power into investing into recognizing that it is our collective community that is able to alleviate some of these ongoing issues.

[00:53:43] So, I, I, fundamentally believe in a right to participation. Don't get me wrong, but I must, I can't lie and sit here and question that. I do think about some of my sisters back home who think that we can do something if we don't establish community first. I know that's true, and one of the things that I've become aware of is that as you said right in the beginning, some of the cultural groups we have are so far away from having confidence to be able to participate; that that empowers that capacity building we talk about so often. Um, is so the good news is I think the indigenous people found their voice, you know, in a land which didn't recognize their voice at all.

[00:54:22] People with disabilities found it some years ago, and the evidence of that is clear here today. Um, and yet with that journey, I think we're going to be able to do something if we don't establish community first; um, and yet with that journey, I think we're going to be able to do something if we don't Establish community first, for all of those groups, continues so it is possible. But I think your your sort of caution is a real one, and we see that even in just the simplest one of trying to exercise the right to live free of abuse. How does that play out in different communities? I'm going to say something that sounds like the most obvious thing in the world, but human rights only matter if you recognize everyone's humanity first.

[00:54:52] And while Australia is, as Robert said, really good at responding to tactile proof of situations, we are also exceptional at burying our heads in the sand, and that makes for a very very difficult and complex Time for anyone who wants to advocate, who wants to advocate for the rights of marginalized people because we can, we can, and have shown that people with the power to change things all the evidence in the world, and yet so. For instance, like, like, so many of you, I have been horrified by the genocide that is happening over the other side of the world, and I can't work out why our government; I understand like interests and relationships and the like internal politics of all of that, but I can't work out how much more evidence they need to act.

[00:56:01] How much more evidence do you need than children as young as 11 writing their last wills and Testaments, how much more evidence do you need that the NDIS isn't working? Than people dying in group homes because they're not being cared for. How much more evidence do you need that old that older Australians are being left behind? Than all the stories of abuse that we hear. How much more evidence do you need that Indigenous people might as well, they don't even have a voice on paper, but them their voice might be improving and yet their incarceration

rates are significantly higher than everyone else's and children are still being forcibly removed from their families like if we can't get it right. Basic humanity understood, I, I, I struggle like, I don't know.

[00:57:03] Maybe the piece of paper that says the human rights act and lays out the legislation will fix it, but at the end of the day, it might also just be another piece of paper, yeah. So we have a couple of um, I think a few people want to ask questions, so we've got a little time, yes, um. You're up first, are you sure? Yeah, uh, short questions if we can, yeah, sure I'll try and keep mine short, um. So first, I just want to thank the panelists for the conversation, it's been really um, interesting and enlightening to hear um, I was just um interested in this idea of power that was being discussed when it comes to like barriers of participation and particularly when working with police, so I guess my question to the panel um is to like the panel at large, but I'd also like to start with Juliana and what the experience was like when designing or supporting the multicultural liaison officer role and the learnings from that.

[00:57:56] Because one thing I've really liked about the panel was that I think it's been a pleasure working with the multicultural liaison officers that I've worked with, is that they can often be civilians rather than part of the New South Wales Police Force. And I wonder if you could share some more light on why that became part of the framework. And, yeah, just that was my question. Juliana. So it's just about that role of police force, multicultural community liaison, and what insights do you have from that in relation to the voices of people from multicultural communities being heard in that environment? This is a role that I worked in for 11 years and I left six years ago to work with that amazing SSI organisation.

[00:58:42] Look, multicultural community liaison officers have a role to support police and also to support community. And when I went into the role, there were ethnic communities, there were cultural community liaison officers. Does that ring a bell? So it means that if I'm of a certain ethnicity and there are a lot of people of my ethnicity in my local area, command then I gravitate towards helping them that every other people are left behind. But we couldn't have 300 and odd multicultural community liaison officers. So psychologically changing the name to multicultural community liaison officers was to force people to think about, about other community groups. It's a case of diversity and intersectionality, right? Currently, the role is, continues to be as it was when it was set up.

[00:59:40] And what we are trying to push for from the outside is to ensure that they are skilled and they get educated further in the relevant issues that police is dealing with, which is the support of the issues in the community. So one of the things we're pushing for is looking at domestic and family violence, which is the biggest crime area in Australia, so that they can actually be a good support for the cult community with the domestic violence liaison officers and other police officers. So they're in a very difficult situation where they, they struggle supporting police and supporting community. And at any one time it's very difficult to struggle that line. But you look at other programs in other states in Australia, and even though it's the same, they are more empowered to do work, like the Queensland police liaison officers, who are different, who wear their uniforms and they work with the police throughout the day, on

[01:00:53] if you like, they've got the, the system where if the police is working 12 hours, they're working with them. We have 95, that doesn't work for them either. Yeah. Thanks for that. We'll just take another question. Yeah. Hi, thank you everyone. My name's Julie Millard. I'm a mental health nurse and a consultant in mental health, but here's the big one: but I am on the board of the World Federation for Mental Health. So mental health is a massive global issue for us. And in Australia, and globally, we still see lots of mental health abuses in institutions, in care and treatment. So my thinking was: how, and I understood we desperately need a Human Rights Act in Australia. And I totally agree with everything that's being said by all the fabulous panelists.

[01:01:43] How will, I suppose, the Human Rights Act significantly enhance the access and equity for people living with mental health conditions? And hopefully, will it affect, involve, or push forward the voluntary treatment orders? I know there are probably more legal questions and possibly Robert, you might be bagged, but also to we have mental health acts and how are they going to talk to each other human rights act, mental health act. So thank you; I might just make a comment and then somebody from the audience... Mental health is largely treated as you know now in two ways: if it's a psychosocial disability, it's within the disability framework sometimes and it's covered in that space; however, if

[01:02:28] however, you don't actually have a psychosocial disability but you have a mental health condition, it's rightly, as you said, treated through the mental health acts around Australia and of course it's the one of the really most vulnerable groups within our community has been for a very long time the point that I think Ros and others were saying last night is that a human rights act gives you the tools to look at all areas including legislation including the treatment orders and that that are associated with mental health issues so it doesn't directly say the mental health act has to be x y and z but it gives you the ability to be able to say does that particular act do the particular treatment options so the particular decision making by mental health tribunals does that accord with the rights of that of people generally and of course particularly those that are most vulnerable so I think that's the

[01:03:22] framework by which it applies and at the moment at the moment because mental health is is basically state governed it's as we know very poorly coordinated yet it's been subject to multiple inquiries and reviews so taking the point that was raised the evidence about how we could improve the mental health system is voluminous you don't need another inquiry to tell you the problem is actually getting a coherent consistent arrangements at the state and territory level that work for people with Mental health conditions and issues, and we're a long way short of that. But the human rights framework, I think, would in fact aid in making sure that what we are doing meets the basic rights. And, of course, for people with mental illness, particularly those that are suffering from or living with psychotic episodes, they are the most vulnerable of all people because their rights are automatically transferred to somebody else.

[01:04:15] For them, I think a rights act would be quite significant. But others have you got any comments on that? Well, I think as someone who has significant mental health issues like I've had generalized anxiety Disorder since I was a kid, and clinical depression, and all of that fun stuff as a byproduct of my existence in this thing. But I think I'm also super hopeful that the mental health

act would endeavor to improve the mental health system and then also to improve mental health services because I think it's not an exaggeration to say that we are currently in the midst of a fairly significant mental health crisis in this country, and in order you need to look no further than the state of psychologists and psychiatrists' waiting lists to get a get an idea of that.

[01:05:16] I find it so interesting that waiting lists of six Months or more can exist for people who are so vulnerable because my argument is that most people, unless like me, you are going to be dealing with a permanent and ongoing life circumstance that leads to trauma or what have you. So I've always had some access to psychological help. Most people won't go to see a psychologist until they need it, and most of the time they need it in such a way that waiting for six months might be dangerous or harmful. So, I think we need to improve the access that we have. The stigma is still fairly rampant, especially among certain groups of people. It's gotten a lot better among young people.

[01:06:15] But I know that there are a lot of older men in particular who probably still need some support to recognize that it's okay to have a slightly chemically lopsided brain. But, yeah, I mean, I hope that the Human Rights Act helps. I just think there's a huge amount of work that needs to be done. Thank you for that. Christian? Hi. I apologize; I haven't written this down so I'm going to wing it. Thank you so much for everything that you've said at this point. I do want to pose to the whole panel, but respect to Hannah and Vanessa based on your lived experience as well. As similar, Hannah, I grew up from birth with a disability and it's known that that has impacted my neurological development; the way that I'm able to advocate for myself because of the displacement of autonomy around my body.

[01:07:08] I guess when we think about like children's rights and particularly in systems which look to disempower or make choices on behalf of children, the movement of autonomy away from kids and the impact that that has; particularly, you know, being an older person looking back at that experience as a child, advocating now but not being able to advocate as a child because the concept of autonomy was never shown. So I think for the work that you all do, challenging systems that actually don't allow children to know that they have autonomy in the first instance, but also enabling activities and participations for children who are navigating these systems as well. What is the importance of that and how do we do that? Terrific. Thank you for that. Thank you.

[01:07:53] And thank you so much for your question and your sharing as well. Yeah, it's always when it's coming from a place; it's so important. So thank you. I think that's always the line that we're always asking ourselves as adults when we're trying to hear the voices of children and young people. Is what's the line? And how, when it comes to interpretation of children and young people and their voices, how do we make sure we're hearing their full representation without actually adding more harm? And without actually placing the onus on children and young people to hold the solutions, actually is a result of systems and often adults who have caused those problems in the first place. Because the last thing we ever want to do is add further trauma and add more harm to a situation.

[01:08:37] However, I've seen it in the cases where it's children and young people who often this

is used from those particular power imbalances of systems that hold that power to actually silence any process of a child being heard. And I think that's where we need to actually get really creative as adults in these different spaces. So I had the privilege of being a social worker in the trauma unit at the Children's Hospital in Westmead, and how I was speaking to a child that was four compared to a child that was 10 or recognising different capacities versus their parents, versus regulations. If I'm talking to the child in the morning when, you know, they've just had a Good sleep at night and I'm yawning versus I'm yawning to a child in the afternoon, and they've probably had school, and they're deregulated and exhausted.

[01:09:19] And last thing I want to speak to is you. And so I think that's where we as adults need to get really, really creative with how we're responding and creating those spaces for children and young people. So, in the context of First Nations children, for me in particular, nothing is more safe than going to one a matriarch to an auntie or a space where I know a familiar place, of where I come from. Which is why I acknowledge the place of your story. And I think we need to be prepared when it comes to addressing early intervention and prevention, and that I spoke about it yesterday with ABC. But really relinquishing that power and how willing are these systems prepared to one not participate in further harm, but to relinquish that power to giving that to those safe spaces.

[01:10:05] And I will share the methods of First Nations healing and cultural safety, combined with the expert evidence that we see around trauma-informed care, EMDR therapies, and support, psychology support. I just think that's such a powerful gift together when we bring that. And I think we need to actually start centering First Nations healing and processes in actually voicing how we respond to all children and young people. Because we've, I said this other day, culturally, we've never had a word for suicide. For example, we've never had a word for; in my language, in particular, doesn't exist. And if there was ever a problem or something going on, we'd actually be sitting around a fire with our aunties, our uncles, and our communities. And often we'd be left with more wisdom than we actually began with the struggle that we're facing.

[01:10:46] And so, I think actually there's something; there's a real strength in just to answer your question on a personal level. There's a real strength to actually looking at Indigenous methodologies of understanding and healing, and listening to children and young people. Because we've been doing it for thousands of years. We've always actually, our children are the knowledge holders, and we consider our children to be self-determined and so much autonomy and strength and knowledge that exists through the cultural gift that they already have as their cultural birthright. The moment they enter the world. And so I think, if we start looking at a lens of our sacred children and young people, through a cultural lens of where we come from, and I'm not saying to all of them, no disrespect, but the white fellows here in the room, go and learn about our way of doing things.

[01:11:22] But actually create a sense of safety with how we have worked for thousands of years, and think about whether there's a space or potentially an opportunity you can create to bring that. I don't know if that answers your questions, but I'm just also a really big advocate as adults. We need to be really strategic, creative, and be able to do two worlds at the same time. Yeah. Yeah. For example, in the ACT, we're working on at the moment, restoration and returning where children

can be placed with their families and communities, but in the same breath, we're seeing a real struggle with foster carers who've had these children and young people, and they're being particular resistance to return children.

[01:11:54] And so we need to be one as professionals able to do our work, but then to be able to ensure that it's not impacting the child or young person and their standard of everyday living in life. And just being good at all. And I think that brings us to a conclusion. Can I just make one comment in relation to that? These issues are really interesting. In the relation to child protection, it is a best interest jurisdiction. And the voice of the child may be heard, but it doesn't have to be taken notice of. In abuse of older people and people with disabilities, it's a will and preference jurisdiction, where the voice of people with disability and older people has to be, including in my last job, by statute.

[01:12:33] You have to listen to their voices. And the question going forward is, which of those, what combination of those are most appropriate for different groups and for different circumstances. And it goes to the very heart... the last point I'd make in relation to children's rights, of course, the minimum child safe standards that now apply almost in all jurisdictions and are being agreed to nationally. One of the most important elements of that standard is not only the right, but the obligation to listen to the voices of children who are affected in your services and in your care. So, all of those issues should be informed. Speaker 1, however, by a rights framework, they're there, they're good, but in fact, how much better they might be if we had that sort of basis.

[01:13:15] I want you to thank the panel before I get thrown off and... uh, thank you. Now, here we have one more point, yes, Bell has to go out there and spread the word about what human rights are because there are many people out in the community who do not know about them, and we have to start training everybody, and I mean, start training everybody from the age of primary schools right through their schooling. Just as Michael Kirby said this morning, he learned first instance with um, when he was... Mr Gorich gave him the book on human rights. We need to spread that, and one of the ways of doing it is something that is actually being done now, because I know I'm part of it - generational education and starts in primary school.

[01:14:07] Good, awesome, and it's very appropriate. The elderly was the last we heard. Thank you, thank you, thank you so much to our panel like me. Do you want to be friends with all of these panelists? I really want to have you all in my life; I think I think you're just incredible. hannah already is a friend and nessa but the the other uh three i'm definitely getting your details and um yeah i'd love to have you in my life because it's just all the lived experience and expertise you have just shared with us um will be taken into all of our lives uh whether it's our work or private life so thank you so much for that really really appreciate it and also skillfully moderated by by um the age discrimination commissioner robert fitzgerald please thank them once again.