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Legal Affairs and Community Safety Committee
Parliament House
George Street
Brisbane Qld 4000

Dear Committee

Thank you for accepting our 2018 submission. UN Human Rights are an integral obligation of our organization to advance and promote better understanding and implementation of United Nations Declaration for Human Rights in Queensland. On 10 December 2018, we celebrate the 70th Anniversary and we invite your participation at our public forums at 10am at the State Library and 4.30pm at The University of Queensland.

During those 70 years, Australia was a leader in many UN policy initiatives, but there is now a significant opportunity for improvement in the contemporary contexts. The introduction of this bill or an enhanced version would address those ambiguities and vacuums.

The proposed HR Bill empowers proactive policy and strengthens responsive actions.

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United Nations Association of Australia Queensland

National Patron: His Excellency General the Honourable Sir Peter Cosgrove AK MC (Ret'd)

Queensland President: Dr Donnell Davis

UNAA Role

The United Nations is founded on its Declarations articulating the relationships between the 'state' (governments), its peoples and the Earth for which we are stewards. UNAA informs, engages and inspires its members and partners to advance a safer, fairer and sustainable world. While those adjectives describe specific UN Declarations, they are intertwined and the UN Human Rights Declaration is evident in all decisions. UNAA localizes international policy by providing a safe space for debate and enhancing understanding and implementing those mandates on the ground. Conversely, members of the UNAA in Queensland are active in contributions and in representing Australia at international assemblies and conventions. We are most fortunate to have a large network of members aged between 3 years (preschoolers) to 93 years (elders) who were original drafters of some of the conventions that shape our contemporary lives. After 30 years, the Human Right for access to clean water and sanitation was added to the 30 articles dated 1948.

The adoption of Sustainable Development Goals (SDG) in 2015 enable a suite of Human Rights goals to underpin a fairer world. These are supported by indicators of progress and targets towards 2030. In particular we highlight the following.

SDG – human rights	SDG – new economy	SDG governance / stewardship
1 – zero poverty	SDG 7 affordable clean energy	SDG 16 Peace, justice & strong institutions
2 – zero hunger	SDG 8 decent work, economic growth	Participatory decision-making, inclusive societies, accountability
3 - wellbeing	SDG 9 inclusive innovative infrastructure	SDG 17 Partnerships sharing good governance rights and responsibilities
4 – quality education	SDG 10 reduced inequalities	SDG 14 Life under water oceans, islands, coral, food
5 – gender equality	SDG 11 sustainable cities and communities	SDG 15 Life on Land
6 – clean water & sanitation	SDG 12 responsible consumption and production	SDG 13 Climate action that respects vulnerability and resilience

I enclose a copy of the independent report card by Transform Australia, tracing the path from status as 7th in the world (in 2016) to 16th to 37th place (in 2018) in the implementation of these goals. There is a need to support the fundamental premises for enabling a fairer future. I bring your attention to the orange (caution) and red (danger) signs on the concise summary page. Please also notice the arrows especially where we are declining.

AUSTRALIA

Performance by Indicator

Indicator	Value	Rating	Trend	Indicator	Value	Rating	Trend
SDG1 – End Poverty				Quality of overall infrastructure (1= extremely underdeveloped; 7= extensive and efficient by international standards)			
Poverty headcount ratio at \$1.90/day (% population)	0.1	●	→	Logistics performance index: Quality of trade and transport-related infrastructure (1=low to 5=high)	4.7	●	→
Projected poverty headcount ratio at \$1.90/day in 2030 (% population)	0.1	●	→	The Times Higher Education Universities Ranking, Average score of top 3 universities (0-100)	72.3	●	→
Poverty rate after taxes and transfers, poverty line 50% (% population)	12.8	●	↑	Number of scientific and technical journal articles (per 1,000 population)	2.1	●	→
SDG2 – Zero Hunger				Research and development expenditure (% GDP)	2.2	●	→
Prevalence of undernourishment (% population)	2.5	●	→	Research and development researchers (per 1,000 employed)	9.0	●	→
Prevalence of stunting (low height-for-age) in children under 5 years of age (%)	1.8	●	→	Triadic patent families filed (per million population)	13.8	●	→
Prevalence of wasting in children under 5 years of age (%)	0.0	●	→	Gap in internet access by income (%)	57.0	●	→
Prevalence of obesity, BMI ≥ 30 (% adult population)	29.0	●	↓	Women in science and engineering (%)	27.6	●	→
Cereal yield (t/ha)	2.1	●	↑	SDG10 – Reduced Inequalities			
Sustainable Nitrogen Management Index	0.8	●	→	Gini Coefficient adjusted for top income (1-100)	35.7	●	→
SDG3 – Good Health and Well-Being				Palma ratio	1.3	●	↓
Maternal mortality rate (per 100,000 live births)	6.0	●	→	Elderly Poverty Rate (%)	25.7	●	→
Neonatal mortality rate (per 1,000 live births)	2.2	●	→	SDG11 – Sustainable Cities and Communities			
Mortality rate, under-5 (per 1,000 live births)	3.7	●	→	Annual mean concentration of particulate matter of less than 2.5 microns of diameter (PM2.5) in urban areas (µg/m³)	5.9	●	→
Incidence of tuberculosis (per 100,000 population)	6.1	●	→	Improved water source, piped (% urban population with access)	92.4	●	→
HIV prevalence (per 1,000)	0.1	●	→	Satisfaction with public transport (%)	59.0	●	→
Age-standardised death rate due to cardiovascular disease, cancer, diabetes, and chronic respiratory disease in populations age 30–70 years (per 100,000 population)	8.9	●	→	Rent overburden rate (%)	10.0	●	→
Age-standardised death rate attributable to household air pollution and ambient air pollution (per 100,000 population)	0.2	●	→	SDG12 – Responsible Consumption and Production			
Traffic deaths rate (per 100,000 population)	5.4	●	→	E-waste generated (kg/capita)	20.0	●	→
Healthy Life Expectancy at birth (years)	82.8	●	→	Anthropogenic wastewater that receives treatment (%)	95.0	●	→
Adolescent fertility rate (births per 1,000 women ages 15-19)	13.3	●	→	Production-based SO ₂ emissions (kg/capita)	65.4	●	→
Births attended by skilled health personnel (%)	99.3	●	→	Net imported SO ₂ emissions (kg/capita)	-16.8	●	→
Surviving infants who received 2 WHO-recommended vaccines (%)	94.0	●	→	Reactive nitrogen production footprint (kg/capita)	86.5	●	→
Universal Health Coverage Tracer Index (0-100)	82.2	●	→	Net imported emissions of reactive nitrogen (kg/capita)	-534.3	●	→
Subjective Wellbeing (average ladder score, 0-10)	7.3	●	→	Non-Recycled Municipal Solid Waste (MSW in kg/person/day)	1.3	●	→
Gap in life expectancy at birth among regions (years)	6.3	●	→	SDG13 – Climate Action			
Gap in self-reported health by income (0-100)	8.3	●	→	Energy-related CO ₂ emissions per capita (tCO ₂ /capita)	15.4	●	→
Daily smokers (% population age 15+)	12.4	●	→	Imported CO ₂ emissions, technology-adjusted (tCO ₂ /capita)	3.2	●	→
SDG4 – Quality Education				Climate Change Vulnerability Monitor (best 0-1 worst)	0.2	●	→
Net primary enrolment rate (%)	96.7	●	→	CO ₂ emissions embodied in fossil fuel exports (kg/capita)	43996.4	●	→
Mean years of schooling	13.2	●	→	Effective Carbon Rate from all non-road energy, excluding emissions from biomass (€/tCO ₂)	2.6	●	→
Literacy rate of 15-24 year olds, both sexes (%)	NA	●	→	SDG14 – Life Below Water			
Population age 25-64 with tertiary education (%)	43.7	●	→	Mean area that is protected in marine sites important to biodiversity (%)	68.2	●	→
PISA score (0-600)	502.3	●	→	Ocean Health Index Goal-Biodiversity (0-100)	93.9	●	→
Variation in science performance explained by students' socio-economic status (%)	11.7	●	→	Ocean Health Index Goal-Clean Waters (0-100)	81.4	●	→
Students performing below level 2 in science (%)	17.6	●	↓	Ocean Health Index Goal-Fisheries (0-100)	41.3	●	→
Resilient students (%)	32.9	●	→	Fish Stocks overexploited or collapsed by EEZ (%)	75.4	●	→
SDG5 – Gender Equality				Fish caught by trawling (%)	28.3	●	→
Unmet demand for contraception, estimated (% women married or in union, ages 15-49)	14.0	●	→	SDG15 – Life on Land			
Female to male mean years of schooling, population age 25 + (%)	103.1	●	→	Mean area that is protected in terrestrial sites important to biodiversity (%)	53.2	●	→
Female to male labour force participation rate (%)	84.0	●	→	Mean area that is protected in freshwater sites important to biodiversity (%)	34.8	●	→
Seats held by women in national parliaments (%)	28.7	●	→	Red List Index of species survival (0-1)	0.8	●	→
Gender wage gap (total, % male median wage)	14.3	●	→	Annual change in forest area (%)	9.4	●	→
SDG6 – Clean Water and Sanitation				Imported biodiversity threats (threats per million population)	30.6	●	→
High-income countries: population using safely managed water services (%)	NA	●	→	SDG16 – Peace, Justice and Strong Institutions			
Other countries: population using at least basic drinking water services (%)	NA	●	→	Homicides (per 100,000 population)	1.0	●	→
High-income countries: population using safely managed sanitation services (%)	74.2	●	→	Prison population (per 100,000 population)	150.8	●	→
Other countries: population using at least basic sanitation services (%)	NA	●	→	Population who feel safe walking alone at night in city or area where they live (%)	62.0	●	→
Freshwater withdrawal as % total renewable water resources	5.3	●	→	Government Efficiency (1-7)	4.2	●	→
Imported groundwater depletion (m³/year/capita)	4.4	●	→	Property Rights (1-7)	5.8	●	→
SDG7 – Affordable and Clean Energy				Birth registrations with civil authority, children under 5 years of age (%)	100.0	●	→
Access to electricity (% population)	100.0	●	→	Corruption Perception Index (0-100)	77.0	●	→
Access to clean fuels & technology for cooking (% population)	100.0	●	→	Children 5–14 years old involved in child labour (%)	0.0	●	→
CO ₂ emissions from fuel combustion / electricity output (MtCO ₂ /TWh)	1.6	●	→	Transfers of major conventional weapons (exports) (constant 1990 US\$ million per 100,000 population)	0.3	●	→
Share of renewable energy in total final energy consumption (%)	9.2	●	→	SDG17 – Partnerships for the Goals			
SDG8 – Decent Work and Economic Growth				Government Health and Education spending (% GDP)	14.6	●	→
Adjusted Growth (%)	-1.3	●	→	High-income and all OECD DAC countries: International concessional public finance, including official development assistance (% GNI)	0.2	●	→
Slavery score (0-100)	100.0	●	→	Other countries: Tax revenue (% GDP)	NA	●	→
Adults (15 years +) with an account at a bank or other financial institution or with a mobile-money-service provider (%)	99.5	●	→	Tax Haven Score (best 0-5 worst)	0.0	●	→
Employment-to-Population ratio (%)	73.0	●	→	Financial Secrecy Score (best 0-100 worst)	51.2	●	→
Youth not in employment, education or training (NEET) (%)	11.4	●	→				
SDG9 – Industry, Innovation and Infrastructure							
Proportion of the population using the internet (%)	88.2	●	→				
Mobile broadband subscriptions (per 100 inhabitants)	130.7	●	→				

PART 4. COUNTRY PROFILES



Fiduciary duty and good governance.

It is important to reiterate why we seek good governance in Queensland. Firstly, it may be the most efficient, effective and ethical way to trace accountability for the relationship between the 'state' and its people. Secondly, it is a necessary part of long term assurance that any Human Rights Act will endure while systems are being tested by the people and the independent review mechanisms. These independent eyes include local, Queensland, national and international entities. A series of **UN Special Rapporteurs have visited Australia** over the past decade, making recommendations to the UN General Assembly and Australian government(s) and the people. Those highlighted **Indigenous Inequality, Safe Migration, and Domestic Violence**. To date minimal implementation on those UN recommendations is evident, although a tsunami of goodwill hails in desirable changes.

***Fiduciary duty:** A legal obligation of one party to act in the best interest of another. An individual: in whom another has placed the utmost trust and confidence, to manage and protect property or money. The relationship: wherein one person has an obligation to act for another's benefit. (Gurria, OECD 2015; Davis, 2018)*

Several issues were strengthened in the 2017 Transparency International conference in Brisbane. The National constitution has four components not three, which goes hand in hand with Human Rights. **Our politicians** are entrusted to make decisions on our behalf, which is why we elect them. Our **bureaucracy** is empowered to execute the planning and implementation of those directions, being sensitive to those most vulnerable. Codes of Conduct are articulated by government and professional bodies guide appropriate behavior and professionalism with sensitivities. Our **judicial system** is there to enforce the spirit of the law and to guide the decisions that trigger ethical community outcomes. **Independent reviewers** strengthen systems to prevent recurrence of wrongdoing and to refine fairer policy and practice.

Independent review includes but is not limited to: (1) Fairness aligns with the Ombudsman, (2) Transparency with the Integrity Commissioner, (3) Accountability aligns with the Auditor-General and (4) Honesty with the Crime and Corruption Commission. However, those roles alone may not be enough to demonstrate democracy in this era, where informed citizens seek a voice where there is perceived inequity and wrongdoing. 'Public office is a public trust' (Accountability Roundtable Queensland 2013). The Bill prescribes a broader scope for the 'Human Rights' Commissioner and a staged approach is recommended so that an informed set of strategies can implement desired changes.

UNAAQ supports the proposal that the role of the Human Rights Commissioner extends to a broader brief to address the broader scope proposed, than that of the current Anti-Discrimination Commissioner, and that a staged approach will accelerate effectiveness based on new policy, existing practice and improved process.

Civil Society has rights but also responsibilities to speak up and guide our preferred future. CS includes: local elders, community leaders, advocacy groups, international charities locally, professional bodies, industry bodies, private sector interested in corporate social responsibility, UN global compact partners, universities, early childhood providers,

vocational educational institutions, and interested individuals. Each entity has a **obligation to speak out** when witnessing wrongdoing, and **the right to be protected** when doing so.

How to fund and implement HR Act

Because systems are already in place, albeit shallow in some places, strengthening existing systems might suffice for some policy implementation. However, there is a need for proactive interventions at the beginning of the policy cycle, and bolstering transparent systems at the responsive phases, leading from a policy cycle to a policy spiral in the right direction seeking iterative improvement. Please refer to policy cycle in the appendix.

Input from all parties indicates that **proactive phases** are vital in policy development and implementation: regulatory frameworks, stakeholder assessment, community education, prevention strategies, and early intervention. **Responsively**, shared governance lies with all individuals and organizations across Queensland: crisis support, recovery, reporting, enforcement, independent evaluation, and policy refinement.

From the perspective of an independent reviewer, a methodology to assess best ways is imperative. The following framework comprises models that were discussed across forums, and culminates in the recommendations below. PG x MC x 4RV x PA = transparent human rights program.

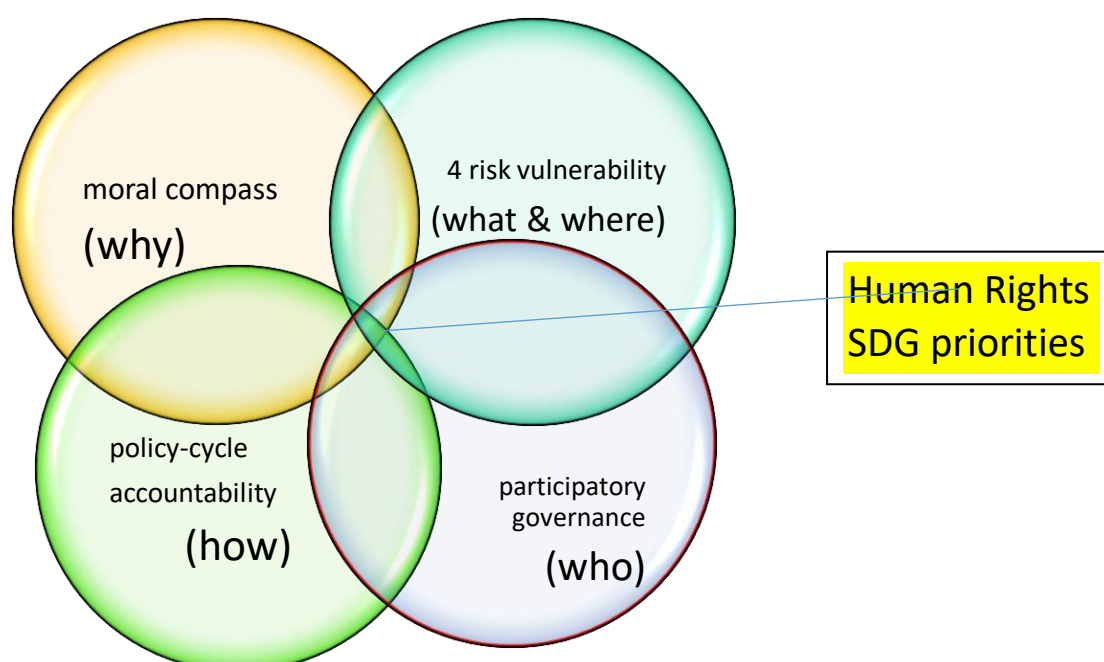


Figure 1: PG x MC x 4RV x PA = Transparent Human Rights Program

The framework illustrates

1. Moral Compass – to define why we invest in Human Rights and allows for priority setting for principles of good governance.
2. Risk Index – to define what and where with geographical region needs exist with well measured complex data that shapes components for vulnerability. These components include (1) exposure (uncontrollable hazards), (2) susceptibility

(probable impact of harm), (3) coping (social capacity to respond), and (4) adaptability (resilience attitude and capacity).

3. Public Policy Cycle (or contemporary advanced Spiral) – to define how to fund both proactive and responsive formulae across 8 phases.
4. Participatory Governance- to ensure the human-centred policy is evidenced inside the Human Rights Program, to close the loop.
5. The overlap is where we define which HR Sustainable Development Goals take priority.

However, as in any political system there must be flexibility to both maintain rigour for the main games as well as entertain urgent matters that might need to be addressed.

UNAAQ seeks an opportunity to work proactively with the Queensland Government and the Human Rights Commissioner in 2019 and 2020 to enhance the benefits of this program.

Conclusion:

UNAA Queensland:

1. **welcomes** the introduction of this version of a Human Rights Bill for Queensland
2. restricts its detailed review to **UN Special Rapporteurs** recommendations emphasizing **Indigenous Inequality, Safe Migration, and Domestic Violence**
3. wishes to focus on investment into better **proactive** policy implementation so that the lowering social and economic costs through **prevention** can be realized, through better community education through civil society stakeholder training (not just TV ads), early intervention with personal responsibility to act, to report concern without reprisal, and to prevent and mitigate impacts of wrongdoing
4. seeks **strengthening responsive** systems and **broadening the responsibilities** for crisis intervention, remedy, recovery support systems, enforcement, program evaluation, and iterative policy refinement
5. encourages **partnerships for community education** in 2019 and 2020 to ensure broader stakeholder access to Human Rights understandings. UNAAQ already has a wide network of individuals and organizations with expectations for better Human Rights.