

In Good Company F+E Con 2024 Video.m4a

[00:00:00] Well, good afternoon everyone. Welcome back for the first of the afternoon panel sessions. My name's Ilona Miller and I'm a partner at the law firm Gilbert and Tobin, and I will be facilitating this afternoon's discussion on business and human rights. Before we get started, I'd like to acknowledge the traditional owners of the land on which we meet, the Gadigal people of the Eora Nation, and pay my respects to elders past and present; and extend my acknowledgement to any First Nations people here with us in the room this afternoon. So today's session, business and human rights: this is a legal issue that has really been gaining a lot of traction in the last few years. And whilst, as we know, governments have their primary duty to protect and promote human rights, businesses do have a very clear and distinct responsibility to respect human rights.

[00:00:59] So this afternoon's session will focus on some of the key human rights issues that impact on the business community, the corporate community, and other organisations here in Australia in the short and medium term. But also, what we'd like to do during the course of the session is unpack sort of the range of both opportunities and challenges that arise in respect of the Human Rights Commission's proposal on human rights. So, we'll start with the business community, development of human rights in Australia and what opportunities that would provide for the business community as well. I'm joined by a very esteemed panel of experts here this afternoon. The full biographies are in the program, but from left to right, I have Sarah McGrath, who is a director of the consultancy Pillar 2 and has extensive experience working on sustainability and human rights issues in the corporate and not-for-profit sector.

[00:02:02] Dr. Pichamon Yovpantong, I hope I got that right. So, Pichamon is the member for the Asia-Pacific States on the UN Working Group on Business and Human Rights. We have Dr. Meg Brody, who is a partner at KPMG and leads their work on human rights and social impact. Next is Siobhan Tuhill, who is the Chief Sustainability Officer at Westpac. And last, but by no means least, is Professor Christy Muir, who is the CEO of the Paul Ramsey Foundation. So, welcome to our panelists. Thank you. Thank you, David. Shall we go now? So, to just start with a little bit of context, a number of years ago, the United Nations Human Rights Council universally acknowledged the UN Guiding Principles on Business and Human Rights, which we'll be sort of referring to colloquially throughout this afternoon's session as the Guiding Principles or the UNGPs.

[00:03:09] And what the UNGPs do is provide a global standard with respect to preventing and addressing the risk of adverse human rights impacts linked to business activity. The Guiding Principles cover across sort of three broad pillars. The first of those is the state duty to protect against human rights abuses by third parties, which include businesses, and that is sort of affected through appropriate policies, regulation, and adjudication. The second broad pillar is in respect of the corporate responsibility to respect human rights, which means avoiding infringing on the human rights of others and addressing adverse human rights and impacts in which they might be involved. And then, the third, and very important pillar, is in respect to providing for greater access by victims to effective remedies, both judicial and non-judicial remedies.

[00:04:04] In addition to the Guiding Principles, we also have the United Nations Global Compact,

which was established as a means to support companies to do business responsibly by aligning their strategies and operations with, again, another sort of ten broad principles that cover issues related to human rights, labor, the environment, and anti-corruption, and to provide a framework for companies to take more sort of stronger and strategic action to advance the broad societal goals, including the United Nations Sustainable Development Goals. So we have these sort of global frameworks, which, to some extent, operate at a voluntary level, but which are increasingly being picked up by companies, and we're seeing businesses, companies, commit to respect human rights in line with the UN Guiding Principles, and also to align themselves in their engagement and also their broad disclosures with respect to the UN Global Compact.

[00:05:07] So, with that broad context in mind, I'd like to sort of now ask each of our panel members to talk a little bit about their experience working with human rights, the Guiding Principles, in the different, business and organizational contexts in which they bring. And in particular, I think it would be useful perhaps to start with you, Pichamon, in terms of the mandate of the UN Working Group on Business and Human Rights, and to talk a little bit about what it does and how you're seeing, through that lens, businesses engaged with the UN Guiding Principles. Pichamon Nguyen – Sure. Thank you for that. Oh, that's much louder than I thought it would be. It's a good thing. I then can actually whisper, and you can still hear me.

[00:05:56] But thank you for that excellent introduction to the UN Guiding Principles. As was mentioned, I am the Asia-Pacific member on the UN Working Group on Business and Human Rights. The Working Group was established by the Human Rights Council and mandated by the Human Rights Council as well to disseminate, promote, and implement the UN Guiding Principles on Business and Human Rights globally. And so our Working Group is comprised of five members, from different parts of the world, and even though we work, you know, in a global context, we also try to focus our efforts on pushing through advancing the Guiding Principles at the regional, national, and local levels in our respective regions. That's what's said on paper, right?

[00:06:42] So in reality, I must say, it's the work of implementing the Guiding Principles, of pushing through the Guiding Principles in various national contexts, needless to say, is not an easy one. I mean, working in the human rights space, in general, is never easy. And for Working Group members, we're doing this basically in a voluntary, on a voluntary basis. So we're not salaried by the United Nations in order to assure that we retain our independence and that we are perceived also as independent. So, in reality, what this means is that I'm constantly working - you know, from 6 p.m. through 6 p.m. to 3 a.m. every single day, and on weekends as well. And that's because business-related human rights issues or abuses, if we're being more direct, never stop. They don't respect weekends.

[00:07:36] They don't respect time zones. And unfortunately, what we see is this constant struggle against the powers that be that are constantly trying to water down business and human rights as an agenda, but also business and human rights as a movement. And that might sound like a lot of work. It might sound like I'm exaggerating, but I'm really not. We find challenges at the global level. We see challenges at the national level. And indeed, in conversations with human rights defenders on the ground, their struggles are on a daily basis. You know, it's - I think, one of

the more recent estimates is that 2,000 environmental human rights defenders have lost their lives in fighting for their communities, for their lands, for their waters. And this oftentimes, are losses of lives that are related to business activities.

[00:08:28] In my own work last year alone, I had; there were two cases that I was working on quite closely involving various aspects of business-related human rights abuses in two different countries in the Asia-Pacific region. And unfortunately, two of the human rights defenders that I knew, working on these two cases, died by suicide. Because they were harassed, because they were subject to endless discrimination, marginalization, you name it. And it's simply unfair to see this as the reality that so many people have to face in the Asia-Pacific region, including here in Australia. And that's basically what we as a working group try to do, which is to raise and empower these voices. It's also to shed light on business-related human rights abuses that occur here in the Asia-Pacific region, and in Latin America, and the Caribbean, and Western Europe, and so forth.

[00:09:34] And we do so through country visits, through communications, through our annual forum that happens every year in Geneva. But honestly speaking, these efforts aren't enough. It's really not enough. We are five members. However, we're supported by the United Nations. We're supported by an entire network of people, of practitioners, of defenders, of academics, of lawyers, and many others who are so passionate about these issues. But still, it's not enough. And so this is a really important event because it underscores how we still need you know the legal structures in place to ensure that all of these efforts coalesce in a way that is meaningful and that really works to support and acknowledge the roles that not just we as a working group member or members do, but more importantly the work that tireless human rights defenders, you know, members of the business and human rights community at large are doing as well.

[00:10:30] Here's a more abstract way of putting it to all of you what we do as a working group. But honestly speaking, there's a long road ahead. And you're working across the full spectrum of human rights issues. Are there any particular rights that you see that are important to you? Are they coming up more in your engagement, particularly here in the Australian context? Oh, absolutely. I mean, the important thing, and I'm sure everyone in the room here is mindful of this, is the fact that human rights are intersecting, right? Negative impacts on one human right will have a negative cascading effect on other human rights. And so oftentimes, it's very difficult to disentangle you know the effect on someone's rights or a community's right to a clean, healthy, and sustainable environment from their right to freedom of expression because oftentimes these are very much interlinked.

[00:11:27] And so here in the Australian context I can certainly you know share with you that one of the complaints that I've been receiving and which we as a working group will be looking at more closely actually concerns the exploitation of First Nations artists and the fact that they are not receiving due compensation for their artwork. And this seems to be a known problem a known issue. And yet, we're not seeing movement, not enough action in that space. And that is an issue that impinges on so many different rights, right? And so it's - I'm not being as specific, perhaps, as you're hoping. No, no, that's great. It's a very good example. Exactly. It's, you know, we heard examples earlier today as well about businesses polluting waterways here, about businesses taking

away indigenous people's rights and many other ways as well.

[00:12:19] It's also about the disability of people with disabilities to good employment that takes into due consideration their needs. It's also about ensuring gender equity and equality in the workplace. So all of these are issues that we here in Australia know are issues still. And really, that is very much part of the business and human rights agenda because in working on business and human rights, you cannot ignore one right, because that will have a negative impact on all the other ones. Thank you. Siobhan, I'll turn to you now. Westpac has a human rights position statement and action plan. Can you tell us a little bit about, you know, those, the development of those commitments and what does supporting the UNGPs mean in practice for you and for Westpac?

[00:13:09] Yeah, so we established our first human rights position statement back in 2015. It's been through a number of iterations since then. And in effect, it's like a policy for us, setting out, you know, our commitments but also actions that we're seeking to take. When I think about, I guess, the areas of focus, it is very much around that we're committed to human rights due diligence to really prevent and mitigate human rights impacts. And then with a particular focus around our salient human rights themes. So we do a lot of work to really understand what are the most salient human rights themes for the organisation, and then how do we take action. I think it's really important for us to then reflect on who are our different stakeholder groups, who do we have interactions with, and what are the kinds of actions that we ought to be taking.

[00:13:56] So as a financial services provider, it's about doing the right thing, taking extra care, particularly with vulnerable customers. In terms of lending, we're thinking about how do we mitigate ESG risks, particularly human rights risks, in terms of how we lend to different customers, particularly our institutional customers. And there's lots of questions for us to reflect on. And we work through a quite granular series of questions that we work through when we're banking customers. And it's also dependent on the kind of customer that they are as well. Of course, as an employer, it's about being inclusive and supporting an inclusive and diverse workforce. As a purchaser, we have a responsible sourcing program. And in particular, we're thinking about labour rights as well as many other issues.

[00:14:39] As a supporter of communities, again, it's about focusing on those communities that might be experiencing hardship, where we have a particular role to play as a bank, but also we have a particular focus. We have a particular focus around social enterprises, so using business models to tackle hardship. And then being a child-safe organisation. And I'll probably touch on later in the discussion today about a particular example around why child safety has become so important for us as an organisation. But in particular, we want to protect children by being impacted by our customers where they might be misusing our products and services. So, then coming through to what are those salient themes, just to kind of bring it to life. Privacy and consent. When we think about banking, they're really important themes.

[00:15:22] Data and emerging technologies, so particularly around the emergence of AI, responsible technology. What role does a bank play? The concept of free, prior and informed

consent. When we are banking institutional customers, where there may be impacts around Indigenous peoples and their lands, understanding how we had that right dialogue with our customer and understanding then what sort of consent have they achieved and maintained. And this is an area that we don't have it sorted, but this is an area where we want to have greater focus and deeper understanding. And then finally, climate change in the environment. That's obviously again, a topic of intersectionality, and I know we'll cover that as well. That's great. Thank you for that overview. Sarah, I might come to you next.

[00:16:06] Pillar 2 is possibly not an organisation that is particularly well known, but doing incredibly important work, in particular around the modern slavery space, but also more broadly on human rights. Can you talk a little bit about the work that you do and share some of the international sort of context that you operate and bring to Australia? Yes, thanks. Great. Thanks so much, Alena. And it's really great to be here and to be positioning this conversation around the role of business within the context of the broader conversations around Australia's human rights framework. So, Pillar 2, we're a specialist in business and human rights advice; our CEO, Vanessa Zimmerman, who I'm sure many of you will know, was part of the core drafting team for the UN Guiding Principles on Business and Human Rights.

[00:17:00] So, we really live and breathe them. Many of you know she actually always has one [copy] of her on hand because you never know when you're going to have a UNGP emergency; not that hardcore. But we do really focus our work around supporting businesses but also other types of organisations, whether it's sporting organisations, investors or international organisations, to integrate the UNGPs in a meaningful and practical way. And I think I just want to thank Pichamon for I think really setting that important scene around the importance of this work and the conversations. But as Alena mentioned, there has been a lot of momentum in this space. And it's been a very busy space for those of us that are in the thick of it in our day jobs.

[00:17:56] There's a new piece of legislation or regulation to get across globally. So, there's a lot being, a lot is happening. And, despite the UNGPs being a non-binding instrument, we're seeing them hardened through domestic laws and policies. So just to give you a very brief snapshot, we're seeing some jurisdictions implement mandatory human rights due diligence requirements. Only last week we had the EU adopt its EU Corporate Social Due Diligence Directive, which requires larger companies that are operating in the EU market to conduct not only human rights due diligence but also environmental due diligence. In Australia, we of course have the Modern Slavery Act, and there's a number of other jurisdictions that have taken that modern slavery-focused or transparency-requirement-focused approach. Other jurisdictions were seeing import bans pop up.

[00:18:57] So, looking at how import controls can be used to see where goods coming into a country may be at risk of being produced with forced labor. And so, as you can see, you know, there's no one silver bullet, I think, to address some of these issues that Pichamon has raised. And so we really kind of need to think through this, through that holistic framework, think about what levers exist and entry points to really drive that corporate responsibility to respect that Elona outlined. And I think it's really great that we're having it in the context of this broader conversation. Thanks, Sarah. Christy, I'll turn to you now. In your role, you see, I guess, a lot of the interaction

between business and the community space.

[00:19:46] And, you know, there are examples where business can be part of social and environmental change for the good, but also potentially areas where there are barriers as well. Are you able to talk a little bit about the role that business can play in sort of supporting the delivery of outcomes and rights for communities that you work with? Sure. So, I mean, I think I started in the not-for-profit sector as a 13-year-old. So I've been here for a few years now. I'm not going to tell you how many decades that is, but you'll probably be close enough to working it out. And so often, you know, so much of my work was in the third sector, you know, civil society, community orgs, not-for-profits, and then also working closely with government.

[00:20:32] And actually, you know, we used to talk as a society about the three sectors: government, business, and not-for-profits. But actually, you know, and everyone in this room who is attending this conference knows that if we're going to be serious about tackling social, environmental, cultural, or any other issues related to the kinds of society that we want and need, we need much better intersections across all of those groups. And we talk now more about a for-purpose sector. So I think that piece around how do we collaborate, when do we collaborate is really key. And you know, through my various kind of career, I've seen and I'll come back to philanthropy, lots of like the best examples of where we see moments of really significant change is where we have those intersections between business and civil society, whether that's government, community organizations, not-for-profits.

[00:21:24] So, you know, Siobhan was talking about financial vulnerability with the banks. You know, there's a great case study and you know, Westpac and others have done this. There's a great case study that Harvard picked up around the work that Kil Donnan did with the National Australia Bank, which basically demonstrated that not only did they support vulnerable customers, but actually it was of much better financial outcomes for the bank as well. And you then had a staff that was much better trained in how you kind of support that piece. We saw with you know marriage equality in Australia, that was a really strong collaboration between civil society on the ground, philanthropy investing money, and businesses coming out to seriously support that.

[00:22:06] We didn't get the outcome we wanted with the referendum, but similarly, you know progress continues to need to be made and that was also another sort of important piece of collaboration. And even if you look at the response to family and domestic violence and policies that now exist within businesses or banks and how they're responding to that, we've seen great shifts in terms of what happens when people collaborate. So, I think that the key thing, you know, so often organisations talk about, you know, or from a business perspective, it's like there's a supply and demand over here, and actually it's never kind of enough because supply and demand assumes that there is enough supply and there is enough demand from a business perspective.

[00:22:48] If we just flip that and go: what happens when we deal with human services and human service issues and we just deal with that over here, and if we don't bring the two together, we're never going to solve the problem. And I think things like, you know, let me just give you an example. The NDIS is a really interesting example. Really great, important initiative. Unless you can

start to work with businesses around how do you work to actually create employment that is accessible and inclusive for people with different kinds of disabilities, it doesn't matter how many people are going to write into their plans that their goal is mainstream employment; we still need society as a whole to respond.

[00:23:29] And I could probably give you a whole range of other examples, but one I do want to pick up on because it's quite important - Pinochet mentioned it before. Fisher also mentioned First Nations peoples. You know, one of the Indigenous artists, you know, last year, the Paul Ramsey Foundation, we spent \$65 million on First Nations-led outcomes and we're doing a big focus this year on economic empowerment and First Nations peoples and that's not necessarily just a let's do a human service response. That includes, you know, things like what does it mean to support First Nations artists in terms of IP? How do we flip this to think about this from a societal perspective across the, you know, community orgs, First Nations-led solutions? But also how does that intersect with society more broadly?

[00:24:18] That's fantastic and I think, you know, we'll come back to some other examples as we go through the discussion. Meg, your day-to-day role involves advising companies on how to essentially translate these human rights commitments into practice. Can you tell us a little bit about, you know, what are the main areas that corporates are focusing on and what's driving that focus? And where do you see, I guess, the biggest need for that for uplift in business practices everywhere?

I think you used a really important word, Ilona, in there, which was 'translate into practical outcomes', and that is the really hard bit of the business and human rights space. So very simplistically, I could divide the people that come for our support or crawl into two categories.

[00:25:09] It's those that want to lead and those that are seeking to develop a holistic approach. It's those who want to be part of a holistic program of work and there's an understanding that a people-centred, human rights-based lens offers a different view of the world that enables you to take things forward in your business context in a different way. And those who think they have a compliance obligation. And that distinction is really, really important for the kind of outcomes that are then driven by those organisations and the opportunities that we even have as we walk into those contexts. So very helpfully, at KPMG no-one expects to find a human rights advocate. Shh, don't tell anyone. And so, one of the things that's very important about that is that we are trusted in ways to come alongside corporations as they are exploring the complexity of that dynamic.

[00:26:07] And to do that in a way that looks at really practically what are the systems and controls that I need to tweak to put something like the human rights statement and all of those salient issues that Siobhan went through into practice. Because there's really important things, whether it's about risk appetite or enterprise risk management systems, whether it's about the way that the board gets appropriate dashboard reporting on the particular issues that are coming to the fore, whether it's the training of people that are not necessarily within the procurement team but are ongoingly managing a business relationship with the third party, supplier, or otherwise, so that they know how to look for flags of potential human rights violations.

[00:26:54] And so seeing that kind of distinction between I'm here because I need to comply versus I'm here because I see a benefit to a rights-based lens means you have to start at a different point. And for the compliance, that is such an amazing opportunity for advocacy. So people in my business will often use the word 'sales' to describe the relationship that we have with our clients. Our team calls it advocacy because every single one of those conversations is an opportunity to start a new dialogue, but recognising that that translation that has to happen is a really significant process. So, in terms of issues, because you've got that compliance bucket, the Modern Slavery Act was a really important line in the sand for Australian business.

[00:27:48] Honestly, you can comply with the Modern Slavery Act by putting in a statement that says, 'We have not looked at our risks, we've taken no actions and therefore we're not assessing the effectiveness of those actions.' That's a technical compliance response to a captured entity under the Modern Slavery Act. But, nevertheless, it's driven the first wave of introduction to the mandatory human rights due diligence space and we have some champions in this room who've absolutely driven that through the actions that they've taken within their organisations. So you've got that. You've got the introduction of legislation like Respect at Work and the entire national dialogue that followed what happened as a result of the Commission's important work in that space means that the introduction sort of feels a bit strange to say that we now have this.

[00:28:41] But, the introduction of the positive duty to prevent sexual harassment is similarly driving that next layer of compliance. So they're two absolute big buckets. And then you've got those organisations that it is critical for their social licence to operate, that they understand. When I use the terminology 'social licence to operate', it's a bit jingoistic. What I'm talking about is that there's broad, community acceptance. And I think Christy made some really important points then from a collaboration perspective, that the business operates because they are accepted, because the community in which community or communities in which they operate are engaged in and engaged in a dialogue, and they're engaged as meaningful stakeholders. And I'll just close that by saying, because I think it was probably the most important thing that's been said to date, is that the impacts, Pichamon, that you talked about, that the people, communities, First Nations communities in this context in Australia are experiencing are the reason for doing this.

[00:29:49] And it's one of the particular points why, whenever I have the opportunity to say, what can we do to go beyond compliance, so that we're putting those experiences and the voice of people who otherwise are not given a voice into rooms where decision makers can make decisions to their benefit. Thanks, Megan. I think that's a great sort of point to pick up on sort of the next area I'd like to discuss, which is, you know, we have some pieces of legislation, modern slavery legislation, discrimination, which create particular obligations. But the human rights, the various rights are a much broader spectrum of rights that are not all reflected in national legislation here. And one of the objectives of the Commonwealth's Human Rights Act is to essentially provide a home for all of those rights which should be protected and respected in an Australian context.

[00:30:57] Where do you see or have you seen, I guess, the gaps in applying the guidelines and guiding principles? And where do you see a Human Rights Act potentially, sort of, being able to support and fill some of those gaps? I might start with you, Sarah, and then we'll move down.

Perfect. Thank you. And I might just pick up on some of the really important points that Meg made around the important work that's happening around some issues, particularly off the back of respect at work and also modern slavery. But I think what we start to then see is quite a silo in the approach to human rights issues. And so, the respect at work response might sit with diversity, inclusion, or HR, or the people and culture team.

[00:31:46] Modern slavery work might sit with the procurement team. And so, for not everyone, but for a lot of organisations, you've kind of got pockets of human rights work that is happening across the organisation, but not that uplifted conversation around thinking about where our risks and impacts might be across all of the human rights issues. And so I think that's where a Human Rights Act does really come into play. Even if companies don't take an opt-in measure, which is part of the proposal with the Human Rights Act, I think it articulates at a national level and bridges that gap between Australia's international commitments and what they mean in practice. So I think it provides a framework for some of those internal conversations.

[00:32:44] And then the other thing I just wanted to flag when thinking about a Human Rights Act, another challenge we see is in relation to companies thinking about risks across their whole value chain. So they might think about risks in relation to their own operations or their supply chain, depending on what piece of legislation they're responding to, but not doing I guess a full analysis around where there might be potential for involvement in harm, whether it is with a supplier, with a joint venture partner. Siobhan touched on some of the work with customers or if it's a tech company, end users, and it's a shame that the tech panel's happening at this same moment. I think we know businesses operate across borders, across legal systems, and also a lot of these harms occur overseas.

[00:33:38] So I think again when reflecting on the value of a Human Rights Act, I think we also have to think about where there might be gaps, particularly in relation to this extraterritorial issue. And again, where would we need other levers or initiatives to fill some of those gaps as well? Thanks, Sarah. And Pichon, you sort of deal with that international context in your work day to day. You know, how do you see this playing out? I mean, I feel like I'm the most depressing person on this session. I do dwell admittedly on the problems. So this is, I know we don't have as much time, but I could speak for a day about all of the issues, if not more.

[00:34:25] To build on your point, which I very much agree with, there are issues with silos at the international level as well. We also see it at the regional level. So Australia is not unique in that regard. Silos exist within the private sector itself. And as part of that, we also see issues to do with resourcing, right? So some of the businesses that we engage with have said that, look, we want to do more work on human rights, but it's not the trending issue at the moment. What's trending is women's rights or climate change, and it makes you pause, right? Aren't those fundamentally human rights issues too? I mean, the rights to a healthy, clean, and sustainable environment was something that we just spoke about earlier.

[00:35:10] But I think fundamentally that also points to still the lack of awareness. Even in a country like Australia, where discussions around human rights is far more advanced than what we

see in other parts of the Asia-Pacific region, understanding what business and human rights mean, what the guiding principles stand for, is still something that many of my panelists today are still trying to enhance, and certainly as a working group, we're trying to do more of at the global level, but equally at the local level. So all that is to say that until we have better awareness and better implementation following from that, one of the key issues that we continue to see when it comes to implementation of the guiding principles is policy coherence.

[00:35:58] We can't arrive at policy coherence unless we have a good enough understanding of what the guiding principles stand for and what it means for businesses to respect human rights and for states to protect human rights by creating an enabling environment for a rights-respecting culture to develop and thrive. And this is where I feel that the concept of policy coherence seems like one of those really wishy-washy or abstract terms, but it is so important to what we're trying to achieve here. We have to ensure that things like the Human Rights Act, that it is coherent with the spirit of the guiding principles, with the spirit of the Universal Declaration of Human Rights. We also have to ensure that whatever voluntary principles come our way in addition to the guiding principles, that these are also coherent.

[00:36:50] Because what we've seen is that in many parts of the Asia-Pacific, there's been a proliferation of what are known as national action plans on business and human rights. And whilst these are positive developments, if you think about how many more governments in the region are committing to the guiding principles, at least on paper, it also presents issues when some of these national action plans aren't actually coherent on paper and in practice with the guiding principles themselves. And what that results in is what I mentioned earlier: the watering down of the guiding principles of the protection and respect for human rights. And so, I would say this is kind of the bigger existential issue that we as a global community, working on business and human rights, continue to grapple with alongside the practical everyday struggles of preventing silos, of ensuring adequate resources are given to this issue, but also in widening the aperture when it comes to understanding that labor rights, modern slavery, women's rights,

[00:37:53] sexual orientation, and gender inclusion – that all of these issues are human rights issues as well. Thanks, Pinchamon. Meg, Pinchamon just mentioned national action plans on business and human rights. And I know the submission that KPMG provided to the Parliamentary Joint Committee did include a sort of suggestion that this should be something that the Australian government take up. Can you talk a little bit more about what you think you would expect to see in that type of action plan and some of the important issues around not just having an action plan but having an action plan that can be implemented and taken forward? Yeah, I think it's really important to say that was not the first suggestion that we made. So I was a little bit disappointed to see how many times KPMG was quoted in the Parliamentary report.

[00:38:53] That's because there weren't a huge body of corporates who put forward submissions. So the first thing that we called for was a comprehensive act. And we also said that a voluntary opt-in approach to an act, in terms of the way that businesses are to engage with it, we had better words than this, but it's basically, it's never going to work. We can see what's happened in the ACT. Business is not going to opt in. You create a scenario where you have some really exceptional

corporate actors that want to demonstrate that they're doing the right thing, that might stand alongside an act. But what we're talking about is trying to create an accountability mechanism. So the idea that you opt in to human rights completely undermines, sorry, I know that there'll be proponents of that in the room, but it completely undermines the idea that human rights are indivisible, are fundamental, and the idea that you can somehow opt in to them.

[00:39:57] I think it's corrosive. I think it's corrosive to the overall objective. So, that was the first thing that we said. Now, whether or not that can exist within the context of a Human Rights Act becomes an important question of looking at the broader framework. And Pichamon said something very, very important which was the nature of policy coherence. And this is where when we consider, you step back and you go, okay, and Justice Kirby reflected on this. We've all got a Justice Kirby story. I'll tell you mine. Justice Kirby in reflecting in the 40s, we look at what we set up. We set up a system that was fundamentally prioritizing states as the subject of that system, right? And we go, well, there's a whole bunch of other actors that integrate and have something to do with our other everyday lives.

[00:40:55] And those other actors definitely include the private sector and beyond. And so when we remove them as a subject of international law in that context as we set up a human rights system and then we perpetuate that in the way that we set up a human rights system in Australia, we're doing ourselves a disservice to how we might conceptualise that as a whole. Sorry, that sounded a bit academic. But what I'm talking about in practice is: business generally responds really well to clear instruction, clear direction on what is expected of it. Where there's a big gap and gulf for what you might otherwise step into, then you get a huge variety in the nature of what that looks like and you get back into that compliance-oriented space that I talked about.

[00:41:51] Some tick-boxing and then some exceptional performance. In terms of what a national action plan might do, it's bringing together what that coherent approach is to the role that business plays in the Australian context. And that was really a recognition that, in the context of this particular submission, all right, we've got a Human Rights Act that doesn't really capture business, isn't intending to do so. I'm deeply supportive, just to be very clear. For all of the other reasons, what a Human Rights Act would enable. But when I talk about the business space of it, that's where we need to look at the more comprehensive map of what would be involved. Yeah. Sarah, you wanted to jump in on that? I just wanted to jump on that just very quickly.

[00:42:40] And I think where the Act can come in in this space is what's been outlined by the committee in terms of strengthening our parliamentary review systems and making sure that those that are drafting laws across all various issues are considering human rights issues and considerations. So I think with the Act, even though it might not apply to business directly, there are lots of touch points in our broader rulemaking and lawmaking, particularly as laws that apply to business, for lawmakers to say, 'Hey, where's the people aspect of this financial regulation, for example?' It's that rights-mindedness concept. Siobhan, in your experience, are there particular areas where you have had challenges in applying the principles or seeking remedy or address? I think it's more the point that's been made around the clarity of what's expected.

[00:43:48] Yeah. So, yes, we've been working with the UNGPs as our guide. But I guess what we find in Australia is that there are different elements that are required of us, but we don't have that kind of holistic perspective. So when it comes to due diligence, yes, we are committed to undertaking that and strengthening that. But the requirement of that is not in effect there unless it comes through, of course, in terms of the recommendations from the Modern Slavery Act. But, again, that's quite specific in terms of where that would apply. And similarly, in terms of remedy, again, the lack of clarity around where that's expected. There might be some specific requirements from a legal perspective in some circumstances, but how does that apply more broadly for organisations? I think is important.

[00:44:30] There is the example for Westpac whereby back in 2019 it was found that we had a product that had been misused for child exploitation. And when that moment happened, as terrible as it was, it was unclear as to how might we best respond to that. Yes, we needed to tackle it from a financial crime perspective, but I said, well, let's think about this also from a human rights perspective as well. This is a human rights breach. And what is the right remedy that we ought to take? Now, no one told us that we had to do that, but it was the right thing to do given that we had a human rights position statement. And the thing that we did was we actually engaged our stakeholders, some of whom are in this room, to help us work through what is the right way to think through remedy for a bank in relation to this terrible matter,

[00:45:22] and then to engage with them and work with them around how we then support organisations in relation to child safeguarding, but also how do we internally become an organisation that has child safeguarding at its heart as well. So quite a program, if you like, a remedy. That kind of play has played out in many different ways. That's great. Christy, I know you've got sort of quite a collection of quite a few experiences in sort of particularly looking at sort of some of the intersecting rights. And the point around the need for policy coherence also needs to take into account sort of, you know, a move away from that siloed approach to a more holistic understanding of how different rights interact. Can you talk a little bit about your experience working across those intersecting rights?

[00:46:10] Yeah, sure. And I might just pick up on two things before. And the one that resonated with me that's come up in a few of the examples is that accountability loop. And I think the interesting thing about an accountability loop, whether you legislate it via an act and whether it becomes a requirement or not, the interesting thing about accountability loops is we know that accountability is one of the key fundamental pillars of building trust. And actually, we have a real problem in Australia and internationally around declining trust. And it goes a bit like this, but it's not great. And we have a real problem in Australia, in fact, where one of the global leaders, which is nothing to be proud of, is trust inequality.

[00:46:51] Where actually people that are well-paid, well-educated, with certain jobs, and are sort of well-read, you know, have much higher levels of trust than everybody else. And actually, that does not bode well for anybody in society, businesses, civic society, government, et cetera. It leads to bad outcomes. And the piece that I want to connect around the trust piece and business, one of my favourite Nobel Prize winners is Joseph Stiglitz. And, you know, he won the Nobel Prize,

basically proving that actually it's no good for anyone if you have really big gaps in inequality, whether you talk, you know, I'm talking about trust inequality from the accountability loop piece, but actually inequality in anything. It's not good for businesses because your economy is more affected.

[00:47:38] And one of the things that he said in one of the speeches he did is the point about market success. He said that markets don't exist in isolation and that the rules create inequality. So, how do we flip that to make sure that the rules help support addressing some of the inequities that we have? And also those intersections matter enormously because then you basically have, you know, how do we create the kinds of economies and societies that mean that we can address some of the challenges? And, you know, businesses. Meg mentioned social licence. And, yes, I'm with you; it's jargon, but actually it's really important. We know that, actually, investors don't want to invest in businesses that...

[00:48:22] well, there's a whole bunch; some of them will continue to do that, but there is an increasing movement about who wants to invest in people that can have those accountability loops and demonstrate that. We know there are a whole lot of graduates who are like, 'I'm not working for them because they say this in their statements, whatever it is in terms of the brief,' but actually show me. It's like the kind of key thing from that. Even the intersection between not-for-profits and corporate engagement and funding, you know, we've seen increasingly not-for-profits say, 'I'm not taking your money.' And so I think that there is a really interesting intersection here around how as a society we address some of these issues, so that we can be collectively accountable to produce the kind of society we want to get to.

[00:49:06] Yeah, it's a really interesting point because, I mean, certainly in the work that I do, which covers across sort of climate change and sustainability, increasingly I'm seeing decisions being made about who the end user of a product is, and, you know, people saying, 'Well, you know, we're not going to work for a particular company because of its stand on a particular issue, which might be climate change and decarbonisation but might also be across human rights issues as well. So it's interesting to see that play out. I think just on that, I mean, I think it's really interesting and it's an important point for corporates, but I think often what we try and do is in those circumstances is apply the human rights principle of leverage.

[00:49:49] So rather than say that we're not going to do something, it's more how can we work with the customer to say this is our expectation. So, if you're operating in a certain area where there might be labour rights risks, how might we see some improvement in relation to that? So we can drive the impact rather than simply saying we're not going to bank you and then let someone else bank them where they may not actually drive that change. So we want to set the expectation and see that change over time, and apply that principle of leverage. That's a really, really important point. It's such a good principle because I think the other piece that you've just brought up is, and it was mentioned earlier, like one of the challenges with human rights in general, different conventions, different acts, is this point of intersectionality that has come up in this conference and has come up again today.

[00:50:31] And actually, you end up with a scenario where sometimes they compete with each other; from the, you know, the work of how do we look at individuals in the context of families and the context of communities? Life is far more complex than us all being in silos of whatever individual rights.

And you know, I've done a lot of work over many years with families with kids with disabilities. Actually, yes, there's the rights of the child, there's the rights of the mum, there's the rights of the sibling; and you know, I've had mums say to me, 'Which child's rights do I choose?' And it's heartbreaking, but it's the reality of how do we do that? How do we make sure in this notion of whether we're talking about kids, families, and communities or whether we're talking about intersecting rights, the way that businesses deal with it, or Siobhan's point around how do we influence shifts?

[00:51:21] How do we think about what the thing is that we're trying to achieve? And then how do we set up, you know, ethical oversight to frameworks to say, 'Well, what's the progress we can make here?' or how do we actually think about these intersecting rights so that we can think about things from a relational perspective as opposed to something that is too individualistic where you'll end up with a binary no, that's a stop-go, we can't do that, so therefore, actually the unintended consequences you've just highlighted could be worse. Yeah, and I think we see those unintended consequences potentially, you know, often with some of the approaches around modern slavery as well, don't we, Sarah? Yeah, absolutely.

[00:51:58] I think, particularly, thinking about the environmental space and the right to healthy environment, and the crisis emergency, you know; we have, in the action that's needed to be taken there. But often transition plans rely on a lot of critical minerals to support that transition, or wind farms which require quite a lot of land; and so what we're starting to see is also evidence of initiatives to drive really good work in the environmental space, but coming as a result of that. At the expense of people's human rights, impacts whether it's around land grabbing or forced labor, and so I think, you know, again, it's the silo theme that's coming up, but, you know, we've really got to think on that issue particularly as well, to be able to walk and chew gum essentially, and to have these, you know, mutual goals that we're pursuing that we're not addressing the climate crisis at the expense of people, essentially.

[00:53:03] I mean, I think it's an interesting point to pick up on. We often tend to think about climate change, human rights, and natural capital, but we can't think about them in isolation. We need to think about them in terms of how they overlap, and what are those intersections. So, we think about just transitions, sort of really grappling with climate change and then the impact on communities. How do we understand it? How do we hold both of those and really think about how do we support a just transition? What does that mean for communities? And when we look at things like the government's net zero energy authority and how they're taking a place-based approach, I think that's a way perhaps where we can make some good progress around addressing the complexity of just transition or quite, you know, specifically when we think about solar panels - where were they manufactured?

[00:53:47] Are we considering what are the risks associated with their manufacture? So as a bank,

you know, yes, we want to drive climate transition. We want to support renewables, but, you know, working with our customers to ensure that they've undertaken sufficient due diligence around where they're procuring their solar panels from. These are real complex issues and we have to be careful to not take a binary approach. Yeah. No, absolutely. Look, we will have time for questions this afternoon, so if you do have burning questions, please start thinking about them and I think there will be a microphone very soon. Are there any hands? I've got one, two, three. What we might do is take a couple of rounds, so I'll take sort of three questions, get the panel to respond to them and take another sort of couple.

[00:54:35] If we start down at the, I think I saw a hand down here. And is there one? Maybe we'll take the lady in green then down the front there so that we've got one, two, three at the front and then we'll go and do a round at the back. And if you can sort of identify where you're from, that would be great. My name's Bella. I'm a law student from UNSW. I wanted to ask, I think we've spoken a lot about an approach from businesses in regards to business and human rights, but when we look at it from a more individual perspective and the way forward as the everyday person, I think for me, especially amongst people my age, a big threat towards the sector is fast fashion.

[00:55:26] And I know that a driving reason for investing, for buying these products is the cost factor. Companies like Shein and companies like Tim, you are an incredibly cheap to buy from. And I think when you put that against more ethical companies that make their clothes in Australia, that source their materials from Australian products, it's hard to kind of compete with that. And I think my question would be: what would you say is the way forward in making these ethical decisions accessible for all people, not just the people who can't afford to buy those more expensive and more ethical products? Great. Thank you.

So, I'll take a question from the lady in green over on my left. And then I think there was another one, just the gentleman over there. Great. Hi.

[00:56:21] Well, first of all, thank you to everyone on the panel for your time and expertise. For me, I work outside of the private sector for one of the six National Women's Alliances, Equality Rights Alliance. For me, coming from the women's sector, the first thing that I noticed when I walked into this room is the fact that everyone on the panel today is a woman. Hello. And I'm wondering if that's a pattern that you've noticed among the organizations. Oh, we just had a conversation about it before. Given that it's a pattern that you have noticed, evidently, I'm wondering if there's some room to reflect on why that might be. And third question. The gentleman just there. Great. Hi. From the Northern Territory Anti-Discrimination Commission. Thank you for this session. It's been really informative.

[00:57:15] What I'd like to know and take back to the communities, especially the First Nations corporations in the Northern Territory, is how do the guiding principles help them in relation to discriminatory practices that they have to endure as businesses because they have to comply with Corporations Act, but, of course, there's also Cat C. So, the principles of ingenuity are not usually found in the context of Corporations Act, and this creates some level of discrimination in the context of how they need to sort of manage businesses. So, how do the guiding principles, you think, can help alleviate those circumstances for organisations that really want to make a difference

but in the context of indigeneity? Great. Thank you. So we've got three quite different questions. Fast fashion, women's, women's, you know, women's.

[00:58:01] Predominance in the sector and sort of embedding in the guiding principles in effectively corporations and business practices. Who would like to go first across any of those three? I'm happy to pick up something on fast fashion for Bella, but, you know, less from, I guess, a business perspective, so I'll leave my colleagues to peers to do that. I think one of the things that we focus a lot on are social enterprises, and Siobhan mentioned, you know, Westpac supports social enterprises as well. A social enterprise is an organisation that exists for profit and also for good. And the rough rule is, I mean, it's more sophisticated than this, but the rough rule is: you have to have at least half of the business is for good.

[00:58:40] One of the challenges for social enterprises, we have around 12,000 in Australia. One of the challenges is how they actually get enough money to do the work that you're talking about and then make their products accessible. So one of the roles of things like philanthropy and also some of the corporate foundations is how we set up capital stacks. So where is it that we might do a socially impact investment in those companies? Where is it that they need grants? Like, as philanthropy, we just need to give them some money to support them. And then how do we actually make sure that we can enable their products to get to people in different ways? I don't have a fashion example that we're currently funding, but just to give you a sense of what that looks like, you know, two areas that we do focus on, we work alongside Too Good.

[00:59:31] That's an organisation that supports women experiencing family and domestic violence and homelessness. And so we have a number of things where we support their sort of, you know, with a grant, with an investment. Similarly, we have quite a big investment in Victoria at the moment running through an organisation called Street that supports young people with employment. But they're working across the thing that I think is so cool about this example, they're working across the whole Victorian food system. So, lots of intersections around this isn't just about the businesses. This is about, you know, the trucks on the road, the infrastructure systems. And that's about how do you get food, fresh food, good quality food to people in a more equitable way, in an affordable way?

[01:00:17] And how do we think about how we resource that with a combination of philanthropy, government, and then also making sure businesses do their part? I think just to pick up on the same question around, you know, around ethical fashion, it's for us in banking, it's about the right conversations with the retailers as well as the fashion producers. And to pick up on Christy's point too is the work that we do with social enterprises. How can we support them so that they can grow and not only support ethical fashion but also jobs, you know, for vulnerable people? So a recent example is that we support the Social Outfit in Newtown. We have funded them for many years to help them grow, providing employment opportunities for women who are refugees and asylum seekers or recent migrants.

[01:01:05] But recently, from a responsible sourcing perspective, Westpac has set a contract with them to produce the scarves for our branch workers across our branches nationally. So, you know,

it's a small step but a really important one. A large corporate can make a difference to a social enterprise to create good impact. And we can tell that story, you know, many, many times, which I think is really important. Probably just the other, like, really small so we can get to those other questions and more. It's the level playing field across multiple supply chains, right? So when we look at fast fashion, we're talking about a global supply chain challenge. We're talking about a whole range of intersecting abhorrent behaviours and challenges. The theory behind the Australian Modern Slavery Act was a trickle-down approach.

[01:01:52] So an organisation with an annual revenue of over \$100 million needs to report, and they're looking after their supply chain. And so that trickle-down, as we get more robust in what that approach looks like, requires hygiene across the supply chain. So previously you could say, 'You know, I can't see it and therefore it's someone else's risk.' And what that legislation requires is that next step of visibility. And so the way that that enhances and then penetrates, that's the systemic change. So, you have accessible, affordable, therefore ethical fashion. And so, some of the major corporations that do provide cheap clothing - if they're improving their supply chains - that's what makes it more accessible for the everyday person who perhaps can't afford or get to Newtown in that social enterprise context.

[01:02:45] Anything else on the fashion point? Or should we jump to one of the other questions? Sorry, just on the fashion point. I mean, if I were to bring it back to the bigger picture, it is also about consumption. It's about consumption patterns, right? It's about consuming less and ensuring that these retailers, these businesses produce better quality clothes that last you for much longer as well. So I think that's one point. But the other thing is, you know, some years back I spoke with factory workers, women in Cambodia who were working in factories supplying some of the major brands in the fast fashion space. And speaking with them, one of them actually said, 'Look, we can't actually afford the clothes that this brand is actually selling in the store because it's just far too expensive.' So, fast fashion even now isn't that affordable either.

[01:03:43] And when you, you know, when you were listing Shine Teemu, the list doesn't just stop there, right? There are many other businesses that are very much complicit in perpetuating this problem. And we also have to remember that not everyone has access to these, to the internet and will be able to order from these sites either. So there is still that kind of deeper problem of inequality here. And when we talk about accessibility, about inclusion, we also have to bear in mind that even the factory workers, you know, supplying these brands, they themselves can't always afford the clothes that they're actually making. So it's a really good question, but it really does raise that deeper problem about supply chains, but also about how can we ensure equality across those supply chains.

[01:04:30] So on the other two questions, Sarah? I can jump in on the gender point. And we were laughing because we also made the - we also acknowledged it when we walked in. And it is a space, I think like the human rights community more broadly, it is a heavily, you know, gendered space towards women. But we do have incredible, you know, other male leaders with us. And I think, you know, I'm going to start with David Cook here as well. But I think part of this also is really important. I think it links back to the broader conversation around the Human Rights Act and having that

Human Rights Act. So, it's talked about in schools. It's talked about in law schools. It's made a key component of an MBA program.

[01:05:16] So I think, you know, business leaders and lawyers are getting exposed to these kinds of discussions a lot earlier. And then I also think it involves businesses looking internally around how they're, you know, resourcing this kind of work as well, you know, and creating incentives for other people to also want to go into sustainability work and say rather than sales or ops. I might just jump in as well. I mean, in sustainability more broadly, I think initially it was, you know, it was quite female-dominated. We're seeing a lot more men coming through. But I would say that in human rights specifically, it's still very female-dominated. And I wonder if that's partly because it's still, you know, very much a risk-based approach. It's about avoiding bad things from happening or avoiding the risk of potential human harm.

[01:06:04] And I wonder if that's something to do with more women getting involved in that space where what I'm seeing at the moment in sustainable finance is about doing the deals. And I'm seeing more men now getting involved in sustainable finance because it's about doing the deals. And actually, I've seen a real shift now, more broadly, in sustainability in finance. Now we're getting a lot more men appearing on the scene, where it was once upon a time, the demand for women who were willing to risk their career in an emerging space and working out how to do this kind of work. So, it's changing. And I hope that we do see more men getting involved in human rights as they see the opportunity to do deals that avoid harm for people.

[01:06:40] And then the third question is respect of sort of embedding the guiding principles in and aligning, you know, corporate responsibility. Would anyone like to sort of jump in on that? I think there's, you know, it's a really complex question actually. I think the UNGPs are not going to be the specific instrument that helps guide or provide an answer to that except insofar as you're able to utilise the way that they position the corporate responsibility to respect human rights and then the requirements that sit nested within human rights due diligence around consultation, stakeholder engagement, and priority groups. And so thinking through how to bring that dialogue in and to do the prioritizing. So if I'm understanding some of the challenges how you ensure that Indigenous-led corporations are able to engage appropriately and be fully present at the table while managing their corporate responsibilities and so what the Corporations Act requires, and the primacy given to shareholders in that context?

[01:07:57] So from that perspective, I'm not giving you a very good answer, but from that, I think it's drawing on what sits at the core of the corporate responsibility to respect human rights, but that's actually part of the challenge that we've raised in this context: is it doesn't give you a specific lever; it just gives you a set of principles to open up a differentiated conversation. Does that make sense? I was just going to sort of say where I've seen sort of the movement from a corporate perspective is around the concept of risk and if you can identify that essentially your social licence is in jeopardy because of your actions across a range of issues, whether it's climate change or broader human rights issues, then if that becomes a material risk to your business, it's a key issue that has to be elevated.

[01:08:53] It's a key issue that has to be elevated and addressed by the Board; we're seeing that come through in terms of now sort of a bill before Parliament for climate-related financial disclosures or sustainability reporting. But there is, sort of, that point around understanding what is material to your business, and looking at that both through a financial materiality lens but also an impact materiality lens. And I think these issues around social licence, your business's impact on community, is really picked up in that impact. Sorry, I was going to say there's the whole universe of entering into Indigenous rights, free prior informed consent. Sorry, I understood the question a little bit differently and that might be my error, but all of those levers absolutely exist in terms of bringing those questions to the fore and there's some really important work.

[01:09:47] We're reflecting on renewables before Sarah around what that means and what that engagement needs to look like from an investment perspective as well. It's absolutely prioritized so there's another whole domain that can be utilised. And I think, I mean, for many organisations in terms of their human rights policies or positions, they reference the UN Declaration on the Rights of Indigenous Peoples and the importance of working through what does FPIC mean for your free prior informed consent and what does that mean for your organisation. I think the other one is now with the task force on nature-related financial disclosures. That too is now calling up the expectation that businesses that are thinking about nature also need to think about the rights of First Nations peoples and their relationship with nature, and to respect that, and to learn from that.

[01:10:31] Absolutely. Can I add one more thing because I think it's really important to call out, because I think it's a really, I'm sorry I missed your name, I think it's a really important question, and I think that there's a piece here around how do we not create more inequities in businesses for people that might already be marginalized. That's not to say there isn't some fantastic First Nations businesses that are thriving really well, but if you look even at the not-for-profits like the Aboriginal controlled organisations and you look at, you know, what do we mean by First Nations leadership, you know, one of the things that I have a really fabulous First Nations exec team member and we are crystal clear now and this is what we mean by First Nations led, and actually the social procurement policies that a lot of businesses use will not cut the grade at all against what that looks and feels like.

[01:11:18] So, I think there's a piece there and how we be clear about that. But there's also this piece: if you all of a sudden come up with an Act, and you've got all sorts of organisations and this happens across any marginalised small groups with fewer resources and their requirement to report means that they don't have the resources to do that. But they're already acting in this way. I mean, that's the thing about a whole lot of Indigenous businesses: they're just thinking in this way already. Then they can't compete with the organisations that can do the fancy reports and loop back to the accountability. So I think your question is really important. Around for those of us who have resources that can do this reporting well,

[01:11:56] how do we help enable and share not just the funding piece, and you know, we fund First Australians Capital and we put a whole lot of money into investing in Indigenous businesses to support them, but there's also a piece around where are the resources and toolkits that you can offer, share, support that Indigenous orgs might flip and change it to be more Indigenous-led. But

actually, how do we make sure we're not creating more inequities among Indigenous people? And how do we make sure that we're not creating more inequities amongst organisations, and meaning that ACCOs are almost starting from another step behind? It's a really important question. Now I know we are almost at time, but I can see a couple of burning questions at the back.

[01:12:34] If people are willing to indulge us for one more quickfire round of questions, I can see three hands at the back, the lady over there with the pink top, the gentleman with the cap. Sorry, we'll take this lady first and then the couple at the back. Thank you, Madeleine Bridger, human rights barrister in Sydney. I noticed that today, and it might have been yesterday, but I noticed it today on LinkedIn that the Attorney General's Department has advertised the federal anti-slavery commissioner role. I just would like to know from the panel what you think the impact of that role will be on preventing and eliminating human rights abuses in businesses. Okay. While the mic moves to the back of the room, perhaps Meg, Sarah or Pichamon, do you want to sort of take that question?

[01:13:28] I think it lives in the functions and powers section of the legislation, which is what I would turn to. It's predominantly an educative role in the way that it's currently positioned. So my short answer is that it's going to do a really important job of raising profile, but unless and until some of the other recommendations of the Macmillan review are passed through from a legislative perspective, it's not actually going to materially shift the dial. You take examples of what James has been able to do here in the New South Wales context, so the New South Wales, sorry, anti-slavery commissioner in this context, there's clear precedent for being able to drive things, even when perhaps you don't have the backing of legislative functions and powers that would enable investigations or the like.

[01:14:18] Great. We'll take the question from the lady at the back there. Thank you. Nicole D'Souza here from the Human Rights Commission, but previously a business and human rights practitioner. My question is about, I guess, what really drives change in the business environment, and that distinction between thought leadership versus compliance. And really, that third pillar of the UNGPs, which is the role of government. And so I guess, you know, what ROM really interested in the insights from the panel as to where you think the gaps are in - you know, what the role for government is in helping nudge and move forward good practice in the business space, because I think there are some real systemic, institutional, structural problems with the way companies are set up, who they're stakeholders, shareholders, licence to operate, the corporate kind of law reform piece.

[01:15:15] So that's a fairly big question, but really, you know, I'm sure you've all grappled with this in a very real and practical sense. And, you know, a really kind of obvious example of that is not being able to find budget for something or things just being deprioritised in a corporate environment because they're too expensive or they're difficult to do and they involve - you know, lengthy stakeholder engagement. And if you can justify an easy or quick win, you can still meet your obligations or demonstrate progress, but really progress then becomes very slow. And I'm just saying, if we take those thousands of little examples of that in the corporate world and say, well, how do we give corporates the permission to be more ambitious?

[01:15:56] Is there something we can do from the government side to change the landscape in terms of how corporates show up in our society? Thanks. Who would like to take that one? Under treaty diligence. Yeah, very short. Well, I don't know. What drives you know action? I think it's regulation, reputation, revenue, right? And so you kind of think through where your hooks might be for that. And I think we're seeing this wave of legislation globally off the back of voluntary initiatives that perhaps have not had the traction in other jurisdictions. So, I think as we look at Australia's human rights framework, we've got a really good opportunity to look at what's happening internationally and learn from those other jurisdictions as well. Which is precisely what the German government did.

[01:16:51] They said, 'we're going to give you some time to voluntarily comply.' And if you don't, then we're going to legislate. And then they legislated. Great. OK, last question at the back. And then we'll wrap up for afternoon tea. Sorry, two questions. Yeah. OK. I'm rather intimidated by so many women, competent women, that are going to answer this question. First, my name is Andre. I'm a black liberation theologian and ethicist. Hence, the type of question I will be asking. This thing of opting in is not going to work. It's like asking the nation to opt in to organ transplantation. They ain't doing it. Or asking the tax man to get everybody out of jail and get everybody to opt in to paying taxes. Nobody's going to do that either.

[01:17:51] Now, my question is, aren't we? We are going to attempt getting an act on this matter. For me, I'm just wondering, are we not slow-walking here into not achieving it? Shouldn't we just go in to get the bill? Because they ain't going to give either. They're going to go through the bill. They're going to say, 'A human rights bill.' They're going to say, 'Let's get them the act instead.' So maybe we should try and say, 'Don't slow-walk this generation because we may be lucky to get the bill the next generation.' Those kinds of changes take very slowly. It's slow-moving. When they emancipated the slaves, what did they give them? Jim Crow. They continued with that. We might just sort of conscious of time, we'll take the last question at the back and then sort of close the session.

[01:18:52] Thank you very much. I'll be brief. I run a social enterprise called Watipa. My question actually links a bit to yours and it's thinking through leadership within sectors of business there. So I think I work a lot with the health sector or education or construction or waste management. I'm just thinking, actually, I hope there's leaders in this space in each of those sectors, and can we do more to leverage that with a bit of healthy competition between businesses there. Thanks. Great. Okay. Well, we'll take those last sort of, I guess, comment and question, and then we'll move on. That final question is a fantastic one and I've seen that happen in different sectors already. I've certainly seen the property sector with their cleaning code which has been really impressive, and certainly we're seeing different sectors approach modern slavery and collaborating on shared guidance.

[01:19:44] I think what's happening also in New South Wales with James as the Anti-Slavery Commissioner is that he's also taking a sectoral approach, bringing companies together to examine what different sectors can do to strengthen their leadership. Of course, this is just simply at the

moment largely around modern slavery. I think the big question is: how do we lift that up into a broader human rights conversation? And then finally, how do we get that cross-sectoral engagement and activity as well? And I think you're in Global Compact Network Australia, their annual human rights dialogue is fantastic for getting some of that cross-sectoral engagement, but we need to see more of that as well. Very helpfully, everyone wants to know what their peers are doing. What are my peers doing? Who's the leader in this space?

[01:20:26] That's the everyday question. That's great. That is great because then you can hold up really good examples of where stuff has gone well and go, well, you could aspire to join this entity in their endeavours. And, yeah, Siobhan's given some great examples of how that's happening. That's something in practice. OK, great. Well, look, thank you very much to everyone for indulging us for a couple of extra minutes to answer those last questions. Look, I think we've had a fantastic discussion covering a really wide range of areas. With that, I think I'd just like to close by asking you to join me in thanking the panel.

[01:21:13] And if we haven't got to your question, I'm sure the panel members would be happy to sort of answer over a cup of tea or something upstairs. Thank you. Thank you. Thanks, Lina.