

Keeping It Real F+E Con 2024 Video.m4a

[00:00:00] The next session we have now is Keeping it Real, Accountability and Human Rights; and in this session, some of Australia's foremost human rights practitioners will consider ways to keep our system on the rights track. Moderating this discussion gives me great pleasure to introduce you to Australia's Aboriginal and Torres Strait Islander Social Justice Commissioner Katie Kiss.

[00:00:36] For the time being, can everybody hear me? Okay, can I introduce our panel members? Well, good afternoon, everybody! First of all, if you don't know by now, every time I introduce myself, I make sure everyone knows that I hate public speaking. I'm two months into the job, and I'm still pretty nervous, so forgive me if I'm stumbling all over the place. But welcome to our session on Keeping it Real, Accountability, and Human Rights. After lunch, while everyone's subject to food comas, my job is to keep you all awake and actively engaged in this important conversation. And keeping our nation on the rights track through effective monitoring, evaluation, and accountability of human rights is critical now more than ever. As we journey together into the future.

[00:01:17] For those who don't know me as Narelda just said my name is Katie Kiss and I'm the newly appointed Aboriginal and Torres Strait Islander Social Justice Commissioner. Thank you. I want to ask the panel members to come up and be seated please and then I'll do bios and introductions. Sit anywhere panel members. I'll sit on this one so don't sit here please. Okay before I introduce our esteemed panel members this afternoon I would like to first pay my respects to the traditional owners of the land and waters upon which we meet and gather today. The lands of the Gadigal people of the Eora Nation. As a Kanju, Birri, and Widi woman from far north Queensland, I was born and raised on the lands of the Dharambal people in Rocky, and as such, I pay my respects to your ancestors and elders, past, present, and emerging.

[00:02:13] I acknowledge that this was ground zero in Australia's colonial experience, and that the peoples and nations of Sydney Cove and the greater Sydney region bore the brunt of the colonial incursion; but, of course, this always was and always will be Aboriginal land. As part of the oldest living culture in the world, I acknowledge the Gadigal people's 65,000 years of custodianship and stewardship, and our peoples around this country. And I thank you for your care for me while I'm here on your country. I also acknowledge Aboriginal and Torres Strait Islander peoples from across the nation who have joined us here today for this important conversation. I acknowledge your survival, your ongoing resilience and your commitment to the rights of First Nations people and the human rights of all people.

[00:02:57] So increasing accountability for human rights and the rights of First Nations people and the human rights of all people. So increasing accountability for human rights among governments and public servants is an incredibly important part of revitalising Australia's human rights framework. Currently, responsibility for enforcing human rights lacks sufficient bite at both the parliamentary and administrative levels of government. Also, a comprehensive approach to monitoring and evaluating the effectiveness of Australia's human rights mechanisms is vital for maintaining a system that remains fit for purpose. In this session, some of Australia's foremost

human rights practitioners will consider how options such as strengthening the role of parliament, introducing new approaches for law enforcement, and developing more practical progress indicators will keep our system on the right track. So without further ado I'll introduce our esteemed panel members this afternoon.

[00:03:47] Lawyer, academic and human rights advocate Kim Rubenstein, we just practiced that at the back, is an Australian legal scholar, lawyer and gender equity advocate. She is Professor at The University of Canberra. Faculty of Business, Government and Law. A fellow of the Australian Academy of Law and Fellow of the Academy of Social Sciences in Australia. Mouthful and after lunch food coma setting in. From 2020 to 2022 inclusive Kim was the inaugural co-director academic of the 50-50 by 2030 Foundation at the University of Canberra. She is one of Australia's leading published experts on citizenship and has also acted as a consultant to government and appeared as legal counsel in citizenship matters before the Administrative Review Tribunal, the Federal Court of Australia, and the High Court of Australia.

[00:04:38] She comments on citizenship, constitutional, and gender matters in print, radio, and TV media. My second panellist, former Victorian Deputy Premier and Attorney-General on Human Rights Act expert, Rob Hulls, is the Director of the Centre for Innovative Justice at RMIT University. Rob served as the Attorney-General and Deputy Premier of the Victorian Government from 1999 to 2010. As Attorney-General, Rob instigated significant and lasting changes to Victoria's legal system, including establishing Australia's first Charter of Human Rights for Victoria and setting up specialist courts, including for Victoria's Indigenous community, for people with mental health issues, for people with drug addiction, and for victims of family violence; as well as the country's first and only Neighbourhood Justice Centre. In addition, Rob opened up the process for the appointment of people to Victoria's judiciary to ensure that more women and people from diverse backgrounds were appointed, and he also removed barriers to accessing assisted reproductive technology and abolished laws that discriminated against people in same-sex relationships.

[00:05:48] Caitlin Rieger, also a practised lawyer, is CEO of the Human Rights Law Centre, and a human rights lawyer. She spent the past 25 years working globally on transitional justice for mass human rights violations, international criminal law, and justice system reform. Since returning to Australia, Caitlin supported the First People's Assembly of Victoria in the design and establishment of the Yurook Justice Commission. Caitlin's work has included the interplay between truth telling, reparations, criminal justice, and institutional reform efforts, including in Timor-Leste, Sierra Leone, sorry, Cambodia, and Colombia. She headed the European Union's flagship access to justice program in Myanmar, My Justice, which used arts, culture, and social media platforms to improve public awareness of fundamental rights and supported recognition of traditional informal justice systems as part of peace negotiations.

[00:06:46] Most recently, Caitlin served as a Director of Strategic Policy and Research at the Yurok Justice Commission after supporting the First Peoples of Assembly of Victoria in the design of the commission and its mandate. Les Melzer is a proud Gubbi Gubbi bachelor and Gamilaroi man. We heard from Les this morning. He has devoted his entire 45-plus year career to fighting for the rights of First Nations and Indigenous peoples. He was also a major mentor of mine, coming through and

growing up in this work. He was Head of Aboriginal and Torres Strait Islander Affairs in the Queensland Government in the 1990s, and has worked extensively in community-controlled organisations at the local, regional, national, and international levels. He's held important posts in representative bodies of Aboriginal and Torres Strait Islander peoples, including Secretary-General of the National Aboriginal Conference and Co-Chair of the National Congress of Australia's First Peoples.

[00:07:40] He is well known internationally for his work on human rights and raising the profile of Indigenous peoples in the United Nations and Commonwealth Heads of Government meetings. Les was appointed as a member of the United Nations Permanent Forum on Indigenous Issues for the term of 2017 to 2019. In 2008, he was awarded the Australian Human Rights Medal for his service to Indigenous peoples in Australia and around the world. And last but not least, Kylie Tink is the independent federal member for North Sydney. Kylie is a successful business leader, active social commentator and activist, widely recognised for work that has changed the shape of Australian society. Kylie has been a CEO, a managing director, a business owner, a board director, and a strategic advisor.

[00:08:28] Kylie is a passionate believer that each of us can play an important role in addressing the challenges facing our community, and being told something can't be done or shouldn't be considered or discussed has more often than not motivated her to ask why not and to play her part in the push for positive changes regarding the future of Australia. Thank you all, panel members, for joining us here on the panel today. I'm going to direct questions to particular panel members, but I'm happy for each of you to offer your views around any question that I put forward, being mindful that we have a big yarn ahead of us and about 60 minutes left to get through it. So, to kick off, I might sit down with the panel now. Can everybody still hear me?

[00:09:10] Yeah, good. Okay, so to kick off, I thought it might be worth getting a perspective from each of you. So, to kick off, I thought it might be worth getting a perspective from each of you on the concept of accountability as it relates to human rights. As we heard from PJC Chair Josh Burns last night, the Parliamentary Joint Committee on Human Rights last week handed down its report on the inquiry into Australia's human rights framework. The PJC have provided a range of recommendations that go to increasing accountability, and I acknowledge Kylie's role in that, including measures to monitor progress on human rights, that human rights are considered in the development of legislation and policies and are appropriately addressed and are considered in the development of legislation and policies.

[00:09:46] And I acknowledge Kylie's role in that, including measures to monitor progress on human rights, in compatibility statements, expanding the role and functions of the Parliamentary Committee to enable them to inquire into human rights matters, and providing an annual statement to Parliament identifying the progress and ongoing focus. So we have another 17 recommendations to add to the mountain of reports and recommendations that have been made over the decades and that remain unanswered and unimplemented. Panel members, in your experience, and in 60 seconds each, introductory remarks, what does it mean to be accountable you can start Kim if you like seeing I'm next to you thank you very much and thank you for the for

the

[00:10:25] warm welcome look speaking from my experience which includes having started teaching constitutional and administrative law to law students over 30 years ago I immediately start thinking about the fundamentals of our legal system and our constitutional structure to think about accountability and in a very basic sense our constitution sets up a system of representative democracy so to start off with having regular elections makes those who we vote to represent us accountable in that very basic sense but we've come to know and I think it's abundantly clear that that's not sufficient to keep people accountable and if I think through the same paradigm knowing knowing what my 60 minutes is about to run out 60 seconds

[00:11:11] rather that we developed within Australia a quite remarkable form of accountability through the administrative law frameworks given our constitution doesn't provide us with too much heft on that level and so I think of accountability as those different mechanisms of freedom of information legislation which has been sorely diminished through merits review tribunals which Thankfully, we are about to be reconstituted in a way that will bolster them to be able to keep government decision-making accountable through an ombudsman, and in essence, through a framework where you can ultimately in the constitution protects go to the courts to keep decision-makers accountable. But I think, as we'll come to discuss, even those mechanisms really are not strong enough, and we need to think about other ways to keep those who exercise power.

[00:12:02] Because this is ultimately what we're talking about: accountability in the exercise of power. We need to think as creatively as possible to make sure that each and every One of us are able to hold those people who hold power over us accountable. Thanks, Kim. I'm OCD, so I better go in line, otherwise I'll start to get a bit rucky. Les, please. Yes, thank you, Katie. First off, I just would like to thank my fellow panel members for having the opportunity, both the previous panel this morning and also this one, to be amongst such esteemed people with this discussion is really wonderful. Accountability is a big issue for me, and I use the word transparency and accountability because sometimes transparency is not necessarily always there.

[00:12:54] And I think all of us appreciate the fact that breaches of human rights of Aboriginal and Torres Strait Islander peoples over years, over decades, and in fact, the life of the nation and previous, you know, the life of the nation and previous, you know, the life of the nation and previous, you know, does occur. The difficulty lies with the response to that accountability, and that's what we're aiming at. And all too often, it gets passed on, in particular, I think, to the parliaments to deal with issues. And for the parliaments, I mean, even the Royal Commission into Aboriginal Deaths and Custody. which at the time it was commissioned, I think, was looking at 99, then 101 deaths, took three years of lobbying of the minister at the time to agree to go with a Royal Commission inquiry.

[00:13:53] And we've seen a number of commissions, Royal Commissions and inquiries, the stolen generation ones and so on, that have occurred. So it's not a lack of information being brought forward. The difficulty is that it's not a lack of information being brought forward. So it's not a lack of information being brought forward. The difficulty is that where do you hold the

responsibility? Where does the buck stop in that whole process? And that's actually coincidental my priority for this year. I had worked a number of years internationally to get Indigenous peoples' rights recognised at international standard. And when the Declaration on the Rights of Indigenous Peoples was adopted in 2007, I turned my attention back to Australia. And since that time, including the time that I took on the position as co-chair of National Congress, a six-year period, tried to get something happening in Australia in relation to responding and reacting to that.

[00:14:47] It hasn't happened. I'm actually already started going back internationally, thinking sometimes it's embarrassing for Australia about its lack of accountability. And it's something that really is important. And I'll be focusing on transparency because most of you, and most of the public, don't know the sorts of reports that have come back into Australia from international treaty bodies, international special mechanisms, and experts, and so on, pointing out how Australia has been in breach of its human rights obligations. So, for the year ahead, and the time ahead, my focus is on getting accountability to happen by ensuring that these things become well known in Australia about what the breaches have been on the human rights system. And I think for the political apparatus, which seems to be where the blocks occur to become answerable in relation to that.

[00:15:45] Thank you. Kylie, I'm going to breach my own OCD here, but I'm going to come to you last because you're a committee member and I'm keen to hear from you on that. Caitlin, can I hear from you next, please? Yeah, thanks. I think the idea of accountability is something that we can look at kind of narrowly, particularly the lawyers in the room, and think about it as legal enforcement. But from a human rights perspective, I think it's much more helpful to think about this much more broadly in terms of scrutiny and transparency, and trust in our institutions, but also having that legal enforcement. And it's really about what is a fundamental human right in and of itself, which is about having a clear pathway for people to take action when they need to.

[00:16:30] That is a core part of holding those in power to account, and having a clear pathway for people to take action and having a clear set of rules as to what we are holding them to account against. And then, you know, accessible, easy to use, simple to understand pathways for seeking justice is a pretty fundamental, basic value that we value in all aspects of our life, or in many, many areas. And that's one of the really exciting things, I think, about the proposal that's been put forward from the committee, in terms of the Human Rights Act, because it's both putting forward that framework and a really clear set of ways in which ordinary people can use it. But the public transparency that Les talked about, I think, is critical as well.

[00:17:17] Ultimately, accountability also depends on being able to stand up to scrutiny. And that's the actions of governments, of public decision makers. That starts in the court of public opinion and civil society being able to raise their voice and raise issues when they see them. And when that fails, also, having the international scrutiny that Les mentioned, too. And we shouldn't fear that scrutiny, and no institution of power should fear that scrutiny, because if you avoid the scrutiny, you're not strong enough to withstand it. So I think accountability has all of those elements from a human rights angle. Thank you, Caitlin. Rob? Well, I guess in a nutshell, being accountable is being responsible for the actions and decisions that you make as a government, and

being open to having those actions, behaviors, decisions scrutinized and evaluated independently.

[00:18:14] An unaccountable government is one that hates scrutiny, one that tends to undermine independent statutory office holders and independent organisations that normally hold government to account. And an unaccountable government would be one that would shy away from introducing a federal human rights charter, to be frank. The verdict is now in. We've had a parliamentary committee report and made recommendations. And in my view, an unaccountable government would shy away from implementing those recommendations. Thank you. Kylie? Gosh, I'm sitting here wishing all of you had been on that committee with me. And Katie, I just want to, it's a privilege to be on this committee with you today. I actually wish I could sit out there and listen. So thank you to everyone in this room for having me today.

[00:19:16] And thank you for the work you're already doing. I just do also want to acknowledge the Gadigal people. I have a lot of respect for our First Nations people, and I think we would be better as a nation if we could take more of their learnings forward. It's funny, I'm first of all, I'm now someone who represents the seat of North Sydney in politics. I'm actually first and foremost a mother. So when you first asked that question, what does accountability mean? I immediately went to, ah, it's me telling my 21-year-old son that a wet towel on the floor does not count as hanging up, you know. And I guess that's why I then start to unpack. Well, you know, accountability is something we bring to our lives every day.

[00:19:54] There are people around you in your day-to-day operations that you are holding accountable from the minute you get out of bed, whether it's your partner, who either helps you make the bed, or whether it's your partner who either helps you make the bed, or doesn't, or the person that you meet at a set of traffic lights who either gives away at those lights or doesn't. But when I think about it within the context of today's conversation, I guess I'd like to propose that for me it's about three key principles, and they all happen to start with the letter C. So those principles, first and foremost, are community. I think accountability starts with community, because unless you can have a common understanding of what it is that you're seeking to create, or the values that you wish to live by, I don't think the application of any law from the outside is ever going to be effective.

[00:20:45] And that brings me then to the second one is clarity. I think it is really important that people use the same language, and that expectations of each other are clearly articulated, and where there isn't the capacity to, or the competency to meet those expectations, that can be eliminated, because there are outside goals for others who aren't made for each other. You mentioned that the gap is closed, which ironically brings me to consistency, because I think part of the problem that I've already witnessed is that politics as an environment is a space where there are shifting sands, and it's way too easy at the moment for somebody to cast aside their responsibility by literally going like this. I mean, we were just talking out the back about how fascinating it is to watch the three levels of government whenever something arises.

[00:21:33] It's kind of dark because the fingers start pointing in all sorts of different directions. I think a really important part of it, number four, is capacity. And when I say capacity, it's not just

capacity to do, but capacity to listen. I actually think it's probably the weakest part of our society at the moment. Everyone's so keen to talk about what's wrong and what's broken. And people have stopped actually listening to the other person and seeking to understand, not to answer, but to actually understand, so you can stand with them. Number five is consequences. So there is no accountability unless there are consequences for people's actions. And we don't have that at the moment. We've just seen a massive Royal Commission into the RoboDebt. The RoboDebt inquiry is arguably one of the most shameful episodes in our nation.

[00:22:23] And there will be no consequences. For the individuals that were involved in that. And I think that's just rotten. And finally, it's probably the biggest thing, and I think it takes courage. I want to really echo what Rob just said. You know, I think people who are prepared to stand by the decisions they've made truly are the leaders we want for the future of our nation, not people who would seek to be able to step back or do this when something comes up. Something comes up. So, yeah, community, clarity, consistency, capacity, consequences, and courage. And that, to me, is accountability. Well, I feel like that's been an excellent start to our little discussion today. While Australia has anti-discrimination laws in place that provide a mechanism for addressing discrimination, specific human rights in particular economic, social and cultural rights and civil and political rights, the rights of Indigenous peoples, the rights of people with disability, and our women and children are not fully or adequately embedded in Australian law.

[00:23:27] Kim, I might ask you first to make some comment on whether a values-based approach within a human rights framework is able to protect people from being exploited or discriminated against. And once you're done, I might ask whether Les has got any comments to add to that and open to the panel as well.

So, I think the reference to values is quite an interesting one as someone who has thought a lot about citizenship and membership. My antennae go up when we talk about Australian values and our capacity to welcome people into this country on the basis that they agree to Australian values. And indeed, this the previous government, the Morrison government, happened to slip back into the citizenship test, something that the independent committee reviewing the original citizenship test that I was a part of had chosen to remove from the testing framework, which was.

[00:24:25] So I think there's a lot to be said about the value of Australian values, so I think values are loaded and we have to be very careful when we use the language of values that we're open to a diversity in interpretation. And in fact, in thinking, Kylie, about that wonderful list of scenes that when we think about community, we're talking about a multicultural society in which the values that we express may vary. They may not necessarily be in conflict. But they might vary. They may vary in the weight and attention we put to different aspects of those values. So I guess my answer is really to say we have to be cautious about using that term 'values'. But I think the key thing here is about recognising the inherent dignity of every human person.

[00:25:12] And in doing so, in thinking about rights protection, that we're thinking in terms of each person's capacity to live their lives to the fullest. In a communal setting. And in that sense, that is a core value that if we could really embed into our framework of legal protection, that would

be a very healthy one. Les, we heard a lot this morning about the values of human rights and how we make them relevant to all Australians. Human rights is value-based; it's principle-based, but often in the First Nations space, we often hear and it happened with the referendum as well, that we need to move beyond the symbolic to the practical. And values can often be understood as maybe symbolic. Les, do you have any comments on that?

[00:26:05] Yes, thanks Kim and Katie on the cue on that. And I think I'm really going to jump to something that I would say regardless of what the question is. My answer is going to be the same. And I'm pretty sure that I'm talking about values-based. When Professor Kirby, or Dr. Kirby, or however he spoke to us this morning, he held up his booklet on the Universal Declaration of Human Rights and explained very clearly the significance of that declaration and what happened at that time, post-World War II, about setting a new way upon which to build human rights, global governance, and equality. And I agreed with everything that was said about all that. I embarked upon a similar exercise in working on this document, which is the Declaration on the Rights of Indigenous Peoples.

[00:27:08] And I would say that the value-based is probably in there. It's got 46, I think, articles in there. And every one of those is a document. And every one of those is there for a reason. This wasn't created to set a whole new set of human rights that hadn't yet been introduced into the world. It was actually prepared with states and Indigenous peoples together to identify those rights that have been significantly denied to Indigenous peoples around the world since the expansion of European empires, and so on. And that had been considered. It was consistently denied and continued to be denied. So as we sit comfortably in this room, as being Australians, and the values of Australia, this list all the rights that Aboriginal and Torres Strait Islander peoples don't enjoy that Australians enjoy.

[00:28:09] That's exactly what it is. It's a little bit different and hard for people to comprehend because it talks about collective rights. What rights do people have? And basically, my simple answer is: Australia. Australian peoples enjoy the rights of self-determination and everything that comes with that, in terms of civil and political rights, economic, social, cultural rights, prevention of discrimination, and other values of equality. All of those are things that we enjoy, which we already make it clear, I think, that it's there for Australians to enjoy. But we don't see all those little things that are in our system, in the constitution, in legislation, and so on. That deny, deny those very same rights. A lot of them have been denied since 1788.

[00:28:57] They are again denied in 1900 and 1901 when the Constitution of Australia was formed, and still sit in the Constitution, even after the 1967 referendum, which tried to remove any racially discriminatory aspects from the Constitution. There are still things in there, including, and we've said it a few times today, the fact that the parliaments themselves hold. They hold to themselves the right to determine what rights we enjoy in Australia and what we don't. Instead of putting into a charter or bill of rights, the rights that Australia is signed on to in the seven human rights treaties that it's signed on, readily signed on to, they're not all appearing in domestic law and they cannot be challenged in courts in Australia if they're not in domestic law.

[00:29:47] So, Aboriginal and Torres Strait Islander people - sorry too much. I'm sorry. You cannot challenge your rights in the Declaration on the Rights of Indigenous Peoples, particularly self-determination, but it really is a book on self-determination. In fact, the Human Rights Committee, I think, says they test how self-determination occurs because all of the rights in the treaties, if they're being honored and protected, then they assume that self-determination is being enjoyed by the peoples. So it's a fundamental right. A fundamental right. A fundamental value that has to be pursued, but it's denied being pursued in the courts. It's not yet been spoken of inside the parliaments. There was a legislation presented by Lydia Thorpe, Senator Lydia Thorpe, in December of last year.

[00:30:38] I was there present at the time and I saw both the government and the opposition sitting together over there voting against that declaration when they should have been saying, look, we can't support this bill for practical reasons, but we're prepared to introduce our own bill in response to that. And I have to say, sorry too much about having black senators in the parliament because I didn't hear a peep at all about this that has been around for 19 years, sorry, 17 years and hasn't yet been acted. So I went a little bit overboard, but as I said there. It was going to be my answer no matter what the question was. I wouldn't have expected anything less, Les. Thank you.

[00:31:26] Any of our other panel members want to comment on whether a values-based approach within a human rights framework is able to protect people from being exploited or discriminated? Kaylyn. Just quickly, I think, to add on what's been said. I think it's really important to be clear about the relationship between values and rights, and that values are what motivate people. And certainly, in terms of being out there in the broader community, it's really important to reference the underlying values that we all share, in terms of dignity and freedom and justice and respect and equality. But a values-based approach, I'm not sure helps us so much because its values, by definition, are a bit too sort of subject to either politicisation or taking over by dominant communities.

[00:32:11] And the idea of family values is another version of the Australian values use of it. And so I think it's much more helpful to remind ourselves about the underlying values, but to talk about in terms of an approach - it's a human rights-based approach that has clear reference points that give us some content on what that actually means and gives us a way of actually being able to balance those when they come into tension. Can I say I think that's right? And governments are often very bad at explaining to the public what the problem is in the first place, and what they're offering as the solution in the second place. I think the overriding imperative of any reform, and I found this when I was in government, is to make sure that each person understands that it's relevant to them.

[00:32:58] The trick for this audience, when we go out and leave this conference, is how do we explain to the average punter on the street that human rights are important to them. And when we introduced the Human Rights Charter in Victoria, I could spend an hour talking about the politics behind that, but we embarked upon a huge educative campaign not just in relation to the public sector, which we might talk about later, but also in schools. There was I think the Eastern Community Legal Centre ran, we funded them, a fantastic campaign in schools about Aussie rules.

Aussie Rules, I think it was called 'Aussie Rules are Human Rights' or 'Human Rights are Aussie Rules', and people related a fair go on the field.

[00:33:46] We had a fair go in the classroom, to a fair go more generally amongst their school colleagues. So getting the message out there that human rights is not just an academic principle. It's not just something that's debated in the hallowed halls of Parliament, but it's something that is essential for every person, every day, in every workplace, throughout every aspect of their life. Thank you. Kylie, I'm just mindful you're the only panel member that hasn't mentioned the question. made a contribution, did you need that? No, I just wanted everybody to have said. Just I'm to reflect on what Liz said, though, that's where there was a lot of discussion at the committee level around particularly the United Nations Declaration into Indigenous Rights and how we would address that in the work that we were trying to do.

[00:34:35] I would also, I just really want to pick up, I think one of the things that does concern me is the politicization of values and I think that's why it's important that you know we are very clear about what it is that we're seeking to do. And then finally, just pick up on the last thing Rob just mentioned about as we leave this room, the truth of the matter is, the average Australian just wants to know: 'What does it mean for me?' You know? And so off the back of last week's report, I found the most impactful conversations I had with people were those examples where I could say, 'Well, the Victorian...'. you know

[00:35:13] Human Rights Charter has a name for me and I could say well the Victorian you know Human Rights Charter has a name for me it's enabled people in same-sex relationships to now access superannuation you know it's enabled a woman to be able to negotiate access to transport more effectively and that I love that phrase that I know the Human Rights Commission uses it's bringing these international rights home and helping people understand what it means to them on a day-to-day basis and how those rights at the moment in this country aren't fundamentally protected regardless of what people think thanks Kylie that's A good segue to my next question, at the international level, there are a range of accountability processes within the UN system that assess Australia's compliance with international human rights standards.

[00:35:54] These include periodic reporting, individual treaty body complaint mechanisms, and other procedures. And those UN processes provide a framework for Australia to report to the international community on the implementation, benchmarking, and monitoring of human rights in Australia. But they also provide individual complainants with an international avenue for having their concern their concerns heard. Australia currently does not have a robust system for prioritizing human rights issues at the national level nor for ensuring accountability for progress in advancing and protecting those rights. The absence of accountability mechanisms leaves international human rights scrutiny processes as the default review processes for adequacy of national efforts to protect human rights. The Commission has proposed our National Human Rights Indicator Index to play a key role in the implementation of international human rights, tracking Australia's performance in key areas over time.

[00:36:48] Caitlin can, a human. Rights indexes can be used to strengthen accountability

mechanisms for governments. Can you talk a little bit about your view on that? Yeah, it's definitely one of the pieces of the puzzle. I mean, accountability: all of those international processes you talked about are vital, but they also should be the sort of background safeguard. Accountability should start at home first and I think the idea of an index around measuring human rights project progress is very much linked to that idea of 'well, what we count is an is a demonstration of what we value.' We count economic indicators in all sorts of ways, you know. We've begun In looking at, I mean, there's You've got the Closing the Gap framework and targets, and which has given important elements of visibility into where disadvantage for First Nations people still continues.

[00:37:43] But we don't have something that is that is looking at the intersectional an array of human rights issues that take place. So it's not just about how we're performing under our treaty obligations those are important but they are sort of background safeguards. And I would like to say yes, something much more concrete that demonstrates we... you know, that all branches of government are putting people at the centre. Of decision-making, and that's really what measuring human rights would be. It's saying that it's as important as it is that we're doing our gross domestic product. I mean Bhutan, I think measures their gross domestic happiness, but there are other examples. Wales has started measuring well-being as a as a a different version, but very much human rights-founded, putting people's well-being at the centre.

[00:38:32] In Scotland, they've actually started measuring the human rights impact of budgets, and that's a really interesting way of again trying to actually put dollar figures against people's well-being. So I think it's One part of the puzzle is not the only form of accountability, but it would prove, I think, that it would provide a really useful set of of data and information that gives that that broader scrutiny and accountability both for public purposes for parliamentary purposes as well. But we also know that the decisions about what gets counted are really critical, and communities already affected communities whether it's in the disability sector, in Indigenous communities, or in migrant communities they already know the challenges of of having things assessed about them without being involved in the design.

[00:39:25] So I think any human Rights index also needs to make sure that there is a really strong participatory component to making sure that what what gets measured is actually responsive to the priorities and experiences of communities as well. Can I just say sorry, I don't I support what you're saying, Caitlin, but I also want to say from Indigenous peoples' perspective about migrant communities, and I think it's really important that people know that they can go in life being a part of the story. Yeah, there's lots of recommendations out there and what that would be helpful in general so... But in addition to all that, a key way of where our words can get crafted is Whether we can work towards the core or not, you know it can be a key way of where our harbour secondary relief locations can get feedback; um, bonds can get cut, do we have grants or can we get you know potentially or will there be something out to that?

[00:40:06] The other thing is I think that it's it's an it's also you know certainly a big area of concern when you're related to suicides or deaths in custody. You know, I've got three people who are related to me as cousins or second cousins who were subject to deaths in custody inquiries, stolen generations. Everyone will tell you their story. So again, I'm saying I'm not insulting. I'm just

really saying that's where we're at. You know, it'll be great to be there where we're just being able to talk about wellbeing and how do we measure wellbeing and things like that. But when it's life and death, and poverty is a big one for us in Australia as well, so that sort of accountability is important.

[00:40:45] I'll take the opportunity, too, to say that news reporting is failing us because it isn't well-investigated nowadays. It's pretty much a one-day type headline and it goes away. But, you know, the effects of whatever's in the news hang on. It runs around, you know, and it accumulates and so on. So we're not well-served. You know, I'm focusing on parliaments currently, but I think the news media service is a big part of that. And the monitoring and accountability that I'm looking for in relation to Indigenous people's situation involves this much better awareness system of accountability, which will incite media to report things that they would not normally report. And it also - that public awareness, I think, would learn how much the international community is seeing about breaches of human rights against Aboriginal and Torres Strait Islander people in Australia.

[00:41:47] Thank you. Can I just add there, also, just linking back to one of Carly's Cs, the consequences. If we have these forms of standards and measures, what's the consequence if we're doing poorly on those? And I think that that's something that we'll probably come back to more, but it really is interesting to think through how do we enliven the citizenry to actually compel action when those standards are so clearly breached or core. Thank you for that, panel members. So what I'm hearing is a National Human Rights Indicator Index might provide an evidence base for the government to identify priority actions for human rights protection and advancement at the national level, but it probably won't provide the mechanism or it doesn't provide a mechanism through which government commits to these priorities.

[00:42:37] It's probably not going to provide the necessary actions on a regular basis. In this regard, the PJC reflected the Commission's recommendation that the government also introduce a new mechanism by which it announces key human rights priorities on an annual basis through a statement to parliament. This would provide the basis for government to identify its priorities both within Australia and internationally for the protection of human rights, and to report on and celebrate the progress that it has made over the course of each year, as well as reflect on key human rights challenges that require an ongoing focus. Something similar to the Closing the Gap report that happens annually. The combination of a National Human Rights Indicator Index and the process for government to commit to key human rights priorities on a regular basis might shift the current approach to human rights at a federal level, but it would also play a significant role in building awareness of human rights amongst the community and a form of form a basis for community debate on human rights.

[00:43:33] Kylie, people who are the most vulnerable to human rights breaches are also the most vulnerable to political and election cycles that see the goalposts shift, legislation enacted and or repealed; in one term, it might seek to endorse or protect our rights, and then in the next, through changes to government, have those rights taken away or restricted. Given the cyclical nature of politics, how can we create consistency in the human rights landscape and hold the federal parliament accountable in the long term? Yeah, it's a great question. And I think we, we're a

generation that's living through that at the moment. I mean, the truth of the matter is we live in a highly politicised parliamentary era. And I think if anyone didn't have anything better to do last week and you tuned in and watched Question Time in Canberra on Wednesday, I think we saw exactly the level to which our inability to have a robust parliamentary discourse without it descending into attack politics was very much on display on Wednesday last week.

[00:44:46] I have two new C words to add to our list: co-design and counting were the two I just heard there. But so I've never been a member of a party. I don't foresee I ever will. I didn't see myself entering politics. I went because my community asked me to do it. So, my whole life has actually been in either the commercial sector or the not-for-profit sector. And what I can tell you about the sector I find myself in is for the first time, I find myself in an environment where there is no consistency of long-term business planning. And it's insane. And so, what happens is that when there is a change in political prominence at any level of government, and all of a sudden, the agenda changes with the politics.

[00:45:34] I was a really vocal voice on the importance of the index in the recommendations and, in fact, I tried to get it pulled up even closer because while it may not be the solution, I think what the introduction of tools like that enable, makes it harder for the next government to walk away from something. And so I guess I look at this really pragmatically, as someone who's never going to be Prime Minister, you know, if my role is to try and bring this Parliament back to some sort of predictability for our people, I think the more systems and processes we can get into place that actually invite the parties to meet us in that space, as opposed to letting the parties dictate where we meet them, the better we will be.

[00:46:23] So an index is important in that scenario for me. An annual statement is incredibly important and getting some traction around that. Because if the next Minister chooses to not do that, there's immediately that tangible accountability for why did you stop that? You know, we want it. You can create a groundswell for it to be reintroduced. But fundamentally, it's why the majority of the Parliamentary Joint Committee backed a recommendation for a Human Rights Act. I think there are many of us on the Committee who would love to actually see human rights built into our Constitution, but we know that our nation is not at that point. So from a pragmatic point of view, getting it into an Act is, in theory, a simpler exercise.

[00:47:10] And yet, I don't know whether Josh mentioned this, 96% of the testimony we heard, the submissions we received, over 4,000 letters supported the introduction of a Human Rights Act into our country, and we still had the opposition handing down a dissenting report which, honestly, I believe was not written before the inquiry even started. Because I don't believe that what they presented was representative of the evidence that was given at all. So for as long as that politicization remains, and my key observation having come out of that process when people at the end of it were asking me if I was feeling deflated was actually I'd never felt more confident. So there's another 'C' word, confident. Because I knew that in that case the politics has disconnected from the community.

[00:48:02] Our community is ready for this. 75% of people, according to Amnesty International,

want a Human Rights Act. And here's the news: the government serves us. So if we make this an issue at the next election by requiring it of one or more or all parties to agree they will prioritise this, we will get it, not because they want it, it's because they exist to serve us and our will should be supreme. Not the parliament. It's the parliamentary will, which I think you touched on that, Katie, earlier on. It really concerns me at the moment that the attitude of the major parties is that it is the party will that should be supreme in our parliamentary processes and that is not our democracy.

[00:48:48] And the reality is that if you have a look at Victoria as an example, good policy outlasts bad politicians. And the Human Rights Charter in Victoria, despite all the kerfuffle about it at the time that the sky was going to fall in and, you know, it would take away power from elected politicians and hand it to unelected judges and it would be a criminal's charter, all that sort of stuff, there's been changes of government since and the Human Rights Charter in Victoria, I'm pleased to say, is a permanent part of the DNA of the civic and political landscape in Victoria. It will not be abolished by any government in the future. It will only be strengthened. So always remember that, good policy outlasts bad politicians. Thank you, Rob.

[00:49:33] Kim is chomping at the bit. Yes, sorry. Just to say a little, just to amplify a couple of the points, which is that I don't think it's a cyclical nature of politics, of our parliamentary framework. I think it's the nature of the disjuncture which has just been said between those who are exercising power and the people who they're representing. And those who are exercising power, once they get in, the image that we're getting is that they want to hold on to that power and they justify it on the basis that the only way they can do anything is if they're in power, but then their focus is on maintaining power rather than the actual policy that they're there to present.

[00:50:10] And I think we have to take a very hard look at the structures of our parliament that have become embedded in maintaining that approach and liberating it to be truly what it is meant to be, which is what we've said, representing the people. And if over 90% of the submissions, we're in support of the Human Rights Act, yet you have a parliament that's not prepared to respect that, then that is a reflection on the poor nature of our parliamentary system, not on the cyclical nature of politics. Well said. Thank you. The single biggest change that can improve the effectiveness of the Parliamentary Joint Committee's work is for this to occur in conjunction with the Human Rights Act.

[00:50:52] This would provide stronger accountability measures for public servants to fully consider human rights in accordance with the proposed positive duty that's just been put forward, but across other sectors as well. Ensure that laws, policies, and programs are developed with the full engagement of affected communities. Ensure that there is domestic guidance on human rights standards and obligations over time, and that can assist in the quality of consideration of human rights issues. But also increase the weight that public servants and parliamentarians attach to human rights considerations due to the possibility of those whose rights are restricted having a quality or cause of action to have those impacts addressed. If we can get this right at the federal level, this could and should, in effect, also inform and support state and territory governments to establish accountability frameworks that comply with Australia's international human rights

obligations.

[00:51:44] George talked this morning about the limitations of the federal umbrella and its ability or inability to influence states and territories. Rob, given your experience as a deputy premier at a state level, most services are delivered at a state level. We're laughing because we had a bit of a laugh about this outside. So, how do we increase accountability for human rights among state governments and public servants, and how can the federal government keep states accountable? Fair to say. I've had the privilege of being a member of all three tiers of government. I was a Mount Isa councillor, then I was a federal member of parliament. You've got to keep this in the room until I got beaten by that Rhodes Scholar, Bob Caser. I'm the one to blame for Bob Caser being in federal parliament.

[00:52:32] I apologize to everyone in this room for that and the rest of Australia, and also in state parliament in Victoria. And I've got to say, if I was to abolish any government, Kylie and I had this to fight over. It had to be the federal government. She said abolish states. But, look, I guess the most important part of the charter, in Victoria, was about cultural change, right? It was about enshrining a rights culture within the public sector, the public service. And it made sure that human rights are brought from the periphery of government to the core. And it basically meant that every piece of legislation was analyzed in relation to its effect on the human rights of Victorians. It was cultural change.

[00:53:23] It was never meant to be like an American Bill of Rights where, you know, everything was litigated in the courts and the like. It was the cultural change. And that's what it's done. There's no question about that. And when you actually have a look at some of the impacts the charter has had, it might be irrelevant to everyone sitting in this room, but something as simple as somebody living in supported accommodation being allowed access to his own mail. For instance, a small thing like that. A woman in residential care having her privacy adhered to by getting a shower curtain that wasn't supplied prior to the charter. Tiny little things for you and me, but a huge thing in that person's life. So small things to us, but life-changing experiences to other people have been impacted by the charter.

[00:54:19] And it's come about because a lot of these problems are solved before there's litigation. And that's what cultural change is all about. The charter also played in Victoria a pivotal role in landmark ruling of the court in relation to kids who were put by a Labor government, who were put in the notorious Barwon maximum security adult jail because there had been riots in youth detention. And the charter was used to get them out, basically. And it basically sent a message to the government and the community that there is a line in the sand that should not be crossed when it comes to people's rights. And so, the cultural change that it brought about is more important, probably, than any other part of the charter.

[00:55:12] And a federal charter would increase that cultural change, not just from a federal government point of view, but that will trickle down to the states that don't have their own charters. And the message I would send to the federal government, now that it has the report and it has the roadmap and it has the experience of other jurisdictions that have a charter, the scene has been

set. You're either going to be on the right side of history or you're not. And now is the time. There's no question. Now is the time, and it's up to everyone in this room, to ensure that we give the government the imprimatur that it thinks it needs, to implement a federal human rights charter. Now is the time.

[00:55:57] Rob, I think it's, sorry, Kylie, I think it's amazing that the charter in Victoria was able to deliver some of those big cultural changes, but how shameful is it that somebody needs a charter to access a shower curtain? Yeah. That is ridiculous. Yeah, absolutely. Kylie? I was just going to say, I take my hat off to Victoria, and I've got to say there's many parts of our country, including our climate advocacy, when you look at it, that the states have played a really important role in moving us along. States have moved faster than the federal level. But fundamentally, the reason I think it is so important that it is established at a federal level is it shouldn't matter if you live in Victoria or New South Wales or Northern Territory, the rights you have as a citizen should be consistent, and they're not.

[00:56:47] And to me, I agree with what you've said. The biggest opportunity here is for the federal level to learn what has worked well at the state level, to ensure we support what is going well still at the state level, but ultimately that we elevate that to the federal level because the federal level still does control a lot of our lives, from our borders to our financial systems to our social service payments. You know, it cannot be the case, and this was one of the arguments that was put forward. It was put forward to us by those who wished to dissent. I don't think it's acceptable for the federal level to delegate its responsibility when it comes to human rights to the states and territories.

[00:57:31] If we are not doing it at the highest level of our democracy, then that level is letting us down. I don't think federal or state is going anywhere for the record in our lifetime, but, yeah. So I'm mindful of time, but I'm also mindful that Caitlin's keen to engage in this state territory debate. Yeah, I guess it's just to add that, I mean, the reality is we have a federal system. We've got the example of Queensland, ACT, and Victoria already with functioning, well-established human rights protections, and the sky hasn't fallen. It's not fair that people in South Australia and Western Australia and the Territory and Tasmania and New South Wales don't have that as well. So I think, you know, this is again a jigsaw puzzle that needs to have many gaps filled.

[00:58:18] The big piece at the centre is the Federal Human Rights Act, but then it's also about supporting the efforts that are underway. South Australia is having that conversation right now, and we see that in the practical implications in responses, say, to protest restrictions. New South Wales has approached that very differently from Victoria, and the lack of human rights protection in New South Wales is a big part of that. So this will be the overarching umbrella we need, but it will also ideally give some cover and some consistency, though, to the advocacy that's taking place in other states and territories as well. Thanks. So under the National Agreement on Closing the Gap, the Australian governments have committed to four priority reforms; with Priority Reform Three being the transformation of government.

[00:59:07] This includes systemic and structural transformation of mainstream government

organisations to improve accountability and respond to the needs of Aboriginal and Torres Strait Islander people by eliminating racism, supporting and supporting culture, embedding cultural safety, and working in partnership with First Nations people on decisions that affect us and in service delivery; increasing transparency. A couple of weeks ago, I attended a forum for senior public servants in Canberra where it was argued that the current system works for the majority of the population, but that niche communities need assistance to access the system. The niche communities were Aboriginal and Torres Strait Islander people, people with disabilities, and migrant communities. Given Australia is grappling with national crises in cost of living, housing, domestic and family violence, mental health, child safety, and youth justice, I would argue that the system is failing the majority of Australians and is in need of dire transformation.

[01:00:05] Systemic racism and structural disadvantage exacerbate these systemic failures for First Nations people, so transforming government and consequently the system is critical to closing the gap and achieving better outcomes; but it's also necessary to ensure all Australians, and particularly those who are most vulnerable, can access, exercise, and enjoy their human rights. Les, with your experience within the bureaucracy, as well as within the international human rights system, how do you think accountability in bureaucracy, specifically in government departments, can be best achieved? Thank you. Well, my path to fighting for rights of Indigenous peoples was, of course, I grew up in Queensland, born in the 1950s, and we very quickly there knew all about rights by postcode, depending which side of the border you were on, as to whether you had rights or whether you, in fact, were being targeted and victimized by government for who you were, and so on.

[01:01:05] And so I think, you know, we all - I think - accept the free and equal concept of human rights, that it should be, that human rights are universal and everyone, you know, should be treated the same no matter which side of which border they live on. So, I'm against rights by postcode. It's nice to see Victoria, Queensland, ACT and so on moving ahead with charter and even discussions on treaty happening in different states and so on. But at the end of the day, the last thing I think we want to see develop in Australia is where, as a black person, depending on where you lived, as to whether you can do if you're black and you come to Queensland and you're in one of the community areas, then you'll be charged for having alcohol in your possession.

[01:01:53] That started in 1897 in Queensland. We had about a 20 to 25 year respite from that, and it's now reinstated. So it's taken well over 120 years for governments to work out how to resolve a problem about Aboriginal people having access to alcohol, and Northern Territory is restating this all the time as well. So just to pick up on what I've been hearing, we don't want to see a situation of where we see different rights occurring in different states. I also want to add in there Parambula paragraph 20 from the Declaration of the Rights of Indigenous Peoples, which says, and this is really important, emphasizing that the United Nations has an important and continuing role to play in promoting and protecting the rights of Indigenous Peoples.

[01:02:46] So translate that back to what we know on the ground, where in Australia here, our rights as Indigenous Peoples only can occur if the government, the parliament, the federal parliament puts those into statute and therefore we can pursue abuse of the rights through the

courts. In the meantime, we can't. But we can and I am go to the United Nations and put our issues there and the United Nations response. So this year in October, I expect to be over at the Human Rights Council where they are talking about monitoring states on implementation of the rights of Indigenous Peoples. And of course, this will be broadly around the world, but Australia has been monitored, will continue to be monitored, and all those reports are there.

[01:03:32] So a lot of my activity now that I'm returning to the International League is to dig up these reports that have been received by Australia for well over 30 years to show how much and how many recommendations they've talked about with breaches, including things that you probably don't suspect, the Native Title Act. You would think land rights is happily humming along, but you don't realize what has been done in Native Title to damage the rights of Indigenous Peoples in connection to country and their right to be self-determining and so on, in this whole process. So monitoring is important. Australia should do that. It should happen. Transparency, which is what I'm referring to, is a big part of that because Australia doesn't even know how it's been assessed on its human rights performance.

[01:04:24] The reports go to the Attorney General's Department. It doesn't go to the Parliament. The Attorney General's Department will write a brief to the Minister. The Minister might get up and read out a 20-minute statement, a table of briefs and sit down. That's the end of it. That's the end of it. Right? And in our submissions to this inquiry, we have talked about having a body like the PJIC on human rights open up these reports that are coming from these international bodies to allow public to make submissions on what those reports are saying. Then for a body of report to go to the Parliament to be addressed in Parliament in debate. And that's happening in the UK. It always has happened in the UK, but somehow in Australia it just gets buried in the bureaucrats' paperwork.

[01:05:11] And I'll say one more thing about bureaucrats, is that it used to be when I was working in the Commonwealth Government and even when I was working in the Queensland Government that we were there to serve the public, in terms of helping the politicians to know what it is the public wants and how they want to handle that. That's the idea of a bureaucracy: to help with that workload. Instead, it's become a police force, so that I can't even get someone on the other end of the phone. I can't even find out who's handling what area of human rights or government policy and things because you just go through this thing of, oh, we'll leave a message and someone will call you back.

[01:05:49] I'm sure all of you have seen this experience now of how bureaucracy works in Australia on the whole thing. So we're not necessarily going ahead; we're going backwards when we think about the role of the bureaucrats. I believe the Joint Committee report does address this, and I really am welcoming that report and hoping that all the things that they put in there will get the attention. I'm not going to go through the whole agenda and all of this, but I suppose I want a message to you. There is a problem. We are in a bad situation and so on. Most people won't feel that. If you're middle class, you're pretty safe. But if you're a targeted community, if you're poor, then this is not the country that everybody thinks it is in that way.

[01:06:36] Thank you. Rob, I'm just mindful, as former Victorian Attorney-General, with a department or a bureaucracy underneath me, can you talk a little bit about your experience and how you see improvement might be made to hold the government and the bureaucracy accountable to human rights? Yeah, we'll have a human rights charter. That's the first thing. Yes. Look, and I say this while you're here, Kylie. I said it to you backstage. You're in a privileged position. You're in Parliament. You're part of the law-making process. And don't waste a second. Don't waste a second because you'll only be there in a blink of an eye. It'll be gone. Either you'll decide to retire or who knows what might happen. You might get beaten by a bobcat or someone. And you can't waste a second.

[01:07:26] And I knew that. I was a Legal Aid lawyer, did Aboriginal Legal Aid in North Queensland, saw how racist the justice system was, just couldn't believe it and thought, well, what I walk past is what I accept. If I think the justice system is racist, how do I change it? You've got to become a lawmaker. How do you become a lawmaker? You've got to run for Parliament. As a kid, I ran for Federal Parliament in North Queensland and got elected and then got beaten and came back to Victoria. And I went in there with a pretty clear vision, right? A pretty clear vision. And that is how do you make the justice system a positive intervention in people's lives? Now, lives will go along a certain track. You'll have ups in your life.

[01:08:03] You might win the lottery. You might fall in love. Then there'll be down times in your life where there might be a death in the family. It could lead to mental health issues, drug and alcohol issues, homelessness issues, and at that horrible, vulnerable stage in your life, you might hit the justice system. The view I took was the justice system at that stage in your life can either push you further into the mire and further ruin your life or can act as a bit of a trampoline and help bounce your life back on track. And so I tried to create a justice system that was that positive intervention in people's lives. So, I had a vision, and I explained that vision to the bureaucracy, and they loved it.

[01:08:35] They loved the fact that they actually had and actually could join on with this vision, and they helped me achieve that vision. If ministers don't have that sort of vision, the bureaucracy takes over, and the bureaucracy will then run its own show. So it's important to actually explain to the bureaucracy what a human rights charter is about, the differences it can make in people's lives, how it makes government and the whole of, you know, the bureaucracy more accountable, and they will buy into that. And I've just happened to have with me, believe it or not, the second reading speech that I gave in the State Parliament in relation to the charter, and it says this. It says: 'When introducing it, this bill will be a powerful tool in assessing whether human rights protection in Victoria reaches minimum standards.' The bill will promote better government by requiring government laws, policies and decisions to take into account the civil and political rights of the people of Victoria.

[01:09:33] The charter will make sure there is proper debate about whether proposed measures strike the right balance between the rights of Victorians and what limits can be justified in a free and democratic society. The bill will also become a powerful, symbolic, and educative tool for future generations and new arrivals in Victoria. And the public sector realized that it was bound by

the charter, and it will be, on a federal level, it will change culture within the federal government, and that will hold the bureaucracy to account. Well said. Very well said. Thank you. What I would offer, though, and again, having just entered Parliament, I don't think the problem with human rights at the federal level is with our bureaucracy. I think it's with the politics.

[01:10:20] So, I don't know whether that's different from state to federal, but I think what I encounter more often than not is that at the federal level it is departments and secretariats that will come. That will come back to a minister and say: 'This piece of law is in breach of this international treaty', this international treaty, this international treaty, and the federal minister will say, 'I don't care, we've got grounds, move it.' And so I think the piece I'd like everyone here to be really aware of, and I think, again, it's us owning our citizenry. There is a committee called the Parliamentary Joint Committee on Human Rights that currently exists. It's been operating for a really long time. The secretariat that is behind that committee is extraordinary; the amount of work they do, the level of evaluation they bring to laws.

[01:11:10] But that committee has the name but none of the power. We can't stop a bill when we know it's in breach of human rights. You look at some of the bills that came through the House in the last six months. They were egregious, but we could do nothing. We couldn't even slow them down. And I think for me it was really interesting when I had a number of conversations with the equivalent of me on the UK Parliamentary Joint Committee of Human Rights. Where actually somehow in the UK, for all their quirks, they've found a way - their committee over there is not dominated by the government. So, it's actually chaired by somebody who is not of the government. The numbers are 100% equal and that committee has the right to stop legislation.

[01:11:55] And so, without naming names, I'm sure there's a lot of really imaginative people in this room though - at one point one of the conversations around the committee here in Australia was: 'But why would we want to give ourselves that power?' Because look at it, the Parliamentary Joint Committee in the UK has just stopped that legislation which would see the UK government ship asylum seekers off to Africa. You know, we don't want to give a committee that power. It's got to be parliamentary supremacy. So I actually do come back to as citizens we need to make sure we're not being sold out. And I don't know what the equivalent of greenwashing is in the human rights space, is it? I don't know. Maybe it's bluwashing. I don't know.

[01:12:38] But, you know, it is good that we have a Parliamentary Joint Committee on Human Rights. There is good work being done there. But does it go as far as what it should be able to do? Absolutely not. We don't even have the power to initiate our own inquiries. We can only do it under instruction of the Attorney-General. So, demand better. Even if we demanded better in that space, it would be a significant improvement. Yeah. And while it's the job of Parliament and government to ensure that Australia is meeting its human rights obligations and that the system works to support that, the implications of the absence of a Human Rights Act and mechanisms to promote accountability have been clearly articulated today on the panel but also over the course of the conference.

[01:13:20] Ongoing human rights advocacy is necessary to maintain the pressure on Parliament

and government to deliver. As citizens also have a role to play in ensuring rights recognition and protection, and realisation. Kim, I'm going to give the last question to you this afternoon before we finalise our panel discussion today. How do you think civil society can hold the State, Federal, and the Federal State and Territory governments accountable to deliver on human rights? Well, I think both me and Caitlin have a few things, so I'll keep mine short so Caitlin can also add in here. But I think it actually links to my first answer in thinking back to notions of accountability and what has just been mentioned and discussed between Rob and Carly in relation to ministerial responsibility and the impact that it has on the bureaucracy, and the role we as citizens have to keep all of them to account.

[01:14:11] Now, we have a system in Australia of responsible government. When we created the Constitution, we looked at the US Constitution, we looked at the British system, we took a bit of both. We have the Westminster system. We have a clear separation of powers, just like the US, but we also have responsible government, which means that our ministers can never be Elon Musk. We can't have a president choosing someone like that. The ministers have to be elected by the people. They're accountable. They have to be in Parliament. Section 64 says no minister can be a minister unless they're elected into Parliament. That link means that we, as citizens, have ultimate responsibility for keeping them accountable. They then direct the bureaucracy as to how the bureaucracy functions. Leadership by your ministers is key.

[01:14:58] We have a role as civil society both in empowering our fellow citizens to say we have to keep them more accountable by the way we exercise our vote. There are all these other mechanisms that I mentioned at the beginning. We have to have a mission of civic and citizenship literacy so every single person, no matter what their background, their station in life, just having their DNA that certain things are unacceptable and we're going to keep our government accountable. And having a human right. So, the Human Rights Act will be a means to that educative process. It's a two-way, as Rob said. You need to start educating before you get the Human Rights Act in, but you also then use that Human Rights Act to ensure that it's part of the DNA of Australian citizens, that these aspects are core to who we are as a nation.

[01:15:48] Caitlin, 30 seconds. Civil society is everybody in this room. It covers so many sectors and I think that's really important to remember. There's professional NGO advocacy, which is vital, but there's also all of the conversations that take place in community within the arts sector, within health, within education, and getting something like this actually embedded into our culture and the political pressure will actually require all those parts of civil society to be engaged. But I think it's also really vital when we come back again to that original framing. We looked at, at the beginning, around accountability, that ultimately the power of civil society is raising people's voices when they see things going wrong, and that's what we've seen repeatedly; we know that people raising their voices is also not something we can take for granted, and that will be protected in this country.

[01:16:44] We have whistleblowers, coming back to the bureaucracy question we just talked about, being prosecuted without an independent authority that they can go to. We have protesters. We have protesters at the moment. Also, their right to raise their voices and call for accountability

is actually being attacked. Democracies everywhere are being shown to be not as strong as we would like them to be, and so that interplay between making sure that there's transparency in our politics, that we don't have, you know, unseen corporate forces dominating the way our politics works and civil society is the check and balance of that, ultimately, that makes the democracy function. So it's the most critical part; that's what we need for strong human rights protection. Thank you. Panel members, thank you for sharing your valuable time, insights, and experience with us here today.

[01:17:35] Before I let you go, I did have one minute each but I'm cutting that to 30 seconds each. For final comments, please; I know, Les, you want more than 60 seconds, but you're only going to get 30. So please, if you could offer any final observations and concluding remarks, thank you for your time this afternoon. Whoever wants to go first. I'll start and be less than 30 seconds. Look, we all know in this room that we are the last country in the Western world that does not have a human rights instrument. We trot around the world, you know, pointing the finger at other countries. Human rights records, but we don't have a human rights instrument in this country.

[01:18:13] We've now given the government the tools, including the Joint Committee report, to do the right thing and to introduce the right to use a human rights charter. We love you, Mark Dreyfus. We're watching you. Don't let us down because we are going to hold you accountable. Now is the time. Awesome. Caitlin? This is going to be a bit of an echo. But, look, I think, yeah, the evidence, we've heard it time and time again over the course of the day. The evidence is very clear. People all across Australia share a clear commitment and belief that everybody should have right to housing, right to education, all of those basic, basic protections, and to their dignity and to their freedoms.

[01:19:02] And so it's just time to actually make that a reality and make our laws catch up with where society is at, and it's been long overdue. Kylie? I think if there's one thing that you guys are already heavily engaged in, it is your citizenry. And you are very actively engaged in encouraging others to step into that. I guess ending where I started with three C words this time, I think for me it's about citizenry. It's about our country and it's about our culture. And if we demand better of those people who represent us, we will have to get it. Thank you. Les? Yes, we have this report now from the PJC. It's a very powerful tool. It would be a hard thing to get through, but the charter is definitely a plus, as well as these reforms about awareness and education.

[01:20:03] I've personally got a target of the next federal election, so in that time with this current era, I think, with the report, with the attention to fair and equal and so on, it's time for people to get out there and work to get this country where it should be at 20/24, 20/25. Thank you. Can I add one more C word to Les's? Crossbench. So give us more power and the AG might need it. Thank you. Kim, we started with you and we're finishing with you. Thank you for the honour. The term citizen has been raised a few times. When I teach about citizenship, I remind people that there are four ways of thinking about it. First is the legal status, who the state recognises as a citizen.

[01:20:48] Then there's this concept of political or active citizenship. We also think of citizenship as rights and identity. And one of the common themes of my writing is that none of those different

types of citizenship coalesce. Sometimes legal citizens really don't have access to rights; Indigenous Australians are the perfect example of that. We need a Human Rights Act to hold our representatives to account, to ensure that those different types of citizenship are more sensible and connected, to really enhance our identity as Australians. Thank you very much, panel members. That concludes our session this afternoon. It's time for afternoon tea. Thanks for hanging in with us. Thank you. Thank you so much, Katie. And also congratulations on your appointment as Aboriginal and Torres Strait Islander Social Justice Commissioner, Katie Kidd. And panel, I think my takeaway from that very important discussion was that until there is cultural change, accountability, and even after there is cultural change, accountability is everything in upholding the human rights and protecting those human rights. So thank you once again to our panel.