

2018 SECONDARY SCHOOLS PARLIAMENTARY CONVENTION

Does the constitution meet the needs of modern Australia?

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The SPEAKER (Ms Maree Edwards) took the chair at 9.07 a.m.

The SPEAKER (Ms Edwards) — Good morning. My name is Maree Edwards. I am the member for Bendigo West and the Deputy Speaker of the Legislative Assembly. I welcome you all to the Parliament of Victoria. I hope that you all have a wonderful day today. I have chaired these conventions before and I know that there are some great ideas that are produced by the students participating. We have schools from right across Victoria here today, along with teachers and support families. I hope that you enjoy your day very much.

To commence today's proceedings we are going to have a welcome to country. Perry Wandin will do our welcome to country. Perry is a proud Wurundjeri man. He commenced delivering welcomes and smokings on country following the death of his father 11 years ago. Perry undertakes cultural duties to honour the legacy of his father and his ancestors. Perry has recently completed a certificate IV in government investigations and has been registered as an Aboriginal heritage officer, with the aim to investigate and aid in the prosecution of breaches of the Aboriginal Heritage Act 2006. To date Perry is one of only three registered Aboriginal heritage officers in the state. Please welcome Perry.

Delegates applauding.

WELCOME TO COUNTRY AND OPENING

Mr WANDIN — Thank you, Maree. Good morning, everybody. Firstly, I would like to pay respects to all elders past and present, any elders that could be here today, of course our up and coming students — the next generation for us — and teachers and parents as well. As Maree was saying — and thank you very much for that — that is something that I hope most of our families will go ahead to do as well because it is very important for us to get our culture.

Our culture is all about what is in the ground. We are above it because of where the next generations come through, but what we have found in the ground over the years is really astounding because a lot of people do not believe that there are still stone artefacts in the ground. Only 18 months ago they did a 6-metre dig at the *Age* building for a new car park down below. They found five artefacts dating from 30 000 years ago. That is a very good story, because when we go out further, out where we see all these buildings and new housing estates getting built, we will do a walkover first before anything is touched. There are artefacts on the old farm sites everywhere. Then what we will do is we go back to a table similar to this and we will work out a strategy of how we are going to go with archaeologists to recover what is there. It tells our story because it tells where my family moved from tributary to tributary, which rivers, creeks — and it does tell the story all the way to Melbourne, because the Yarra River was our lifeline. We are also known as Yarra Yarra people.

I am very proud to say that I am a descendant of Simon Wonga, who passed to William Barak. William Barak passed it on to my great-grandfather, Robert Wandoon, and that was 1863 to 1924. Remember, Aboriginal people were locked up in missions all over Victoria, with another five. My great-great-great uncle would knock on these doors here, but he had to get a permission slip to walk in — it was a two-day walk. He would bang on the door, usually get nothing and go back. But all he wanted was just another jumper, some more food and clothing for the children. When they first started off there was only 30 to 35 Aboriginal — it was women and children. Do not forget, it was not only Wurundjeri people, there were people from Bunurong down south, Tunnerong over the north, Wathaurong over to the west and some Gurnai/Kurnai. By the time — in 1924 — they had finished and shut the joint down, most of my family went down to Lake Tyers. But, as I was saying, William Barak had already set up a communication with Parliament to try and get things better, so it was an opening of doors. Most of us Aboriginal people are trying to move on and trying to get that one step closer to our goal.

As you can see, I have got very pale skin. My mother was English, which is a good story: I have got good heritage on that side too because my grandfather's name was Harry Potter. I just thought I would put that in — that is very true. As you can see, I am very proud to stand up for both sides of my family — a bit of a shame I do not get any kickback on the Harry Potter side. I am here to express how I feel about my culture, anyway. In our Woiwurrung language, Ngurungaeta, or a lot of people do say, 'Wominjeka yearmann koondee bik Wurunjeri balluk', meaning welcome to the land of the Wurundjeri people. I hope you students have a great day, and I hope maybe one day we say that back in 2018 there were a couple of students here that went on to politics or even further, so thank you.

Delegates applauding.

The SPEAKER — Thank you very much, Perry; it is great to hear your story. Can I welcome now Ms Judith Graley, MP, who is the Parliamentary Secretary for Education with the Andrews Labor government. Judith will introduce the topic of the convention: ‘Does the constitution meet the needs of modern Australia?’. Please welcome Judith.

Delegates applauding.

Ms GRALEY — Thank you for that very warm welcome and, Perry, for that wonderful welcome to country. I too would like to begin by acknowledging the traditional owners of the land on which we meet and pay my respects to their elders both past and present and any elders with us today. I would also like to acknowledge the Deputy Speaker, the member for Bendigo, Maree Edwards; Morgan Begg, research fellow at the IPA; Laureate Professor Emeritus Cheryl Saunders from the University of Melbourne; and the many teachers, students and parents who are here today.

This is a really great day for you to come into the Parliament. Next week is the last week of the parliamentary sitting cycle, so you are sort of squeezed in between a government and a Parliament that will be going to an election after next week. So next week is the final week, and you are here in the second-last week of this house in 2018. I am really delighted to welcome you to what is essentially my workplace, the Parliament of Victoria. When I say that I still get shivers. There is a bit of, ‘Oh, goodness me, how did I get here? What did I feel? God, what a privilege it is’. It really is a privilege to serve in this place. When Perry suggests that some of you might like to go on to be members of Parliament, despite all the shenanigans of recent times and your mum and dad probably screaming at the TV and shaking their fists at the MPs, it is a noble cause to put your hand up to be an elected representative and represent your community in this house.

This building goes a long way back. When students come to visit me at the Parliament the little ones always ask me if the gold is real. It is, because that gives us an indication of where this house came from. It came from the golden era in Victoria. For over 160 years this has been the home of democracy in our state, and indeed for 26 years the federal Parliament sat here while we were creating Canberra. You probably think that might have been a mistake too after the last couple of weeks, but they sat here for 26 years as well. Indeed Australia’s first Prime Minister, Sir Edmund Barton, sat in this chamber.

When you came into the Parliament — you probably came up the steps — you probably saw that we fly the Australian flag and the Victorian flag, and as of recent times actually, Perry, I am very proud to say that we also fly the Aboriginal flag. I think it indicates that this is not only a place that was created 160 years ago for meetings but actually the local Aboriginal tribes, the Wurundjeri and the Boon Wurrung, used to have meetings on this very space. So this has always been a place where people have come to talk and make decisions about the future.

You have got a big day ahead of you, and you have got a big topic. I can recall almost debating this topic when I was doing politics at university. I have got to say it is a hard topic because the constitution is so revered — and so it should be — but we also know that it is a document that has not changed much. So there is your debate, I suppose: does a document that was created over 120 years ago stand the test of time today? It is a hard one, because, as you know, there have been 44 attempts to change it. Does anybody know how many times they have succeeded? Eight. That says something about Australia. Maybe it says something about the Australian people. Maybe it says something about the constitution. Maybe it says something about our government.

You are probably not old enough to remember the last referendum we had — well, gay marriage, you would remember that one — way back on changes to the constitution which were required around the republic. I can actually remember thinking as a republican, ‘Everybody wants to be a republican. Everybody wants have a republic in Australia’. But I recall that once the Prime Minister decided he did not want a republic and then the question was conjured up in such a way as to make it very difficult to decide which sort of republic we were going to have it split the republic movement in half and what seemed to be like a lay-down misere, like an easy get — sure, we were going to be a republic — became a very messy debate. When people become confused over questions like that, they often vote no, especially when the Prime Minister of the time was telling them to vote no.

That was a really robust debate, as I recall it. I remember standing on the polling booths that day and handing out material. The polling booth that I was standing on actually voted overwhelmingly for a republic. But I also recall talking to friends about it, and they said that where they were people were just saying, ‘We don’t want a change. We don’t want things to change’. That is one thing about the constitution. It throws up all those wonderful questions about how much change we want, how much stability we want. From my experience when people are looking at the constitution they like to think it has served us well and it has gone along okay, but the world you face — the world we face in the future — is very, very different from 117 years ago. So how the constitution will cope with that in the future will be very, very interesting. That is your debate today. It is a great debate.

You have probably visited here and seen question time. I actually sit just over here. The Premier sits here, the Deputy Premier sits here and the leader of government business sits here. So I have a very good view of question time. You have probably seen it, and it is very rowdy and noisy and things like that. Well, my plea, my ask for you today, is not to behave like we behave at question time actually. I am sure that Deputy Speaker would say that as well. I would ask you to show a lot of respect for people when you are in this chamber and indeed in every aspect of your life. Respectful debate is really crucial to a healthy, thriving democracy, and you are going to have a little bit of playtime here today to give it a go.

So my advice is: listen very intently to what people are saying. People have often put a lot of work into thinking about what they are going to say. Having the capacity to listen — I am sure your mother said you have got two ears and one mouth to do twice as much listening as talking and it is good advice, especially when you are in a chamber like this, because sometimes it is not just the straight-out arguments that are being made, it is the nuances in the arguments as well. Irrespective of whether you agree with what people are saying or not, that person in our Australian democracy has a right to say it. I know we all want to guard that. When we see events all around the world where people’s rights to speak out are being trampled on by autocratic governments, this place is still a thriving democracy, and we want to keep it that way.

We are going to hear from you students today. We are very pleased to be able to say that your views will be taken back to the Minister for Education. He is very, very keen to hear your views because we really want to know what young people think about issues, and this is an important one.

Have a great day and all the best. I would like to finish with a quote from John Quincy Adams. He was the sixth President of the United States and served from 1825 to 1829, so in fairly tumultuous times. He said:

Always vote for principle, though you may vote alone, and you may cherish the sweetest reflection that your vote is never lost.

Stand up for what you believe in, I think that means, and do not feel lonely; feel empowered by the fact that you know that to be right.

It gives me great pleasure to declare the 2018 Secondary Schools Parliamentary Convention open.

Delegates applauding.

The SPEAKER — Thank you very much, Judith. For those of you who do not know, Judith has done a power of work in the education field, particularly around policy. She is retiring at this election, so we wish her all the very best for the future. This will be her last student convention. I think she had done a great job coming along each year to support the students who participate. Thank you very much, Judith.

Delegates applauding.

OPENING STATEMENTS

Does the constitution meet the needs of modern Australia?

Ms IWUAGWU (Avila College) — The Australian constitution does not currently meet the needs of modern Australia because Australia has come a long way from being settled as a convict colony of Britain in 1788, and our parliamentary system should reflect this. Remaining a monarchy under Britain is no longer necessary or beneficial to Australia. It is in fact hindering Australia from developing and maturing as a nation state. Australia is more than capable of functioning as a nation without the assistance of the monarchy, as many former British colonies around the world currently are.

As a first-generation Nigerian-Australian, I only need to look as far as the country of my ancestors to observe just how much positive change and development in identity can occur after abandoning the monarch as head of state. Since claiming independence from Britain in 1960, Nigeria has flourished as its own nation, developing its own flag, policies and culture unique to the nation, which are celebrated.

Becoming a republic does not necessarily mean that Australia needs to cut ties with Britain, but it does allow Australia to continue progressing as its own nation and fully exercise its emancipation from the mother country. Additionally, it has been over 100 years since the current constitution was written and the needs and nature of our country have changed drastically in that time. The Australian constitution fails to recognise just how multicultural Australia has become over the years. Over 40 per cent of the population, myself included, have dual citizenship, which they will have no choice but to renounce in order to be a member of Parliament, due to section 44 of the constitution.

Mr SZAJRYCH (Bialik College) — Written in the 20th century, our constitution has seemingly served us well and been an accurate indicator for Australian sentiments. This is not the case. States in Australia under constitutional law can pass legislation specific to race and/or ethnicity. The idea that races require laws different from others is not only ignorant but also an idea that very few Australians would stand by today. To argue that racism at a parliamentary level is forgone by the federal Racial Discrimination Act 1975 is simply false. Acts can be overruled and serve only as temporary fixes at a societal level. It is not nearly enough to temporarily fix racism at a governing level. A more permanent solution, in the form of constitutional change, must be found. Our constitution binds us Australians to the land we call home. It is, from the sunburnt plains of Victoria to the wilderness of the Northern Territory, the document that unites us in brotherhood under the Southern Cross. We are the exemplars of multiculturalism in this world. We are a nation built on the backs of migrants, no matter their colour, sex or race. We are a nation of mateship, of equality and of a fair go. We are a nation of tolerance and not, as our constitution tells us, one of inequality and racial discrimination.

We must, as the Australians of tomorrow, right the wrong which has plagued our predecessors for generations and repair the constitution — repair and redesign it to one which propels Australia into a vibrant future, and not one which anchors us to the prejudices of the past.

Mr HUANG (Camberwell Grammar School) — I would like to start this speech by trying to figure out and define what the needs of modern Australians are. I believe that modern Australia requires a constitution that can adapt to the social climates of the modern era and that protects our interests as a democracy. Indeed, that is exactly what the constitution has done for us for over 118 years. If constitutional change really was necessary, if we did need to change, then people would be clamouring for a referendum or indeed an act of Parliament. The fact is people are not. The recent issues that have called for such change either have not received enough public support or do not have enough substantiality to actually see success in the Parliament.

Do not get me wrong, I am not against change. I am not against changing the constitution to reflect our new needs. However, we should not change the constitution on a whim. We should not do it because there is suddenly a surge of interest. We should consider: do these changes reflect our base principles and are these sustainable for the future? When we do not apply these principles to our decision-making, then our proposed changes may be such that it could be foolish to apply proposed changes that do not reflect the views of Australians and may unnecessarily divide and disrupt people.

Ms COX (Frankston High School) — We believe that the Australian constitution does meet the modern needs of Australia. The Australian constitution is the single most important document in Australia's history. It created the commonwealth in the states and made Australia one nation. The constitution was passed as part of a British act of Parliament in 1900 and took effect on 1 January 1901. Even though the constitution was written prior to technology and our progressive world, some may say that it does not meet the modern needs of our society. Our forefathers who wrote the constitution set out clear powers for our state and commonwealth governments. The High Court was created within the constitution to interpret it, solve constitutional disputes and keep it relevant in modern times.

If the constitution wording needs to be altered, it must be done via referendum. This must receive a double majority in favour of the change to occur. This ensures that only changes that benefit the people in the states pass the referendum, and so far only eight out of 44 have been successful. This suggests that all the appropriate alterations to the constitution so far have already been made. Consequently, it leads one to think that the

constitution does actually meet the needs of modern Australia, otherwise suitable changes would have already been made.

Mr SUBAŠIC DE AZEVEDO (Glen Waverley Secondary College) — Before I begin, I would like to talk about what the current values of Australian society are. As we already talked about, multiculturalism is one of the major and foremost values that our current society has, with another recent value being recognition of Indigenous Australians and a third being to make sure everyone has a fair go, no matter what race, no matter what religion and no matter what background.

So, in the question of whether the constitution — 117 years ago, by our forefathers — does indeed meet the needs of modern Australia, I think the answer is no, even though out of 44 referendums only eight passed. The point of having these referendums, and the point of having the majority in both population and having four states agree to it, is so governments can understand what the views of the population are and act accordingly.

Right now we have a constitution that does not reflect our values. It does not reflect our values on multiculturalism, and it does not reflect our values of Indigenous Australians. If we want to be as radical as our forefathers were and as innovative as Australia is, and if we want to ensure that Australian values are truly represented in our constitution, we need to give it a go and make sure we have referendums that are not rushed, but done right — referendums where people truly understand what the topic is about, without tricky wording. The time for us to have referendums and the time for us to ensure that our values are represented in our constitution is right now.

Mr McLEOD (Haileybury College) — The constitution of Australia was initially created in order to assure that Australia, as a democracy, could function in a proper manner. However, I think that we can all agree that since 1901 societal values and beliefs have changed dramatically, both for good and bad. As a result of this the laws and acts that make up our country have changed significantly; however, our constitution has only been ever changed eight times.

However, the constitution was not implemented with the intention of being changed numerous times. The reason for this is the constitution is the large and broad set of rules on how to run our country, and hence it does meet the needs of modern Australia, as its role of being the highest law in Australia still functions successfully. It is not the role of the constitution to ensure equality or to change public opinion. That is instead the role of the laws and acts implemented by the Australian Parliament.

Now, do I think the constitution is a little outdated? Probably elements of it. But that is not what we are here to debate. What we are here to debate is whether it meets the needs of modern Australia. So I ask: what are the needs of modern Australia? To survive, to have a decent life, to have plenty of opportunities, as after all we are a land of opportunities. If these are the sorts of things that are the needs of modern Australia, then I would say that Australia has them and the constitution has helped to ensure that the basic needs and necessities are given to all people. Because of this, the constitution does meet the needs of modern Australia, given its purpose in our society.

Ms MARTEN (Islamic College of Melbourne) — The Australian constitution is a set of rules on which the country is run. The constitution commenced in 1901, over a century ago. In that time it is inevitable that changes have occurred, thus meaning there should be amendments to the constitution. As the world is constantly changing and moving forward with the help of globalisation and technology, it makes sense that the laws should move ahead with them. If anything, the constitution should be ahead of us, as people can still do harmful things in society without being punished or charged since there are no laws pursuant to the acts they have committed, thus putting courts in the position of judging crimes with outdated laws. This could be avoided if we were to just modify the constitution to fit today's needs.

Another thing is that a lot of the constitution is still very British-centric. An example of this is section 44, which talks about how people in Parliament should not have dual citizenship. We are living in a country which acknowledges many other cultures. It will only make us look like a backward society if we continue with such little diversity in the Parliament. Only a handful of representatives reflect the diversity in Australia, and it is time that the Parliament had more representation of our multicultural society. A few people have suggested that the government should build up a small, long-term constitutional review commission which should be charged with assessing the constitution, creating a proposition for change, taking opinions into consideration and teaching the general population. I am in complete agreement in the forming of this commission to make necessary changes.

Mr GARDEN (Kingswood College) — Our Australian constitution is the nation's fundamental legal framework from which all government action is derived and legislation forged and sculpted by the flames of our prior democracy. It is Australia's essential legal document that fails to recognise the history of Australia's first peoples. This unjust lack of representation in our constitution is not simply a matter which should concern Indigenous Australians; rather, this subject reflects the values that we hold at the core of our national identity. Recognition of Indigenous Australians in the constitution means distancing ourselves further from the laws responsible for suppressing Aboriginals and Aboriginality.

The function of national referenda were established for the very purpose of accommodating Australia's dynamic political landscape. To refute this potential reform for the sake of traditionalism and Australia's historical perspective is to violate the very nature of the constitution itself.

In 2009 former Senator John Faulkner said that our constitution had been drafted as neither an act of defiance nor one of reconciliation, and that is the beauty of the constitution. Its creation was a careful, deliberate action by elected representatives, not bureaucrats or aristocrats. Our constitution was drafted and redrafted, criticised and then revised to better serve us, Australians.

Unlike the foundations of democracies and governments all around the world our constitution was built and remains to serve the interests of the people, lest we allow our ancestral bigotry to overrule the more central values of our constitution, democracy and opportunity. Constitutional recognition of Australia's first peoples is an issue that transcends party politics. It is much larger than any amendment to a legal document. This political reform would mark the true beginning of Indigenous reconciliation, a sentiment that extends much further than simply saying sorry.

Mr ANGELOVSKI (Lalor North Secondary College) — Today I am here to discuss: does the constitution of Australia fit in with our modern-day society? It is a long, hot and debatable topic, which has been debated for many, many years, and I am here to tell you my opinion. I believe that the constitution of Australia does fit in with our modern-day society. The constitution of Australia was formed to unite the people in peace and harmony. At that time many other constitutions around the globe were formed after bloody conflicts and wars. The people who wrote our constitution did not have the intention of this and did not have the intention of war or authoritarian rule steering the creation of our system of government. Instead there was great hope about the future and the possibilities of this democratic nation. The constitution of Australia works to this very day and keeps us in line. But think about it like this: if the constitution did not work, neither would our nation. We would not have all the privileges we have now. Although the constitution is really good, it has some flaws, such as that Aboriginal people were only given voting rights in 1962 and were only included in the Australian census after 1967. These events show important reconciliation among the people.

Mr ALJALI (Lalor Secondary College) — Does the constitution meet the needs of modern Australia? The constitution has served this country well in developing into a free and prosperous nation that is admired around the world. The Australian constitution was given royal ascent on 9 July 1900. That is 118 years ago. Surely a lot has changed, whether that is social, demographic or technological changes that have occurred in Australia. For instance, we did not resist technological changes that have occurred, such as the internet and cybersecurity issues that came with that. We did not tolerate same-sex marriages and the changes to the tolerance and attitudes of the Australian public when the constitution was established, but society has progressed. We as Australians view these now as fundamental to our society, and therefore they should be defined and protected under the supreme law that is the constitution.

Shouldn't we update and amend the constitution to allow government to operate in a more efficient and progressive manner, which this country well and truly deserves? Some may argue that we should not constantly modify the constitution every time something new occurs, and that is a valid point. But after well over a century since implementation I think the constitution would help maintain law and order, social cohesion and prosperity. An example of this would be the internet.

This technology has already proven that it will have a great role in the future of this nation. It has already altered the economy, social structure and security. Therefore it should be implemented into the constitution to serve this country for hopefully another century to come. Overall the constitution does not meet the needs of modern Australia. Thank you for your time.

Ms DUNN (Leongatha Secondary College) — The Australian constitution is indisputably the most important document in Australia. For the most part it remains a valid and useful document that meets the needs of a modern Australia. However, there are small changes that need to be made to the constitution that will make a world of difference for equality in our society.

The Australian constitution needs to be altered to recognise Indigenous Australians as Australia's first people and the traditional owners of the land. This is needed for the constitution to finally fit all Australians regardless of heritage. Both sections 25 and 51 of the Australian constitution currently allow the commonwealth government to validly enact laws that are racially discriminatory and contemplate disqualifying people from voting on the basis of their race. This kind of power has no place in a modern Australia that is increasingly multicultural and progressive.

These changes are needed to address the history of abuse and exclusion suffered by Aboriginal and Torres Strait Islanders along with other ethnic minorities and to enshrine the principles of non-discrimination into our constitution. Being a young nation, it is essential that Australia's constitution aligns with the modern views, values and needs of today's Australia, not the Australia of yesteryear.

Mr SHALEVSKI (Marist College Bendigo) — The Australian constitution is the backbone of our society. It contains the vital information regarding how the Australian government will be structured and which tier of government has power over certain affairs in our country. Our constitution was first enacted over 100 years ago, in 1901, and over that tenure, as we all know, only eight successful referendums have occurred. Eight changes in our constitution are hardly enough to account for the drastic amount of social and economic growth Australia has experienced over that period of time.

As Australia develops and changes into a more diverse and modern society, so should the backbone of our country. The initial preamble lays the foundation for all following sections and expresses our aims and our objectives as a country. However, it fails to acknowledge the traditional owners of this land, the Aboriginal owners of this land, the Aboriginals and Torres Strait Islanders.

Without this acknowledgement the preamble blandly ignores Indigenous Australians. By failing to recognise Indigenous Australians for their original ownership and history, we misrepresent our country's origins. It is not a necessity for this addition to the preamble to be complex or highly sophisticated; it merely has to be implemented in order to serve justice for all Indigenous Australians, and it will provide an important and symbolic step towards reconciliation.

Ms ROGERS (Marymede Catholic College) — Good morning, elected officials, guests, teachers and students. On behalf of Marymede Catholic College and the people of Melbourne, I would like to respectfully acknowledge the traditional owners of the land on which we gather, the Boon Wurrung and the Wurundjeri people of the Kulin nation, and pay respect to their elders past, present and emerging. I would like to thank the Victorian Parliament for hosting this fantastic event and giving me and my fellow students the chance to attend this once-in-a-lifetime opportunity.

Today we are here to discuss the Australian constitution. The Australian constitution is a supreme law dictating how the government and the commonwealth of Australia operates and how the national governing body must interact with parties at state level. The Australian constitution was drafted at a series of constitutional conventions held in the 1890s. It was passed by the British Parliament as part of the Commonwealth of Australia Constitution Act 1900. It took effect on 1 January 1901.

The constitution is the basis of all legal proceedings within Australia and can only be changed by a referendum. The view that my fellow students and I have debated in class is that the Australian constitution does not meet the needs required to have a modern Australia. We have discussed some of the following arguments.

Our arguments supporting the topic are: constantly changing the constitution gives the image that Australia cannot make up its mind; our constitution keeps a firm, united country. Our arguments challenging the topic are: the Racial Discrimination Act of 1975 is unstable and constantly changing, and this reflects our constitution as being unstable; it would improve the effectiveness of our nation's democracy by increasing the protection of all rights of all Australians. On behalf of Marymede Catholic College, thank you.

Ms McPEAKE (Mater Christi College) — Since its implementation in 1901 the Australian constitution has only received eight updates, with the most recent change, which established a retirement age for Federal Court judges, gave territories the ability to vote in referendums and outlined the procedures for Senate vacancies, having occurred in 1977.

While it is critical that the constitution remain stable, with a referendum success rate of only 18 per cent in our changing society it is easy to understand that the constitution needs to be updated. Australia's values and beliefs as a community have changed significantly since the constitution was written, but these changes are not all evident in our constitution.

Australia was formed on foundations that incorporated racist and discriminatory beliefs and a fear of multiculturalism that are yet to be eradicated from our constitution. Clear examples of this are the lack of recognition of Indigenous Australians as the traditional owners of the land and section 44 of the constitution, which does not allow a person holding dual citizenship to serve our country in Parliament. These archaic beliefs no longer encompass the opinions of the majority of Australians but are still ingrained in our constitution; therefore it needs to be changed.

Another area of the constitution whose applicability is questioned is the requirement for both state and federal parliaments. Due to section 109 of the constitution, any situation in which there is a contradiction between state and federal law, the federal law will prevail. Through various High Court rulings since 1901 the jurisdiction of state parliaments has decreased significantly. State governments also operate on a far smaller budget and are therefore unable to provide funding for all necessary areas and therefore rely on grants from the federal government. The grants —

The SPEAKER — The member's time has expired.

Ms R. BROWN (McKinnon Secondary College) — A challenge for the constitution is in meeting the needs of a diverse population who hold a variety of political views. Even our school group of eight students found it difficult to reach a consensus about our group view of the constitution. After much debate, however, we reached an agreement on three issues: the lack of recognition of Australia's first peoples and their claims to traditional lands, the problems associated with dual citizenship for residents of Australia wishing to enter Parliament and the need for a bill of rights.

On 27 May 1967 Australians voted overwhelmingly in favour of changes to the Australian constitution that allowed for the improvement of services available to first peoples. These changes focused on two sections of the Australian constitution: sections 51 and 127, which discriminated against our first peoples. However, although the referendum was successful, in some ways the public misunderstood what they had voted for. Most Australians thought that the 1967 referendum would allow full citizenship rights for first peoples, but the referendum did not give the first peoples the ability to vote, receive land recognition, equal pay or citizenship rights — issues that needed urgent attention.

A further example of how the constitution has become dated can be seen under section 44(i), which fails to reflect the changes in the ethnic diversity of Australia's current population. This has ultimately led to the recent flurry of politicians forced to resign owing to their dual citizenship status. At the time the constitution was written, white settler citizens were effectively the only people who could have been elected to represent the nation. Today 51 per cent of Australians are either born overseas or have at least one parent born overseas. This means that many Australian citizens have citizenship rights in more than one country. To represent the Australian people, individuals are expected to renounce their original citizenship, which has significant implications on their options to maintain links to their heritage.

These examples highlight the need for the constitution to change to keep its relevance to the greater Australian society. Thank you.

Mr KING (Melbourne High School) — Good morning. The current constitution that is used by the commonwealth of Australia does not meet the needs of modern times. A constitution is defined as a document consisting of a series of fundamentals that must be used to run a country correctly; therefore due to the out-of-date foundations that the constitution currently sits on and the power that the constitution has in governing Australia, the document needs constant review and updating in order to stay in line with the priorities of its citizens.

A vital aspect to being a successful country is having relevant laws and processes that can adapt to how modern society is structured. In the 21st century this includes recognition of the rights of Indigenous Australians and minority groups, and defining what it means to be Australian. The legally binding nature of the constitution gives the citizens a voice in the operation of the country, which is what being a leading democratic power is all about. The priorities and concerns of the citizens are always changing, thus demonstrating that the constitution must be periodically assessed by referendums to meet the modern needs of Australia. Why should we stand by and not act on our constitution, which is more than 100 years old, and still expect our society to develop rather than stagnate and slip behind the times? It is for this reason that I urge all present today to take a firm stance on the need for the constitution to be continually altered to meet the needs of modern Australia and to make it our duty and our responsibility as the next generation of leaders and policy influencers. In the words of former Prime Minister Malcolm Turnbull, we should ‘legislate with an eye to the long-term future’ of the nation. Thank you.

Ms F. BROWN (Methodist Ladies' College) — Australia's constitution was introduced in 1901; it is currently 2018. Over 100 years later it has barely changed, whereas Australia, its people and its needs have. While some elements of the constitution are still relevant and applicable, it is also outdated in a number of ways. For one, it was formed under British sovereignty, which is problematic in how it continues to disrespect the Indigenous people and does not recognise that we are on stolen land. We continue to live in a constitutional monarchy, which is not only not only relevant to our independent nation but also disregards the impact of white settlement on Indigenous people. Going forward, Australia needs a constitution that meets our country's needs and reflects the values and beliefs we want to recognise and promote as a country. I believe a bill of rights would be an excellent start to having overall higher human wellbeing and mean devastating situations like offshore detention would not be possible. I also believe recognition of Aboriginal and Torres Strait Islander people is incredibly important in achieving reconciliation and having an overall better nation. The other critical issue I believe should be addressed in our constitution is Australia's global responsibility to take action and address climate change and other environmental issues.

In summary, the three critical updates that need to be made to the constitution to make it relevant to 2018 are recognition of Indigenous rights and sovereignty, the introduction of a bill of human rights and recognition of Australia's responsibility to the environment. Thank you.

Mr MANN (Mount Eliza Secondary College) — Good morning. What is a modern Australia? It is a place of dreams and a place of equality and freedom where opportunity awaits, where people work together to build a nation of respect, inclusion, harmony and gratitude, a land to rejoice in as we are young and free — aren't we?

I think we all agree that Australia is a land of diversity and multiculturalism, and as such, the constitution should reflect this. The constitution should work to unite the people it represents, not divide them. But most importantly the constitution should strive to repair our broken past by including our country's first peoples, the Indigenous people, and work towards uniting us all, because being Australian means being united as well.

Does the constitution meet the needs of modern Australia? No, it does not. The Australian Human Rights Commission states:

In addition to its legal function, the Australian constitution has a symbolic value as the ‘birth certificate’ of the nation and our identity as Australians.

The symbol of Australia expressly discriminates against Aboriginal and Torres Strait Islander people. The Australian constitution still does not make any provision for Australia's first peoples beyond a shallow 1967 referendum that embarrassingly upgraded Aboriginal people from flora and fauna to actual citizens.

Last year a constitutional convention was held where 250 Aboriginal and Torres Strait Islander delegates met with the coalition government at Uluru to discuss how to best represent the people in the constitution. They came up with a statement called the *Uluru Statement from the Heart*. As described by Stan Grant, the rejection of this statement rang as a howl in the ears of the Indigenous people:

We heard a howl of humiliation that echoes across two centuries of dispossession, injustice, suffering and survival.

I need the first people of Australia to know —

The SPEAKER — Time has expired.

Mr FRAZER (Mount Alexander Secondary College) — I would first like to mention what a unique document our constitution is. Revolutionary for the times, our constitution was crafted not in defiance of a distant empire or as a pseudo peace accord but by pragmatists attempting to overcome the administrative and mechanical difficulties of creating a new nation; thus we must recognise that the constitution as it stands successfully protects our functional, robust democracy from authoritarian rule. However, as a document drafted in the 1890s, the constitution does not represent and protect all the ideals and practical realities of modern Australia.

Of primary concern is the lack of any protections for human rights and civil liberties, particularly as governments respond to the threat of terrorism. Without these protections, preventative detention laws have been carried through Parliament, and freedom of the press is no longer guaranteed, with heavy-handed foreign interference bills threatening robust journalism.

On top of this, children have remained in indefinite detention, their fundamental human rights being abused. Secondly, recognition of Indigenous sovereignty or, if this is too problematic, the reality of colonial invasion must be included in a constitution that aims to represent a cohesive Australia. Under section 51 our constitution still carries provisions for disqualification on the basis of race, and it still allows for laws that can work against Aboriginal communities. Surely these provisions must be amended or removed in an equal, egalitarian society that respects and acknowledges its first peoples.

In the past year section 44 has wreaked havoc among our Parliament, and one phrase remains especially problematic. It refers to disqualification for those:

... entitled to the rights or privileges of a subject or citizen of a foreign power ...

In multicultural Australia this clause must be clarified and, if found that it disqualifies first and second generation migrants, amended.

Finally, in a society increasingly aware of the value of the environment, an Australian constitution could include specific provisions against the abuse of government land, unless in the greater good. Thank you.

Ms BUSH (Northcote High School) — As we draw close to the 130th anniversary of the Australian constitution's drafting in 1890, questions continue to be raised concerning its relevance in the modern age. We believe that, whilst the Australian constitution was created with the best of intentions through the democratic process, it was simply impossible for legislators at the time to foresee the torrent of social change that took place throughout the 20th and early 21st centuries, and thus some parts of our constitution have either become obsolete or counterproductive in the modern day.

When the constitution was created back during Federation the focus was not on crafting a unique constitution to fit the needs of Australia as a new society. It was instead assumed that Australia would function as a Britain 2.0. Problems arise with the constitution when it is treated as a static document. The function of a constitution is not to exist as a totally stable, timeless contract but as a basic structure for society to impose its will over. As we have seen with the same-sex marriage debate recently, the constitution can be changed and amended according to the needs of Australians. In fact our constitution's efficacy is displayed by Australia consistently placing in the top 10 countries in the world for democracy. On the whole the constitution is enormously useful, and some minor adjustments would help exponentially to keep it relevant as we move forward. Thank you.

Mr RADFORD (Nossal High School) — As we reflect now upon what has been effectively 120 years of our Australian democratic experiment and attempt to understand whether or not the constitution can continue to meet the needs of modern Australia, it is critical that we look at just how the constitution seeks to meet the needs of Australia.

Unlike many other western democracies, the Australian constitution does not seek to meet the needs of society by investing in a static bill of rights or declaration of the rights of man. Instead our constitution seeks to serve Australian people through investing its power in the Parliament, by allowing the Parliament to serve as a robust and representative means for changing our laws to meet the needs of our ever-changing society. However, one need only look at the results from yesterday's Guardian Essential poll to see that the faith of the public in Parliament at times is undermined.

Our constitution fundamentally has flaws in that, by empowering the Parliament to meet the needs of modern Australia, we empower the Parliament to meet the needs of the majority of Australians, not all Australians. As such we believe that, while the Australian constitution has served us well, it has fundamental flaws in its neglect of the minority groups on the fringes of Australian society. For now 120 years we have not yet seen any constitutional recognition or meaningful process in the constitution to advance reconciliation with the First Nations of Australia. While our constitution has served us well, it needs to change if it wants to continue to meet the needs of modern Australia. Thank you.

Mr SAXTON (Notre Dame College) — Good morning. It is my opinion that the current state of the constitution serves as an unfortunate blemish on our Australian democracy. These issues can be largely explained by the age of the constitution. It is a document created over 100 years ago that has had little change. It is a document that suits the needs of Australia in the early 1900s, not those of modern Australia.

Upon reading the constitution it becomes clear that large portions are completely irrelevant — for example, section 113, which talks about alcohol trade. I agree this is important, but surely that should be federal legislation, not something included in our Australian constitution. What if we want to change it? It would be very difficult. Section 25, which was originally created to combat racism, can now be perceived as the government having the implied right to exclude people from voting based on reasons of race.

My other issue with the constitution stems from the matter that there are few express rights offered to Australian citizens. Am I proposing the right to bear arms? Of course not. But if we can refer to the alcohol trade in the constitution, surely we should have more important things, like our entrenched human rights protected by this powerful document? In its current state the constitution does not represent the Australia I know and love. I believe we have so many intelligent and compassionate Australians in the room that surely we can improve the constitution if we have the will to do so.

Ms COOPER (Our Lady of Mercy College) — Good morning, everyone. I stand here today to speak about the pressing want for change in our constitution. I thoroughly believe that we do not need to change the constitution but argue whether it will ever be up to scratch in our rapidly changing society. Yes, we could simply change everything we deem wrong with our constitution, yet reflecting on the logistical process of doing so it would all become very costly in both time and money. If Australia is truly committed to certain issues, the Australian government should be focused on getting elected representatives to move towards a bipartisan approach, where various parties have common ground and are willing to make a compromise for the greater good.

Just look at how effective the ‘yes’ vote was just last year to change the Marriage Act 2004. The plebiscite was a far easier solution than the many referendums held to change the constitution. It really does show what can be achieved when the nation’s leaders just listen to what is important to our public. So I ask: is our constitution really worth changing, because I believe that constitutional reform is not necessary, the truth being that something does not have to be recognised in our constitution in order to have a place in our legal system. Neither our flag, our national anthem nor driving on the left-hand side of the road is mentioned in it. Not even our Prime Minister is mentioned within the writings of our constitution. So ultimately, in the words of former senator John Faulkner, as mentioned before:

Our constitution was drafted as neither an act of defiance nor one of reconciliation. It was created by pragmatic idealists, crafting a blueprint for a new nation ...

The modernisation of our constitution will not simply mend all issues our nation faces, so we should be focusing on tackling said issues effectively and efficiently, instead of taking who knows how long to change a piece of legislation that simply is not up to the standards of our modern society.

Ms MANSELL (Our Lady of Sion College) — Good morning, everyone. I speak today with the belief that whilst the constitution was important in establishing our nation, it cannot be said to meet the needs of modern Australia, as it was not written for modern Australia. Since 1901, when the constitution came into effect, Australia has evolved extensively. The 20th century was a time of rapid and unpredictable change. In 2018 our nation is almost completely different to the nation that the constitution was written for. An obvious indicator of this has already been brought up today through section 44, which outlines who can make up the Australian Parliament. It disregards migrants and people with dual citizenship and ultimately fails to allow Parliament to appropriately represent the multicultural nation it governs.

Furthermore, the constitution has a significant lack of recognition of Indigenous Australians. The constitution was formed with the intention of uniting Australia. However, Australia's first peoples were excluded from the agreement. As our country has grown and Australians have adapted their views, the constitution also needs to change to appropriately recognise the original owners of this land. Otherwise it cannot be said to meet the needs of Australia as a whole.

Overall, while the constitution does hold relevance today, time has brought numerous changes, and a number of new needs have arisen, specifically the need for recognition and accurate representation of the different groups within Australia. The constitution still allows racial and cultural discrimination and is out of touch with our nation's current values. It needs to change in order to foster diversity and as a whole cannot be said to meet the needs of modern Australia.

Ms KELLETT (Sacred Heart Girls' college) — Good morning. For the most part the Australian constitution is sufficient in meeting the needs of modern Australia. Our constitution was written ahead of its time by our educated founding fathers, not postwar or in revolution. They had aims to unify our nation, were elected by Australian citizens and took other world constitutions into consideration, thus making our democracy consistently ranked in the top 10 globally.

The constitution provides the foundations that our country needs in order to function and prosper, and there are other types of legislation that can be created and changed more easily, such as federal and state acts, to account for all other specific laws. Since 1901 there have been 44 referendums proposed, and yet only eight have resulted in a double majority. Does this mean that the right questions are not being proposed or is it clear that Australians do not want the constitution changed? Section 128 of the constitution clearly outlines how the constitution can be changed if deemed necessary. It seems that Australia is not yet at the point where fundamental changes are needed.

The Australian constitution also allows for the High Court of Australia to interpret the words of the constitution. By giving this option of interpretation, the High Court is accounting for Australia's modern needs because it allows for a breadth of social changes and technological advances to be considered under the standing constitutional legislation. That being said, our constitution is not perfect, and there are changes or amendments which can be made in order to improve our modern nation. The Indigenous people of Australia are still not acknowledged as the initial occupants of the land we now share. Their exclusion in the constitution is insulting to the multicultural identity Australia claims to have, and now, as a more inclusive society, we must now finally recognise them in the constitution. Overall, we believe that in our modern Australia the constitution is effective and sufficient in meeting our needs, but there is still room for improvement.

Mr HALDANE (Scotch College) — Good morning, everyone. There are a number of areas in the existing Australian constitution where it does not meet the needs of a modern Australia. Our constitution is a century-old document which contains clauses that do not fit our contemporary Australian demeanour. We see ourselves as a nation of fair and equal people; however, there are clauses from an outdated past in our constitution that do not fit a changing Australia. Currently our constitution has a lack of protection against a possible future tyrannous government which has ambitions to overcontrol our lives. A safeguard against this would be a bill of human rights similar to the American one.

Aboriginal recognition is a stepping stone to introducing such protections, though. Why do I say this? I believe we cannot recognise our constitution as clean from racism without recognising and admiring the traditional claims to the land. To date, there is no recognition of Aboriginal and Torres Strait Islander peoples in the constitution. Currently, though, there is a lack of momentum for reform at the federal level, but on a state level the snowball of support is getting bigger. The only way of getting the desired recognition into the constitution is to have a referendum. The two concerning clauses that should be removed from our constitution are section 51(26), and section 25. The former allows special laws to be created based on a person's race, and the latter allows states to disqualify people from voting based on their race. In order for there to be Aboriginal recognition and true equal rights, these need to be removed. In a three-step plan to a fair and equal state, this is the first step, the second being a referendum to establish with the Aboriginal and Torres Strait Islander peoples:

... a fair and truthful relationship with the people of Australia and a better future for our children based on justice and self-determination.

as stated in the *Uluru Statement from the Heart*. The third and final step is a bill of rights. Thank you.

Ms HOROZIDIS (Siena College) — We believe the constitution somewhat meets the needs of modern Australia, but with our country rapidly changing it is time to reassess some of the sections within the constitution. The constitution has worked very well over the portion of time since Australia federated over 100 years ago. This is not to deny that there are problems, which I will touch on briefly. There are huge matters concerned with certain sections which have been faced with huge amounts of public scrutiny in recent times. Section 51 empowers the Parliament to make laws for the peace, order and good government of the commonwealth with respect to the people of any race for whom it is deemed necessary to make special laws. Section 44, which deals with outdated citizenship clashes, and section 128, which deals with referenda, also clearly needs scrutiny if so many worthy amendments cannot succeed.

The constitution requires greater updates to suit all people, not just favoured members of the society of the 1900s — a very inaccurate representation of today's Australia. The constitution is made for people yet has moved further away from what people want. Everyone possesses their own values and morals. Therefore some may agree with the state of the constitution for fear of ruining something that does not need fixing, but many belonging in a minority would not stand for sections of the constitution already spoken about, which is why the change must be made. The constitution is seen by many as the country's birth certificate, a statement of its values agreed upon by all. That is why it is so important we amend its faults and suit it to modern Australia. Thank you.

Ms D'SOUZA (St Monica's College) — The Australian constitution outlines our federalism, yet the challenges facing Australia today are very different to the challenges that faced us when the constitution was written. Interestingly, section 44 of the constitution continues to frustrate many Australian politicians who have dual citizenship. Many question: is the law still relevant in modern, multicultural Australia? This issue has primarily caught my attention because it has been reported in the news frequently. The notion that people may have an alliance to another country because of their descent or the place of their birth, even when they had no knowledge of possessing such citizenship, may be implausible. The result is that this section has application well beyond its rationale. Whilst I believe it should be required that a politician has primary allegiance to Australia, section 44 could be amended using the referendum procedure to meet the needs of a more multicultural Australia, given that these strict requirements have caused a lot of irritation in Parliament.

Interestingly, there is often a gap between the letter of the law and the spirit of the law, and that gap is now a discord that threatens to engulf not just the government but our whole system of government. Ultimately, it is not the words set in stone that control us, but our ongoing sense of who we are and what we value as Australians. When the constitution or other laws have come into conflict with those values, we have historically risen up to change the law rather than ourselves, as we did with conscription, Aboriginal recognition and, recently, marriage equality. Thank you.

Ms STANCOMBE (Strathcona Baptist Girls Grammar) — Good morning, everyone. I believe that the constitution does not meet the needs of modern Australia because it does not recognise Indigenous Australians. In 2018's society multiculturalism is embraced, and the first peoples of this land should be too — officially. When Julia Gillard was Prime Minister she believed it was time to have a referendum to change the constitution in order to recognise Indigenous Australians. She said it was 'an important step to building trust and respect'. Although referendums rarely succeed, the last referendum regarding Indigenous Australians was a huge contrast, with over 90 per cent of white Australians voting 'yes': Indigenous Australians should be counted in the population. Why can't we do this again? This referendum removed all discriminatory statements about Indigenous Australians from the constitution. We need to replace them with something positive. Furthermore, 90 per cent of Australian say they would vote yes for constitutional recognition of Indigenous Australians. So why don't we hold a referendum?

The 2017 Uluru statement called for the establishment of a First Nations voice enshrined in the constitution as well as substantive constitutional change. Indigenous Australians consider constitutional recognition to be important, and thus we need to make sure that they are correctly and substantially recognised. Moreover, Australia is trailing behind the rest of the world on constitutional recognition for their indigenous peoples. Canada recognised their indigenous peoples in 1982 and Norway in 1988. This makes Australia almost 40 years behind. It is time we caught up. Recognition of Indigenous Australians in the constitution is well overdue. In the words of television journalist Stan Grant, 'We are better than this'.

Ms GIFFORD (Sunbury College) — We are here today to debate the question: does the constitution meet the needs of modern Australia? My response to this question is no. The constitution does not meet the modern needs of Australia. There are several key issues in today's modern society that are not adequately reflected in our constitution. These involve the recognition of Aboriginal and Torres Strait Islanders, marriage and citizenship. Aboriginal and Torres Strait Islander people not being involved in the Australian constitution has been debated numerous times and has also had many referendums, such as the 1967 referendum about the commonwealth including the Aboriginal and Torres Strait Islander people in Australia's population count. If Aboriginal and Torres Strait Islander people were included in the constitution, this could create true equality and the development of a completely unified nation.

In the constitution marriage is defined much differently compared to how and what marriage is now. Age of marriage is also included in the constitution. Legal age of marriage in Australia is 18 unless the court has approved a marriage where one party is aged between 16 and 18. The constitution still states that the minimum age of marriage is between 12 and 16 for girls and 14 and 18 for boys.

Section 44 of the constitution sets out restrictions on who can be a candidate for federal Parliament. Section 44(i) states:

Any person who

- (i) is under any acknowledgment of allegiance, obedience, or adherence to a foreign power, or is a subject or a citizen or entitled to the rights or privileges of a subject or a citizen of a foreign power ...

cannot be a candidate for federal Parliament. Federal Parliament has lost 15 politicians to the dual citizenship issue. Australia is a nation built on immigration and multiculturalism. Our federal Parliament does not reflect our country's multicultural society, and every single person in Parliament is just the preferred background.

The SPEAKER — Thank you, students. The time for statements has concluded. Can I just say listening to those statements was very, very insightful. Obviously a lot of work has gone into those statements. They were thoughtful; they were logical. They were quite practical in some sense and offered some solutions for the future. There were some similar themes running through those statements that you would have all picked up on. Obviously Aboriginal and Torres Strait Islander recognition was a major theme for many people. So thank you again. It was terrific to hear those statements.

KEYNOTE SPEAKER

The SPEAKER — We are now going to hear from our first keynote speaker. I would like to introduce you to Morgan Begg, research fellow from the Institute of Public Affairs. Morgan joined the IPA in 2014 to advance a major report into the state of fundamental legal rights in Australia, which was referenced extensively in the Australian Law Reform Commission's seminal freedoms inquiry. Morgan has written a number of opinion articles, *IPA Review* essays and submissions to parliamentary inquiries on a variety of topics. Morgan's interests are in preserving constitutional government and the rule of law and freedom of speech and religion, particularly as they relate to anti-discrimination laws. Please welcome Morgan Begg.

Delegates applauding.

Mr BEGG — Thank you all for the warm welcome. I would also like to begin by saying thank you to the National Curriculum Services for giving me the opportunity to speak today on an important but underappreciated topic — that being the Australian constitution and in particular how or whether the constitution meets the needs of modern Australia.

I guess I would begin right off the bat by asking: what are the needs of modern Australia? It is a question that I had some difficulty coming to a conclusion on because I think it is a subjective question. It is difficult at the best of times to quantify what the needs of the country are. I suppose you could do so through polling or surveys, but aggregating the preferences of everybody does not account for variations across different geographical areas or different value sets in the community. For instance, the needs of a town in rural Western Australia will not necessarily align with those of inner Sydney or inner-city Melbourne.

The question, I suppose, becomes: how does the constitution resolve the difficulty in addressing these varied interests across the country? The solution that I would propose is decentralisation. Decentralisation refers to the

process where authority and legal power in government is distributed away from a central location. Transferring lawmaking power to a level closer to the people that are affected by those decisions is more representative and is more responsive to the concerns of those people by virtue of sheer proximity. Lawmakers in Canberra imposing one-size-fits-all solutions across all of Australia will likely lead to blunt policy solutions, poorly designed laws and higher levels of dissatisfaction with politics and public institutions. By having numerous governments across different geographical areas — in Australia's case, these being states — public policy can better accommodate cultural differences and things such as infrastructure requirements across the country.

In these respects, I believe the original design of the Australian constitution was generally quite sound. Over the course of a series of constitutional conventions in the 1890s, the framers of the Australian constitution wisely rejected idealistic language and divisive symbolism in favour of a practical rule book. This rule book established the foundations of central government, where the Parliament, the executive branch and the judicial branch were all separated. It gave to the central government sufficient lawmaking power to address matters of national significance by way of a limited list of explicitly defined powers as well the removal of legal barriers between the former colonies. To the states it entrusted the responsibility for dealing with everything else, generally being regarded as matters of local significance. In other words, the constitution was designed to place limits on what the central government could do but gave to the states the wide scope to address the needs of modern Australia.

When the model works, the states can be the ideal vehicles for determining how the law meets the needs of modern Australia. Dividing power between the federal government and state governments allows people themselves to move to a jurisdiction which best meets their needs. To use an example where this has worked well, the Queensland government in the 1970s abolished inheritance taxes in that state, and the subsequent migration of people to that lower taxing jurisdiction prompted the other states and the commonwealth to abolish their own inheritance taxes. Indeed, the idea of death being a taxable event is now generally regarded, in this country at least, as an archaic idea. The constitution did not demand this result. It came about from the proper operation of the framework the constitution established.

Unfortunately, while the original design of the Australian constitution was to decentralise power, compromises made during the drafting process and a century of decisions by the High Court have compromised this design. One of the major roles of the High Court is to resolve disputes between the commonwealth and the states by way of careful application of the constitution. But rather than interpret the constitution according to its original design, the High Court has too often attempted to modernise the constitution itself through its interpretations. The problem with this is that the frequent modernisations are done so according to the whims of a majority of seven judges in a single case, and this can lead to a fundamental shift of political power, all without a democratic vote and without the opportunity for review or appeal.

The result is a dramatic centralisation of power in Canberra across most areas of life. I will use just a few examples. Since the 1930s the High Court's broad interpretation of the commonwealth's power to legislate for postal, telegraphic, telephonic and other like services has been expanded to include one-way radio broadcast services, television broadcast services and online casinos. A decision during the Second World War established that the commonwealth could prohibit the states from collecting their own income tax, which has led to the bizarre situation where the commonwealth collects most of the taxation revenue but the states remain responsible for spending the money in service delivery.

A landmark case in the 1980s dramatically widened the commonwealth's power to make laws regarding external affairs so that it could pass laws on any topic that was addressed in an international agreement. It is this external affairs power that supports the commonwealth's infamous section 18C, which makes it unlawful for a person to offend or insult another person because of their race. The external affairs power also supports the commonwealth's 1100-page Environment Protection and Biodiversity Conservation Act 1999 in the absence of a power to make laws for protecting the environment.

This dramatic reinterpretation of the constitution is having an ongoing effect in our politics. In fact it lies at the centre of one of the most prominent political issues from the last 12 months, that being the dual citizenship crisis, which was referenced by a number of speakers prior to me. It has seen a number of members of federal Parliament deemed by the High Court to be ineligible to be elected to Parliament. Section 44 of the constitution disqualifies from Parliament any person who is under any acknowledgement of allegiance, obedience or adherence to a foreign power, or is a subject or a citizen entitled to the rights or privileges of a subject of a

foreign power. The requirement that those serving in federal Parliament are free of foreign loyalties is entirely proper. This is particularly so at a time when Australian intelligence agencies have reportedly found that the Chinese Communist Party has attempted to influence every level of Australian politics for at least a decade.

The original intention of section 44, as demonstrated in the constitution draft circulated and approved at the constitutional conventions in the 1890s, was that it was to be applied to positive actions from a person actively demonstrating adherence to a foreign power. The MPs who were found to be ineligible were not proved to be actively obedient to a foreign power. Instead, they were recipients of citizenship of foreign countries by the operation of laws in foreign countries. This has been enough proof to deem them ineligible, but it is strongly arguable that a proper reading of the constitution according to its original design would have meant that this saga would never have occurred.

Regardless, from the constitutional treatment of foreign allegiances to income tax to radio broadcasting to workplace relations to environmental protection and so on, the High Court has by its actions proved that the meaning of the constitution is very easy to change. This stands in contrast to the fact that the constitution itself sets out the sole mechanism for constitutional change, being section 128, which says that the constitution shall not be altered except when proposed by the federal Parliament by passing legislation initiating a referendum, which requires a majority of voters nationally and a majority of voters in at least four states to successfully pass. This is not an excessively difficult hurdle to pass. Indeed, the fact that 31 of the 36 failed referendum questions have failed to achieve a yes vote nationally is not indicative of an overly difficult process but is a reflection of the quality of questions that are put forward at referendums.

The requirement of a double majority, or the majority of a majority of states, is marginally more difficult, but change should not be too easy. The constitution establishes the framework for our national governance. Stability is a worthy goal, but make no mistake, this is not an argument that there are no worthwhile changes to be made. To name a few changes that I would suggest should be considered: to amend the process for appointing judges, to make it more transparent; to remove the clause that gives the government the power to make special laws relating to the people of any race; to limit the number of ministers; and to put an end to tied grants, which gives the government the ability to give money to the states on such terms and conditions as it thinks fit. But it is right that the changes are carefully considered and that they are subject to even more scrutiny than ordinary legislation.

It is my belief that the constitution, as originally designed, was and would have been largely sufficient to meet the needs of modern Australia. A constitution that attempts to proactively satisfy the needs of the country will, as a matter of course, expire with the passage of time, requiring routine remodernisation. For instance, the view that a modern Australia needs a statement of recognition of Aboriginal and Torres Strait Islander peoples may be rejected altogether in the future as divisive. Indeed, the lack of a provision doing this serves modern Australians well. The idea of dividing people by race or ethnicity is an archaic concept, and the constitution is a particularly inappropriate vehicle through which to place this language. As mentioned earlier, the constitution is a rule book.

Giving the elected parliaments the latitude to meet the needs of modern Australia is more democratic and the decisions made are more accountable by making the politicians responsible for those decisions subject to periodic elections. The proper way to meet the modern needs of Australia is to create a framework through which the parliaments at the state and federal level conserve those modern needs through legislation developed in a democratic manner. However, the deep extent of centralisation has made this less effective than it should be. The ideology of one-size-fits-all rule making in Canberra can never satisfy the various interests and preferences across the country. Engaging normal people with the political process will be an easier sell when political power does not rest with a distant and unfamiliar government. Moving the political power down to a level closer to the people affected by political decisions can rejuvenate our democracy and improve the quality of policy.

And this is how the constitution was originally intended to operate. As the American legal scholar Richard A. Epstein has noted in relation to the United States constitution, but which is equally applicable to Australia:

The problem with the original constitution is not that it has become obsolete. It is that its store of institutional wisdom has been forgotten or repressed by modern thinkers who have failed to understand its philosophical underpinnings and institutional achievements.

The compromises made in drafting the Australian constitution in the 1890s were founded on the same philosophical underpinnings. Our institutions have forgotten this, but I urge you to keep these ideas and foundations in your minds as you discuss these important issues throughout the day. Thank you very much, and God bless you all.

Delegates applauding.

The SPEAKER — Thank you very much, Mr Begg. It was wonderful to hear from you, and I am sure that the students gained a great insight into some of the work that you do at the Institute of Public Affairs.

Sitting suspended 10.41 a.m. to 11.16 a.m.

KEYNOTE SPEAKER

The SPEAKER — Welcome back, students. I ask you to resume your seats. I am about to introduce our second keynote speaker for today. I would like to welcome Laureate Professor Emeritus Cheryl Saunders, AO, from the University of Melbourne. Cheryl Saunders is a laureate professor emeritus and director of studies of public and international law at the Melbourne Law School at the University of Melbourne. Cheryl has specialist interests in Australian and comparative public law, including comparative constitutional law and method, intergovernmental relations and constitutional design and change. She has held visiting positions in law schools in many parts of the world and is an Officer of the Order of Australia. Please welcome Laureate Professor Emeritus Cheryl Saunders.

Prof. SAUNDERS — Thank you very much, Speaker, and hello, everybody. It is lovely to be here. I understand that your topic is, ‘Does the constitution meet the needs of modern Australia?’ and that in the course of the day you will consider five aspects of the constitution — Indigenous recognition, federalism, section 44, the process for constitutional change in section 128 and environmental protection. My rather inconvenient short answer to your question is, well, yes and no, so let me explain why.

In many respects the Australian constitution is old-fashioned and anachronistic. It was enacted while Australia was still a colony and it still bears many signs of this. If you look at the opening eight sections of the constitution, it is still formally an act of the British Parliament. There is no preamble, the first eight sections are not part of the constitution itself and there is no mention of citizenship. The monarchy is a complicated thing to evaluate in this context, in the sense that we have adapted the monarchy to an independent Australia by adopting the title ‘Queen of Australia’, but you do not find that title anywhere in the constitution. On the contrary, the constitution act uses the style and a title that the monarch had in 1900.

The constitution is well over 100 years old, a large number of its provisions are now inoperative and sooner or later we may feel that we need to tackle these aspects of the constitution, either by large-scale amendment, which I think is more likely, or perhaps by making a new constitution altogether. I think it is inevitable in particular that at some stage we will remove our links with the Crown in order to establish an Australian republic, however difficult that may prove to be.

In other respects, however, this is a constitution with bare bones that are appropriate and fine. It does not always work as well as it should, but that is a matter for political cultural change not constitutional amendment. So let me mention three key structural aspects of the constitution which I think do meet the needs of modern Australia, although they could do so better.

The first is the federal system. Federalism was appropriate for Australia in 1901, and in my view it is appropriate now. It has the potential to further reinforce democracy. The division of powers in fact is broadly fine. Federalism does not work as well as it should, in part because of the huge fiscal imbalance in favour of the commonwealth, which has distorted the operation of the division of powers in practice and diverted accountability, but that is not necessarily an issue for constitutional change.

A second structural aspect of the constitution is the separation of powers — the relationship between an elected parliament, government and courts for which the constitution provides. Consistent with that principle Australia has strong and independent courts exercising judicial power to the advantage of all of us. The constitution provides for an elected parliament in relatively stirring words by constitutional standards and draws a distinction between what must be done by the parliament and what can be done by the executive branch alone. Again these

arrangements do not work as well as they should. Our parliaments are not sufficiently representative, and we might think at the moment that they are infected by a bit too much party politicking, causing them to lose sight of their important public representative, deliberative role. But again these are not necessarily matters for constitutional change; these are matters for political change, and not just led by politicians but encouraged by those of us who are the voters.

The third institutional aspect of the constitution is the constitutional amendment process, involving both parliament and people. This was an arrangement that was ahead of its time in 1900, and I think it is clearly appropriate in the 21st century. If we did not have it, we would be pushing for it. It does not work as well as it should either, as the record of failure of constitutional change shows. One of the consequences of that record is that it has discouraged the political class from even attempting constitutional change when it is needed, but this again is a matter for changing political behaviour. I think we need to think more carefully about what direct democracy requires in that context so as to involve the people — involve us — more actively and openly at earlier stages of the process when referendum proposals are being formed. Those sorts of considerations suggest that we have a workable constitution which does not need to be completely renewed — and let me tell you that complete renewal of the constitution would be an extremely challenging process — but every constitution requires some change over time. No constitution is perfect at the outset. Times change, attitudes change.

There are many ways in which constitutions adapt to changing conditions — sometimes through political practice, sometimes through judicial interpretation — but sometimes constitutional change requires formal amendment. Let me illustrate this point by reference to four issues, three of which are on your list for today. The first of them is Indigenous recognition.

Indigenous Australians were not involved in making the constitution and initially were almost entirely excluded from the process. The project of constitutional recognition that began about 10 years ago therefore offered the prospect of giving Indigenous as well as non-Indigenous Australians a sense of ownership of the constitution and in that sense making the constitution whole. Effective constitutional recognition may avoid at least one argument in favour of an entirely new constitution. But the question for the last 10 years has been: what does recognition mean? If it is so important, what do we mean by recognition?

We now know what Indigenous people themselves think about that after the extraordinarily moving process of Indigenous constitutional dialogues that culminated at Uluru last year, leading to the *Uluru Statement from the Heart*. If you have not read the statement from the heart, can I recommended it to you. The conclusion of the Indigenous people in that process was that the constitution should provide for formal consultation with Indigenous Australians on distinctively Indigenous issues through a body now colloquially known as the voice.

That solution to the notion of recognition had certainly not occurred to me, but once the suggestion was made it seemed to me to be entirely appropriate — a lovely mix of symbolism and practical effect, and an ingenious solution, one that fits quite well with the institutional framework of the constitution. This proposal is still working its way through the political process, with a few stumbles — as you probably know, it is presently with a parliamentary committee — but it is one of the most serious issues of our time that clearly calls for constitutional change, if we can get the proposal right.

Another example, my second example, is section 44 of the constitution. Section 44 lists five features that disqualify Australians from membership of the commonwealth Parliament. Some of those features are clearly still relevant and important. Those that seek to prevent members of Parliament having a conflict of interest are the principal examples. The one that has caused significant difficulty in recent times is the first: disqualifying Australians with dual citizenship from becoming members of Parliament. In policy terms we do need to think about this.

There is a huge and rising incidence of dual citizenship across the world as a consequence of globalisation. I think the figure is something like 70 per cent of countries now allow dual citizenship, including ours. A very large number of Australians are dual citizens, whether they know it or not. Being a dual citizen does not necessarily suggest any less a commitment to Australia. So section 44(1) presently denies us, the voters, a fully representative Parliament at a time when we need to widen rather than narrow the pool from which parliaments are drawn.

So this is an issue. A parliamentary committee recently recommended change to section 44 in a report very appropriately titled *Excluded*. But this is a tricky change to make in both constitutional and political terms. We

need to think about it and think about exactly what change we want to make to that section in order to tweak it in the way that suits our interests.

The last candidate for constitutional change on which I want to touch is not on your list but it is the question of rights — constitutional rights or human rights, whichever terminology you prefer to use. The Australian constitution is an outlier in the 21st century in not providing protection for rights. Of course it does provide a little bit of protection. There are a few specific rights provisions, including section 116 dealing with freedom of religion, and there have been some implied rights, implied to make the institutional arrangements work effectively. But there is no bill of rights of the kind that you find in many other constitutions around world, and this also is a sign of the age of the constitution.

At the time that the Australian constitution was made, no other common-law country, with the exception of the United States, had constitutional rights, and the United States did not take them terribly seriously in those days either. But now all the other common-law countries with which we like to compare ourselves one way or another have institutionalised rights protection.

The contemporary justification for not having rights in the constitution that is usually offered in Australia is that rights are adequately protected by the institutional structure of the constitution: the federal system, the elected parliaments, independent courts. But even if those institutions were working as they should, the absence of rights leaves no clear standards by which these institutions can effectively measure public policy. We see this, for example, in the widening net of security legislation and in the treatment of asylum seekers. We know that in both of those cases liberty is at stake, but we do not have the framework to balance the right to liberty against the other public interests that those measures are seeking to secure.

It would be possible to make some improvement in our present arrangements by implementing rights-protecting legislation, as has been done in Victoria and the Australian Capital Territory and in New Zealand, as an alternative to formal constitutional change. But in the end, I suspect that the significance of rights — rights, if you think about them as setting the boundaries of the relationship between people and public institutions — suggests the need for constitutional status. How that should be done, what rights should be protected, within what sort of constitutional framework, are all really big questions to consider. I suspect they will come up for consideration during your time as leading citizens of Australia. At that stage I think you will probably get some inspiration by looking at the way in which other comparable countries have tackled these issues elsewhere.

That is a very quick and rather timely run through of a large range of constitutional issues. No neat answer to your core question for reasons that I hope you now understand. The constitution meets the needs, I think, of modern Australia in the sense that we do not need to throw the whole thing out and start again, even if that were practicable. But there are various respects in which now and into the future we will need to consider constitutional change, and considering constitutional change will require us to make section 128 effective. Hopefully there are plenty of suggestions for you to get on with, and I wish you good luck for the rest of the day. Thank you.

Delegates applauding.

The SPEAKER — On behalf of the students, I thank you, Laureate Professor Emeritus Saunders, for that interesting and very informative contribution to what I think will be a very lively debate this afternoon. We are now moving on to National Curriculum Services, and I invite Christine Reid to advise you all on how the discussion groups that you will be breaking into shortly will work.

Sitting suspended 11.31 a.m. until 1.29 p.m.

REPORTING SESSION

The SPEAKER — I welcome you all back. This afternoon's session is reporting back on your group sessions. I ask delegates to stand in their places, to say their name and the school they are from and to give a 2-minute statement. This would be a summary of your group's views and your final decision. I call on delegates to make statements. We are going to go through the groups from 1 to 10.

Group 1

Ms PETROS (St Monica's College) — Good afternoon. We strongly believe the constitution meets the needs of modern Australia and that social and political issues that arise should not interfere with what the constitution represents, which is the fundamental foundation of how our society is to function. For example, social and political issues, such as asylum seekers and refugees and the environmental matters associated with climate change and global warming, should not be included in the constitution as they are controversial topics that have the capacity to change in the future.

Since 1901 the constitution has maintained stability. As Australia is a leading country in the world, instead of looking at the minor negatives associated with the constitution, we must look at all the factors that have strengthened our nation. We strongly believe that section 128 should not be amended as it should not reflect the political and social instability that has occurred throughout history within Australia. If it was easier to change it, it would be susceptible to public opinion. We believe that Indigenous Australians have a right of acknowledgment as the traditional custodians of Australia; however, we cannot foresee the division that this recognition may cause for other minority groups within Australia in the future.

Overall, we — group 1 — believe the constitution must not specify individual groups in society and instead be a neutral document that serves all Australians.

Group 2

Mr ALJALI (Lalor Secondary College) — My name is Ramy Aljali, and I will be representing group 2. The Australian constitution does not meet the needs of modern Australia. First of all I would like to take you back to its initial creation. It was passed by the British Parliament and the King. Therefore it was not really created by Australians, for Australians. It was merely dictated by the British monarchy, which had no real interest in this country. Second of all I would like to mention section 51. Section 51 allows the government to discriminate against certain ethnic groups when creating and passing laws. This is clearly not something that should be allowed in the 21st century and is very barbaric. It is representative of Australia's past that should be eliminated but not forgotten.

I would also like to move on a bill of rights. A bill of rights should be implemented with a new constitution, with freedom of speech and the right to not be discriminated against. As previously mentioned, Indigenous Australians should be mentioned as the original landowners of this country. They should fall under the right not to be discriminated against. Every Australian should be equal regardless of what their ethnic background is, where their parents migrated from or what religion they choose to believe in.

Delegates applauding.

Group 3

Mr GARG (Nossal High School) — Hello. I am Mridul Garg, and I am the person reporting for group 3. Our group, after quite a long period of healthy debate, decided to not support the topic, primarily because while we believe the majority of our needs are met, there are still some crucial ones that are not met, such as some sections of the constitution that allow for racially based laws or laws made to favour or discriminate against races; sections of the constitution that need to acknowledge the value that Indigenous Australians have contributed to our culture and to the foundation of what Australia is; and the fact that the High Court of Australia can change and interpret the meaning of the constitution without having to go through section 128 of the constitution, which is a fundamental problem. For those reasons, we do not really support the statement that the constitution meets the needs of Australians.

We do, however, acknowledge that the constitution does do a number of great things. These include the separation of powers. The second thing is about representative government, meaning that people are represented by the government. The third thing is that section 128 does allow the constitution to be changed by an efficient referendum.

Delegates applauding.

Group 4

Mr DUNNET (Haileybury College) — We, group 4, attempted to maintain a positive discussion while discussing the issues that meant most to us. We decided to mainly discuss section 44(1), which we ended up voting eight to two in favour of its removal or change. While acknowledging that it is essential for parliamentary members to be loyal and dedicated to Australia, we believe that the limitations of this subsection far outweigh this restriction. We believe that section 44(1) has shown in recent times that it has unnecessarily disrupted Parliament with simple legal burdens, diverting the attention of our politicians from simply running the country.

On top of this, we believe that the citizenship idea does not correctly show correlation with other countries. Finally, we raised the argument and idea that the section contradicts section 116 of the constitution, allowing for freedom of religion. As individuals who practice Islam or Judaism have citizenship rights in Saudi Arabia or Israel respectively, we believe that the possible disallowance of these people from entering Parliament is contradictory and needs change. Our group recommends that section 44(1) should be removed, with possible section 44 violations being referred to the High Court of Australia.

Our group voted on the overall topic of the constitution meeting Australia's modern needs, with seven votes for 'yes' and three votes for 'no'.

Delegates applauding.

Group 5

Ms CHECBU (McKinnon Secondary College) — We, group 5, believe that for the most part the constitution is sufficient in meeting the needs of modern Australia. The High Court of Australia is able to interpret the constitution with consideration of people's views and the current social and political climate. This is sufficient in modernising the constitution currently. Moreover, the constitution has the flexibility to be altered should additional needs arise. The framework of the constitution is very robust and cares for all Australians. Structurally it is very sound. There mainly needs to be some small changes that would benefit Australians, such as the addition for the [inaudible] and for Indigenous Australians. However, on the whole we believe that the constitution does meet the needs of a modern Australia.

Delegates applauding.

Group 6

Mr HOVENDEN (Marist College Bendigo) — I will start off with our arguments for — that the constitution does not meet the needs of a modern Australian society. Firstly, as a group we believe that the constitution does not meet the needs of a modern Australian society regarding mention of Aboriginal and Torres Strait Islander peoples in the constitution. We came to the conclusion that instead of merely having recognition, there needs to be some form of inclusion in the language throughout the constitution of Indigenous and Torres Strait Islander peoples. Secondly, we believe that section 44(i) does not meet the needs of a modern multicultural Australian society and that it should be removed, whereas subsections (ii) to (v) should remain. Thirdly, the constitution does not mention environmental impacts, and at this moment in our country's history we think as a group that our environment has reached a crisis point and that this needs to be resolved via a set of constitutional laws or what have you.

For against, we have how difficult it is to change the constitution. It is the foundation of our country and it needs to remain the same, and the balance and power of the federal Parliament is functional.

In conclusion, we think that the constitution does not meet the needs of a modern Australian society and it needs to be changed so that Australian society can grow and develop.

Delegates applauding.

Group 7

Ms COOPER (Our Lady of Mercy College) — Group 7 believes that the constitution does not meet the needs of modern Australia. Although we do believe that the constitution is still relevant and should not be ruled

out completely, many areas should be significantly altered in order to meet the needs of modern Australia and our society. Section 44(i), for example, we believe should be changed, as globalisation is inevitable and is becoming inevitable, therefore not having representatives who make up a large section of Australia simply does not make sense. But who is to say that single-citizenship Australians are completely loyal to the Parliament? Politicians are quickly becoming businessmen instead of being representatives of their country and what their country's needs should be, and they are really only focused on being in office. So if we are multicultural, and in order to be multi-integral, we need section 44(i) to be abolished. With this, we believe that our society is going to continue changing and that it should be made easier and less costly to change the constitution.

Overall, we in group 7 believe that the constitution should be more reflective of today's society and should ensure that it is able to meet the needs of Australia not only for now but also in the future.

Delegates applauding.

Group 8

Ms BENIWAL (Nossal High School) — We had a lot of different opinions and stories coming into group 8 and we discussed six major issues, the first of which was Aboriginal and Torres Strait Islander recognition within the constitution. We decided that this does need to happen and this does need to be put in place, but we also recognise that it is a step, not a solution, towards reconciliation. The next issue we discussed was the balance of state and national power, and we decided that it was appropriate. It allows for representation of smaller communities that may not have had the same representation if we were to focus on just one of the two, and the different levels allow people to do certain jobs more thoroughly.

Then we discussed section 44 — and it was a very close vote — but we decided that it should stay, as the privilege of being in office requires some sacrifices, and this may just be one of them. We cannot ensure that anyone who comes into office truly does not have allegiance with another country. Next we talked about changing the constitution and whether it should be easy or not. We decided no because of the political fads that do go around, and for the structural integrity of our nation and the stability that the constitution provides, it should not be easy to change. We then discussed environmental protection, and we decided — once again it was really close — that it should not be enshrined in the constitution, but as an incredibly important issue to today's generation something does need to happen and Australia as a nation needs to be held accountable. We then talked about rights that should be enshrined in the constitution, and we decided to enshrine rights. It mostly came down to treatment of people and how easily some of the implied rights can be manipulated.

In essence we decided that the constitution does meet the basic needs of Australia, but there are some changes that need to be made.

Delegates applauding.

Group 9

Mr SUBAŠIC De AZEVEDO (Glen Waverley Secondary College) — Thank you for the opportunity to speak. I am here to represent group 9, and our group's final view was that the constitution does not meet the needs of a modern Australia and that it does need adjustments. Firstly, it does not represent all of Australia both in terms of people and values. We propose to change the constitution to make sure that the traditional owners of the land are included and recognised in the constitution in order to truly have a constitution that represents all of Australia.

Secondly, we want to amend section 44, specifically subsection (i). We want to make sure that citizens who have dual citizenship can enrol themselves to become an MP, but in order to ensure that those MPs stay loyal to our country and are not influenced by foreign powers, we will have a process where they renounce their dual citizenship. Further, we want to implement a bill of rights in Australia. We want to implement things such as having freedom of religion and freedom to remain silent and have these be fundamental rights for all Australians, including a specific set of rights for illegal migrants coming to Australia to avoid tragedies such as Nauru.

In summary, we want to implement these adjustments to our constitution to make sure it actually does represent the values of Australia and that it does represent the views of modern Australia. We want to do this in a timely,

wise and concise fashion, with no tricky wording. Just to rebut some comments made earlier in terms of instability, like with any type of progress that happens in any type of society, instability happens when you are progressing.

Finally, we want to re-emphasise that we do like the constitution as it is, but it does need some adjustments as Australia moves into the future. As Australian society changes more and more, so too should the constitution.

Delegates applauding.

Group 10

Mr ANGELOVSKI (Lalor North Secondary College) — Group 10 and I were discussing: does the constitution meet the needs of modern Australia? We believe it does not. The constitution of Australia does not acknowledge our proper history. By that, it fails to recognise the sovereign owners of this land, the Aboriginal and Torres Strait Islander people. Symbolism is not enough. We need to deliver on our promises. By doing this it provides a point at which the government can fall back onto Aboriginal rights. The sovereign people have been here for 60 000 years. We should not infringe Aboriginal people's right to celebrate and preserve their culture.

Section 44 causes the Parliament to not recognise our culturally diverse nation by disqualifying those holding dual citizenship from being in politics. This section is out of touch with the needs of our multicultural nation, forbidding full representation of political views.

However, we believe the constitution does have positive aspects, and the procedure to change the constitution is costly. Due to this, it makes it harder to amend it. This is to ensure chaos is avoided. The constitution is a powerful legal document. My group and I agree that the constitution should be changed in certain aspects.

Delegates applauding.

The SPEAKER — Thank you to all the speakers and group leaders. It sounds like your group sessions were indeed very productive.

SOAPBOX

The SPEAKER — We are going to move on now to what we call the soapbox. I am very used to soapboxes, being a member of Parliament. We will be asking students to express their views and to provide any additional comments before we vote on the question. Volunteers are going to be called upon. I will point to you if you stand in your place. I will try to utilise each side equally so that nobody misses out.

Ms PETROS (St Monica's College) — Just off what group 10 just mentioned, our legal system as part of the constitution has not completely disregarded their rights — Aboriginals actually have their own court within our system. It is called the Koori Court, which actually is a court designed to take in their rights. It is like a diversion program. It essentially takes in their culture and even allows the elders in their community to be involved with the legal system for any crimes that people from a Koori area have committed. So they are not completely disregarded within our legal system, which means that parts of the constitution are still met because they are still involved and there are certain ways that they can still be completely taken into consideration as per any other Australian.

Ms McPEAKE (Mater Christi College) — While it is clear that the constitution could do with some amendments in certain areas, it would be naive to say that it has not served our country well. The constitution is a rule book. It does not outline in detail every issue that our country faces. That is what the courts and the Parliament are for. The constitution has created a stable country, as the previous speaker mentioned. Section 51 has been seen by some people as discriminatory. There is such a thing as positive discrimination. As was outlined, positive discrimination has allowed the creation of the Koori Court and certain institutions that assist the minority groups within Australia, so it sees that the constitution does in fact help to address every person in Australia.

It would also be naive to assume that any constitution at any point in time could fully represent and stay relevant to a society. High Court interpretations and the legislation that is created by the federal and state parliaments keep the constitution relevant to modern-day Australia. Changes to the constitution are time-consuming and

expensive, so it is not always necessary to take those options to see change in society; rather, change the High Court interpretations and change the legislation that is created by our parliaments to make the changes that we need to see in society.

Mr ALEXOPOULOS (St Monica's College) — The constitution, while it does have a couple of problems, such as some of the more racist parts of it, has served our country well over the past century and has functioned almost without fail. One problem with it is that it does not have a proper bill of rights. It does not list all the rights that we have. It does have our right to freedom of religion, but our constitution does not enshrine our right to freedom of speech or to self-protection. Also, I do not believe the constitution needs to recognise the Indigenous population, as the constitution serves as the rule book for how democracy is functioning, therefore a better idea would be to have the government write up a treaty with the Indigenous population. That would be a far better solution than acknowledgement in the constitution.

Mr LANDAU (Scotch College) — The previous speaker stated that Australia needs a bill of rights in the constitution. However, Australia's constitution already has laws, such as section 116, stating that there should be freedom of religion. Does a bill of rights even work? America has a Bill of Rights, but that does not change the fact that there are organisations such as the Ku Klux Klan. Australia is better off to have laws promoting rights instead of a bill of rights.

Mr EL SAFATLI (Lalor Secondary College) — When discussing dual citizenship, the question of a politician's loyalty arises. I would like to ask the question: how do we measure the loyalty of a politician, and why does a politician have to be judged on his or her, in some cases unknown, past instead of on his or her actions? If MPs need to renounce their dual citizenship due to loyalty, which we cannot measure, why it should it be any different for a police officer or other government members?

Ms CHECBU (McKinnon Secondary College) — Even though I agree that Australia's constitution does meet the needs of Australians today, I would like to say that they should remove all the 'hes' that they use. When they refer to a judge or a person in the constitution, they use the pronoun 'he'. I want that to be changed to 'they' for there to be more gender equality.

Mr ALJALI (Lalor Secondary College) — I just wanted to mention what a lot of groups mentioned, that politicians should not be discriminated against and be forced to lose their positions because they have dual citizenship. I would like to point out the fact that no politician, especially at the federal level, should maintain citizenship of another country. That is for the fact that if you represent this country, especially at a commonwealth level, you should not have citizenship of a foreign country. It shows that you are not completely loyal to this nation and willing to disconnect your interests from another nation and put this nation first. It has nothing to do with discrimination because of a person's race or heritage. An average person should be able to have as many citizenships as they can hold or want, but a member of federal Parliament should not have anything else other than Australian citizenship.

Mr HUANG (Camberwell Grammar School) — This speech goes out to the people who want to vote no because they want constitutional change or constitutional recognition for Indigenous Australians. Yes, there is a problem, and the problem is that there is no recognition for the first peoples of our land in the constitution. But I am going to stand here today and say that this stance misses the point of trying to help Indigenous Australians. You may say that this is an important first step to take to help Indigenous Australians, but I say that this is a costly distraction from the real issues at hand. Let us take, for example, what happens if the preamble is announced and what happens if it does go through the Parliament. Okay, it does go through, it is added to the constitution and then the media moves on; people's opinions move on.

But what still stay the same are the sobering statistics for Indigenous Australians. What will still remain are the appalling infant mortality rates, the lowest education levels and the terrible job prospects that Indigenous Australians have. I know that people have their hearts in the right place when they call for change like this, but I would say that calling for constitutional recognition of Indigenous Australians is doing nothing but talking about a superficial feel-good policy for legislators to boost tourism in Australia. If we truly want to help Indigenous Australians, then we should focus on programs that tackle the real issues at hand, like those in the *Closing the Gap* report. Therefore I urge you to vote yes.

Mr RADFORD (Nossal High School) — In hearing the recent discourse that we have just heard regarding the constitution's ability to meet the needs of modern Australians, in particular with regard to the First Nations

of Australia, it has become apparent that many people may forget to think about what it means to meet the needs of those people. While we have just heard a discussion about the issues that we have with constitutional recognition of our first Australians, it is fundamentally undeniable that we cannot look at our past 120 years of history and pretend that the needs of the first Australians are being met under the status quo. We have seen 120 years that have fundamentally been rife with bad, ineffective, misguided and ultimately negative and detrimental laws that have had significant impact upon Aboriginals and Torres Strait Islanders.

Our constitution has served as a rule book that has fundamentally propped up a system that has not met the needs of a significant portion of Australians. To pretend that it has met the needs of these people is simply ludicrous. We need to understand not only that their needs have not been met but also that the answer to this problem is apparent. Last year with the *Uluru Statement from the Heart* we heard that we have unanimous verdict from our first Australians on what they see as the path to constitutional reform for the betterment of our society. That lies in establishing a First Nations voice to Parliament that would help ensure that we do not see another 120 years filled with bad laws that do not advance our society.

Ms LEW-KEE (Our Lady of Mercy College) — While I do agree that the constitution does not meet the needs of modern Australia, our constitution will never meet the needs of a modern Australia. Australia is constantly growing and constantly changing, and no-one is ever going to be truly happy with our constitution. On that, if we are changing the way that we can change the constitution to become easier, we might eventually end up abusing that power. If it is easier to change the constitution, with political views constantly changing we will end up with a new constitution every year. I think making it easier would really just forget the point of the constitution. What would be the point of it if we are constantly changing it? It is the fundamental rules of Australia, it is who we are and it is how we are seen as a nation. So if we change it every year, there is really no point to it. I think it needs to be kept regulated.

Mr KING (Melbourne High School) — I just want to make a quick comment in relation to Aboriginal reconciliation. I just wanted to note that positive discrimination in our society only creates more division. Although recognition of the traditional owners of this great nation is certainly what will need to happen, continually aiding only the Indigenous disadvantaged is almost racism in itself. The effects of altering laws or our constitution must be considered before harmful decisions are made for the future.

Ms WARD (Sunbury College) — I just wanted to say that everybody has different morals, opinions and views. The constitution tries to fit in everyone's opinions, but it is just a rule book, so we cannot change it every day. We are trying to fit everyone's opinions into it, but we cannot. It does need some amendments, yes, but at the end of the day we cannot change a lot of it, because it is the foundation of Australia.

Mr McLEOD (Haileybury College) — I think that we can all agree that our two main topics here are section 44 and Aboriginal and Torres Strait Islander recognition. I understand where people are coming from, where they want to say that Aboriginal and Torres Strait Islanders need to be recognised in our constitution as the first custodians and original custodians of this land, but it would be idealistic. It does nothing to help the current problems and struggles that Aboriginal and Torres Strait Islander people face in their day-to-day struggles. It is just a piece of paper that is written miles away from these Aboriginals, and it does nothing to help them. Wouldn't it be more beneficial instead to directly help them, as is going on now, through education and direct help, helping them in their communities to better themselves in our modern-day society? I think that reconciliation, whereas it is a good idea idealistically, does nothing to actually help or change the lives of Aboriginal people.

Secondly, on section 44, I think that the reason why we have this dual citizenship saga and why our constitution demands that our Australian politicians be loyal and only citizens to Australia, is because being in the Australian Parliament you need a sense of exclusiveness; it shows your loyalty. People may say, 'Why should people have to renounce their citizenship to be in Parliament?'. Well, that shows the sacrifice that you are willing to make to represent the people of Australia, and it shows your loyalty, individually, to your country.

Ms ROGERS (Marymede Catholic College) — Contradicting what the previous speaker said, I think that if we do have more Indigenous Australian rights in the constitution, we would then be able to have a body that could represent the people and then have more laws, regulations and procedures in place that could help them.

Ms HANCOCK (Frankston High School) — Leading away from the main topics here, which are obviously section 44(i) and the Aboriginals, I wanted to bring up a slightly less controversial topic. As I have listened to

all the other groups, I have heard that no group has gone into depth about the powers between federal and state. In order for federal and state to be able to focus on more important issues, wouldn't it be better to give more power to local councils? Canberra usually only thinks about Australia as a whole. If we change the constitution to be able to give local councils more power, minorities within these communities will be more represented and heard instead of being hidden in the shadows of state and federal — the bigger problems that have been heard by everyone else.

Ms STANCOMBE (Strathcona Baptist Girls Grammar) — In regard to dual citizenship, I think a loyalty problem does arise, but it means a huge amount of amazing Australians who could represent the country really well do not get the chance to. And who would you rather see in Parliament: MPs who meet the citizenship rules, or MPs who are the most open-minded and diverse and the best decision-makers in the country? I know who I would pick. Also, if we change the constitution, we need to make sure additions are very clear to avoid the High Court interpreting it differently to how it was intended. And in regard to Indigenous Australians, I think they should be recognised because they consider it a very high form of recognition to be enshrined in the constitution, and it is very important to them.

Ms LONI (Glen Waverley Secondary College) — The question posed by multiple speakers today has deliberated on whether the constitution really meets the needs of the first Australians, but to answer this question we need to recall the definition of the word 'needs' as established by a previous speaker. Needs essentially relate back to our means of survival, as well as the ability to live a decent life. By failing to recognise the sovereign owners of this land, we are denying our shared history and their legal rights and cultural and political representation, inherently disallowing them to live a decent life. It cannot be disputed that Indigenous Australians, while only 3 per cent of our national population, suffer the most. This is in terms of employment, health care, education and racial vilification. But recognition goes beyond meeting their fundamental needs; it economically, socially and politically empowers them.

However, acknowledgement of Indigenous Australians as sovereign owners ultimately contradicts our current political system as a constitutional monarchy, because under the current constitution the sovereign is the Queen. Unfortunately we cannot have the best of both worlds. Australia has to consider transitioning into a republican society. Our so-called independent nation will only be liberated when we can appoint our own head of state who advocates and represents Australian values. Furthermore, Australian values are inconsistent with the current British monarchy.

Ms SCOTT (Leongatha Secondary College) — Although it sounds idealistic, I believe that if an individual chooses to run for government, they represent the views of their fellow Australians and their communities, not the views of the country they may have been born in or the country they hold dual citizenship for. We are not in the Cold War. This is not 1960. There are no reds under the bed. We no longer have a realistic threat of communist spies infiltrating the government. Section 44(i) should be made redundant to reflect a modern Australian democracy. A multicultural society can only be represented and reflected by a multicultural government.

Mr GARG (Nossal High School) — The first thing I would like to say is in relation to section 44. It has been brought up that Australia is not under threat from communist spies or anything like that — that we are not facing foreign hardships — but I would like to respectfully disagree with that statement. It has already been shown that the Chinese Communist Party is interfering in Australian affairs. We have seen Russia, that may not be interfering in Australia directly, interfere in many Western democracies' elections and democratic processes. For this reason section 44 ensures that the people we elect actually represent us and that they are willing to sacrifice or at least put aside their nationalistic views from previous citizenships and fully commit to serving the Australian public.

The second thing I would like to talk about is a statement made about positive discrimination. I firmly believe that any sort of discrimination is negative, because with positive discrimination what we are essentially saying is that it is fair to give a certain race or a certain cultural group an advantage over the rest of our society. This inherently could be viewed as racist by people who are not getting that advantage. Instead, I think we should focus our efforts on dealing with the socio-economic and practical issues that Australia is dealing with rather than focusing on a race-based statute.

Mr HALDANE (Scotch College) — I just want to rebut the previous speaker's statement about the Chinese and communist threats. Both states already have one-citizen policies, so we should not be worried about them infiltrating our Parliament.

I would also like to respond about the Aboriginal problem. The Aboriginal and Torres Strait Islander people have called for cultural assimilation more than an advisory board. The *Uluru Statement from the Heart* [inaudible].

I would also like to go to section 44. We are a multicultural society, and that means there are going to be dual citizens, because as the previous speaker from here said, globalisation is inevitable, and as we become more global it means a bigger percentage of the population are going to be dual citizens.

On the state and federal question, more autonomy for local government is more effective due to people not having to go all the way to Canberra. They can go to a local office to speak to a politician.

Ms COHEN (Sacred Heart Girls' college) — In regard to section 44(i) I believe that those who are running for election and want to be MPs should make their dual citizenship status very public so that voters can vote them in with this in mind, and they can be judged by their character and not by their citizenship.

Ms MATTHEWS (Siena College) — On the issue of section 44(i), have we all forgotten that Australia is a multicultural country? We bring up all these things about Chinese spies and communists, but it is not guaranteed that communists will be here. If a member of Parliament is to be thrown out of their seat on the basis that they have dual citizenship that they never knew about until it was brought to their attention, how is it their fault? Why should they be removed from their seat and we be forced to have more by-elections that distract the government from governing? Just because you are able to have dual citizenship, it does not mean that that person is in fact in cahoots with the government that they are a dual citizen of. Having citizenship does not mean that you live, breathe and die for the other country. This section of the constitution is irrelevant to a modern-day Australia and must be changed.

Mr MANN (Mount Eliza Secondary College) — Section 44 of the Australian constitution has been in place for many years now and is working perfectly fine. There is no point in changing it. It will be very costly and a waste of time. I believe politicians should be Australian. I am an Australian citizen and I am proud to be, and I think an Australian citizen should be running for an Australian Parliament at an Australian Parliament House.

Mr SAXTON (Notre Dame College) — In reference to section 44, we must think about what a politician's job is. It is not a normal job. It is not a right; it is a privilege. It is a privilege to be able to represent the people in your electorate. Personally I do not think it is too much to ask that they should renounce any other citizenship and prove their loyalty to their nation and to their people.

Ms MANSELL (Our Lady of Sion College) — I just wanted to discuss some conflicting views that I have found have arisen within this discussion regarding both Indigenous Australians being recognised in the constitution and section 44, which we have discussed a lot. I have heard many people suggest that political and social issues should not be matters for the constitution and that Aboriginal and Torres Strait Islander people do not need recognition within the constitution. However, many seem to think the solution is that it should be a matter of political responsibility for subgroups and minorities to be recognised.

Then we turn to section 44, which many people have said requires that people renounce their dual citizenship. I want to question how we are meant to have a country that is multiculturally represented if people who are representing it are not able to be proud of their cultures and the subgroups and minorities that they are part of. So, if somebody has migrated to Australia and they are a strong representative of a large community within our country, my question is: why are they not allowed to run for Parliament when there are significant parts of Australia that are represented by groups that are not purely white Australian?

Mr AHMADI (Islamic College of Melbourne) — I would like to start off by saying that Australia is a multicultural country and that in religions such as Islam and Judaism, and Judaism specifically, they grant you citizenship of Israel as soon as you begin practising the religion.

Section 44 restricts section 116. Section 116 of the constitution states that all members of the Parliament have the freedom of practising their religion. If I look back at section 44(1), it states that dual citizenships are not

necessarily allowed in Australia. So if we look at it, it is technically counteracting section 116. In this case we should really review the sections and act upon this. In saying that, we should revise the whole thing basically, because there are sections in there that counteract a lot of the sections, and saying that section 44 is no longer relevant is not good to say, basically.

Ms CHUNG (Methodist Ladies' College) — On the topic of section 44 and dual citizenship, it has been raised before that loyalty is an issue in terms of who is representing us as a nation and that there seems to be this idea that for a person to represent Australia they have to be Australian themselves and they have to sacrifice other foreign ties to be able to serve Australia in Parliament. But the thing is, is there actually much significance in having another citizenship? A person's multiculturalism does not necessarily make them less Australian than any other person. A person who might have been born in another country but has grown up their entire life in Australia, who has had a very big interest in politics and who might have a really strong passion for making Australia a better place should not be inhibited from doing so by their country of origin just because of the constitution.

The thing is that in an extreme circumstance, even if someone does happen to be, let us say, a Chinese spy that wants to make Australia communist or something, even if that were the case, simply renouncing their citizenship of that other country does not necessarily permanently get rid of the inclination to serve in the interests of communism or whatever they want to serve. Therefore it does not really have that much of an effect on the government anyway.

Mr NICOLAIDIS (Marymede Catholic College) — I believe that the constitution does meet the needs of modern Australia. For my first argument I will say that laws via the aid of the constitution do meet these needs. In comparison to the United States we have many contrasting laws. For example, our gun laws are completely different. In the United States they have gun laws that allow people to hold onto guns and to use them. As we know from the news, many people have used those weapons to murder innocent people. In comparison, in Australia we stop that. In our constitution we protect everyone. Some people may believe we do not, but I believe that it does. Having those contrasting laws here makes our country safer.

For my second argument I will say that changing the constitution will evidently change Australia. If we have the power to change the constitution every day, every hour, every minute, Australia will slowly deteriorate. If we always change it, many Australians will believe that the constitution is not strong.

My third argument is in regard to section 44. I believe that everyone should be able to go for that high position. However, there should be criteria based upon what is needed for Australia for those people who do want to become Prime Minister or have seats in Parliament, and those criteria should be based upon what Australia needs and what should be done.

Mr HIBBINS (Kingswood College) — Something that has been mentioned only briefly is our becoming a republic. I think the monarchy has used and abused this society, setting us back from the goal that the Australian people have identified of becoming a republic, as identified in many opinion polls. All the current Premiers of the states and the current Prime Minister support this. To have an Australian head of state would greatly improve the feeling that modern Australians have over their democracy. To have an outdated and prehistoric system is an insult to our part in being an independent state in our own right. So does the constitution meet the needs of modern Australia? I think not.

Ms LEW-KEE (Our Lady of Mercy College) — I just want to comment on what a previous speaker said. I do not think the constitution protects every Australian, because we have section 51 that pretty much allows discrimination based on things like race and gender, which are completely uncontrollable and are not choices that people make. I think saying that the constitution really protects every Australian, it does not. It does not meet the needs of Australia today. We are such a multicultural society that I think having something like section 51 does not show Australia's values to the world and it does not really show who we are as a country. We are such a multicultural country, and it is something that definitely our country should be proud of. But with stuff like that in our constitution, it just does not show it to the rest of the world.

The SPEAKER — We have time for two more speakers.

Mr EL SAFATLI (Lalor Secondary College) — Going back to section 44, we must ask the question, 'Yes, the Chinese may be trying to infiltrate the Parliament's system, but how many of them are actually trying to do

this and is it substantial enough to create technically pro-discrimination laws and question possible kind-hearted politicians' loyalty to a country that they may well be very loyal to due to something they cannot control or do not know about?".

Ms STANCOMBE (Strathcona Baptist Girls Grammar) — The way the constitution has changed does not need any amendments because we do not want it to be any easier, otherwise the Parliament may start changing it so often that Australians lose trust in it. This may also decrease Australia's reputation internationally. On this, I mentioned in my opening statement that Australia is way behind in recognising our Indigenous peoples in the constitution and this may be affecting our reputation internationally as well.

The SPEAKER — Thank you, students. The time for the soapbox has ended. I thank you for your contributions this afternoon. It has been a very sincere debate with a great deal of respect from both sides of the argument, so I thank you for that. We do not always see that kind of respect in the house unfortunately. I think that the ideas you have put forward have been well researched and you have obviously thought long and hard about how you are going to vote on this particular topic. Something that I would contribute to the discussion is that, although you are discussing the Australian constitution and dual citizenship at the federal level, it should be remembered that at the state, territory and local government level those conditions do not apply.

THE VOTE

The SPEAKER — I will now ask for you all to vote. It will be by a show of hands. If the vote is too close, and Suzanne at the table has trouble counting, we may do a division.

The question is:

Does the constitution meet the needs of modern Australia?

Delegates divided on question.

Question defeated.

The SPEAKER — Congratulations to those who voted in support of the question, but those who voted in the negative have won.

Delegates applauding.

The SPEAKER — I guess the next step for you all is to think about how to change the constitution so that it does meet the needs of modern Australia, and I think that there are many great minds in this chamber right now who could think about that well into the future. Thank you very much.

REPORT ON THE 2018 NATIONAL SCHOOLS CONSTITUTIONAL CONVENTION

The SPEAKER — I now call on Ryan Gambin from St Monica's College to speak about the National Schools Constitutional Convention.

Mr GAMBIN (St Monica's College) — Good afternoon, everyone. I would like to explain exactly what the National Schools Constitutional Convention experience is like. Before I begin, I would like to do two things. Firstly, I would like to give a big thank you to the organisers of the event for asking me to come back. I am very humbled and very honoured to be here speaking today. Secondly, I want to congratulate all of you guys, because regardless of whether you go to Canberra or not, making it to the state level is a great honour. We are very lucky to be here today, partaking in an active debate about the needs of modern Australia.

I look around and the enthusiastic and engaged faces fill me with some positivity. The passion I can see for politics, the passion I can see for change and the passion and desire you have for your voice to be heard makes you all more than capable candidates to go to the national convention, so you all have got that on your side.

Let me begin by saying this. If you have the smallest desire to go to the national convention and go all the way, no matter how slim you think your chances may be, please all of you apply because you would be doing yourselves an injustice if you did not. It is an amazing opportunity, and you should all seize the opportunity you have been given. We are all very lucky.

The national convention experience is one that I will never forget. It helped me develop my critical thinking skills, and I met some really nice people along the way. The first major benefit of being at the national convention was the ability to have high-level debate with other young political minds — much like you all have done today, but we got to do it over the course of three days. In the beginning everyone was a bit stand-offish and a bit shy, but towards the end of the third day we had all contributed. Everyone had a view on the issue that we were debating, and it was well thought out. It was really worthwhile.

The issue at this year's convention was 'Is section 44 of the constitution relevant in the modern Australia?'. You guys have tackled a bit of a broader topic today — the whole constitution, rather than just one section. Section 44, as I am sure some of you may be aware, is the section of the constitution that states the criteria someone must have before they can have a seat in federal Parliament. This was relevant due to the controversial dual citizenship clause. This is just one subsection in section 44. It was relevant when we were talking about that.

The debate was aided by a number of speakers that came and presented to us. I found my opinion being swayed between agreement and disagreement through the whole duration of the convention because the speakers we had were very well educated and put their points forward in a very well articulated way, and it was really, really good.

We also had debating sessions between the students, like you have had today. I really enjoyed the discussion between all the delegates from each state. It was interesting. Today we are just focusing on Victorian students, but it is interesting once you get to the national level seeing all the different views, values and opinions people hold from a range of diverse backgrounds and diverse cultures that you have all come from, especially when you get to that national level.

We ended the discussion with a mock referendum — like you guys had a mock vote today — where representatives of each state voted yes or no on some amendments we made to section 44. For example, one amendment we made was the removal of the clause stating that an individual must resign from a public service job whilst campaigning for a seat in federal Parliament. We wanted to amend this so you only need to step down from your public service job once you have been elected. The mock referendum concluded with the necessary double majority in a yes vote for the amendments to section 44. This result and a lot of points that were brought up over the three days were then written in a communiqué and handed to the Senate, so they were able to see what we had come up with over the time we were there.

A second benefit for attending the national convention is the historical and political landmarks you will get to visit while you are there. Over the three days we got to visit new Parliament House. We got to sit in on question time in the Senate, which was amusing — as always — and then we also got to visit old Parliament House. We got to sit in the chamber, much like you guys are now, and we had presenters come and speak on the issue to us.

One of the biggest highlights of the trip for me, as far as locations and stuff, was we got to have dinner at the High Court, which was amazing to see. The architecture alone is outstanding. The most prestigious of it all for me, and the biggest highlight for me, was going to Government House for lunch. We got to meet the Governor-General, Sir Peter Cosgrove. Lady Cosgrove unfortunately could not make it, but that was awesome as it was. I often found myself looking around being amazed at where I actually was. So, if you do get selected, I suggest take it all in, because it goes as quickly as it comes.

However, during my time in Government House I had the honour of being able to talk to the Governor-General — and you all will get your chance as well — Sir Peter Cosgrove about an issue that is very important to me. This is, in my opinion, one of the greatest challenges that our political system faces — that is, the growing political apathy amongst the youth and the general population in Australia. I asked Sir Peter Cosgrove what he thought the solution would be to this growing apathy. What he said is a nice way to sum up what I have to say as well and my opinions on it. He echoed the sentiment that we, the young people who are interested in politics, have a very important role to play in society in making sure that we are encouraging each other and encouraging our friends that are less politically inclined to find an interest in politics, because apathy is dangerous in democracy. You need an engaged society to have a really effective system.

Having said that, I believe you have all made great steps in being where you are today alone. Like I said, that shows some great positivity in all the passionate young people have. That is very important. But even if you do not make it to the national convention, I would encourage you to do things. It can be something as small as reminding your friends to take their vote seriously, because each vote matters. It does not matter if you think

you are in a safe seat or not, each vote counts; make your voice heard — or it can be as big as leading a protest for something that you are passionate about.

Overall I hope what I have said inspires you today not only to strive to go on to the national convention but to strive and make sure that you have your voice heard throughout the rest of your future. I wish you all the best of luck in making sure that what you are passionate about gets voiced, shared and heard. You can all make a positive change. Thank you all.

Delegates applauding.

The SPEAKER — Thank you, Ryan. I think the future of our country is in very good hands when I hear speakers like yourself with a great deal of passion and interest in politics. We might move now to Hayden Radford from Nossal High School to give a vote of thanks. Over to you, Hayden.

Mr RADFORD (Nossal High School) — Thank you. As we reflect on the opportunity that has been provided to us students today it is important that we remember that this is something that not every student gets to do. We are all very lucky to come down to Parliament House to be able to sit in these chairs and do what we are doing today. It is important as we appreciate the opportunity that has been provided to us that we thank the people whose hard work has made this possible for us.

On that note, I would like to extend a massive thankyou on behalf of all the students here today to Maree Edwards, the Deputy Speaker. Thank you so much for your time today. As Deputy Speaker you have incredibly valuable time, so it means a lot for you to come and invest your time in our education and our learning about our democracy. So thank you very much for your time today.

I would also like to extend a thanks from all of the students here today to Parliament House and to the staff who made Parliament House run for us. We could not ask for a better venue to host us today. It is so amazing to be able to sit in such a significant landmark of Australian democracy and look back on what has been 130 years of our constitution going from a draft to what it is today and to reflect on that in the most perfect place possible, so a big thankyou to Parliament House and all its staff.

It is also worth thanking Judith Graley, Morgan Begg and Professor Saunders, all of whom spoke to us today. They gave up their time so they could share their insights with us. I am certain after hearing the debate that we heard during the soapbox that they were definitely very important in shaping our views.

Finally, I would like to extend a big thanks to everyone at National Curriculum Services for making this possible as well. So much hard work has gone into making this event possible for us all here today, and it is so important that we thank those who have given up their time to make this possible for us. So please give a big round of applause to all those people.

Delegates applauding.

The SPEAKER — Thank you very much, Hayden. They were wonderful words. Can I also just quickly mention Suzie Luddon, who has done a power of work to put the convention together and to order your day today. Thank you. I have the great pleasure now to introduce our shadow Minister for Education, Mr Tim Smith, MP, to close the proceedings. I invite Tim to come and say a few words.

CLOSING

Mr T. SMITH — Thank you very much, Deputy Speaker. Congratulations on your attendance and participation in this Secondary Schools Parliamentary Convention. I think this is a wonderful initiative. I note there are some students here from my own electorate, the young ladies from Methodist Ladies' College. I believe you were discussing if the constitution is still relevant to modern Australia. Is that correct? How was the vote carried?

The SPEAKER — The negative won.

Mr T. SMITH — The negative won? So it was supported by this chamber that the constitution needs to be changed. Is that correct?

The SPEAKER — That is correct.

Mr T. SMITH — What particular aspect of the constitution did you think needed changing? Section 44? That is a good start. Section 44 does not apply to us, which is terrific, because there are quite a number of dual nationals who are members of the state Parliament. That does not apply to me. I do not think that applies to you, Maree; it certainly does not apply to me. But there are a good number of colleagues on both sides of the chamber in state parliaments around Australia who are citizens of a number of countries, including Australia. Section 44 has obviously dominated our federal political debates over the last year, and I think it has been a wholly unedifying spectacle. So I think having that issue brought to some level of closure at some point is a good idea, so well done on that one.

Did you get onto the great issue of the constitutional monarchy? And what was discussed about that? Because this is something I am very passionate about. I am not a republican.

Can I just say that it is so important that young people get involved in politics, particularly the Labor Party or the Liberal Party, when you leave school, because that is how you make a contribution to our society; that is how you make it a better place. I was very passionate about politics when I was at school. I hope you realise the historical significance of the chamber that you are currently sitting in, because this was the first House of Representatives of our nation. This has been the lower house of the colonial Parliament of Victoria, which did some revolutionary things, can I say. In colonial times in this state we were the first jurisdiction anywhere in the British Empire to have an education act that made education free, secular and compulsory for both boys and girls up until the age of 14. That had occurred nowhere else in the then British Empire, and that occurred right where you are sitting at the moment.

Then in 1901, when this became the federal Parliament for 26 years, we created the High Court of Australia here, we created the Commonwealth Conciliation and Arbitration Commission, we did shameful things like the White Australia policy right here and we went to World War I right here. All of these things occurred under a number of Prime Ministers, including Billy Hughes, who left the Labor Party, walked out on his colleagues and created the National Party, and under what they called the Fusion government, which was a creation of Joseph Cook and Alfred Deakin. Then, as the years wore on, when Stanley Bruce was the Prime Minister, the capital shifted to Canberra.

But those 26 years of the initial stages of Federation, World War I and then the postwar reconstruction occurred right here in this building. Sir John Monash lay in state in Queen's Hall. I think that those historical lessons — and I think all of you who are interested in politics are also equally interested in history — are lessons that are worth learning and worth remembering. You, sir, wearing the cardinal tie: at that school I learned those lessons.

I hope everyone in this chamber today recalls and recollects how important our democracy is, that our country has been a force for good in the world for over a century and that we have fought and died for those values. By your participation here today and into your careers as enlightened citizens of our great country, you will be fostering the tradition of civic enlightenment and participation in our great parliamentary democracy. So thank you one and all for your contribution here today. I hope all of you will make a contribution into the future to our great state and indeed our nation. Thank you so much.

Delegates applauding.

The SPEAKER — Thank you very much, Tim. The member for Kew was much better behaved today than I have seen him in the past. I thank you all once again, and I thank the shadow Minister for Education, Tim Smith, for closing the proceedings today. It really has been a great thing to see you all debating across the chamber today. It is absolutely wonderful. I wish you all the very best in your future studies and in your interest in politics. Maybe one day you will be back in this chamber again.

Convention adjourned 2.44 p.m.