

2015 SCHOOLS STATE CONSTITUTIONAL CONVENTION

***Australia's responses to global security
are necessary and appropriate***

**Legislative Assembly Chamber
Parliament House
Melbourne**

27 October 2015

Delegates

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|------------|----------------|-------------------------------------|
| Max | Hoddinott | Box Hill High School |
| Justin | McGowan | Box Hill High School |
| Jared | Turnley | Box Hill High School |
| Lachlan | Turnley | Box Hill High School |
| Michael | Josefsson | Camberwell Grammar School |
| Addison | Peers-Johnson | Camberwell Grammar School |
| James | Ramm | Camberwell Grammar School |
| Amelia | Christie | Canterbury Girls' Secondary College |
| Petra | Katona | Carrum Downs Secondary College |
| Robert | Orr | Carrum Downs Secondary College |
| Sophia | Pfeifer | Carrum Downs Secondary College |
| Patrick | Dowling | Coburg Senior High School |
| Maxwell | Hughes | Coburg Senior High School |
| Danai | Harawa | Frankston High School |
| Nayeema | Hanif | Glen Waverley Secondary College |
| Eiddwen | Jeffery | Glen Waverley Secondary College |
| Ria | Nerlikar | Glen Waverley Secondary College |
| Annalise | Palenzuela | Glen Waverley Secondary College |
| Alice | Curtis | Kingswood College |
| Liam | MacGregor | Kingswood College |
| Callum | Shemmell | Kingswood College |
| Shenaja | Vardari | Kingswood College |
| Indira | Sertovic | Lalor Secondary College |
| Monica | Stojcevski | Lalor Secondary College |
| Alisar | Tawil | Lalor Secondary College |
| Brodie | Logue | Lavalla Catholic College |
| Lexi | Savige | Lavalla Catholic College |
| Chontelle | Cananzi | MacKillop Catholic Regional College |
| Isabella | Exton | MacKillop Catholic Regional College |
| Kristopher | Lowry | MacKillop Catholic Regional College |
| Holly | Mark | MacKillop Catholic Regional College |
| Riley | Ford | Maryborough Education Centre |
| Kayla | Muscat | Maryborough Education Centre |
| Coby | Polinelli | Maryborough Education Centre |
| Teegan | Thorpe | Maryborough Education Centre |
| Niamh | Keighran | Mater Christi |
| Caitlin | MacDonald | Mater Christi |
| Orlando | Buttie | Mckinnon Secondary College |
| Lior | Kalisse | Mckinnon Secondary College |
| Maya | Mackey | Mckinnon Secondary College |
| Caitlin | Donaghue-Evans | Methodist Ladies College |
| Thanushi | Peiris | Methodist Ladies College |
| Macadie | Hurley-Edwards | Mount Alexander College |
| Rory | McMaster | Mount Alexander College |
| Binti | Mohamud | Mount Alexander College |
| Roisin | Wellington | Mount Alexander College |
| Sanjna | Chandra | Mount Waverley Secondary College |
| Liz | Chiem | Mount Waverley Secondary College |
| Cher | Xu | Mount Waverley Secondary College |
| Thomas | Bell | Northcote High School |
| Nick | Obst | Northcote High School |

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| Beulah | Jeyaranjit | Nossal High School |
| Yathusa | Krishnamoorthy | Nossal High School |
| Lauren | Richardson | Nossal High School |
| Thomas | Velican | Nossal High School |
| Thomas | Balakas | Parade College |
| Senote | Keriakes | Parade College |
| Alexandra | Williams | Penleigh and Essendon Grammar School |
| Kieran | Volbrecht | Ringwood Secondary College |
| Emma | Aldous | Ruyton Girls' School |
| Ella | Crosby | Ruyton Girls' School |
| Sarah | Sullivan | Sacred Heart Girls' College |
| Joel | Campbell | Salesian College |
| Nicole | Matthey | Salesian College |
| Lachlan | Ziervogel | Salesian College |
| Ishaan | Bungay | Scotch College |
| Alan | Pan | Scotch College |
| Scott | Polmear | Scotch College |
| Anthony | Shorten | Scotch College |
| Frank | Caccamo | St Bernards College |
| Thomas | Dervan | St Bernards College |
| Jett | Fogarty | St Bernards College |
| Robert | Santomartino | St Bernards College |
| Sarah | Fenton | St Catherine's School |
| Georgie | Sitch | St Catherine's School |
| Sophie | Sitch | St Catherine's School |
| Jessica | Walsh | St Catherine's School |
| Jaime | Avramov | St Monica's College |
| James | Damches | St Monica's College |
| Jonathan | Goletsos | St Monica's College |
| Priya | Reddy | St Monica's College |
| Louise | Blair-West | Strathcona Baptist Girls' Grammar |
| Kelly | Bradley | Strathcona Baptist Girls' Grammar |
| Georgetta | Napier | Strathcona Baptist Girls' Grammar |
| Siobhan | Roberts | Strathcona Baptist Girls' Grammar |
| Natasha | Pedersoli | Sunbury College |
| Caitlyn | Whitehead | Sunbury College |
| David | Harvey | The University High School |
| Olivia | Vermeesch | The University High School |
| Darcy | Brown | Thornbury High School |
| Jakob | Cobby | Thornbury High School |
| William | Hornstra | Trafalgar High School |

WELCOME TO COUNTRY AND OPENING

Didjeridu played.

Mr BRIGGS — Wominjeka yearmenn koondee-bik Wurundjeri-Ballak. Kagajah [**Please verify spelling of ‘Kagajah’.**]. Welcome to the land of the Wurundjeri people. My name is Graham. I am fortunate enough to come along here today to be part of a very important opportunity for you students, given the fact that you have all nominated to participate in such a forum. So I tap my didjeridu to you guys. One of the key things, obviously, that is very important once you finish school, with the interests that you have shown here today, is to follow through on the social issues that impact not just on you guys as young people but people of different cultures, different suburbs, different communities and different high schools.

One of the things about my welcome to country which I tend to do is to provide a bit of an opportunity and insight. My great-great-great grandfather’s name was Bibigin [**Please verify spelling of ‘Bibigin’.**] — he only had one name. The Birrarung, or the Yarra, was mistakenly given that name when John Batman came across in 1823, around the time just prior to John Fawkner. John Batman was sent across by his then owner, his boss, the principal in a sense, to come and find some land on which to create a bit of a sheep run, so Melbourne was actually founded upon looking for a sheep run. At the time there were 11 people. He had on board an Aboriginal person from the Wathaurong country, which is around the Geelong area, thinking that every Aboriginal person could speak the same language. So the mistake was made when he actually came up the Birrarung, he was around the area where you have the Melbourne aquarium today. There used to be a tiny waterfall there and they could not go any further, so John Batman then asked, ‘What is that? What does that mean there?’. The man replied ‘Yarra’. Where the waterfall was, there was white froth scattered all across part of the Yarra. He mistakenly said ‘Yarra’, so he wrote it in the log book. All of these things can be found in the National Archives down near Arden Street in North Melbourne.

One of the key things is that our language was actually lost. Through our cultural revival, through the reconciliation action plans in which a lot of governments, a lot of state bodies and also schools or companies in which the mums and dads, nans and pops, aunts and uncles actually work at, we were able to then place down an opportunity for our people to continue on the ways of our forefathers. One of the key things is yirriki [**Please verify spelling of ‘yirriki’.**] as part of my welcome.

Didjeridu played.

Mr BRIGGS — Wominjeka.

Delegates applauding.

KEYNOTE SPEAKER

Ms BURKE — Good morning, everybody. Are we all good? How many days left until school ends? Four? If you are doing VCE, it is English tomorrow. I am assuming none of you are VCE students because you would all be at home panic-struck by now, I should imagine. Anyone doing a 3/4? Good luck. You already know the joy of what is yet to come for those years. I did VCE so long ago it was HSC and exams were 100 per cent at the end of the year. I am dyslexic — I cannot spell very well — so I sat my HSC orally. I was allowed to by the authorities. Instead of writing anything down — I was not allowed to do it on a computer; mind you, I am so old computers were not that good then — someone had to write it for me as a scribe. I dictated all my essays.

Since then I have never had a fear of public speaking because I had to get over it early to be able to do anything. I did all my exams at university orally until I did my masters at Melbourne, and they would not let me. By then I had learnt how to overcome the fact that I can spell — just not words I really want to, under stress. For me, it is more a spelling disconnect, and I cannot read completely well. So if I stuff up something along the way, just be kind to me. Okay?

I also managed to get here from Box Hill in the traffic quicker than everybody else who actually works in the Parliament. That is why we are out of order, because I was so strung out about getting here on time I left really, really early to make it in. When I am going to Parliament I usually get up at the crack of dawn, at 5.00 a.m., get the car to the airport and fly to Canberra. The thought of driving here today strung me out so much and not

wanting to be late for everybody, I have made it on time and none of my state colleagues have. I am getting the round of applause this morning.

Mr MERLINO — I am here.

Ms BURKE — You are here now. So because the minister has arrived now, we might let him go first. We are going to be kind. I was filling in. Do you not like that? I am good at that. I am going to hand over to the minister who is going to be doing a welcome for you, and then we will go back to the speech.

Delegates applauding.

Mr MERLINO — I welcome everyone here today. My name is James Merlino. I am the Deputy Premier and Minister for Education. I acknowledge my friend and federal colleague, the former Speaker of the federal Parliament and the member for Chisholm, Anna Burke, and the teachers and parents who are here but most importantly the students here today. Welcome to the 2015 Victorian Schools State Constitutional Convention. I begin by acknowledging the traditional custodians of the land on which we are gathered and paying my respects to elders past and present.

As I said, I am the Deputy Premier, which means I sit on the middle chair at the front table. I am currently the Minister for Education. I used to be the Minister for Sport, Recreation and Youth Affairs, and I sat there. Before that I was a backbencher, sitting there. The worst time is when you are in opposition and you are sitting over there. I was over there for 4 years of the 13 I have been in Parliament. I am absolutely delighted to be here today to welcome you and open the convention. There are 100 students representing, I think, 36 schools from across Victoria. Each year I speak at a number of student forums in this chamber, whether it is the regional constitutional convention, the YMCA Youth Parliament or yourselves through being involved in your school or the Victorian student representative councils. Today you are representing all of those groups and the voices of the students that they act on behalf of. It is a great opportunity for you to participate with in a debate.

This is sometimes called the bearpit. It does not reach levels of violence but it is a chamber where issues are discussed and debated passionately. It is symbolic that we do not resort to violence in this place. This table is a symbolic width. It was built so that the width is just a fraction more than if the two opposing sides whipped out swords to try to fight — the swords would miss by about that much. It is symbolic that this is a place of passion, a place of debate. The 88 members of this chamber and the 40 members of the Legislative Council all come into this place wanting to make a difference and we have very different views about what that means. That is what your debate will be about as well.

I also acknowledge Don Nardella, who is my friend and the Deputy Speaker of this place. He will be speaking to you as well.

The topic of today's convention is 'Australia's responses to global security are necessary and appropriate'. It is a challenging topic that we are responding to at a state level as well, which I will speak about in a second. Technology, mass communication and global events have an immediate impact on our society, and that is why I think it is a good choice of topic for the convention. This immediacy of global events raises many questions about which measures should be taken to ensure the safety of our citizens and to what extent such measures should be implemented in balance with human and civil rights. There are no easy answers in this topic.

As you know, under the Australian constitution, national security is a federal government responsibility. This means national security agencies are responsible for detecting, preventing and responding to threats and acts that jeopardise our nation and people. The commonwealth leads Australia's counter-terrorism arrangements, including diplomacy, law enforcement and intelligence gathering. There are many different aspects of this effort which can affect our lives, including laws about privacy, how we manage data, how we deal with freedom of speech and the rights of our citizens. These questions can extend to how we interact with each other as a community and the level of influence the media might have over the information we have access to and the freedom of the press.

Back at a state level, which is my government's responsibility, the Premier asked me as Deputy Premier to lead a task force, the social cohesion and community resilience ministerial task force. It is made up of four key ministers: myself as Minister for Education, the Minister for Youth Affairs, the Minister for Multicultural Affairs and the Minister for Police. The goal of this task force is to find how we can strengthen social cohesion,

how we can enhance community resilience and how we can prevent radicalisation, particularly amongst young people. As I said, this is a challenging area of public policy. When we established this task force we said, ‘We don’t have all the answers’. What we know and the lessons we have learnt from overseas are that you have to engage with communities and you have to make sure that whatever strategies you put in place are evidence based.

One of the key things that I think we are really successful at in Victoria, and something we should all be proud of, is the importance of Victorians having a sense of worth and belonging within the community, that they are accepted and can participate, and that Victoria is a place where social justice and equity are the norm. The resilience and cohesion of the community is our best defence against any threat to our security. We should all be very proud of the multicultural and multifaith make-up of our state. Our cultural, linguistic and religious diversity is our greatest strength. It represents the foundations of cohesion in our community, our understanding and respect for others and the source of a shared identity.

A large part of that is fostered in our schools, and this is why I am particularly excited. One of the changes we made to the curriculum is that from next year prep right through to year 10 will be learning about global cultures and different faith traditions from across the world. This is a bit of a long game, but imagine the change that we can implement over the next 5, 10 or 20 years if we have children from prep right through to year 10 learning about the tenets of Judaism, Christianity, Islam, Buddhism and Hinduism. It is knowledge that leads to understanding and it is understanding that leads to respect, peace and prosperity in our society. That is the long game.

There are immediate security issues which are the responsibility of our law enforcement agencies and intelligence agencies, predominantly at the federal level but also at the state level with Victoria Police. There are important social cohesion community resilience initiatives that we must look at, but I think education in our schools is going to be one of the driving forces across the next few decades.

This is an area I am heavily involved in and have a high level of interest in. The debate you have today will be recorded by Hansard. It will be available for all members of Parliament to review, to look at the issues that were raised and to see if there were any conclusions at the conclusion of the convention. As the minister responsible for the task force and education, I will certainly be looking closely at the debate that you hold today. I also encourage you to think about how you yourselves can disseminate this information in your schools and in your local communities. That is another tenet of what it is to be a strong democracy, which is something we are all proud of.

Thank you for having me here this morning. It is a great pleasure to be here. I encourage you to have a strong, passionate debate, to talk and listen. You might change your views. Your views might be challenged, and that is a good thing; that is what this Parliament is all about. Thank you very much. It gives me great pleasure to officially declare open the 2015 Schools State Constitutional Convention.

KEYNOTE SPEAKER

Ms BURKE — I am used to sitting in the Speaker’s chair. It is a great job; you get paid to yell at people you do not like. Think about it. Now that I am in opposition I just yell, but you are not going to do that today. But be passionate about why you are here and what you are debating. Politics should be about passion. It should not be about invective or insult, but it should be about passion. Being loud, being boisterous and running your argument is great, but there is no need to be personal and there is no need to be abusive. If you have to rely upon that, your argument is not solid enough. Good luck for today.

It is interesting to follow the Deputy Premier because we have both gone with the same theme. We are lucky living in Australia to be in a highly successful and well-functioning multicultural society — perhaps the most successful multicultural society on the planet. That is something we often overlook in this debate. I have just come back from Europe. I arrived in Berlin on the day that a lot of the asylum seekers were pouring in from Syria. The debate that is happening in Europe is taking place in what are monocultural societies where there is concern about the other. I have been in federal Parliament a long time and have watched the debate — more about asylum seekers than terrorists in this area — and the creation of the other. To be frightened of someone else because they do not look like us is something you really cannot run in Australia. Just look around this room and think about that for a couple of minutes.

I live in Box Hill, and on Saturday I ran what is known as a mobile office. It is very glamorous being a member of Parliament. It meant I stood in the shopping centre for 2 hours with a cardboard table and a couple of volunteers. Funnily enough several of them were Chinese because the majority of people coming to talk to me in Box Hill were seeking someone who could speak either Cantonese or Mandarin. I then had an incredibly racist individual come up to one of my volunteers and say, 'Go back to where you came from'. He said, 'Right, around the corner? I'm from Box Hill'. I thought, 'Actually, we're the odd ones in Box Hill on a Saturday morning'. We were the ones, the Anglo-Saxons, looking out of place. But that is what it is, that no-one looks out of place. We are an incredible melting pot.

Our country is home to a diverse range of religions and enormous cultural diversity. We experience very low incidents of social unrest and disharmony, a few protests in Bendigo aside. Every time there has been one of those racist rallies, the anti-racist rally has out-mobilised them two to one and in some cases four to one, even in the instances in Bendigo. This is particularly impressive given our country's long history of racism. We are a racist nation. Let us not shy away from that and our adherence to the White Australian policy and a fear of the other. As I said, that has been exploited politically and, I would say, shamefully.

When we come to the issue of global threats, including terrorism, extremism and radicalisation, and how we as a nation respond to those threats, it is very important that we keep the success of our multicultural society at the forefront of our decision-making and the language we use. It is only in a society where all citizens are free and equal with equal opportunities for all that a shared sense of belonging can be achieved. We need to be very careful that we never jeopardise that sense of belonging — that we do not create in a political sense, a cultural sense or even just a societal sense or at school that sense of other.

There are a number of ways that a government can threaten this sense of belonging and our risk of social cohesion, such as through laws which take away or deny citizens their rights, the policies they implement and the language they use. As a member of Parliament I was very concerned when the former Prime Minister began using the term 'Team Australia'. Actually it was pretty good for the memes and the various things on Facebook, but the term 'Team Australia' — I am going to put it out there, which is very unparliamentary of me, so do not use it today — was a bit of a wank. What is Team Australia, who is in Team Australia, and who gets to decide what Team Australia looks like? This is going back to being very old. I remember the days when the sports teacher would say, 'You get to pick who's on your team', which I loathed, because nobody was ever going to pick me. I was not really sporty. I was happy to participate. I was great at dancing, but not very sporty.

It was like, 'Whose team are you on?'. Where do you get to decide and how do you get to be part of this Team Australia? These questions were never really answered by the former Prime Minister, but there was always a sense that it was a term used to manufacture patriotism and to divide the community into us or them. I loathe that term, 'anti-Australian' — 'You're either for or against us'. So who is for or who is against us, and why do we want to go down that path of ultra-patriotism? It has not served a lot of nations well. It is not that I do not want you to be respectful of your country or not to think Australia probably is one of the greatest places on earth to live, because having been overseas for four weeks, it really does reinforce it — but there was that notion that somehow there are certain ones of us who are above the fray.

This was not helpful language for Islamic communities, as the implication was clear: 'You're not part of Team Australia'. It was terminology that fed a culture of fear and encouraged the elements of the media that seek to capitalise on the fear and sensationalise the threat from the — again, language — 'death cult'. Some people were saying, 'Stop referring to it as a "death cult", because you're actually glamorising it, suggesting that belonging to a cult is a good thing'. I am not sure why; they usually have rotten tattoos. But again, it is the language. Think about how important it is.

Suddenly it was Muslims who were being asked to prove their loyalty to Australia, and fringe dwellers who believed that the halal certification of food is somehow anything other than a commercial decision to access new export markets felt that they were fighting for the rights of Team Australia. There are some great things out there about the halal certification. The one that the team from the Chase did nails it beautifully. Again it is about language, about concern and about driving fear of the unknown, as opposed to, 'If you certify something, you get to sell it in a lot more countries and a lot more people know it is something they can buy'.

It is important to point out that it is a kind of language that was against the advice being provided by both ASIO and the federal police, who rightly viewed such language as having the potential to create more risk for the community, to inflame tensions, and certainly not make it easier for communities grappling with people at risk

of radicalisation. It is much easier to rebel when you do not feel like you belong. It is of great importance that the government has dispensed with this kind of language and that we are once again seeing a more balanced approach to the public debate about threats from terrorism. Let us not underestimate that they are out there.

It has always been my view that the more publicity and attention we give people who seek to commit an act of terrorism, the more we help their cause. If a person's goal is to change our society through terror and the murder of innocent people, why would we as a society allow them to achieve their goal by changing our laws and our values? This is where it is really difficult; this is where the thin line becomes the issue. In Australia we value our successful, inclusive and equal multicultural society. Our national leaders can protect that with our language.

We can also protect or damage it with our laws. Since September 11 in New York there have been at least 50 significant changes to Australia's national security laws, including expanding powers for security agencies, the creation of new crimes and granting the government the power to make it illegal for Australians to travel to certain areas. Forty-six of these 50 changes were made by coalition governments — many of them supported by Labor, but most of them driven by coalition governments. I have been a member of Parliament for the entire period. I have participated in many fierce debates about which freedoms are and are not acceptable to give up. Sometimes the right balance has been struck; sometimes, I argue, it has not.

In Australia we do not actually have a single law, we do not have an act of Parliament or section of the constitution, that clearly defines privacy and sets out the manner in which it can be breached. Nor do we have an act or a part of the constitution that gives us the right to freedom of speech. So when we talk about these things they are not actually enshrined in law. Sometimes that is good, because it just means that as a society we accept those as a given. We do not have those enshrined in law or our constitution.

There is no absolute right to privacy. Again there is a series of laws, acts of Parliament and court decisions that each apply to particular aspects of a citizen's right to privacy, and any right they confer is balanced against other competing rights and duties. This is all very nice for lawyers — I will declare at the beginning that I am not one, so I can bag them out; no, they are some great people, and we need them — and the policymakers who spend their days, of which I am one, debating the finer points of law and legislation. But as average citizens we all feel quite naturally that we have a right to our privacy and that it should be protected.

Many of Australia's response to global threats have challenged the notion of our privacy that many of us hold. We have been asked to give up certain rights in order to fight terrorism and save lives. When the government introduced laws forcing telecommunications companies like Optus, Telstra, iiNet and the others you are all with to store the metadata of all their customers for a minimum of two years, my office was inundated with complaints and concerns from people worried that government agencies would have unfettered rights to invade their privacy. The law allows police agencies, including ASIO, local law enforcement and the federal police, to access a person's metadata — the records of their phone calls and text messages, GPS locations and internet history — without a warrant.

Police agencies requested the legislation because they were concerned about advances in telecommunications technology, so they were requesting it because they had concerns. Telecom providers that once needed to store data for lengthy periods for billing purposes can now dispose of that data very quickly. Previously they held on to it because they were sending you a bill. With technology advances, they do not need to do that. The data had been used by police agencies in response to a range of serious crimes, including terrorist offences, drug trafficking and child sex offences.

I still have grave reservations about these laws, their impacts on the privacy of individuals and the extent to which they allow authorities to access private information. The president of the human rights commission, Professor Gillian Triggs, commented that, 'It might be said that the act employs a sledgehammer to crack a nut'. Certainly it is arguable that the act is disproportionate and ineffectual in dealing with the problems it is allegedly designed to combat.

I spoke against the Labor Party's proposing the legislation within caucus. However, the majority of the Labor caucus opted instead to support the legislation with a series of amendments recommended by the Parliamentary Joint Committee on Intelligence and Security as well as an amendment which provides more protection for journalists. The government had already agreed to accept these amendments and adopted them into the legislation, and whilst I personally would preferred to have seen access to metadata restricted or the legislation changed or indeed in some respects not supported, I am bound by Labor Party caucus solidarity.

I did, however, see that there were some worthwhile protections that actually had been built into the legislation. Regardless, it is worthwhile acknowledging that the new laws do offer improvement to the way metadata is accessed by government agencies and policing authorities and that the final law passed was also significantly better than that first proposed by the Abbott government. Private companies had already been retaining very large amounts of metadata in a largely unregulated manner for many years. The data had been accessed by many dozens of federal, state and territory agencies, local councils and groups such as the RSPCA hundreds of thousands of times per year with insignificant safeguards to protect personal privacy. Under the new laws authorities such as councils and the RSPCA can no longer access your data, which is as it should be.

Data is now accessible by far fewer policing and national security agencies, which will now have to show that it is reasonably necessary to an investigation to access metadata, and the Commonwealth Ombudsman has oversight over the conduct of authorities and the ability to access and investigate the use of metadata by policing agencies. The Parliamentary Joint Committee on Intelligence and Security now has oversight of the use of metadata by the AFP and ASIO. Previously no oversight for the accessing and use of metadata existed. Again, it was pretty unregulated, and these protections have been brought in because there was a committee process that actually scrutinised it and said, ‘What are we actually asking?’.

A lot of legislation comes before the Parliament and there are unintended consequences, so sometimes going off to another group like a committee that gets in the experts means you come up with better legislation. Security agents will require a warrant to access any information pertaining to the content of messages or conversations. They know you and your best friend sent 16 text messages to each other on Sunday night — and that is properly an underestimation. How many text messages do you reckon you sent on Saturday night? What do you reckon?

A delegate — A lot more than 16.

Ms BURKE — A lot more than 16. You have got unlimited access. Your parents are not paying a small fortune for your phone. What do you reckon on average on a Saturday night? Nobody is ‘fessing up. I did four to my daughter alone to work out what corner to pick her up on on Saturday night, and then in the end I got so annoyed I drove down and I yelled at her, which really did not win me any friends, because she and her three mates got in the car and said, ‘You’re so embarrassing, Anna’. I said, ‘Get in the car. We’re going’. Think about the amount of messages you are sending.

They can find out the amount of messages. They cannot find out what is in them, which I am sure you are all very glad of. I am seriously glad they do not know what my daughter is texting. Actually most of the time I am really glad I do not know what she is texting — except to me, about where I am meant to pick her up on a Saturday night. But they need a warrant to find out what you are talking about. They can access how many times and where without a warrant, but to find out what you are talking about they require a warrant.

Citizens now also have the ability to access their own metadata being retained by the telecommunication providers and a mandatory data breach notification system is required to be in place by the end of this year. The data breach notification system forces telecommunication companies to inform their customers when there has been a breach in the security of customer data. There has previously been no requirement for telecommunication companies to do this.

Corporate and competition regulators such as ASIC can now retain access to metadata to help them crack down on white-collar crime and other wrongdoings. It is also illegal for agencies to access metadata for the purposes of identifying a journalist’s source unless they first obtain a warrant generally from a court. There will be statutory presumption against issuing a warrant and agencies will need to prove that the public interest in obtaining the information sought under the warrant outweighs the public interest in protecting journalists’ sources, which is essential to the freedom of the press. This was a big issue in the legislation, because without a robust free press we do not have a robust and free democracy and we may as well give away all our rights. If we cannot ensure that journalists have access to going out and finding sources that are protected, then we are eroding our freedoms in the name of protecting us. That is why this stuff becomes so complex and so hard to juggle.

A public interest advocate will be appointed to represent the interests of journalists where an application for a warrant is made. In many instances people were satisfied with these safeguards and many others were not. I am sure these laws will be a significant feature of your debate here today. It remains an open question if these laws will prevent a terrorist attack. They may well, but access to metadata did not help police agencies stop the

Sydney siege, and the ability to access metadata did not prevent a teenage boy shooting Curtis Cheng outside a police station in Parramatta.

It is fair and reasonable for all of you to debate these things here today, particularly when we continue to face more demands to change our laws to respond to threats. On the table currently are changes which are being proposed at present. These proposals seek to give the government the right to revoke the citizenship of convicted terrorists and their children if they are dual nationals. Other proposals allow police and security agents to detain suspects without charge for 28 days, create an office of inciting genocide and allow control orders to be placed on children as young as 14, and here in this Parliament the Victorian government is introducing laws to allow police to apply for security warrants to remotely search people's computers. All these potential laws curtail our freedoms, and it is important to ask yourselves, 'Why do we consider it more reasonable to give up our freedoms to fight against terrorism that we would never consider giving up to fight other crimes that may also lead to a loss of life?'

Last year in Victoria 21 per cent of drivers killed in car accidents were aged 18 to 25, despite the fact that people in the age group make up only 14 per cent of drivers. Seventy-five per cent of those killed were men. A 14-year-old boy suspected of being radicalised has killed one person, and we are discussing the need to lower the age that police can control the movement of a child without parental consent. Would any of us consider restricting the driving age in Victoria to 26, or placing the control orders on any person under 25 with a drivers licence? Why not? There were at least 28 people whose lives would have been saved last year if we had done either of these things.

One woman in Australia is killed every week by a husband or partner, and domestic violence is perpetrated primarily by men. It is the leading contributor to death, disability and mental health for women aged between 15 and 44 in Australia. Would we consider giving police the power to interrogate men as young as 16 who are not yet suspected, in a domestic violence case, for up to 24 hours and detain them for up to seven days? Would we also allow the police to seek repeated warrants for these interrogations, and would we then allow the same non-suspects to be put under covert surveillance by police? All of these powers are currently granted to ASIO for non-suspects of terrorism.

When we create new laws that make us give up our liberties and freedoms, we can never truly be certain how effective these new laws will be or exactly how many lives they will save. But we can be certain that the freedoms those laws restrict and the liberties they take away will never be reinstated — even when the threat has passed. I sadly suspect that the threat of terrorism is never going to pass and you are now living in the new paradigm. They will continue on and our society will be permanently changed as a result. We will only continue to thrive in a welcoming, multicultural society when we all feel we belong — if all citizens are free and equal, and with equal opportunities for all. No suite of security measures and laws will ever offer the 100 per cent guarantee that no incident will ever occur. At what point are we willing to say that we have achieved the right balance; and on the other side, are we also prepared to take the risk?

I wish you all the luck today as you debate whether or not we in the Parliament have gotten it right or wrong, whether our laws continue to keep us equal, and whether or not we have given up too many freedoms in the sake of our fight against terrorism. Good luck with the debate today.

Delegates applauding.

The CHAIR — We have time for maybe two quick questions without notice for the former Speaker. Any quick questions?

Mr HORNSTRA — Anna, you were saying how the right to freedom of speech and the right to privacy as such were not protected under the Australian constitution or any act. Are they protected under international law?

Ms BURKE — No. The bottom line is we think we have them legislated, we think they are in our constitution, but on the actual right to privacy and the right to freedom of speech I cannot point you to one law and I cannot point you to one part of the constitution. There are many bits and pieces that imply and infer, but there is no one thing. We do not have, like the Americans do in their constitution, a sort of inalienable right to freedom of speech or the right to bear arms. I am very glad about the last part, by the way. It is not there. We live in this belief that it is there; we live in a belief that somehow there is some international thing, but there is

not. That becomes one of the difficulties in this space — that people think we are taking things away from them, which in some respects, in a legal sense, they do not have.

I suppose that is in our debates and will be in yours today: can we legislate everything? Is it possible? I would like to legislate common sense, but it would be my common sense, would it not, which would be totally different to yours? So a lot of it is just implied in how we as a society interact with each other. I suppose that is why we all go back to the notion of multiculturalism, because in Australia we hold that it is sort of an inalienable right, but it is not, again, legislated per se.

The CHAIR — There is another question here.

Mr J. TURNLEY — My name is Jared Turnley, and I am from Box Hill High School.

Ms BURKE — An excellent school in my electorate!

Mr J. TURNLEY — I was just thinking that Islamic State is probably one of the best marketing groups, because I would say they do not have that much power and they are not that bad. It should be stated that casualties of war, including terrorism, are going down and yet we are probably the most scared. We are saying, ‘Good luck to you, youth, because you are living in a world that is full of war and everything’. I have a feeling that a lot is being lost in translation when in actual fact war is going down and IS is being overplayed and as a result we are getting laws that we do not really need.

Ms BURKE — I think that is going to be a good part for your debate today. ISIL, Daesh — whatever you want to call them — are very sophisticated, and part of this era is something that is beyond my comprehension. I did not have a mobile phone or a computer at school, or an iPad. I wrote my honours thesis by hand — visualise. As I said, I am dyslexic, too, so it was quite an accomplishment. We are living in a rapidly changing technological world. We actually cannot keep up with legislation for the technology. We are always a bit behind. With things like the metadata, you can explain that better than I am ever going to be able to. Actually I had a lot of techies who would ring and talk to me about it, and I would be like, ‘Yeah, okay; I’m sure that means something wonderful’. Then I would wheel out the staff member, who is, you know, 25, and say, ‘Look, talk to them’.

There is a bit of a generational divide because of that technology gap and overlay. But, as I said, I have just been in Europe, and if the biggest threat coming out of Syria for most of the people I met was the Assad regime not the terrorist regime, then you have to ask who is your terrorist and who is your freedom fighter? It is another debate for another day. It becomes complex. The only thing I say is that I think you will live in a world of threat. What that threat is, I do not know. It could be climate change, societal shifts or the ageing demographic. These are threats that I have never experienced but you have to live with, as well as the uncertainty of them. The terrorists might be rescinding, but they will bob up somewhere else. There is now talk about what is happening in the ASEAN region — not just in the Middle East — in terms of what is happening there and who is driving it. My view is that an extremist is an extremist is an extremist. It does not matter what brand of extremism you are wearing. It is a threat that wants to take away what we all take for granted — our freedom.

We cannot overplay it, but we cannot underestimate it, because we cannot quantify it. That is the difficulty as legislators. How do you quantify that threat? At what point do we say, ‘We are prepared to give up all our freedoms?’ At what point do you say that the terrorists have won because we are living in terror. That is the idea, is it not? It is complex. If there was an easy answer, we would find it, but I think your minds are up to the task, so good luck with it all. Thank you.

Delegates applauding.

OPENING STATEMENTS

Australia’s responses to global security are necessary and appropriate

The CHAIR — Welcome, everybody. We are now going to go into the opening statements by delegates.

Ms CHRISTIE — The first thing that I notice when I talk to people about data retention is that nobody seems to know what it actually is — and that is really boring. We have all seen the headlines and we have all scrolled past articles on Facebook. We all know it is about our online privacy and the new legislation is a

counter-terrorism measure. But what really is it? How does it affect our lives online and is it an appropriate reaction to the supposedly substantial threat? Privacy is a privilege that is as undervalued as it is underestimated. When people talk about online privacy the argument is often thrown around that if you are not doing anything wrong, you have nothing to hide. I find this both naive and hypocritical. Following this logic, in the name of aiding the protection of services, should not all buildings be made of glass? And yet we have gates around our properties and blinds covering our windows. We have a right to privacy in our homes and as more of our lives continued to be dependent on computer technology it follows then that we should continue those standards of rights into these new modes of communication.

Data retention has been in the spotlight recently due to the Telecommunications Act 1979 being amended successfully in March this year. It requires that telecommunication and internet providers to store metadata for two years. Metadata can be described as information generated by telecommunications excluding the actual communication. So this means that anything from your address, billing information, source destination, date and duration of communication and the download and upload volumes will be recorded and stored in million-dollar data warehouses. The uses of metadata are still completely uncertain. Although individually the information does not sound that valuable, the United States general counsel of the National Security Agency has admitted:

... metadata absolutely tells you everything about somebody's life.

Previously telecommunication and internet providers kept limited metadata for taxation, billing and marketing purposes, and government agencies could gain access with a warrant. By allowing government sectors to access information without a valid and verified reason, we are allowing them to treat everyday people like they are suspected of a crime. It is the sheer scale and access to legislation that attempts to monitor 23 million people that makes me question if it is appropriate. I ask that people today, when arguing about the new data retention legislation, its pros and cons and all privacy-related laws, to think about not only how it affects us today but also its potential implications for the future, because there will come a day when terrorism is not the nation's biggest enemy anymore and we have just given the government a very powerful new toy.

The CHAIR — Will you wind up please?

Ms CHRISTIE — Remember to be careful what you say, who you call and what you read. After all, from now on, we are all suspects.

Delegates applauding.

The CHAIR — Thank you very much for that. We are now going to set the timer for 2 minutes. When you hit 2 minutes we are going to do what we do in Parliament and we are going to cut you off. But she did really well.

Mr KERIAKES — Today the topic we are discussing is Australia's responses to global security. I have firstly looked into the rights and responsibilities of the Australian people. As an Egyptian-Australian, I have quite a unique perspective on our shared social and cultural values and I believe that all Australians from different backgrounds bring something to the table. I strongly support the contention, and I believe that Australia, as a First World country, has a responsibility to protect free speech and other civil liberties. As a citizen, I also believe that we have an obligation to uphold these rights so that future generations, whether born here or overseas, will have the opportunity to enjoy the freedoms which we have now. Let us remember that many people who are members of our society today came fleeing injustice and intolerance overseas. Let us not become like those nations from which these new Australians come.

It is heartening to see the current Andrews government in Victoria challenge the controversial move-on laws passed by the previous Napthine government. The laws are a threat to dissident voices within our democracy and present a real threat to freedom of speech and of association. I propose that we strike a balance between securing the peace and stability of this country and that of ensuring that we retain those freedoms mentioned previously. However, in protecting our citizens and this country, let us not chip away at the foundations that make us who we are.

Delegates applauding.

Mr DAMCHES — I am a 17-year-old upcoming voter from the electorate of Scullin. A lot has already been said on data retention law and privacy, but I am here to respectfully provide you with an alternate opinion.

Metadata plays a central role in the most successful crime investigations, which is why it is critical that our law enforcement and intelligence agencies can have access to this kind of data. Metadata is used in almost every serious criminal or national security investigation, including murder, counterterrorism, counterespionage, sexual assault and kidnapping cases. Agencies use metadata to quickly rule out innocent people from suspicion and further investigation by showing that they had not been in contact with other suspects, for instance, or by identifying suspects and networks of criminals associates.

Australia needs a data retention scheme because telecommunications companies are retaining less data and keeping it for a shorter amount of time. This is degrading the investigative capabilities of the law enforcement and security agencies, and in some cases it has prevented some criminals from being brought to justice. A recent Europol, or European police, child exploitation investigation — a bit of a mouthful — provides another valuable example of how crucial metadata is. Child exploitation investigations rely heavily on telecommunications data, as perpetrators primarily share information online, meaning that often little physical evidence is available. In this case UK authorities were able to positively identify 240 suspects out of the 371 believed to be using metadata in the UK. This led to 121 arrests and convictions. In contrast, of 377 suspects believed to be in Germany, only 7 were able to be identified and none arrested or convicted, because Germany does not have a data retention scheme in place.

The CHAIR — Your time has now expired.

Delegates applauding.

Ms STOJCEVSKI — I will be discussing whether Australia's responses to global security are necessary and appropriate, focusing in particular on media influence and fear factors. I firmly believe that the Australian government's response to media ownership and control is not sufficient as of now. With the major news corporations being owned by a handful of people, we are only getting a mediated, one-sided view of global events. The opinions of large-scale media owners, such as Rupert Murdoch, who owns approximately 70 per cent of Australian newspapers, are embedded in our media outlets, meaning that we are only hearing the opinions of a very small number of people.

The example of the *Daily Telegraph* coverage of the Sydney siege supports this argument. The newspaper, which is one of Murdoch's many outlets, was under heavy criticism for linking the siege to Islamic State with the headline, 'IS takes 13 hostages in a city cafe siege — death cult CBD attack', despite the fact that the terrorist organisation did not have any direct correlation with the attack.

Invoking false fear in Australians is dangerous, and coverage of global security-related incidents needs to be regulated more strictly. Although I strongly support this argument, it is important to acknowledge that there are other views which disagree with the proposition that we are only receiving one person's opinion through the media. Many believe that media coverage of current affairs is fair and unbiased, and it is regulated by the Australian Communications and Media Authority. The argument is that there are already enough restrictions on the media and that any more would result in the media being completely controlled by the government.

My recommendations that I am offering for the convention to consider are that we discuss whether media regulations are sufficient or if our government should be doing more to ensure that we get clear media coverage of current affairs. Further regulation to encourage diversity of media ownership, and therefore greater diversity in the views presented, would allow the public to be more informed about an issue, and perhaps the public would see issues from many different perspectives.

Delegates applauding.

Mr BUNGAY — We like to think of Australia as a multicultural society, a society that is secular, a society that is not only tolerant of other religions but welcoming of them and a society that rejects racism and bigotry. After all, we have come to be one of the most ethnically diverse societies 50 years after abolishing the White Australia policy, which has been a great thing that we can be proud of. However, lately we have been experiencing some bigotry towards a certain community. Of course I am referring to the Muslim community. That seems to resemble the shades of our racist past. Today I will be talking about social and cultural disharmony and how our government policies are creating both a religious and racial divide.

On a domestic level we have seen that the government, time and again, has been giving preference to certain religions over others. It was only this year that we removed Christian religious education from our public schools. We have a religious hierarchy in Australia, and that has contributed to the alienation of the small religious communities. To top that off, we have had the Cronulla riots and Reclaim Australia rallies further projecting this anti-Islamic sentiment. Our broader foreign policy has been reflecting the sort of bigotry that has been coming through — which has been demonstrated by our war in Iraq — but what is next? As Anna Burke said before, Australia has actually been really good in its response to the anti-Islamic sentiment that has been forming. She talked about how after the Sydney siege overwhelming we had shown support for the Muslim community. We had the hashtag ‘I’ll ride with you’ trending, and that was just talking about solidarity with the Muslim community. That is one of the great things we have been doing as Australians, and I think it is important to consider that although there is an anti-Islamic sentiment, we are doing great things about it.

The CHAIR — Your time has expired.

Mr BUNGAY — Thank you for listening.

Delegates applauding.

The CHAIR — I am pretty brutal, aren’t I?

Ms NAPIER — Today’s statement under consideration and debate is that Australia’s responses to global security are necessary and appropriate. I have looked specifically at the issue of media influence and fear factors, and I firmly believe that with the growth in social media use and technology by many today, the media is influencing the public’s view on our global security and its amalgamation of measures. However, while keeping our own country safe and remaining aware of such risks, we do need to be more focused on the welfare of those susceptible to mistreatment.

Individuals can subconsciously relate media opinion to public opinion, leading to an agreement with the media, which is very much visible in the growth in movement of refugees worldwide — or more so the growth in media attention over the past few months. As risks can and usually are heavily magnified by the publications, and due to the fact that many asylum seekers looking towards Europe are from war-torn countries with a recent spike in terrorist attacks, there is fear that amongst asylum seekers terrorists may be present. The media simply further encourages this xenophobic view.

While in theory, yes, terrorists could exploit the borders exposed by human smugglers, in practice well-funded groups are unlikely to use such complicated and dangerous migration routes to infiltrate Europe or, in our case, Australia. This was said by Kenneth Roth, the executive director of Human Rights Watch. While saying this, it is important to acknowledge that there are other views which disagree, such as the belief in extreme risks around allowing people without a visa into a country. The recommendation I am offering for the convention to consider today is the mistreatment of refugees and length of time they spend in immigration detention. Is it really acceptable for us to be keeping people who are escaping war-torn countries in such terrible conditions for an average of 405 days or even longer?

To conclude, in response to the convention topic, I am arguing that our responses to global security are obligatory. However, we have the ability to help people suffering, and the welfare and protection of these people must be greatly improved.

Delegates applauding.

Mr BELL — Good morning, delegates. It is an honour to be speaking here and to be making an opening statement to this convention. I am conscious of the significance of the things we will talk about today, so we need to keep at the front of our minds as we discuss these things just how important they are for everyone in this room and beyond. The topic today is that Australia’s responses to global security are necessary and appropriate, and if we look to recent changes in Australian domestic policy, we can see that they are plainly neither.

The federal government’s new data retention scheme, which passed the Parliament with bipartisan support and which allows for the indiscriminate retention of people’s metadata to be explored by government agencies without anything resembling robust checks and balances is just a plain example of the hysterical and reactionary

approach Australia has taken to a serious and lasting issue which deserves far greater consideration than something like this.

This scheme treats all Australians citizens and all Australian residents as suspects in a crime that is yet to be committed. This is the stuff of dystopian fiction and has no place in our free society. What we need to ask ourselves is whether we are prepared to have our personal lives, our conversations and our movements recorded and handed over to government agencies at will when we know that these kinds of schemes and these kinds of measures have had no substantive impact elsewhere in the world in preventing terrorism.

We should note that we today are the future of this country, and we need to ask ourselves what we want that future to look like. We can have social cohesion and sensible, considerate policy, or we can keep the hysterical headline-first approach that has led to an idea so misanthropic and cynical as a government spying on its citizens. Thank you.

Delegates applauding.

Ms WILLIAMS — The statement being considered today is ‘Australia’s responses to global security are necessary and appropriate’. My focus is on media influences and fear factors. Terrorism is growing rapidly — it is calculated by the global terrorism index to have grown by 60 per cent between 2013 and 2014, with 80 per cent of terrorism-related fatalities occurring in the Middle East and West Africa. But the reach of terrorist organisations as well as lone radicals long ago breached the Western world.

However, in Australia the threat is small — in fact, it is 147 times more likely you will be killed by a lightning strike than in a terrorist attack — so why is it deemed necessary by government to put in place such stringent legislative measures? Most recently the government has flagged its intention to extend the use of anti-terrorism powers to children as young as 14 in orders that can remain in effect for up to one year. The ever-growing anti-terror legislation is already more draconian than the scale of the problem justifies, so is the government’s response driven by media-generated fear?

In a detailed study by Victoria Police and Victoria University, media sensationalism was found to inflame tensions between Muslims and other Australians. Those surveyed were deeply critical of media sensationalism, with some respondents feeling that reporting was so far slanted that they wished for regulation of media organisations. If the role of the media is to educate, unfortunately the line between providing insight and cultivating fear has been crossed, eroding social cohesion and leading people to feel as though they do not belong and have no power in a social or political system.

Politicians feel the alarm instilled in the community by the media must be met by the government for risk of being punished by a fearful electorate who want a government they feel protects them. In a recent article Julian Burnside made the point that our emphasis on terrorism looks very much like a political strategy. A sure path to political popularity is to make the public fearful and then offer them safety. To censor the media would go against the freedom Australians value so dearly, but for the media to agree to not explicitly name the radical organisation responsible for the attack, for example, and possibly downgrade the dramatic accounts would greatly benefit the state of Australian society. Thank you.

Delegates applauding.

Ms MARK — After investigation of citizenship laws and laws that affect citizenship status in regard to the statement, Australia’s responses to global security are necessary and appropriate. I have been enlightened as to Australia’s attempts to protect its people, even if its proposals are at times, in my opinion, remiss. Of eight potential risks to Australian security, Australians rank terrorism-related threats first, second and third. On 24 June 2015 the Australian government responded to this through the introduction of a bill with provisions that one’s dual citizenship can be revoked in discovery of terrorist-related conduct. Implementation of this ensures the protection of Australia’s national security and validation of Australia’s virtues by only taking responsibility for those with Australian sentiment at heart. Terrorists are no longer international strangers.

Both those who are foreign fighters and home grown are potentially our very own neighbours. With potential dangers such as ISIS, the Australian government has been backed into a corner, forced to strengthen citizenship legislation in an attempt to protect us. I believe this proposal has the right intent but is in conflict with Australia’s international and national legal obligations — it disregards any responsibility we have for those

granted Australian citizenship. Upon discovery of those in opposition of our country, regardless of their variation of citizenship, they should be punished according to the standards Australia sees fit rather than abandoned and left in the hands of another body.

Delegates applauding.

Mr COBBY — On 11 September 2001 at 8.46 a.m. the world changed forever. The brutal attack on New York's World Trade Centre has created a new definition for the word 'terrorism'. Fear was instilled into us all. If it can happen in the United States, why wouldn't it happen here? After that, the so-called war on terror was initiated, and it escalated at rapid levels. Then came the Islamic State of Syria, also known as ISIS or ISIL, and with it came the raising of the national terrorism public alert level for the first time in our peaceful nation's history. It was then that we saw excessive and extreme measures such as the Australian Citizenship Amendment (Allegiance to Australia) Bill 2015, as well as shocking initiatives such as Border Force's Operation Fortitude. The Australian government has truly responded to global security in a way that is excessive, extreme and morally unacceptable.

Earlier this year the Abbott government introduced the Australian Citizenship Amendment (Allegiance to Australia) Bill 2015. It outlined new laws in which dual citizens could be stripped of their Australian citizenship due to connections with terrorist organisations, including financially supporting these organisations and acting inconsistently with their allegiance to Australia. The problems are evident in Australian law's definition of terrorism, which is far too simple, especially considering adverse outcomes such as deporting people from their homes. Multiple human rights are breached by these laws.

Human rights ensure that all people have inalienable human rights that protect and ensure quality of life and fairness. They are crucial to our way of life in Australia. Australia values a fair go and equality. We are the land of opportunity, and this legislation is the binary opposite to our values as a nation.

In August of this year the Australian Border Force planned to undertake a random visa check on city streets, and allowed its officers, at their own discretion, to decide whether a person was an unlawful non-citizen. It is initiatives like these and legislation like the amendment bill that cripple and scar social cohesion in our society.

Delegates applauding.

Ms RICHARDSON — One of the most prevalent social and cultural issues that has continued to escalate across the globe is the humanitarian refugee crisis. Middle Eastern and African men, women and children are surviving incredibly trying journeys across the world in search of a safe place to call home, and many take a chance on Australia, only to have the door slammed shut in their faces by our government. Their boats are either turned away or the asylum seekers are interned in refugee camps, awaiting the arbitrary judgement of bureaucrats. To summarise: no. Australia's response to this particular global security issue is not fulfilling necessity nor is it appropriate.

To understand the irrationality of the fear of refugees, we only need to look back a few decades at the influx of Vietnamese refugees who settled in Australia after the Vietnam War. Australia has only benefited. These people have made Australia their home with a will to work, and contributed to society diligently via, in many cases, setting up small businesses and educating their children so that they might influence the Australian economy and society more positively.

Furthermore, they have infused our community with culinary culture and advanced our multiculturalism, which is something we pride ourselves on. Stating that Australians have only benefited from refugees is not going to solve the issue, though. One of the bigger aspects of this that needs tackling is the fear of Islam, which is causing opposition against refugees fleeing from the Middle East and entering Australia. In May of this year, Michael Bachelard wrote in the *Sydney Morning Herald*: 'The more we fear Islam, the greater the danger from terrorists'. He states that Australia is failing badly in our efforts to bring Muslim and non-Muslim communities closer. Around half a billion dollars has been invested in anti-terrorism efforts last year, and another half a billion again this year, but only a small portion of this is spent in communities to stop dangerous individuals.

Bachelard also states that the fear of Islam has gone mainstream, and that language used to talk about Muslims, if used to describe Jewish or Chinese people, gay men or transgender people, would be howled down. In May

this year the director-general of ASIO announced that social cohesion is a silver bullet to the issue of radicalisation and the issue of radicalisation is the reason for the fear of Islam.

The CHAIR — Your time has expired, thank you.

Delegates applauding.

Mr TURNLEY — As part of the many recent measures taken to increase Australia and the world's security, the Australian government has introduced a new bill into Parliament. This bill, when passed, will allow the government to take away the citizenship of dual nationals who are found by the government to have supported declared terrorist organisations in Australia and overseas.

While this, in theory, sounds like a good idea because it gets rid of the baddies, we need to step back and see how it affects the global community that Australia is now part of. When we stop those found guilty of terrorism from returning to Australia, we inhibit the course of justice to these individuals. Under a UN resolution made in 2001, UN member countries are required to ensure that those perpetrating or supporting terrorist acts are brought to justice and that the punishment duly reflects the seriousness of the acts they have committed.

We need to ask ourselves: what is different from this approach and from the not-in-my-backyard approach? It is possible that as a result of laws like this we risk the lives of innocent civilians in underdeveloped countries by forcing them to deal with the terrorists we do not want. No country wants to be the home of terrorists. If we start an approach of sending off the terrorists to countries that may not be able to punish them, other countries may pick it up and as a result we could burden countries that are already overcome by terrorists. Another question is: who is punished? Earlier this year news was released suggesting an Australian doctor had gone to the Middle East and was aiding the Islamic State soldiers. Under the Geneva convention it is not necessarily wrong to provide medical aid in war. In fact it is desirable as less suffering is good.

Global security has never been more important in our globalised society. While Australia is taking action to respond to the changing situation in the Middle East, we must ensure that these changes are appropriate and not knee-jerk reactions which could make things worse rather than better.

Delegates applauding.

Ms VERMEESCH — Today we are examining the statement that 'Australia's responses to global security are necessary and appropriate'. After considering this statement with regard to the rights and responsibilities of us as Australians, I believe that we need to be very careful not to overstep the line when it comes to changing and developing new laws with regard to global security or we risk infringing upon the rights of Australian citizens.

The shocking and tragic Lindt cafe siege in December last year raised concerns about national security and terrorism within Australia. This led to proposed amendments to the Australian Citizenship Act, which would allow people with dual citizenship, including people born in Australia, to be stripped of their Australian citizenship if they engage in various kinds of conduct inconsistent with allegiance to Australia. This idea obviously has some merit. It is fair that people who are actually found to be fighting for a terrorist organisation or people who commit treason or espionage should have their Australian citizenship revoked. It is the responsibility of our nation to ensure the safety of Australian citizens, and the importance of maintaining a strong anti-terrorism stance cannot be disregarded.

However, there are problems with this too. With this amendment you do not lose your citizenship by being convicted of an act. By doing the act itself you are automatically revoking your citizenship. You could be deported without being able to prove yourself innocent. This seems undemocratic, and for Australians with dual citizenship it is very concerning indeed. It would not be surprising if dual citizens stopped feeling safe in Australia, when these laws are designed to prevent the opposite. We need to know where the line is between protecting Australian citizens and taking their rights away. I believe it is our responsibility to protect Australia from terrorism and terrorist organisations; however, the rights of Australian citizens need to be protected above all else.

Delegates applauding.

The CHAIR — We now have some time for either some questions of some of the speakers from whom you have just heard or some brief statements, and when I say ‘brief’ I mean brief statements. What we do in Parliament is you just stand in your place and then I will call you. Are we all scared and frightened? No, we do not need to be. You will only be judged by your peers — it is alright.

Ms CURTIS — I just want to bring it back to Lauren. She related the refugee crisis at the moment to Vietnam by saying that Vietnamese refugees brought a lot of culture to our society. I completely agree with you. I think that we should be more accepting with the refugee crisis. But I also want to play devil’s advocate here. If you remember, there was a bit of an issue with a heroin drug lord ring with the Vietnamese people, and so you cannot always put that positive spin on that, because there always will be those downsides to any new influx of culture in our society.

The CHAIR — That was not hard was it? No.

Mr FOGARTY — My question is to James from St Monica’s College. Would you support mandatory fingerprint scanning of every single citizen? It would be a process in which law enforcement would be able to better solve crime, because we would have everyone’s fingerprints on record, but it would be seen by many as an invasion of privacy. Your justification in your speech was that that would make sense.

Mr DAMCHES — Going from metadata to actual DNA — I think they are very different things. That is very personal. I think it is that next level. I do not know if I would necessarily agree with the Australian government taking that next step into taking personal DNA, but personally I think for metadata it does a lot of good. If you honestly have nothing to hide — personally, I do not — you have nothing to fear and a lot to gain from these security measures. So, no, I do not think I would support that.

Mr HORNSTRA — I am replying to James’s response about how if you have got nothing to hide, you have got nothing to fear. While you may not have something to hide, I would like to point to a recent example by the Western Australia Police, where a few police officers were found looking at Ben Cousins’s and another AFL player’s arrest records. The police commissioner blamed this on ‘professional curiosity’. If our own police officers cannot be trusted to keep someone’s personal records private, then should we give ASIO as well as local councils and other local enforcement agencies access to our metadata? In response to how he said that this is good for Australia, I point out that this has actually been ruled unconstitutional in seven European countries and been discontinued in every other European nation since the European high court found that retaining metadata was a violation of fundamental human rights. The Danish police ministry has also said that it has been of almost no use to it.

Mr DAMCHES — I would like to say the situation is much different in Europe, but I was using that example of statistics of how it can help. I do not necessarily think those sorts of things can apply. I agree it is not 100 per cent perfect in my speech, but I say to this convention as long as the government can ensure the non-abuse of metadata and ensure that it is used correctly and in circumstances which it needs to be, that is when I would be for it. If, like you said — I do not know the exact law and I did not read the exact telecommunications act — there were loopholes and things like that for agencies to abuse it, I do not think I would be for it. Having said that, I truly believe that the telecommunications act would be quite thorough in its assurance as to who has authorisation to access metadata within the agencies.

Ms SULLIVAN — My question is directed to James Damches as well. You outlined the benefits of metadata legislation quite thoroughly but I have one quick question: is it really worth sacrificing our own fundamental right to privacy?

The CHAIR — James, you are in the hot seat.

Mr DAMCHES — Why not, hey? I am the devil’s advocate today, aren’t I?

Is it really worth sacrificing our right to privacy? That is a question I have even asked myself as we erode our freedoms for a sense of safety. I actually had that written down in my speech but I did not get a chance to say it.

The CHAIR — You were cruelly cut off, yes.

Mr DAMCHES — That is right! I urge people to look into what the accessing of metadata actually is and whether it is as bad as a few people make it out to be. I think it is crucial in keeping Australia up with other

countries in fighting crime, but I do not think it is that bad. Basically it is only when and where and forms; it is not any personal data. Personal opinion is what makes it so tricky. Personally, I would be okay with people finding out I have contacted a person on numerous occasions. I suppose it is that sense of innocence, that sense of Big Brother is watching you. I think it depends on the individual as well.

Ms HARAWA — Ms Sullivan asked if it was worth sacrificing our right to privacy, but, defending James Damches, we live in a world where technology is evolving. Technology is something that people use nowadays. I think there is a small majority of people who do not have technology or a phone or access to a laptop. A lot of people who are involved in crime are obviously going to communicate through technology because it is easy access and an easy way to talk to people. Basically I think that although it should be used in moderation, however the government plans to use the surveillance of our conversations, it could be beneficial in terms of crimes that can potentially happen, because although it is an invasion of our privacy I think our safety is more important. I do not want something to happen to me or people around us because we thought, ‘No, that’s an invasion of our privacy and our rights’ rather than thinking about our safety and our wellbeing.

Ms MacDONALD — I wish to address and add to, to some extent, all statements made this morning with regard to our rights and responsibilities as Australian citizens. We know that democracy is fluid, flexible and ever-changing. Ever since the establishment of the Magna Carta in 1215, the principle of democracy has changed and developed and will continue to do so. However, as beneficiaries of a democracy we must ensure that we are not caught up in the glory and glamour of being a free nation. Instead, we must continually and relentlessly question our leaders and their actions, our national values and how we portray these — and of course whether our democracy is actually giving us, the people, what we really want, not what we are told we want.

We must not become ambivalent to the politics of our nation, assuming that we are being treated in our best interests simply because we are in a country that upholds a democratic constitution. It is so easy to simply look to one or a few dominant leaders to do our thinking for us to ensure that we are being treated fairly, that our country does not slip into recession or war and that we are told what is really going on. It is too easy to be a passive population that is satisfied to be controlled as long as we are still a democracy. Indeed a democracy is obsolete if there is no civic virtue, no people power, no debate or no public participation; then we are left with just the label that the world understands to mean freedom. Then it is just a nine-letter word, and what can nine letters do for our great nation?

Mr OBST — I would like to talk a bit generally about how national security measures, whether they work or not, affect the minority groups in our population. You can look at these things. The implication of national security is that it is trying to stop terrorist attacks. Terrorism is a moniker usually associated with Islam. Looking at something like the Sydney siege, if the gunman was not Islamic, it is unlikely that that would have been labelled a terrorist attack. Because the gunman was Islamic it was labelled as such. This gives the kind of implication that Islamic people are being put under suspicion, and that is what leads to radicalisation. I think that is something we should try to avoid whenever possible.

Ms DONAGHUE-EVANS — I have a question for Olivia. Leading on from the previous speaker about how it was probably only because the Sydney siege gunman was Muslim that he was branded a terrorist, I would like to question how it is fair to be removing dual citizenship from people who are convicted of fighting for a terrorist organisation when we do not do so for people who commit almost equivalent crimes, such as mass murder. You seem to be suggesting that once they were convicted it was reasonable to revoke their citizenship, and I wonder how that plays out in fairness for other crimes.

Ms VERMEESCH — I think that is a really good point because it is interesting that in this day and age when someone commits a crime of that nature and they are Islamic, it is considered terrorism as opposed to a shooting by someone who might not be Islamic. What I meant by ‘terrorist attack’ is someone who has been linked to terrorist organisations more than people who have committed things which have been labelled terrorism, because obviously that is a bit of a grey area in terms of what constitutes terrorism and what constitutes just violence. I would probably just say that I think it is more about being associated with a terrorist organisation that has been established as a terrorist organisation. That being said, I do not really agree with the removal of citizenship. I think that is not a great concept, but if it had to be implemented in some form, I think it should be for people who have been linked with terrorist organisations as opposed to people who have just committed a particular crime.

Mr McMASTER — This is back to James. Do you believe journalists and whistleblowers should get any protection with metadata? Whistleblowers may lose their jobs and can even risk their lives if they release information that could be about corrupt organisations and other things to journalists. Also journalists might need to be protected to protect the whistleblower. Do you believe there should be protection?

Mr DAMCHES — Basically you are saying there should be specific protection for the individual in regard to whistleblowing for the abuse of metadata, in a nutshell. I would agree with specific protection for that. I think that is a great way to ensure that the metadata is not abused, because, like I said, I would be against it if there were loopholes within the legislation allowing people and agencies to abuse metadata. I would agree with you there.

The CHAIR — As they say in Parliament, the time for questions is now over. All those sighs — I know. James, just before we move on and I introduce Dr Carson, was it easy being in the firing line with the questions?

Mr DAMCHES — At first it is like, ‘Um, um, um’. You are umming and ah-ing, and you are thinking, but then you sort of get used to it.

The CHAIR — That is the thing. You do find that it is difficult, especially when you need to respond. Olivia did that as well. The questions are from left field or right field, and you are not ready for them. It is quite daunting in a sense, but you do get used to it. It is interesting because people raised some issues that James really had to think about, and it tested what he was saying. That is what question time is about and what the Parliament is about; it is about testing. Thank you very much, everybody, for that session.

I now introduce Dr Andrea Carson. Dr Carson is a lecturer in media and politics at the University of Melbourne. A number of people today have talked about the media. She is also an honorary fellow at the university’s Centre for Advancing Journalism. Her research interests are newspapers and the business model of print journalism, journalism studies, media ownership and regulation, media effects and political agenda setting, investigative journalism, media theory, political communications, elections and election reporting. Most of these issues were discussed before you were here, Dr Carson, by many of the participants.

KEYNOTE SPEAKER

Dr CARSON — I very much enjoyed the last discussion, and they are some of the issues I want to speak about now, if I may. Good morning, everyone. It is a great pleasure to be here with you. I can see quite a few future politicians amongst the audience here today for the 2015 Schools State Constitutional Convention. I can think of no better venue than this one to celebrate democracy and for you to engage in lively debate, some of which I have already witnessed.

As the Chair mentioned, my name is Andrea Carson, and I teach politics and media at the University of Melbourne in the political science department. But my background is journalism — I used to work at the *Age* and also the ABC — so when it comes down to this debate that you are having between security and liberties, freedom of expression, you can probably know which way I fall, having a background in journalism. Journalists like to be able to get access to information and to be able to report it. Towards the end of this time I have allocated I will speak about the importance of transparency and participation as central tenets of democracy.

This contention is obviously a very topical and important one for all of us to be considering: ‘Australia’s responses to global security are necessary and appropriate’. But given my background teaching politics through the lens of the media, if you like, in the area of political science, I thought I would start by talking to you briefly about some of the great thinkers of our time and what their views were on the rights and responsibilities of free speech and the power of the state. Then I will speak a little about media and its role in democracy and finish with the media’s role in making us potentially more fearful than perhaps we should be, as some of you have already alluded to.

Political philosophers — names such as Jean-Jacques Rousseau, John Locke, John Stuart Mill and Thomas Hobbes — considered these big questions, such as why individuals would give up some of their freedom to an authority, the authority being the state, to a government, to make state power legitimate and do we balance that power against our individual rights and freedoms, as you have already articulated. To understand the links between privacy as a civil liberty and national security, which is a relatively contemporary idea that is born out

of the idea of *nation-states and state sovereignty, it is crucial to think about these very early monumental debates.

Perhaps as a show of hands, how many *Game of Thrones* fans do we have among us? I am a *Game of Thrones* fan, and the reason I bring that up is it is a very dark world that the characters live in there, where power is fairly ruthless. I mention that because this is the world that Thomas Hobbes envisaged — that the natural state of humans was bleak and pessimistic. He had the view that without the authority of the state — what he called ‘a common power to keep them all in awe’ — man’s natural state was one of self-interest. For Hobbes, organised society was seen as a vast improvement on the state of nature, which he imagined as a state of perpetual war in which individuals fight for survival in an environment of limited resources and, to use one of his famous quotes, ‘every man is enemy to every man’.

However, according to Rousseau, the relationship between us — the citizens — can be better explained by what he called the hypothetical contractual agreement, which was the social contract. This is what you have been talking about today: the idea that in order to enjoy the security of being part of a body politic, we have to sacrifice, give up or trade off some of our individual freedoms and rights. We do that as a social contract so that we can enjoy the security that comes from being within a state — the idea that the state protects us through its police forces and army, not just from external threats, which we have spoken of, but also from each other, so that we can live in a safe environment and know that there is a police presence if people are not behaving according to the social contract. This was imagined by Rousseau in 1762, and it gives legitimacy to the state on the provision that it is guided by the general will of its members. The general will refers to what is best for the state as a whole — the common good — not just individual interests. Individual interests come second to the state.

The principles that we are seeing in these much earlier debates are not dissimilar to the debates we have now about the basic principles behind data retention laws and about freedom of speech, that in order to be protected by the state — and that is a very important government role; it is probably the most fundamental government role, to look after its citizens — we sometimes have to make a trade-off and give up some of our freedoms.

But the question that I have for you today, and obviously you have for each other, is: can the pendulum swing too far in the other direction — can we give up too much? The European Union thought so, as some of you already mentioned, last year and ruled that its data retention laws went too far and could not prevent, or protect individuals from, abuse. So what do you think? Should the Australian government — the state — be able to force telecommunications companies to keep track of your movements online? This is a law, as you know, that has just come into being in Australia this month. In other words, do you mind if the government has access to your metadata and can find out what website addresses you visit and for how long and record this information about you? I did hear some talk that this does not get personal, but indeed it does; you can start to map some behaviours of individuals and make some fairly logical deductions about what they have been up to by tracking some of this metadata.

But I also want you to think about this another way: in your mind, what do you consider to be public information and what do you consider to be private information? When you are using social media — whether it be Facebook, Twitter or Instagram — what information do you share about yourself? Do you think about it when you post it publicly? Do you think perhaps you might already be voluntarily providing more information about yourself than the government has passed laws to collect?

Digital technologies allow enormous opportunities for us. They allow us to produce content instantaneously that can be publicly accessible and can be very widely dispersed. Digital media gives us these opportunities, but it does blur the boundaries between what is the public realm and what is the private. These are also important questions for mainstream media — for example, is information that we come across in the mainstream media in the public interest or is it there because it is merely interesting to the public and serves no other role? These are important distinctions. For example, do we have a right to know about a pop star’s love life? Where do you draw the line? Where should the government draw the line? I ask these questions because central to a well-functioning democracy is the idea that we can access information freely and share ideas, particularly political ideas, with one another and test these ideas, as the Chair mentioned. Of course there is no greater test of political ideas in a democracy for all of us than election time. But in order for the general public to vote meaningfully the public need to be informed, and this is a very central role that the mass media has played in a

democracy, and while the media is a commercial entity, it is ascribed very special public interest roles that other commercial outlets do not have.

For John Stuart Mill and other thinkers democracy was obviously a preferred form of government because it takes into account the interests of the people in forming democratic processes for forming legislation. There are four basic things that go to what the heart of a democracy assumes and they are: transparency of who has power and how it is exercised; constitutionality — that we all live by an agreed set of rules, we know what those rules are and the boundaries of those are not moving all the time and therefore we can abide by them; participation, something that you are doing today, which is not something we should take for granted, as the idea of universal suffrage is a relatively new concept in democracy, early democracies did not have universal suffrage and it was the elites or the moneyed that were entitled to vote; and rational choice, the fourth one, is the one that is very central to the media. Rational choice is the idea that we can weigh up arguments in a rational form and come to logical conclusions about them. This is where freedom of thought, of association and of expression is very important, and it is of course where the media comes in.

Most of us are reliant on the media for the information we use to make these rational choices. If the media is not providing a variety of viewpoints, or pluralism — for example, if it were systemically biased or partisan, and I wonder if you can think of any media that might possibly fit into that category — or is providing information that is irrelevant to the political public sphere, is it serving its role in informing public opinion? For example — and I am a little guilty of this — if I am only getting information about *The Bachelorette*, Tay Tay or Justin Bieber every time I log on to Facebook or watch the TV news or read the paper, how am I as a citizen and a future voter going to develop rational ideas about which political party and leader would serve our country best?

Democracy presumes that citizens are able to form these public opinions by having access to lots of ideas in this space known as the public sphere, and the public sphere is a public one; it is not a private one. It is where people come together outside state control and are able to share their ideas freely. But increasingly we are getting very private ideas that are coming into the public sphere, compliments of social media.

As mentioned at the start, a liberal democracy also requires a balance between security and liberty. We need to ensure the pendulum does not swing too far one way or the other, or we could have anarchy on one side or totalitarianism on the other.

I want to digress for a moment and ask for a show of hands. Who has heard of the panopticon? Okay, that is good. I know you are familiar with George Orwell and *1984* and the concepts of Big Brother. The panopticon is a similar sort of concept. It was a prison building idea that was thought up by an English philosopher called Jeremy Bentham in the 18th century. It was an architectural structure, if you can imagine, and the idea of it was to allow all inmates within an institution, all meaning ‘pan’, to be observed, ‘opticon’, by a single watchman without the inmates being able to tell whether or not they were being watched.

Imagine yourselves in that situation. You are in this prison, you know you can be watched but you are not quite sure if you are being watched. Although it is physically impossible for the single watchman to observe all cells at once, the fact that the inmates cannot know when they are being watched means that all inmates must act as though they are watched at all times, and this effectively controls their behaviour constantly. Bentham’s panopticon remains the cornerstone of surveillance theory. The design was based on the concept that perpetual surveillance, either real or imagined, will lead to automatic disciplinary power and self-censorship. Bentham’s panopticon prison was designed to be oppressive.

One of the questions for you today is whether the government holding on to your data and potentially tracking what you are doing is like a virtual panopticon. This might sound a little extreme and far-fetched, but if you think about it, the idea that you do not know when you are being watched, but you know you could be, might be enough to start to change your own communication behaviours just in case you are being watched. If anyone saw *Four Corners* last night, and I thoroughly recommend that you go back and have a look on ABC iview, it was very much about the whistleblowers, such as Edward Snowden, talking about this issue.

The overriding question is: at what cost does losing a little bit of personal privacy come? Does it improve our collective security, the social contract? For example, does it make us safer so that the government and its policing authorities are able to pre-empt a terrorist attack? To date there is very little evidence that an increase in laws has led to great outcomes of being able to pre-empt attacks and prevent them.

Another question for you is: is the media providing us with information to raise awareness about the threat of terrorism or does it give us a false sense that things are actually worse than they are? One of the ideas about the mass media is that it plays an important part in shaping people's beliefs and assumptions about the wider social world. To test this a 1960s researcher, an American academic called George Gerbner, got a group of university students together and got them to watch violent TV shows, amongst other media forms. He had some watching violent TV shows all the time, some watching a little bit and some not very much. What he found was that those who were the heaviest TV viewers, which was the dominant medium of the time, had a very exaggerated sense of what their own security was and an exaggerated sense according to objective statistics that they might be caught up in violence themselves. Those that watched the least amount of violent media had a more accurate assessment of what the likelihood was that they would be caught up in crime.

In terms of media theory, this is called the cultivating influence of the media, and it is not that just one message will alternate your viewpoint; it is if you are given the same messages over time it has a cultivation effect and it can shape, quite significantly, people's views and ideas. If the media is providing us with messages that terrorism is a threat to us, are we any different to the American uni students who felt less safe because of their media viewing habits? I am not necessarily blaming the messenger here, but it is something for us to think about.

Just before I finish up, I will leave you with one last thought. If the cost of security comes at the expense of our most important liberties — whether it be privacy, freedom of expression or freedom of association — should we not give serious consideration before we pay that price?

I hope to see many of you at Melbourne University in a few years, and I thank you for your time.

Delegates applauding.

The CHAIR — Thank you, Dr Carson. If I was going to Melbourne Uni, I would want a lecturer like you and not the lecturers that I had at Monash. Anyway, we will not go there. We will now have a break.

Sitting suspended 11.01 a.m. until 1.34 p.m.

REPORTING SESSION

The CHAIR — Order! We have now come to the reporting session in the Assembly. The purpose of the reporting session is to present the position statement in a coherent and persuasive manner. There are 10 groups reporting on the five key themes. Each group will have a maximum of 2 minutes to report back. My timekeeper Suzie is pretty harsh on the 2 minutes. The report-back period will include any action items and amendments, and statements can be made at this time to clarify any questions. There will be a couple of clarifying questions following the report.

Group 1

Ms HARAWA — Our resolution as a group was: in regard to mandatory data retention and surveillance the federal government is eligible to survey the metadata of citizens if found to be posing a threat to society and if found guilty beyond reasonable doubt. We decided to first of all break this down, and we started off by defining what 'beyond reasonable doubt' means. In defining that, we found that it means the standard of the evidence required to validate a criminal conviction in most legal systems. In conjunction with freedom of speech, freedom of thought and freedom of association, this allows everyday Australian citizens to be fulfilled of their fundamental human rights unless under suspicion and if it does not conflict with those rights in relation to crimes. We also combined this with citizenship laws and how your citizenship is stripped from you if you are found to be involved with anyone involved in terrorism et cetera. We decided to change this, and we believe that, if found guilty on Australian ground within Australia law, this should be taken to court and further from there rather than having your citizenship stripped from you straightaway.

Delegates applauding.

Mr HORNSTRA — I have a point for clarification on this. Who exactly would decide whether what 'beyond reasonable doubt' is? Who exactly would decide in the court case? Would a jury decide, or would it be the High Court, where a group of judges and lawyers decide?

Ms HARAWA — What someone in my group decided to add and mentioned to me afterwards was: we would actually get the federal government to also define what ‘privacy’ means, because I think we feel like it is a very broad term in terms of what an invasion of privacy is and what is the level you can go past when it comes to privacy. I think that once the definition of privacy is stated in that certain law, whether it is passed or not, that is when you can decide who can make those key decisions on if you are guilty or not.

Delegates applauding.

Group 2

Mr BELL — Our group also discussed data retention. We had a lot of interesting discussions about what data retention could mean and then hypothetical explorations of the potential where it could be really useful and where it could be really bad. We discussed the dangers of data retention and keeping that data for it to be accessed. We also discussed what organisations like ASIO could do with that and how their use of it would be regulated, what their staff do with it, how citizens could be protected from misuse of the data by government organisations, and the need to have really strict protocols in place in these organisations to make sure that people’s data is not misused.

We also spoke about the commercial value of that metadata and how retaining it means that it exists and that it is there. It was generally agreed by members of our group that that is of enormous commercial value but that that would be quite dangerous. We all thought that it should be pretty clear that metadata is not for sale and that telecommunications companies should not be able to sell people’s metadata to other organisations.

We spoke about what data retention could do and the different kinds of crimes it could help solve. Obviously terrorism was a big one, and we discussed whether or not it could be effective in combating terrorism. Then we discussed more standard criminal offences, like murder and family violence, and what data retention could do both to prevent and to prosecute after the fact in those cases. In the end we had a lot of really productive discussions, and collaboratively we put together a resolution which will be put to the convention later and which I hope you will consider.

Delegates applauding.

Ms JEFFERY — I would just like to say that if the government is for, by and of the people, why does it need to spy on its people? It implies that there are people who would be against us, and I think it divides the power, the government and the people. What would you do about that division and how it would impact Australian communities?

Mr BELL — Sorry, could I ask you to clarify what you are asking?

Ms JEFFERY — I am asking: do you think data retention would create a division between power and people that could lead to corruption?

Mr BELL — Yes. My personal view is against data retention, but I am here to speak on behalf of my group. Those sorts of things were discussed in our group, and we discussed how it really needs to be really strict how metadata can be used, who can access it and when they can access it. I think a lot of people in our group were quite nervous about the possibility of the liberal use of metadata by government agencies. There was certainly a lot of support for really strict regulations, but personally I do not think we should be retaining it.

Ms JEFFERY — Would you aim to make it transparent to the people, and how would you do that?

Mr BELL — We also did discuss who has access to the metadata. We thought about the scary possibility of everyone having access to everyone’s metadata, but transparency could be achieved by reviewing the metadata retention scheme and making it clear to the public when metadata has been used — so, when law enforcement agencies have sought someone’s metadata for use in a specific incident or things like that.

The CHAIR — In the Parliament that would be called the committee stage, but that is okay.

Ms DONAGHUE-EVANS — You were talking about how it would be mainly used to combat terrorism crimes or more violent serious crimes; however, because everyone is aware of the existence of the data, is there potential that it could be used by other organisations in a legal setting because they are aware of the data? For

example, if you are trying to get at people who are using video piracy, because the studios are aware of their existence could they not subpoena those documents? Is that not a breach of privacy as well?

Mr BELL — Yes, similar ideas were discussed to what you have raised, and I think the general attitude of our group was that metadata should be limited to government agencies and that it should only be used in criminal trials. I do not think anyone in our group would be keen for any corporations or other parties to have access to people's metadata for the purpose of civil litigation, but we did not go into a whole lot of detail about that.

Delegates applauding.

Group 3

Mr BALAKAS — With regard to laws that affect citizenship, Australia's responses to global security are grossly unjust. Firstly, the proposal entirely disregards the doctrine of the separation of powers. The bill places this decision in the hands of the executive — namely, the minister for immigration. This effectively bypasses the judicial system, degrading the basic universal human right to a fair and unbiased public hearing as stated in the Universal Declaration of Human Rights, articles 9 and 10.

The government argues that a judicial process would be a waste of taxpayer money; however, our group believes that when the carriage of justice is concerned, no price is too great. In conjunction with this, an alternative to the use of the executive power, the judicial authority of the High Court of Australia, should be employed when determining the status and subsequent termination of an individual's citizenship. The bill is a clear violation of articles 9 and 10 of the Universal Declaration of Human Rights as well as the Australian Criminal Code Act 1995. We believe all people should be subject to a fair and public trial and if found guilty, face the maximum penalty of life imprisonment inside Australian borders. Thank you.

Delegates applauding.

Mr JOSEFSSON — I was just wondering — you mentioned something about how the bill would strip dual nationals of their citizenship and that being in conflict with the 1995 criminal act. I would like you to elaborate on that, if you would not mind.

Mr VELICAN — The Criminal Code Act 1995 basically states that any person who commits the crime of treason will face the maximum penalty of life imprisonment. We have interpreted that to mean life imprisonment within the Australian jurisdiction, which is inside Australian borders, which we think is the appropriate sentence.

Mr JOSEFSSON — And therefore revoking citizenship and sending people who have committed treason outside the country goes against the idea that they must be tried within Australia?

Mr VELICAN — It is not within the Criminal Code Act 1995, yes.

Mr McMASTER — Does this mean that terrorists would be charged with crimes — for example, if it is murder, that they would be charged with murder or other terrorism offences — inside Australian borders if that crime was committed in Australia?

Mr BALAKAS — If the crime was committed within Australian borders, chances are that they would be responsible under state criminal codes, but if it were overseas, then, yes, you would be subject to federal laws on terrorism.

Delegates applauding.

Group 4

Mr HUGHES — For the overall response to the whole convention topic, our group firmly believes that Australia does not supply the people with appropriate and proportionate decisions in response to global security. We do not think that they have done the right things in a couple of cases, and it has led to a domino effect.

The main discussion our group held was about cultural disharmony within social groups and society. The main things that we talked about were the Reclaim Australia movement, which I am sure most people in here would know about and would generally disagree with; the deception of the media — it has played a big part in categorising cultural groups; the tradition of generally older generations and their discrimination towards other people — not all people of course, but it is always the minority; and section 18C, regarding no hate speech.

By the end of the discussion we had a solution to prevent discrimination towards different cultural groups living inside our country. We believe that we should initiate practical programs to combat ethnic discrimination, where people on a community level can come together and interact with people of different ethnicities. The way we want to do this is by getting council groups together and getting activities running to get everyone involved so that everyone can mix together and learn about each other's cultures. Thank you.

Delegates applauding.

Mr DOWLING — When you were talking about these activities being organised by the council, did you mean they would be mandatory for the entire community, and who, technically, would they affect? For example, if a person is Muslim, would they have to go to a Muslim activity, or would they just have to go to Christian and Anglo Saxon activities? Would Anglo Saxons have to go to, let's say, Chinese activities? Can you please clarify that?

Mr HUGHES — The whole idea for these groups is to get people of all different ethnicities, cultural backgrounds and religious backgrounds to come together and work together. You would not have a diverse system of activity groups, you would just have a group where everyone would come together in a no hate, no discrimination zone in which everyone can learn about each other and then educate other people about their lives if need be.

Mr DOWLING — Does that mean it is mandatory? I am actually asking if I have to go to one of these?

Mr HUGHES — Sorry. No, that would be illegal, probably, to force people to go.

Ms PEIRIS — I was just wondering: if these sessions are not mandatory, how would you truly try to engage with members of the community who might be disaffected and who might have extreme views? How would you try to engage them in these conversations if you are not making it mandatory?

Mr HUGHES — Obviously you cannot make these things mandatory, but the way you get people to get involved by themselves is to spread the word about it. If people are enjoying these activities, which is the aim of the local councils spread across the whole country, they are going to tell their friends, they are going to tell their family and they are going to put it on Facebook. Social media, as everyone knows, is a big part of life these days, so social media could definitely help spread awareness about the generosity of these groups.

Delegates applauding.

Group 5

Ms TAWIL — Group 5 had to discuss the issue of media influences and fear factors in relation to the issue, so we decided that the media is offering us what sells, which is a warped view of the truth, and the action that should be taken against this is that when educating people, we should encourage open-mindedness, especially when viewing news articles and those kinds of things — so viewing a variety of sources, a variety of outlets, encouraging people to form their own views as opposed to believing the view of a certain journalist or person writing the article.

We also said that the media pushes for racial discrimination, which sort of promotes the same idea as Team Australia, so people are pushed to the sides in the community and they seek refuge with extremist groups that we see in the news. From that we concluded that it was like a vicious circle, and while the media is talking about terrorism, it is pushing people towards it. We also said it instils fear in us to justify their actions and their own policies, and overall we said that the media is our main source of information, and in order for us not to become passive people that believe everything that is spoon-fed to us by the media, we must think for ourselves and form own opinions on what is necessary and appropriate.

Delegates applauding.

Ms RICHARDSON — How do you propose that we have different media outlets if 70 per cent of the news agencies are owned by the one person?

Ms TAWIL — I was not proposing that we have media outlets, I was proposing that when someone is viewing the news, especially on a certain topic, they encourage themselves to view a variety of sources in order for them to be able to form their own opinion. For instance, if you were looking at a news article on something that has happened over the weekend, let's just say, you would look at a variety of articles from different journalists and different outlets as opposed to the same one so you can acquire a wide variety of knowledge and form your own opinion.

Ms RICHARDSON — But 70 per cent of the outlets are run by the same person, so 70 per cent of them have the same viewpoint.

Ms TAWIL — I do understand that 70 per cent of all outlets are owned by Rupert Murdoch, I am not opposing that; however, what I am saying is that there are hundreds of thousands of journalists, and they all have separate views, and although 70 percent are owned by the same person, there is that other 30 per cent, so you should encourage yourself to view other sources from other journalists.

Ms RICHARDSON — So the government is supposed to encourage people to read widely rather than diversify the media?

Ms TAWIL — I will read out what I said earlier: 'encourage open-mindedness and reading a variety of sources to encourage individuals to form their own opinions and think for themselves'. So that just encourages people to read different things and look at more than one opinion when discussing a certain topic.

Ms NAPIER — You have stated that your problems are with the media and how people get their information; however, how are you proposing we put into action your plan to get people to look at a wider range of resources?

Ms TAWIL — I mentioned that it could be through education, so, for instance, in schools when looking at certain articles, we would encourage young adults especially to look at different sources and different media outlets in order for them to form a different opinion, see different opinions and learn different things, because everyone has an opinion, obviously, and it is hard not to embed your own opinion in an article you are writing. And this is just looking at the news; obviously there are various forms of media, so it could be the government in general, and just through education — telling the kids to look at a variety of sources, especially when perhaps looking at articles in class.

Delegates applauding.

Group 6

Ms SULLIVAN — Our group focused on rights and responsibilities. Australia's response to global security should be more respectful of the individual's rights. We propose that the Australian government should hold a national referendum on the inclusion of a bill of rights in the Australian constitution, enshrining freedom of speech and the right to privacy. We as a group believe that freedom of speech is paramount as it allows for society to express its diverse range of views, as we live in a multicultural nation. Enshrining these particular rights would encourage responsibility within society, which would enhance our democratic engagement and ultimately improve our responses to global security.

Freedom of speech should have limitations placed upon it in order to prevent unnecessary hostility within society. This is to increase our awareness of differing views, which will assist in communications, relations and diplomacy, and benefit international peace, whilst simultaneously protecting the right to privacy.

Delegates applauding.

Mr POLMEAR — You were talking about privacy and freedom of speech. How much would that have to be with security and how much security would we have to forsake to have the privacy that you want in this referendum?

Ms SULLIVAN — I think an adequate amount of national security so that we can achieve that balance between protecting our rights and protecting our national security.

Mr SHEMMELL — You mentioned having a referendum on this. I would have to ask: how would you actually phrase the question of the referendum? We have had experience in this country of poorly phrased referendum questions, if you think back far enough in history class — maybe not too far. So exactly how would you phrase that? That is actually incredibly important in the way referendums are run, and it is about the things you take into consideration before actually applying to have one.

Ms SULLIVAN — In terms of the question, I would phrase it: ‘Should Australia enshrine the freedom of speech and right to privacy in its constitution as express rights?’.

Delegates applauding.

Group 7

Mr JOSEFSSON — Group 7 also discussed privacy and data retention. We discussed this topic under the auspices of the current bill that has just been passed — the bill requiring metadata to be stored by telecommunication companies for up to 2 years. We began by establishing that the government is allowed indeed to legislate this — that such personal information be stored — and indeed it is. Then we examined what is currently happening: what access is currently allowed to metadata, and how we might change that. For example, the possibility of acquiring a warrant to access the data or restricting access to certain types of investigations and requiring companies to store the data securely.

We concluded that we should limit access to metadata to criminal cases only, primarily because there is simply no call for it in civil cases. The data stores only information such as time, location, duration of the communication and so on, and no actual content. Therefore it is of no use in a civil case because civil cases do not require such quantified examples of communication records. We also believe that companies should be required to store the data securely under the oversight of a well-funded government organisation in order to ensure safety protocols to make sure that the data is not hacked. We decided against requiring a warrant to be possessed in order to access the data, because we were concerned that it would place an undue burden on the legal system.

Delegates applauding.

Mr DAMCHES — I respectfully consider that opinion, but in civil law, for example, in relation to family law and custody, let’s say one of the parents claims that he speaks to the child, rings them frequently et cetera — would that not be a quick way to find out if this parent is actually communicating with the child on a regular basis? If I am correct, family comes under civil law.

Mr JOSEFSSON — Indeed, that is a very good point and one that we did not consider. Yes, we would probably support access there. In removing access from civil cases, we were trying to make sure that the data was not being accessed by people who do not necessarily need to access the data. They might be using it for reasons not exactly in the public interest. But, yes, that is a very good point and one we would likely consider.

Mr BROWN — Would this data be used in proactive law enforcement or post — after the crime has been committed?

Mr JOSEFSSON — Exclusively post, because otherwise you have a situation where every person is essentially being monitored every second of every day, which is totally unethical and is the very foundation of a dystopian society, such as the one portrayed in *Nineteen Eighty-Four*, featuring Big Brother.

Delegates applauding.

Group 8

Ms MacDONALD — We have endeavoured to address the implications of citizenship-related laws on global security through the lens of the citizenship amendment bill of 2015 and why it should be repealed in the interests of our democratic and Australian values. The general theme of our discussion evolved around our duty,

obligation and responsibility as a developed nation to rehabilitate people disturbed by the notion of causing harm to Australian or other international communities.

Indeed we are proposing that instead of deporting dual nationality citizens after we revoke their Australian citizenship, because they have been convicted of a terrorist-related crime, we should provide them with some degree of rehabilitation in order to reabsorb them into the community. We have a duty, an absolute obligation and responsibility, as an established, developed Western nation to alleviate the strain of these people on less developed countries, which do not have the means to deal with the effects of such issues. In effect, ladies and gentlemen, we are making an investment in the common humanity of these people and in the mitigation of the effects of terrorism around the world. We looked in particular at the example of Zaky Mallah, which also intersects quite usefully with the issue of free speech.

Delegates applauding.

Ms WALSH — So are you suggesting that we remove their citizenship and then absorb them back into the community, and would they then receive their citizenship back or would we still not give them their citizenship?

Ms MacDONALD — I thank Jessica for her question. The general idea around the policy would be that the citizenship is not revoked. Instead they are rehabilitated on Australian soil. They would still have to remain Australian citizens while they were on our soil. We help them out, we show them some kindness, some humanity, and then we reabsorb them into the Australian community. In saying that, our policy in its very rough form does dictate that should something else happen, their Australian citizenship will be revoked and they will be deported.

Mr LOWRY — At the beginning you said that you wanted to re-educate the convicted terrorist. These terrorists cannot be re-educated. They have been indoctrinated in these radical beliefs. Then you went on to say that you want to reintegrate these radicals back into our society. They could just fake their way through these re-education classes, and as soon as you let them out, they will commit another act and then kill another bunch of people.

Mr VOLBRECHT — Saying that it is impossible to re-educate and reintegrate someone who is indoctrinated is simply untrue. There is a very famous British liberal activist named Maajid Nawaz, who used to be an Islamist and is now a motivational speaker speaking out against radicalisation. It is definitely true that you will not be able to fix everyone, you will not be able to deradicalise everyone, but even if you cannot, you do not release them into society unless you know they are fine.

Delegates applauding.

Group 9

Mr RAMM — In response to the main convention topic, our group believes that Australia's responses to global security are necessary but currently ineffective with regard to social and cultural harmony and social interests. We looked at examples such as social isolation based on one's culture, race, religion or ethnicity leading to possible radicalisation presenting a major threat to our national security. Current measures, such as Abbott's sledgehammer scheme, sell social integration measures as a deradicalisation program, detaching the overarching goal of the program — that is, to encourage cultural harmony within communities. Instead of these measures, our group has proposed to implement a national framework that promotes social and cultural harmony by introducing school and community-based programs targeting younger generations, as Mr Merlino outlined earlier in the convention. This scheme would obviously take time, but after all Rome was not built in a day. As for the costs of this proposed framework, if we implement our suggested resolution, there would be a decreased demand on pre-existing deradicalisation programs — therefore these funds could be diverted to our proposed resolution.

Delegates applauding.

Mr DERVAN — Your solution focuses on the long-term fixing of the issue. What would be your solution to fix things in the short term whilst your program is underway?

Mr RAMM — We acknowledge that our proposed resolution will take time, but through our discussions we did not find any other reasonable and feasible alternative solutions that we could implement in the short term that would not have any other ramifications on any other aspect of our resolution.

Ms ROBERTS — Could you please clarify what these educational programs or community programs will actually entail?

Mr RAMM — These education programs, as I have stated, would try to encourage cultural integration. As Mr Merlino stated, knowledge leads to understanding, which leads to respect, so we would try to educate the youth in our schooling system about the different cultures in our local communities and therefore this would give them the understanding and knowledge that would lead to their respect of those other cultures.

Delegates applauding.

Group 10

Ms NAPIER — My group talked about media influence and fear factors, and we discussed the fact that the media can lead people to relate media opinion to public opinion. This can mean that a society can believe it is the same thing, which might not necessarily be true. We discussed the fact that some companies control more than 70 per cent of media coverage. We also discussed a bit about globalisation and how it is important for us to learn about other countries and to become more aware of problems going on in other countries. We also discussed how the media often portrays Islamic or Muslim people in a negative way and how they only want to make money. Our resolution is that the media should be advised to report both sides of the story in a fair and unbiased manner, and further education should be put in place to give children and young people the skills to correctly interpret the media and its stories so that we are not left with a society with one opinion and we can all form our own opinions on different issues.

Delegates applauding.

Ms S. SITCH — You spoke about educating the younger generation, but what will you do about the older generation that is currently making all the changes at the moment?

Ms NAPIER — We focused mainly on younger children, as they are the future, and we spoke together as a group on the difference between generations. A lot of us have often tried to speak to our grandparents or parents, and unfortunately it is not always as easy as we think to try to change older opinions. However, we believe that if we can educate the youth, we can eventually come to a mutual understanding of and respect for different cultures.

Ms WILLIAMS — Whilst the statistic is that Rupert Murdoch owns 70 per cent of newspapers circulated in Australia, however News Corp Australia only accounts for 33 per cent of newspaper titles, most of which are circulated through small country towns which adds to their major purchasing power. Does this new statistic — the diminished number of papers and media control News Corp Australia has — make a difference to your resolution?

Ms NAPIER — Could you just clarify that?

Ms WILLIAMS — The statistic that Rupert Murdoch owns 70 per cent of Australian media is wrong, and it is only 33 per cent. Does this new figure make a difference to your resolution?

Ms NAPIER — We as a group do not believe it changes our opinion, as our opinion is that the media is only out for money. They create these titles and stories to bring us in so that we will buy the newspapers or click on their ads. We believe that just because one person does not own all of them, all media forms are just as bad as one another and they are all trying to suck us in to read their things.

Delegates applauding.

SOAPBOX

The CHAIR — Until 2.30 p.m., I am happy to entertain 1-minute statements or questions to any of the people who have just presented. I will try to pick people who have not spoken yet.

Ms WELLINGTON — I have just a general question to the people who do not oppose metadata laws, and they are talking about how they are used to find criminals and terrorists. It is often mentioned that metadata is used to catch terrorists or people who are plotting to commit crimes or are linked to committing a crime, but won't introducing a law to be able to track people's internet and see what they have been doing to deter crime just encourage terrorists or criminals and inform them to find other ways to commit these crimes or hide their tracks?

Ms HANIF — This is a little late into the convention, but I am mentioning this anyway so that everyone can ponder it in their own time when either reading or watching and being updated on the news. It is honestly personal, but from hearing the discussions here, a lot of the time terrorism is being associated with Muslims. We are trying to create these resolutions, amendments and bills in this space so that we can prevent terrorism and prevent all these horrible things that we are seeing happen overseas. I just want to mention people who threaten Muslims subtly or not so subtly through either social media or the newspaper — for example, the *Herald Sun*. One huge example that I would like to give of Muslims being hugely threatened so badly that sometimes I am too scared to go to school is that of the Australian Defence League — —

The CHAIR — Your time has expired, I am sorry.

Ms PEDERSOLI — I just had a point of interest that we did not really get into today. I wanted to ask what your opinions are of how closely related privacy and freedom actually are, because there is a big difference. Some people see it that you cannot have freedom if you do not have privacy, and some people see it that privacy is actually stopping people from having freedom. I just wanted to let people consider that and see what people think.

Ms VARDARI — This is again about Muslims, being a Muslim myself — I do not really look like one. There was an article on SBS, and they were talking about a man who murdered his wife and children, but in the title of that report they said that he was Muslim. I just wanted to ask if putting someone's religion in a case is really necessary for the case itself. If a man murders his wife and children, that is bad, but was it really necessary for them to put in the religion? In my opinion, religion does not make the person.

Mr LOGUE — I am going to speak on data retention. I would like to reiterate a few things to the house. Data retention does not provide new powers for agencies to access metadata; it simply obliges telecommunication companies to retain and secure a limited set of records for two years. This will ensure that Australia's law enforcement and security agencies can continue to have lawful access to metadata, subject to strict controls. I refer the house to the very worthy statements of Australian Federal Police Assistant Commissioner Tim Morris, who is an integral incredible stakeholder in this matter. As these laws greatly affect first and foremost the work of the AFP, Mr Morris has cited statistics such as 92 per cent of counterterrorism, 87 per cent of child protection and 79 per cent of organised crime have metadata as a central element of the investigation.

Mr KERIAKES — I would like to address my question to the group who suggested that we bring back terrorist suspects to Australia to rehabilitate them. This whole idea of turning back people's citizenship came up with the rise of ISIS last year, and many members of ISIL have been known to be people who would sell children into sexual slavery and carry out genocidal acts. How would you feel about bringing these people back into Australia, how would you be able to re-educate them and how would the Australian society feel about the government bringing back these dangerous people to live with us?

Mr DOWLING — From what you said, here is the thing: if you are saying we should not be taking back these people, shouldn't that mean we should also be kicking out all the paedophiles, rapists and murderers we have in prison? Why are we keeping them here if we are not going to take back the other citizens? That is a perfectly good point.

I just want to refer to the metadata thing. People break laws in privacy — for example, with Snapchat people send nudes to each other. The thing is, if you are under 18 and you send a nude to someone, you get put onto the child sex abuse list, which is a list that sticks with you forever, because you created child pornography when you were under 18. That is probably one of the main problems when it comes to privacy and metadata — the potential that a bunch of under-18-year-olds can actually go to jail and be put on a paedophile list because they have created child pornography when they were under 18, and that is a thing that we should really consider —

The CHAIR — Your time has expired.

Ms MOHAMUD — When it comes to the word ‘terrorism’, why is it that Muslims are the first thing that comes to mind? Why is it that the KKK, IRA and the Sovereign Citizens of America are not your first choices? The media has shoved the idea of ‘Muslim equals terrorist’ down the throats of Australians, when in fact it is a small minority of Muslims — and I use that label loosely.

Did you know that groups like ISIS, the Taliban and al-Qaeda are doing more harm in their respective countries than they are in Western countries? Somebody earlier mentioned that there is a higher chance of being struck by lightning than being killed in an act of terrorism in Australia. So why is it that the media likes to strike fear in Australians for absolutely no reason, giving us the name of being terrorists?

Also, just a correction, because I have been hearing this all day: I am not ‘an Islamic’, I am a Muslim person.

Ms HURLEY-EDWARDS — I guess this is a point of clarification, but group 8, I believe you said that you would take away the citizenship of or penalise people who have done the wrong thing. Asylum seekers are put in detention and we are dehumanising them, but you choose to penalise someone who has done the wrong thing in Australia. That is a potential threat to society when asylum seekers are not.

Mr KALISSE — In response to the question, asylum seekers are completely irrelevant to our policy. We were given a certain topic, and that is what we followed. Also, I have a question. My question goes out to James in regard to the events this morning about data retention. Earlier today a fellow delegate mentioned the example of the Danish government admitting that data retention had failed in their country, and you replied by calling that example irrelevant in the case of Australia’s data retention laws. How and why is that the case?

Mr DAMCHES — Irrelevant in the circumstances. Not all countries can be applied to Australia — for example, I mentioned Germany as not a successful country in regard to metadata but I mentioned the UK as a successful country, with the amount of, I think it was 120, something like that, arrested. I would call — was it Dutch that you said?

Mr KALISSE — Danish.

Mr DAMCHES — I would call that irrelevant, because perhaps it has not been successful. You have to look into technicalities and that, but overall it has only been successful in a certain amount of countries. I am not really familiar with anything about the Danish.

Mr MACGREGOR — Just on the recurring theme of data retention, I would like to point out, just to inform you all, that — do you all know what cookies are? — cookies are bits of site data that a website will take from you when you visit it, and literally every website you visit already takes your data and every single one of your internet service providers, if you use the internet, takes your metadata already. So letting the government take it for use in criminal cases is not that much more of a step in an invasion of your privacy, if that is what you are calling it, because every single minute you spend online is not private.

You will notice that if you start buying certain goods, say from Target, and all you buy is toys, you will go on to Google or YouTube and all your ads will be ads for toys, because every website you visit takes your data and tries to give back to you in a nice way by saying there are specials on toys. But literally every website you visit already takes your data, and so does your internet service provider, so when the government takes it it is not that much more of a step.

THE VOTE

The CHAIR — We have now come to 2.30, and this is where, like in the Parliament, you get to vote. Can I just say very quickly before we move off the topic that of the people who got up on their feet to give a 1-minute statement, some of you have found it difficult and some of you have found it a bit easier to do. That is what we face in the real Parliament in getting up and giving a 1-minute speech, a 90-second speech or a 3-minute adjournment speech. You have all done really well with that. Regarding the Q and A — the questions and how you interacted as well — I have seen ministers, who are very highly paid, who have not handled questions and that interaction as well as you have today. You have done extremely well. Thank you.

Delegates applauding.

The CHAIR — We will do now a series of questions. The first question is, and this is the question that you will now need to consider:

Australia's responses to global security are necessary and appropriate.

Question defeated.

The CHAIR — Now I will go through the group questions, starting with group 1. The question before the house is:

That in regard to mandatory data retention and surveillance the federal government be eligible to survey the metadata of citizens if they are found to be guilty beyond reasonable doubt.

Question agreed to.

The CHAIR — Question 2 from group 2 is on privacy and data retention. The question is:

That a metadata retention scheme be introduced, data be retained at the cost of telcos for one year, the commercial use and sale of data to third parties be banned, specific warrants be required to access specific people's data, a review of laws surrounding data theft and tampering be conducted into the effectiveness of the scheme in five years.

It is quite a large question.

Question agreed to.

The CHAIR — Question 3 is on citizenship and laws that affect citizenship. The question is:

That due to the evident disregard of the Universal Declaration of Human Rights we see that all people should be allowed a fair and public trial by the High Court, and if found guilty, life imprisonment should be the punishment.

Delegates divided on question.

Question agreed to.

The CHAIR — I will read out question 4. This is in regard to social and cultural disharmony and social impacts. The question is:

That practical programs be initiated to combat ethnic discrimination where people on a community level can come together and interact with people of different ethnicity. This needs to be implemented by the local governments.

Question defeated.

The CHAIR — The fifth question is in regard to media influence and fear factors. It is:

To encourage open-mindedness of the audience and to regulate any material that may lead to discrimination of a certain group of people.

Question defeated.

The CHAIR — On question 6 the group's sub-topic is: rights and responsibilities. The question is:

That Australia's responses to global security should be more respectful of individual rights. We propose that the Australian government should hold a national referendum on the inclusion of a bill of rights in the Australian constitution, enshrining freedom of speech and right to privacy.

The CHAIR — Division called for. Before you stand up, at this stage I will call for a show of hands. It just makes it easier.

Delegates divided on question.

Question agreed to.

The CHAIR — Question 7 is from the privacy and data retention group. The question is:

That we limit access to criminal cases only and require companies to store data securely with a well-funded government oversight to ensure safety protocols.

Question defeated.

The CHAIR — Question 8 is from the group that was dealing with citizenship and laws that affect citizens. The question is:

If a dual Australian citizen is convicted of a terrorist offence, they should not have their citizenship revoked but should go through a comprehensive rehabilitation program to deradicalise. If successful, they shall be reintroduced into society.

Question defeated.

The CHAIR — On question 9 the group dealt with social cultural disharmony and social impacts. The question is:

That we implement a national framework that promotes cultural and social harmony by introducing school-based and community education programs targeting our younger generations.

Question agreed to.

The CHAIR — The last question before the Chair, from group 10, is on media influence and fear factors. The question is:

That the media should be advised to report both sides of stories in a fair and unbiased manner. Further, education should be put in place to give children and young people the skills to correctly interpret the media and its stories.

Delegates divided on question.

Question agreed to.

The CHAIR — Thank you very much for that. That will be conveyed shortly.

REPORT ON THE 2015 NATIONAL SCHOOLS CONSTITUTIONAL CONVENTION

The CHAIR — We now come to our special guest speaker, Sparsh Ahuja. Sparsh attended the national convention in Canberra in March 2015. He will give an overview of the 2015 event and speak about his experiences. He is a year 12 student at Balwyn High School and is a co-founder of the student body Feel.Think.Flow. He was recently involved in the organisation of a summit on refugee rights. He plans to study economics and languages next year and has dreams of working in the foreign service, not as a 007, though.

Mr AHUJA — Earlier this year I had the pleasure of being an exchange student in France. The trip was two months long, and when I came back to Melbourne a lot of people asked me what part of the trip most influenced me. It was not the food, although I did eat a lot of crepes, and it was not even the experience of seeing Paris light up at Christmas. As I am sure a lot of you know, over January, France was struck with the tragedy of the *Charlie Hebdo* shootings. I am not going to talk to you about whether you agree with what these artists did or whether you thought it went too far, because all of that is outside the scope of my presentation today, but what I will ask you to do is consider how important freedom of speech is for democracy and for promoting a culture with diverse thought. As I grappled with these questions myself as a foreigner in a strange country, I was hit with the realisation that I did not know how Australians would react to the same circumstance if it happened in our own country. So when I was chosen to be a Victorian delegate at the 2015 National Schools Constitutional Convention in March, I was excited to learn about the way our constitution deals with issues like freedom of speech and avoiding abuse of power.

A lot of you are here today, I assume, because you are passionate and motivated about the humanities and you want to use your voice to create positive change in the world. I admit, when you think of the constitution, the idea of progressiveness is not the first thing that comes to mind, but it is important to understand that the laws written by those who came before us do not exist merely in an intellectual, aloof sense. They have a tangible impact on the lives of everyday people — much like I saw in France. This year the convention's topic was: should Australia have a bill of rights? It was eye-opening to see how different participants in the convention interpreted question. A girl I met from Western Australia was particularly interested in the rights of Aboriginal people, so she used the convention as a tool to express her views on the recent closure of Indigenous communities by the WA government. On the other hand I was touched by the passion that certain members of the Victorian delegation had about refugees, and so a few of us actually went on to run our own refugee summit in July about Asylum-seeker rights — and I see a few faces in the crowd who came to that summit.

So, all in all, I encourage you to apply for the 2016 convention as I believe it would be a fantastic opportunity for you to broaden your horizons and learn a bit more about the heritage of our great country. You will make friends from all across the country, see some awesome architecture — like Parliament House and the flashy High Court building — and who knows, just like me, you might even get a selfie with Jacqui Lambie. Thank you.

Delegates applauding.

CLOSING

The CHAIR — Thank you very much for that, Sparsh. And, yes, you can all aspire to do that as well.

It is now my great honour to introduce my friend and colleague, the Honourable Nick Wakeling, the shadow Minister for Education, to officially close the day. Nick has been a member of Parliament since 2006. He is the member for the seat of Ferntree Gully and is currently shadow Minister for Education. His previous ministerial appointments under the Napthine government include: Parliamentary Secretary for Health from 2010 to 2013, Cabinet Secretary from 2013 to 2014 and Minister for Higher Education and Skills in 2014. I introduce Nick Wakeling.

Delegates applauding.

Mr WAKELING — Firstly I thank my parliamentary colleague, the Honourable Don Nardella, the Deputy Speaker of the Parliament. Ladies and gentlemen, and more importantly, delegates to this important event, I believe the minister mentioned to you this morning that the building you are sitting in now was the location of the first federal Parliament. I think that signifies the importance that this building has, not only for the state of Victoria but for the nation, with respect to our democracy.

Today has been a great opportunity for each and every one of you to learn firsthand what it means to be an elected official. It is an opportunity for you to stand in this house and express your views. I know many of you came to this place with ideas and thoughts about what you would say and the arguments you would put. Some of you were persuasive in your arguments, and some of you may not have been, but what it does mean is that you have had the opportunity to express your view, and that is the principle upon which this house serves.

For both myself and the Deputy Speaker, we speak passionately in this house on behalf of our communities, expressing our views. Sometimes we get it right and sometimes we do not, but the point is that in a democracy you have the opportunity to express your view.

You should be mindful of the fact that over 100 people representing schools across the state have been selected to be part of this process. This is a great honour for you, and I congratulate you for what you have achieved. As the previous speaker has just said, I encourage you to seek to participate in the national convention.

People come to this house with ideas and thoughts, and a good leader is not someone who just leads but someone who listens — someone who takes on board the views of other people, even if they are not their own views and even if it is something they do not necessarily agree with, because the art of persuasion is the art of understanding what it is you are trying to persuade. You need to actually understand the views of the opposing position in order to persuade someone to adopt your position. You also have to learn, as I am sure some of you have found, to stand on your feet and to speak on an issue without any prepared notes or any prepared thoughts. I am sure some of you were grappling with that today, but that is the art of the democracy.

I trust you will take away some great thoughts and ideas from today's event. More importantly, I encourage you to come back into this house in the future, not just as a person sitting in the gallery watching the parliamentary debate, but more importantly entering this house in the future as a member of Parliament, expressing your views as an elected official. Congratulations to everyone involved. I trust you have had a great day, and I am very honoured to close this important event.

Mr RAMM — On behalf of the convention I would like to thank the Honourable Don Nardella for his time today. I think we all appreciated it, so a big round of applause for the Honourable Don Nardella.

Delegates applauding.

The CHAIR — Thank you. I thank Nick, the Hansard staff and the parliamentary staff as well for all the work they have put in today. I also thank all of you, I think, for making today a real success. As you know, your part in today may have only been a small part, but for you and for your preparedness, for your background and for your thoughts, it is much longer than just your 1-minute speech or the presentation you gave today. It is not easy to do that. It is not easy to get up and speak in front of your peers and in front of your friends. Maybe some of you will join the Parliament — I will not be here — in the future. Whether it is here or in Canberra, you will also be in front of a vast number of Australian people, as well, and that is not easy, but let me say to you that you have excelled today. I think every single one of you have excelled today with the way you presented, the way you have spoken and your thinking on these really important issues. I really do thank you all for your participation. Thank you very much.

Delegates applauding.

Convention adjourned 2.53 p.m.