

Victorian Equal Opportunity and Human Rights Commission

Equality Talks: Part 2 – New Frontiers

Tuesday, 8 December 2020

CATHERINE DIXON: Good afternoon and welcome to our second equality talks event for Human Rights Week 2020 by the Victorian Equal Opportunity and Human Rights Commission and RMIT Social innovation Hub. We have received a really enthusiastic response locally and interstate for our events this week and I am pleased that so many people are able to join us today. My name's Catherine Dixon and I'm the Executive Director at the Victorian Equal Opportunity and Human Rights Commission and to begin I'd like to acknowledge the traditional owners of the land from which I'm joining you, the Wurundjeri people of the Kulin Nation. I pay my respects to their elders past and present to the elders of other Aboriginal communities who may be joining us today. This always was, and always will be, Aboriginal land.

It's been said before that 2020 has been a year like no other and Victorians have certainly felt the impacts of the pandemic in almost every aspect of how we live, work and study but after months of restrictions, it finally feels like we're in a position to look ahead. And today, we have a cracking panel who will be sharing their visions for a COVID-19 recovery and for the future.

And before I introduce the panel, I just wanted to make a few opening reflections about COVID-19 and our human rights framework in Victoria. The disruption from this pandemic has been significant, not just economically but socially too. What's become clear is that those most affected by existing inequality, Aboriginal people, women, people from culturally and linguistically diverse backgrounds, people with disability, have been acutely impacted. We've seen this through complaints and reports and inquiries to the Commission as well as there our advocacy and monitoring work with community groups, civil society, other regulators and Government. And against a backdrop of emergency management, expanded state powers and Government intrusion in our lives, we've also seen the value and importance of Victoria's human rights laws.

The Charter of Human Rights and Responsibilities has shaped many of the key policy responses from the state's public authorities. It's been a framework for Government and parliament to make decisions about how to best protect our health, safety and lives while minimising restrictions on our other rights. Rights to liberty, movement, freedom to associate and to protest. It's also been a vehicle for community to demand greater transparency and accountability from Government and from the police and from other public agencies. And human rights remain essential to our recovery to ensuring we are rebuilding a more equal, sustainable and resilient community.

Part of the Commission's vision for keeping human rights at the centre of our recovery is to strengthen the protections in our charter of human rights and responsibilities and one way of

doing that is to broaden the rights in the charter. Rights to health, housing and education have been front and centre throughout the pandemic. They are issues that speak to the real substance of people's everyday lives but they're not included in the Charter. Incorporating economic and social rights into the charter would fill the gaps in existing Victorian legislation and put human rights in one place, making them easier for the community to identify and use.

The Charter also does not sufficiently recognise the rights of Aboriginal Victorians including self-determination in the charter would enable Victoria's Aboriginal communities to meet their social, cultural and economic needs and be autonomous in the matters that affect them. And what about a community conversation about a right to a healthy environment. All of us depend on a safe, clean, healthy and sustainable environment as integral to a wide range of human rights including the rights to life, health, food, water and sanitation. And as we look to the future, what about all of the other emerging human rights issues such as digital rights and new challenges to privacy. These questions push at the limits of our existing laws and I'm confident our speakers today will explore some novel and thought-provoking solutions for ensuring that human rights remain a foundation of the COVID-19 recovery.

So now, for some housekeeping. Today each speaker will deliver a short keynote address in the style of a TED talk before we move into the Q&A session for the final portion of today's event. I'm sure everyone in the audience will certainly have their own reflections on what we can learn, keep and change from this time, so please contribute your thoughts with us today. I encourage you to join the conversation online. If you would like to share your reactions on Twitter or Facebook you can use the hashtags #EqualityTalks2020 and #RightsInRecovery. On the screen now you can see the handles for our panellists in case you want to tag them in your posts. If you have a question for our panellists, we would love to hear it. You can submit your questions using Zoom's Q&A function. Use the button at the bottom of the screen and we will work through as many questions as we can. So let's get started.

Our first speaker today is Dr Sandro Demaio, Chief Executive Officer of VicHealth. Sandro is a medical doctor and globally renowned public health expert and advocate. He previously worked for the World Health Organization and was CEO of the EAT Foundation. He co-founded the NCDFREE global social movement and established a not-for-profit foundation to improve the health and nutrition of Australian kids. Sandro has published many scientific journal articles and is author of The Doctor's Diet cookbook. He also co-hosts the ABC television and Netflix show Ask The Doctor. Please welcome Sandro Demaio.

SANDRO DEMAIO: Thanks very much. It is a real pleasure to be here with you all today. I'd just like to start by acknowledging the traditional custodians of the land I am on, the Boon Wurrung people of the Kulin Nation, and their elders past, present and emerging and acknowledge any First Nations Victorians or Australians or maybe beyond who are tuning into this webinar today.

I will just put my slide up so you can look at that rather than look at me as I talk - that might come in a moment. So what I'm talking to you about is health as a human right and the social determinants of health. The social determinants of health are - it is the concept of the environments, the drivers, the opportunities that are given to us, that we're born into, that we are educated in, that we grow and develop around and that ultimately we die in the context of. It is a very powerful concept because it is really a framing that has shifted the way we think about public health and I think in many ways centred or recentered our firm focus on health as a human right.

And so it is really thinking about how do these different levers, these different opportunities, these different structural, cultural, commercial factors around us, how do they determine our health and through that determine the types of lives that we can achieve. There are foundation natural elements to public health and I think - here we go - most students or public health leaders would be familiar with; this is the fair framework which we developed looking at health equity. It has a social determinant concepts but unpacks it across different levels. The idea is to really think about differences in health and wellbeing might be the outcome but it's individual health-related factors that lead to those, like knowledge, attitudes and behaviours, but it is actually the roots of the tree that go deeper and deeper to the true determinants and drivers of health that must be the focus of policy leaders, community leaders and medical practitioners. It's about the living conditions. It's about the environments in which children are born and educated and grow. It's about the suitability and stability of housing, employment. But it is also about deeper things like social position and then the socio-economic, political and economic context.

It is not just about the individual but it's also about the parents, the family, the grandparents, the life experience and so it's really forced public health to take a deeper and a more empathetic look at the context and drivers of health and certainly in an evidence-backed and critical way, an important way, brought to light that health challenges and health inequalities are largely born and solved in policy, in the decisions made by Government, by decision makers and very often by structures of power.

Of course COVID has been a striking reminder of the relevance and important of social determinants. We saw those with insecure work, those who did not have safe housing, those who did not live in areas where they could easily access open spaces or green spaces to be able to exercise, individuals experiencing family violence. We saw lower income earners facing greater barriers, at higher risk of gaining the virus, at worse outcomes if they got the virus and in many countries around the world at high risk of dying from the virus. So all of these individual groups, all of these social determinants - housing, education, employment - actually disproportionately impacted individuals and communities through coronavirus. And while we originally had hoped or thought - and some had maybe positioned COVID as the great leveller, it of course, has done the opposite. It has been the great accelerator and deepener of all of the cracks of inequality that occurred before COVID and as we look to recovery hence this important discussion today.

A survey by VicHealth showed that during the first and second set of restrictions Victorians felt increasingly disconnected, reported lower life satisfaction and higher levels of psychological stress. This was seen more so in certain communities. Young women aged 18-34, those from bushfire-affected communities, those that speak languages other than English at home or those on JobKeeper or JobSeeker were proxies for economic vulnerability. We saw how if we

addressed social determinants meaningfully we could make a real difference. JobKeeper and JobSeeker provided the important financial support that lifted many thousands of families out of financial distress, even if it was temporary. We saw the 550 reasons to make you smile website which showed what people truly able to do when they weren't forced to live on \$40 a day and how it improved their health and wellbeing. They were able to buy medication, they were able to leave violent partners, they were able to fix their car so they could get to work or even access better employment opportunities. Not to say that one equals two but certainly these were many of the stories that emerged that really showed the strong social benefits, wide social and health benefits of that economic policy.

The social determinants which was introduced in the early 2000 continue to be highly relevant today however the way we discuss it and utilise it has evolved. Shifting the power away from academics like myself to communities, language around social determinants has moved on and as a sector we now discuss health inequity, self-determination and community-owned and community-led solutions. We know that communities have their own answers to maintain their social, physical and mental wellbeing and as public health professionals and doctors like myself, we can support and provide them with the tools that they need but at the end of the day, they have the solutions, it's about us handing over power and us handing over the tools and supporting them to improve the health and wellbeing of their communities as community leaders and experts. Collaborating with communities, engaging meaningfully and authentically has now extended the social determinants to allow for self-determination and practices that are empowering instead of possibly fostering further imbalances of power. Every person has the right to access the services, resources and tools they need for good health. However, it is also their right to make decisions about their health. With time we realise there are other determinants of health.

Next year we will launch a supplement in the Medical Journal of Australia with more than 60 experts across Australia and will look at the wide-ranging determinants of health that have flowed on from the concept of the SDOH - social determinants of health. Including the cultural, social, environmental, technological and of course the physical determinants of health. It will provide, we hope, a road map for 2030 and imagine what equitable, fair and healthy Australia could look like and how we can achieve this position. An enormous thank you to the Commission for hosting this important event today and it is a real privilege to be able to participate. Back to you.

CATHERINE DIXON: Thanks so much, Sandro. We certainly, at the Commission, experienced during COVID your point about communities having their own answers and I thought that the link that you've made between social and health outcomes is really powerful and the experience of COVID has really demonstrated that link. So thank you so much for your talk today. I'm going to move on now to our second speaker, Indi Clarke.

Born in Naarm and raised in Mildura, Indi is a proud Mutti Mutti & Lardil man with ties to Yorta Yorta, Wemba Wemba and Boon Wurrung. He is an advocate for Aboriginal people and the power of strength-based approaches and Aboriginal knowledge systems. Indi believes that the path to positive change starts with empowered families and communities as well as a holistic

approach to healing and wellbeing. Indi is the Executive Officer of the Koori Youth Council and takes great pride in giving back to his communities. Please welcome Indi Clarke.

INDI CLARKE: Thank you, Catherine. Thank you everyone for joining us here today. As you have just heard my name is Indi Clarke and I am a proud Mutti Mutti, Wemba Wemba, Boon Wurrung, Trawlwoolway and Lardil man. The first four Aboriginal nations being through my father and my mother connected through Lardil in Queensland. I want to pay my respects and acknowledge the country in which we are all meeting here today and pay respect to lands that we are Zooming in from. I am on Wurundjeri land and I want to pay my respects to the elders, both past and present, who have cared and been custodians of this country for the last 830 years and to the Boon Wurrung people and their custodians and people and carers.

In doing so, I just acknowledge everyone in this year that has been 2020. 2020 has challenged us like no other and when we think about it, it has been one of the biggest years, I think, we will ever go through. In doing so I really want to highlight and pay respects to our Aboriginal communities. When we look at this year, when we look back on it, we can look at the leadership and we can look at the collectivism of mobilisation through our communities and I want to acknowledge Victorian Aboriginal communities and the leadership of the health organisations and those across the state. When we look at COVID and our response to COVID it was absolutely integral to the Aboriginal community health sector and low numbers when you compare that to other First Nations communities, especially across the world. I really want to pay respects to the leadership in my community in Victoria and I want to acknowledge all of the sacrifices made from our mob and the sacrifices made from everybody in our community.

So as Executive Officer of KYC (Koorie Youth Council) our work is pivotal. Everyone has played an important role and a pivotal role in keeping our communities healthy. When we reflect back on this year there will be much to learn and there will be a lot to take away and I think there is a lot of wisdom and learnings that can be gained and I've always been a big advocate and anyone who is watching me talk knows how much I will always advocate for Aboriginal knowledge systems and this year has been evident of that once again, it is that collectivism in action when we work together as a community and when we come together for the betterment of our mob.

Once again that is evident through the mobilisation of our communities. 78 confirmed cases are all we have seen in the Victorian Aboriginal community. No deaths as well. Once again that is testament to the organisations, to the leadership of people like VACCHO (Victorian Aboriginal Community Controlled Health Organisation) and our organisations across the state and I think it is just - this is something we can learn from across the country and this is something that the world should look to as well.

For me it just shows the reaction, I think when we look at this year, and I always love coming in on things like this, because we fundamentally talk about human rights but what is human rights? Ultimately if we are being honest, how often are we seeing people's rights abused, especially those in marginalised communities. Especially those who are black, brown or people of colour. For me I always think about... whilst it is fundamental we have human rights as people, and there are non-Aboriginal and Torres Strait Islander allies, how do you stand for change and be

an agent for change and truly seeing equity, truly seeing justice and truly seeing First Nations people of our communities, are treated fairly and just as well.

I think this year we are seeing that socially 2020 will be the year that will define us as a moving point. I want to think about this year as the year that will define us as we move forward socially. Sadly we have seen the Black Lives Matter, that has been business for people in this country forever and it is always... for us we have started to see a social awareness and consciousness from the broader public but the sad reality is it took an experience that happened across the country in another part of the world, sadly - I want to pay my respects to the communities over there that have seen way too much death at the hands of the brutality of the system - and we have seen because of that the consciousness of what was actually happening in our own country here in Australia. Because of that, we have seen action, we have seen allies, we have seen people start to talk about how do we truly, with Aboriginal and Torres Strait Islander issues at the forefront of our mind, how do we see action and how do we take further action to truly see justice, to truly see the health outcomes and really put people first.

I think about this year and furthermore to Sandro's point around the determinants of health and the determinants of justice, 2020 has definitely challenged us in all of those areas - our connection to land, our connection to wellbeing but it was the sacrifices that have got us here to where we are today. No cases, finally seeing some freedoms. But for me, I think it's always how do we open our minds and open our hearts to truly stand for justice and to stand for change. This year's given us perspective. It's given us a harsh reality of how people are treated and if there's anything we can learn from Black Lives Matter is how do we take action, how do we be an agent for change and how do we be an ally to stand for real justice and see the mob have their rights upheld because too often for Aboriginal and Torres Strait Islander people our rights are not upheld and too often they are abused. For me, I will always be an advocate for our mob. I am who I am because of them. I stand tall and strong because of them and for me.

In closing, I just want to think of the wisdom and think of the learnings that can be gained. I think it is the Aboriginal way of life. If anything we can learn from this is how do we continue to be accessible, how do we fight for equity, how do we fight for justice and how do we bring the voices of the unheard to the forefront of our minds and hearts?

Thank you to the Victorian Equal Opportunity and Human Rights Commission for putting this on today. These are important discussions that have to be had and as we move into 2021, let's make sure that 2020 didn't just happen for any reason, that we actually learn from it and move forward from it. Thank you.

CATHERINE DIXON: Thank you, Indi and thanks for being such an awesome advocate for Aboriginal people here and thank you for those reflections about what we can learn from COVID and the Black Lives Matter movement and how it has been a galvanising force and we can't lose that forcefulness and what we've learnt. I think what you have said about the leadership and collectivism and resilience of the Aboriginal community collective health sector is spot on.- Sandro's response before about communities having their own answers.

I am going to move now to our third speaker, Lyn Morgain. Lyn is the Chief Executive of Oxfam Australia, a global development agency empowering community around the world to tackle poverty and inequality and prior to her role at Oxfam, Lyn was the Chief Executive of Cohealth, Victoria's largest community health organisation. She has been an executive leader in public policy and not-for-profit organisations and Government for the last 25 years and has spent her career advocating for the rights of disadvantaged people. She is passionate about strength-based approaches that engender community ownership and control over service design, development and delivery. Please welcome to the virtual stage, Lyn Morgain.

LYN MORGAIN: That has to be the reminder of the year, hasn't it? I want to start by acknowledging the country I'm on. I am coming from Woi Wurrung, Wurundjeri country of the Kulin Nation. I must say it is already very clear to me that there are themes in the issues that we are collectively raising and the way that we are talking about them. I want to acknowledge the presenters before me both in raising some of those critical issues. So I'm going to talk briefly about the relationship between human rights and climate change and specifically what we think Australia could or should be doing to better recognise and acknowledge that relationship.

So for those of you who perhaps don't know, 40 years ago or more Oxfam or its predecessor, Community Aid Abroad worked simultaneously on both poverty and climate and we established a long-standing reputation globally for our work in both the humanitarian and the development sphere. Over that time we've developed a great appreciation of the critical importance of community ownership over solutions, the need for a strongly gender-informed lens, the necessity for inclusive practice and resilience within our humanitarian responses. Some 10 years ago now though, Oxfam formed a very clear strategic view and made a strong bring statement that for us it was increasingly clear that climate change drives environmental degradation clearly in the first place, but it gives rise to significant impacts on the communities that we are working with impacts to livelihood, impacts to land, produces displacement and essentially can be seen to be both a product and a consequence of deep inequality.

So I want to start this story some 18 months ago when I, myself, joined Oxfam and I had the pleasure at this time of meeting a colleague. Some of you will know him, Enele Sopoaga, the Prime Minister of Tuvalu, and I want to bring into this conversation what our Prime Minister has called our Family of the Pacific, our neighbours in the region and I want us to think about what they have been saying fairly comprehensively over an extended period of time needs to happen if we are to understand the way in which we are interconnected through the impact of the climate emergency and how the circumstances of the folk in Tuvalu serve as a strong prism through which to look at our interrelated connections.

Now when the Prime Minister of Tuvalu spoke in 2015 at the Office of the Human Rights about the rights of nations to uphold their own sovereignty and achieve economic wellbeing. And then, one of the reasons why I wanted to share his advocacy and promote the voice of our Pacific leaders is because as recently as last week those same leaders were speaking directly to our domestic policy context, directly to our Government. I think we can see clearly there that we are coming slow to this party that our colleagues globally and within the region have been speaking plainly to us for some time about the link between, at its absolute simplest, our emissions and their livelihoods. And so there is a really clear and emerging narrative happening on the global

stage by which Australia is being asked to consider and take responsibility for the impact of our emissions not just on our own communities, and we all know how profound that has been and how significantly we are still all struggling to reconcile what the implications of the climate emergency are here locally.

So to listen to what is being said, I think the first thing we need to acknowledge clearly and up front is that climate change is a consequence of a deeply unequal, unjust and unsustainable global economy. It is not simply a matter of large pollution and pollution occurring in some countries, although that clearly matters enormously, but it is also absolutely the consequence of economies and industries which are, by their very design, likely to adversely impact the communities within which they operate both environmentally and then in respect of human beings and their rights.

The other thing that I think is crystal clear for us, coming towards us in an unequivocal way from Pacific leaders, we would say is what is also evident is that the humanitarian system on which we rely to respond when things go wrong - in many cases very wrong - and they are settings in which we seek to protect the rights of human beings... that system is already grossly overstretched with current conflicts around the world and cannot and will not alone be capable of responding to the very significant impacts of climate change, particularly as it relates to the growing frequency of natural disasters and the related movement of people arising from conflict that is both climate driven because it goes to contest over resources which are becoming increasingly scarce. So I want to look now at what, in fact, our colleagues can tell us, what have they been doing?

So from Bangladesh, Pakistan, Indonesia, India, the Mekong, Afghanistan, Timor Leste and the like, right across the regions they have been working hard to develop resilient approaches to development. In some respects they are more advanced than we are and we need to understand that that leadership is where we need to be heading. I am conscious of time so I'm just simply going to say there are a bunch of things that they have said we really must do. We must respond to the stewardship and leadership of both First Nations people here in Australia and within our region and the rest of the globe. We need to make immediate and credible commitments to reducing emissions, we need to back that up by investment in renewables and we need to commit to a just transition. It's only then that we can honestly say that we are taking a rights-based approach to the ecological context of the world's poorest. I will leave it there. Thank you to the commission for setting these sessions up. It is a delight to hear what colleagues are doing.

CATHERINE DIXON: Thank you Lyn. I said in my opening how critical it is to start having more conversations about the connections between human rights and climate change and environmental rights and your message about Australia taking responsibility and listening to our neighbours, but also listening to, I think, what First Nations people are saying here in Australia and round the world, I think is a critical discussion for us to be having. So I can't wait for the Q&A to discuss this further. But before we get to that I'd better move on to our next speaker who is Lizzie O'Shea.

I'm really pleased to introduce Lizzie. She is a lawyer and a writer and a broadcaster and her commentary is featured regularly on national TV programs and radio examining law, digital technology, corporate responsibility and human rights. In print her writing has appeared in the New York Times, Guardian Australia and The Sydney Morning Herald. She is founder and chair of Digital Rights Watch which advocates for human rights online. She sits on the board of Blueprint for Free Speech and the Alliance for Gambling Reform. At the National Justice Project she worked with lawyers, journalists and advocates to establish a Copwatch program for which she received the Davis Project for Peace prize. In June 2019 she was named a Human Rights Hero by Access Now. Her book looked at radical social movements and theories from history and applies them to debates about digital technology today and has been shortlisted for the Premier's Literary Award. Please welcome Lizzie O'Shea.

LIZZIE O'SHEA: Thank you so much for having me. Thanks so much to the Commission for hosting this event. It is a really wonderful to hear from colleagues, as Lyn was mentioning before. I also wish to acknowledge the traditional owners of the land from which we are all zooming in from and acknowledge their elders past and emerging.

Today I want to talk about dogs and cats, hopefully for reasons that will become clear in a moment. Hopefully it will be something you can easily identify with if you have been spending a bit more time at home lately with your pet. There is a saying about dogs and cats that dogs see people and think, "They give me food, shelter and care. People must be God." Whereas cats see people and think " They give me food, shelter and care so I must be a God". And I think if there's a lesson from this pandemic about how those in power use technology is that we as citizens need to be more like cats and less like dogs. We need to think of ourselves perhaps not as gods but at the very least as rights holders, people entitled to dignity and respect and not assume that those who are elected by us or those who run companies that provide services to us, not assume that those people are gods, or accept that our wellbeing is something that they ought to have the right to determine at their whim.

So first I think we should be more like cats when it comes to government, Politicians are not god, they work for us. When they use technology, they should design it in ways that respect the rights of users and ways that take in accountability. For example, when the COVIDSafe app was launched Scott Morrison talked about it as though it was sunscreen. People of influence everywhere were telling us all how we needed to stop being so precious and give up our privacy which we never really had anyway and download the app for the common good. Of course people refused. Not everybody downloaded the app and so it failed. The test was badly designed so it failed. The app never really was as powerful as politicians pretended it was for tackling the pandemic so it failed. What this was, was a failure of public trust. It is the story of so many projects when it comes to Government and technology, like Robodebt, CensusFail or MyHealth record. Too many tech projects run by Government treat people as objects that tech does this too, rather than subjective agents who hold human rights. Technology should not be about optimising the capacity of Government to watch what we as citizens do, it should be the reverse - optimising the capacity of citizens to hold their Government accountable and this is the foundation of public trust and good public technology.

The great systems theorist, Stafford Beer, liked to remind us that the purpose of a system is what it does. Whatever the stated intention of a system, how it works or how it doesn't work, is actually what matters. We shouldn't put up with these continuing failures and unforeseen or unexpected consequences, they are, in fact, a symptom of poor design. The Government's track record on tech shows that the purpose of the systems they set up are to manage us, to minimise their obligations to us, to ignore the needs of the most vulnerable, to make themselves look good rather than allowing us to exercise our human rights.

So the second way I think we should be more like cats is when it comes to companies. The CEOs of tech companies are not gods, they are providers of services and they have to comply with the law like everybody else. The experience of the pandemic has shown us how dependent we are as a society on the web to connect socially, to work, to get medical help, to obtain an education and to experience culture. There are a very small number of companies that profit immeasurably from this but we don't have the right to crush their competitor, they don't have the right to undermine our public institutions or trample on their rights with their data extractive business model. People have been paying attention while tech CEOs have faced grilling by law makers and regulatory action in the US. And that's why I think the recommendations of the ACCC (Australian Competition and Consumer Commission) here in relation to the Digital Platforms Inquiry are so important.

It is now clear to so many people that tech companies have far too much power and users do not have enough rights and it means that as a result the web loses both its functionality and its charm. So in both respects, in respect of tech companies and also in respect of Governments, when it comes to technology, as we look to recover from the pandemic, we should be much more like our feline friends. This is a really urgent task. The pandemic has demonstrated great the potential of technology is to solve an enormous problem. Whether it is the global pandemic or climate change, tech will be part of the answer we provide to these great challenges and the kind of answer, whether it is about liberation or oppression will depend on who gets the command the technology. Dogs have masters and cats have staff. We need to make technology work for us to respect the rights of the many and not the few. And this is a moment that is more promising than ever.

Despite all their base instincts the Government held back from doing much worse things with that app in this crisis because we banded together and criticised it and we fought back just as we have fought back against other oppressive practices like facial recognition technology or anti-encryption legislation. Tech CEOs everywhere are starting to realise they need a social licence to operate or they will risk regulatory action. But riding roughshod over our rights have consequences that threaten their viability. Next time you hear the Government talk about the magical properties of some tech they have built or the amazing efficiencies it will create perhaps you will stop and think and join the ranks of a growing cohort of people who demand better human rights and better tech as a result. Next time a company is trying to claim it is doing the world a favour by innovating or making the world a better place, perhaps you will pause and wonder what they are really up to and hold them accountable for their promises. You don't need to be a computer science or tech person to participate in these discussions, you just need to remember that those who hold power are not gods. They work for us and we have rights. Thank you.

CATHERINE DIXON: Thanks so much Lizzie, I always saw myself as a dog person but now I will definitely think more like a cat. I love that analogy and I love your ideas about how tech is part of the answer for us but we can't build trust in our community for Governments or for companies without having that accountability and respect for human rights. So I'm thinking more like a cat.

I will introduce our next speaker, Vishaal Kishore. Vishaal is a political commentator. He is Professor of Innovation and Public Policy at RMIT University where he leads the path-breaking, anti-disciplinary health transformation lab and is Director of Applied Innovation. Vishaal is also a founding architect, Deputy CEO and Chief Strategy Officer of the MedTech Actuator, a national med tech catalyst. He has previously been Deputy Secretary at the Department of Health and Human Services and Director for Government strategy within EY's management consulting practice. He holds a doctorate from Harvard University where his work focused on the intersection of law, political economy and socio-political theory. Please welcome Vishaal Kishore.

VISHAAL KISHORE: Thank you so much and thank you everybody. Before I begin please allow me to take the dust from the feet of elders past, present and emerging and pay my humble respects to traditional owners on which we are all variously meeting today.

So ladies and gentlemen, I am so pleased to be here, thank you so much to the Commission and we at RMIT Social Innovation Hub have been pleased to work with you on this exciting initiative. So I'm going to pick up on a few strands and threads that some of my colleagues have also shared today and say a little bit about the future but just like Lizzie's Book which I'm a huge fan of. Lizzie, and it is great to see you, but Lizzie's book, Future Histories, points us towards looking backwards to stride confidently into the future. I would like to take a couple of moments just to reflect on what we've seen through the context of the pandemic as a way of provoking us about how we might stride more confidently into the future.

As other friends have mentioned today, we really have been caught in a health crisis that has highlighted to us the fragility of many of our social and economic paradigms in institutions. It has shown us the urgency - the health crisis has shown us the urgency of fixing a series of chasms that have been lurking and we should have paid a lot more attention to in respect of the fabric of our societies, certain types of vulnerabilities have been exposed. While we have borne the brunt of ecological and viral spread we have also been buffeted by social economic and communal ills as well. So as well as the social determinants of health that Sandro has spoken about today, we have been looking very squarely at some of the social implications of health. So what have we been forced to confront? I'd like to propose that we have been forced to confront the centrality of inclusion in our society, the fundamental, enduring challenge of human society is, I'd like to propose, a question of inclusion - who's in, who's out, who participates, who doesn't? Who shares in the gains of economic collaboration and social engagement and who misses out?

I think in all kinds of ways COVID has highlighted something that we've been speaking a little bit about before, and that is the erosion of some of our traditional institutions, practices, public processes to manage those questions of inclusion. Certain types of vulnerabilities seem to baffle our existing paradigms. Certain groups remain under or unserved. Even matters of who gets to

have a voice in the articulation of things like the common good seem to be constantly evading news our traditional public institutions and our ways of being. I'd like to propose a few things in this regard that the pandemic has really highlighted for us. But first I'd like to suggest the interconnectedness of everything.

So countries are connected, economies are connected, systems are connected. Things that happen in health affect our economy; things that happen in aged care are related to things that happen in certain parts of our security markets. Arguably, animal welfare of different kinds has had an amazing set of implications for human economy and human society. This kind of human interconnection of everything is why so many things can go viral, everything from COVID-19 but also misinformation can go viral, economic contagion can go viral. But also kindness, solidarity, innovation have the potential to spread in that kind of way. Why? Because connection is the rule. Isolation is the exception.

The second thing that I think that the pandemic has really highlighted to us is that a kind of new and fresh dynamics of the state and the individual. New dynamics of trust and mistrust, some of which Lizzie touched on, of revolt and acquiescence. These kind of new circular relationships - we protect the health system so that it can, in turn, protect us. We undertake certain kind of risk assessment processes in respect of our own selves and our own health and we make decisions that affect communal groups by the decisions that we make. So there are these kinds of new dynamics that are starting to drive up but also new fractures are showing themselves in special kind of ways - new dynamics of misinformation, new peculiar views. In a sense, some of the dark sides of those dynamics are starting to show us that the common good, or at least our understanding of the common good is far less common than we may have originally imagined.

So a third thing I'd like to propose - Lizzie talked about this and I'd like to generalise it a smidgen - the pandemic has shown us something about the complicated relationship between human beings and our tools. Some of those tools are technological tools. So often we are told that technology is going to make our lives better, they are going to help us to connect in new and interesting ways, to kind of increase leisure time etc but I think the pandemic has really shown us and in all kind of ways how many of us feel put upon by technology. How many of the 100-odd people in this group today have thought, "Great, lovely to hear all these nice people speak but really another digital event I am going to go to?" In all kinds of way our tools are dominating us. Not just technological tools in these ways but think of our epidemiological modelling tools, they have come to attract a status and we come to look to them for decision-making power in ways that I am not always totally convinced we can. So in a sense we need to overcome the fetish of certain of our tools and recognise our own agency. I think that's the kind of a hint about the way forward as well.

The last thing I'd like to propose to you is that we are experiencing... the pandemic has shown us sort of new dynamics of a renewed localism. Some of that is because we just haven't been able to leave our houses or move very far from our houses but also we are in the throes, I think, for lots of different reasons and renegotiating our globalisation we're rediscovering, I think, we have the possibility of rediscovering the joys of local multiculturalism, the joys of understanding the deep and profound history on which we are standing and moving around in this country. But this kind of renewed localism is also having other kinds of effects, isn't it? A new focus on sovereignty, which has not been - national sovereignty, which has not tended to be the bastion of rights and human flourishing. Just as many people have been discovering the joys of homes,

of cats and dogs, we understand the tyrannies of home in different kinds of way as we noticed unbelievable and truly horrifying spikes in domestic violence notifications through the lockdown periods. Put another way, we have work to do in our own backyards.

So I think as we look forward, we must be careful to not make one of two mistakes, one is to imagine that the world that we have jerry rigged for ourselves through the pandemic, we shouldn't imagine that this is the new world. It is a series of hacks of existing systems that we have done, be it education systems, our working systems or rights systems. We have hacked our system to get by. But we also shouldn't imagine that we should go back to the way things were. We discovered new things about the art of the possible, about our own agency in fact. New ways that we correctively can make decisions about the way that we can make the world to be and all of a sudden, the world is a different way. We have rediscovered that.

So to read some of those lessons forward and that sense of renewed agency, what might we suggest? I'd like to first suggest that we should take systems really seriously. The connection, the interconnectedness of everything should encourage us to defragment, to reconnect and to find new coalitions. Put another way, to find new friends in new places as we blaze a trail forward for a recovery that is based on rights and of flourishing. I think we need to make three words - three words more than just slogans. Those for me are innovation, impact and inclusion.

These things float around a lot in the way that we think about things but our challenge is to make those things real in the context of lived experiences, of actual human beings, actual ecosystems, actual environments. Perhaps one way to do that is to use another word "integration" but too many words leads to too many abstract slogans. We can talk more about it in Q&A. Perhaps the most important thing I'd like to propose is that we have the opportunity to take a new view of human flourishing, what it means to live the good life. I think actually picking up on some of the trends and some of the comments from earlier, what we can do, I think, is to recognise that living the good life is now how we live alone, it is how we live in community. We may survive in particular ways but we do not flourish. Health is more than just health care and technology is not the way to live a full human life. We live well when we live in community and when we live well in context. It would be amazing to have a new debate about what that means and how we might hard wire that into our recovery.

The very last thing I would love to finish with is this - uncertainty is not going anywhere, is it? If this year has taught us anything. What is the best thing we can do in the context of uncertainty? I would like to propose it is that we can learn our way forward. Find new context, players, new friends and spaces and coalitions. We can then stride into that uncertain future shoulder to shoulder with some people who are discovering it with us. So, so much from me. I am looking forward to hearing more from others and we can speak more in question and answer.

CATHERINE DIXON: Thanks, Vishaal. There was a lot of big themes there and I just want to pick up on that idea of interconnectedness and the idea that we could somehow make kindness and solidarity and innovation go viral. I think that is a really interesting idea among the many ideas you have put forward. Thank you and I'm sure we will be revisiting those in the Q and A.

I want to just now go to our final speaker, Edie Shepherd. Edie is a proud Wiradjuri and Noongar activist. She has worked in Aboriginal communities and broader social and economic justice

spaces. She was an organiser in the trade union movement, running Aboriginal and Torres Strait Islander organising and political capacity-building programs in Victoria. Edie now sits as a founding board member of the Progressive Tech Network and is a senior organiser at Original Power. Please join me in welcoming Edie Shepherd.

EDIE SHEPHERD: Thanks for having me. I am calling in from Brunswick and I want to pay my respects to the old people of this place as well as those in all of the territories on which we are all calling in from. I also want to pay my respects to brother Indi and any other mob who are calling in today.

So I have this recurring dream of swimming in the Murrumbidgee, feeling the pristine, fresh water wash all over my body and being at one with the three mighty rivers that have nurtured my ancestors for time immemorial. And this, I don't think, is a unique dream. I reckon I probably share this with many, if not all, of my First Nations siblings across the continent, probably not specifically the Murrumbidgee but this idea of being at peace and at one with country, culture and our ancestors.

For the past year-and-a-half I have had the privilege to work with Aboriginal and Torres Strait Islander communities right across the continent building skills, collective power and collective capacity of mob to be able to truly determine what happens in their lives and their country and their communities. First Nations community leaders, councils and organisations know what solutions are needed, as we've heard over and over again today, and we are telling Governments how best to respond to our needs every single day. Early on in this pandemic our community called for critical support and to date many of those continue to go unanswered. Just one example, a community in the Kimberleys in Western Australia was asking for help, was begging for help and in return was sent body bags. Body bags in children's sizes. Now the only mainstream look in we got to mobs' responses to the pandemic was the same story over and over and over again - black fellas pleading for assistance, anticipating total decimation and fearing the loss of a generation of elders who aren't just beloved family members, they hold culture, language and whole communities together. Now as we now know, and thankfully this wasn't the case, because we organised instead.

Up north in the Gulf of Carpentaria in the Northern Territory the community of Borroloola decided to take matters into their own hands. Borroloola sits downstream from the McArthur River mine, which is a unilaterally condemned zinc and lead mine that has utterly poisoned the water for that community. If that was not enough the community is facing off with major companies chomping at the bit to frack across the Beetaloo Basin. At the outbreak of this virus community leaders walked door-to-door organising around what we now know as the Borroloola Statement, the demands were simple, no FIFO workers, no fly in, fly out workers, in and out of the area and no exemptions. The community didn't simply send the petition off to parliament, call it a day and cross their fingers, instead they connected up with other remote community, and Aboriginal community-controlled organisations right throughout the NT (Northern Territory). Our communities right across the board made the excruciating decision to close themselves off and largely sustain themselves in the way we had for tens of thousands of generations before the arrival of the tall ships. We made health information in our languages, we stepped up in our

communities to have conversations about how we keep each other safe and we implemented systems of community care.

Now this isn't the first time a major health crisis has posed a threat to our communities. Nor is it the first time that our apocalypse has been predicted by the mainstream. When HIV was ravaging communities across this country and the world advocates said HIV would ravage our people, we created culturally appropriate health programs and education. They revived and altered cultural practices eliminating scarring to eliminate transmission risk. They found multiple opportunities to talk about HIV in the communities. Our communities led a self-determined response, a similar story to what we have seen today.

The COVID-19 pandemic exposed the cracks and fault lines in our current operating system. The high rates of chronic illness that makes us so particularly vulnerable to COVID-19 only tell half the story. As we heard earlier from Sandro, some of the most influential determinants of health are access to adequate health care and housing. These have been chronically underfunded for years. The problem itself is not so much the virus but the woeful neglect and mistreatment that black communities have faced in this place since 1788. But importantly, it also demonstrated what our communities have been saying since the beginning of colonisation that when we decide what happens to us, we not only survive, we thrive. But despite this, we continue to see ongoing paternalism by the state and a constant rejection of our will, a seemingly unshifting power dynamic in which the First Nations peoples of this place are constantly subordinated.

Now as we've heard, we are living in a time of overlapping crises. This virus, the climate, black deaths in custody and so many more. One of the common threads in this is a total lack of agency. Black people are given no rights, no treaty, no real seat at the table so to speak but what we can learn from this pandemic and the countless challenges that our communities have faced before this is that when we have the autonomy and the agency to decide what we need from place to place, mob to mob, community to community, we can deliver approaches that uphold the culture, law and dignity of our people without encroaching on jeopardising those of others. Approaches which would deliver benefit not just for us but for everyone. Just imagine what we could do if we had even a fraction of the resourcing that we needed from the state.

First nations of this place are the original stewards. We are the first scientists, the first astronomers, farmers, nurses, doctors, carers. The longest continuous thread of human existence anywhere on the planet. We know what we need. What we need to do and how we are going to get there. We continue to rise. So in my dreams I see myself immersed in the mighty Murrumbidgee River just as my ancestors have done. In my dreams it is pristine. Its flow has not been altered by the white man. It is not being sucked dry for irrigation because it has been cared for. The original stewards of that place had the foresight to know what was good for it. Thanks for having me.

CATHERINE DIXON: Thanks so much, Edie, for sharing those stories about what a self-determined response to the pandemic actually looks like and what we can all learn from First Nations people as original stewards. That was really powerful and I can't wait to hear more from you as part of the Q&A. I will now shift to the Q&A. We have at least 10 or 15 minutes to go

through the many, many questions that we've heard from the audience that I can put to the panellists today after such thought-provoking talks.

So I'm just going to start reading through the list. And when I direct a particular question to any of the speakers just then feel free to switch on your camera and your microphone. All right. Let's start Edie, perhaps with you because you have just recently finished your talk. Edie, it is so great hearing these stories of Aboriginal community leadership, resilience and advocacy. The power and importance of self-determination is incredibly clear. Do you have any comments on the role and importance of allyship from non-Aboriginal people? What would good allyship look like?

EDIE SHEPHERD: I think there are a couple of things to it, right. Part of the reason I spent most of my time telling that particular story is because, you know, we tell our stories to each other all of the time but nobody outside of our bubble or outside of our communities actually stop, listen and then continue to go on and tell those stories as well. So part of it is to actually, I guess, sing from the same choir book as we are in terms of, like, lifting up the strength, the resilience and the lessons that we can learn from communities that have survived ice ages let alone a pandemic. This is small fry. But on top of that, that part of the way that I view liberation of our peoples more generally is to look at it in terms of shared interest. I think quite strongly - and there's been a lot of themes that have come out today around climate, housing, health, like all sorts of different things and the interconnectedness of that - that there cannot be any justice, there cannot be liberation for one without liberation for everyone. It is like, basic 101, touch one, touch all union principles if I am going to put that hat on. In terms of one of the really critical things and one of the very first things that people who want to stand in solidarity and want to act as allies to First Nations people is to actually like stop and understand that there is a shared interest and therefore there is an importance and an onus put on people to actually not only be uplifting and sharing those stories but to actually be telling those stories themselves.

CATHERINE DIXON: Thanks, Edie. Not just shared interests but I think from what you were saying before just purely listening as well, which isn't happening. Thanks for that response.

I'm going to shift Lizzie to you and you talk about us needing to approach technology more like cats, they're pretty good at expressing their distaste if things aren't to their liking. What can we realistically do though when we have concerns, what do we do about the requirements to hand over our data to establishments, for example, when we want to go out socially and what do we do about the Victorian Government's proposal for sharing health data between public organisations with no option to opt out? Lizzie, over to you about technology?

LIZZIE O'SHEA: Great question. I'm grateful for the member of the audience extending my metaphor a little longer. I think it works well. Cats always let you know when they are annoyed and that is what we should perhaps be doing as a population. I think the answers I am going to give aren't particularly novel or new. We have to organise; we have to organise in all areas in which we might be politically active. Part of our philosophy at Digital Rights watch and my philosophy as a digital rights activist is that digital rights issues really touch on all aspects of our

rights. Similar to the way that climate change really affects all of our lives in different ways and all of the work we might be doing and technology particularly, I think this is true, in respect of things like working with people who might be vulnerable or who might be in poverty, how the Government designs a program that might be specific to them or that might affect how they access welfare payments for example, will be a technology issue as well as being a general political issue.

I also think that how we have ownership over our health data, how data is kept, how data is collected and whether there should be a minimal amount of data that is collected and stored for a particular purpose, this is an issue that might seem like a health issue but has a technological overlay. We need to talk about generalised rights when it comes to technology. There is lots of work that has been done on this about some of these concepts like data minimisation for example, or the rights to own things, have control over the data that you have created and to be able to hold those accountable who hold that data and have limits on what they can do with it. What I would say is us at Digital Rights Watch we are doing this type of work by providing input into proposals and providing advocacy on these questions.

One of the things that was great about the pandemic was if the bad rap that the COVIDSafe app got and the Government had to scramble to make it look better and make it look like they were *Think Act Feel* privacy in a way that they have been free to avoid doing for so long. I would like to think we should take that with us so when it comes to things like QR (quick response) codes we can advocate publicly and try to install into our legislation rights that prevent misuse of data, a lazy approach to people with human rights, in the context of designs these types of systems. There is no easy answer or particularly novel one but as we go along there is a growing sense that their current practices, the current behaviour, which shows disrespect for human rights can't continue.

CATHERINE DIXON: Thanks, Lizzie. I'm going to shift now back to Sandro. I think, and there are a couple of questions in there about public health and social determinants of health. One of the questions that's come up is something I raised as well in the introduction. It has been a long-standing challenge to get Australian Governments to focus on health and the social determinants of health rather than investing heavily in hospitals and sickness care. If the right to health and other socio-economic rights were added to the human rights charter, Sandro, do you, or in fact, any of the other panellists believe that it would help in getting the Government's attention or investment into public health. I should say that the Commission did make a strong submission to the royal commission into mental health for a right to public health to be in the Charter for that reason and around investment and attention but I might shift to one of the speakers. Sandro, do you want to answer that question?

SANDRO DEMAIO: Yes, sure. Thanks very much, Catherine, it is a great question and we would support those same avenues. I think at the end of the day, you know, it's - we can get into a conversation about politics and why, you know - how it falls between the silos of Government, how it - certain sides of politics or certain health issues as with climate change - have become politicised in a way that is unhelpful and probably unjust and even untruthful but I think instead

we should be focused on some of the opportunities. While there has been deregulation and there have been really concerning steps back for public health in Australia and around the world in the context of COVID, health is now front of people's minds. They have seen - and the kind of inconvenient cracks of inequality have been exposed and very much deepened by COVID. We have seen the social determinants become not just an inconvenient conversation but really a necessary and important conversation and we are seeing even conservative Governments around the world taking actions that we would have never thought would be possible within a decade of hard work and advocacy let alone within a few months. Now how do we retain some of those things, how do we retain some of those temporary measures, how do we retain some of those more progressive policies that have emerged? How do we retain the focus on health and the understanding that I think it has really brought to the fore for populations and for Governments that none of us are safe until all of us are safe?

We are talking about that with the vaccine. Yes, it is a communicable disease but there are opportunities through that to talk about wider social determinants, housing, education, employment and even chronic disease. There is a 50% increase chance of dying from coronavirus if you are obese versus not if you contract the virus and there is a strong social gradient with obesity because of inequality and deep, structural, cultural, economic, social long-standing inequality. These are conversations that I think are starting to converge, are not going to be able to be ignored in the same way that they have been able to and I think it is about really - the same thing as everyone said - it is about really coming together across sectors and being clear about what we want to try and hold onto and achieve and what hasn't and then being organised in how we take those opportunities forward. I will stop there because I'm sure others have things to add.

CATHERINE DIXON: I think that goes to what Vishaal was also saying about the interconnectedness of issues as well. I just want to move to Indi, we need to hear more from you before we finish up. Given your youth-focused role there is a question here about whether you are able to share what the key concerns or hopes of young people are that are coming out of this pandemic and looking to the future. Speaking for all youth, Aboriginal youth, Indi over to you.

INDI CLARKE: Firstly, I want to echo much of the sentiments from everybody here but in particular I want to share that, Edie, your deadly yarn and say I very much do have the same dream. I think it is one, as you said, that most First Nations people have. I do believe we will get there. I think that like we said, 2020 will be that time we can look back on and I hope will be the change that we wanted it to be and start it.

This is a very tough question; I can't speak for all young people. I think obviously the biggest issues, as we said, 2020 has been such a hard year. I think the first lockdown... young people kind of enjoying it, having fun and kind of being at home - I think the thrill of learning from home for those that were fortunate to have access to tech was kind of an exciting change but then fatigue set in and social fatigue from online engagement and we have seen this deep desire of longing for connection and longing just to be together again. For Aboriginal and Torres Strait Islander, and young people in particular, to be with your mob and hanging out with one another

is key and it is key to us growing up and key to that sense of community and that wellbeing and very much to the social determinants, like connection is key for black fellas. I think the biggest challenges going forward will be the access and it is access to education, access to jobs, access to higher education and making sure that we really build strong recovery and strong responses leading into 2021 and it has to be first and foremost that we place young people at the centre of our solution. They are the future and I think that when we are building these employment schemes and looking at how we truly are making sure that we have target investment in young people, in youth employment outcomes, in educational outcomes and really placing an emphasis on the mental health recovery as well. I think the rates of social anxiety in young people's engagement in mental health services has risen, as we know, especially online engagements.

As we jump back into 2021 and move back into the COVID normal, what is the new normal, there is going to be a lot of shifts in how we do that, even for us as grownups, going to catch up with family and friends again isn't what it used to be, do we hug them, do we not hug them? Things like that. I think going back to school next year and all of these things will play on young people's minds. It is how we truly support that. It is all about our responses and recovery. I think making sure we have true targeted engagements for young people with really solid targets that are built for the future, not built for yesterday but for the future and how we truly support, yeah, great recovery.

CATHERINE DIXON: Thank you. I have been given the wind-up sign, even though I'd love to keep talking. We should finish relatively on time. We are perhaps a bit over but it was so worth it to try and get some of those questions in and hear more from our speakers, so I'd like you to please join me in thanking our speakers for today. The possibilities you have all explored for this idea of building back better, as the UN (United Nations) has, I think, coined it, give us sense of optimism for the period despite the different challenges we will all be facing in our communities.

The visions for the future that has been shared by our speakers today do crystallise a vital role of human rights in shaping the pandemic response. It is not enough for Governments and organisations, both public and private, to just reinstate the way of life before or for any of us, I think, to be thinking in that way. There is a real impetus to rethink the systems and the institutions that underpin our public life and to ensure participation and equality and innovation and accountability and all the things we have talked about today - interconnectedness - are essential foundations.

We have all really benefited from hearing your insights today so thank you. Just a reminder too, while we are still in Human Rights Week that it is not too late to register for our annual Human Rights Oration. It is co-hosted by RMIT Social Innovation Hub. It is on this Thursday, this week, and we are very pleased to be welcoming Australia's first female Prime Minister the Honourable Julia Gillard AC and she will be speaking with our Commissioner Kristen Hilton and RMIT Vice-Chancellor Martin Bean about mental health and how this moment could act for a fairer and more equitable society. You can find more information on our website.

On behalf of the Victorian Equal Opportunity and Human Rights Commission and our event partner RMIT Social Innovation Hub, thank you all very much for joining us today for Equality Talks. (End of transcript)