

SECONDARY SCHOOLS' PARLIAMENTARY CONVENTION 2016

Equal rights — myth or reality?

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The Speaker (Mr Don Nardella) took the chair at 9.11 a.m.

The SPEAKER — My name is Don Nardella. I am the Deputy Speaker of the Parliament — for my sins — and also the member for Melton. I welcome everybody here today. Aunty Di Kerr from the Wurundjeri Council was supposed to welcome you all here today. Unfortunately she is not well, so on her behalf I wish to acknowledge the Indigenous owners of the land on which we meet today and pay my respects to their elders past and present.

I will just go through some of the rules for the conduct for today for all the participants. You are not allowed to eat in the chamber. Bags, mobile phones and personal effects are not permitted in the chamber. If you have your mobile phone — obviously, you have got to have your mobile phone with you — just turn it off or put it on silent. You cannot answer it. ‘G’day, Mum’ — no, you cannot do that. If you have any notes, please provide them to Hansard after your speeches. Hansard is just there. There they are, waving away.

Students, when you are addressing the Convention you should clearly state your name and the school when you speak, and speak within the time limits. One of the things about being in a Parliament — certainly in this Parliament — is that once your time runs out, your time runs out. So you just need to keep on looking at the clock, and then once your time is over, you need to sit down. Do not bend the microphones — it is not good for them — and you should turn your microphone on and off only when it is your time to speak. You have got a button next to your microphone.

A reminder that Parliament House is a working building, and therefore students should respect the rules and not raise their voices — unless they are in the chamber — when they are outside the chamber. Finally, this is an official event and we expect each student to respect other speakers. Students are not allowed to go to any other rooms in the Parliament other than the ones used for the event. You cannot enter the chamber without being identified by official staff, so it means that you cannot go wandering off trying to find the jail that is downstairs in the basement that held one of my predecessors many, many decades ago. You cannot do that.

Without any further ado, you will have a number of speakers address you today. One of the speakers is Judith Graley, who is the honourable member for Narre Warren South and also the Parliamentary Secretary for Education. She is one of my parliamentary colleagues and one of my really good friends. I invite Judith to address you now. Thanks, Judith.

Ms GRALEY — I welcome you all here today. It is a very full chamber, so I think you are going to have a wonderful time. Your Speaker today is my Deputy Speaker when I am here as a member of Parliament, sitting over there where the guy in the orange top is. That is my seat, where the member for Narre Warren South usually sits. I am actually standing in the position of the Premier, so I am enjoying this moment. My job is the Parliamentary Secretary for Education. That means that I do not take notes; I actually get to assist the minister for developing the education state in this state of Victoria.

I, too, would like to begin by acknowledging the traditional owners of the land on which we are gathered and pay my respects to elders past and present and any elders with us here today.

I would also like to acknowledge the Honourable Don Nardella, MP, the member for Melton, who is my friend. I have known Don for a long time, and he is an outstanding local member but also a terrific Deputy Speaker in the house, so be aware that he will really look after you today, but he will make sure you behave properly. I would also like to acknowledge Kristen Hilton, the commissioner for the Victorian Equal Opportunity and Human Rights Commission, and Angela Singh, the executive director of the Koori outcomes division, Department of Education and Training.

I am absolutely delighted to be here with all you parents, teachers and students and to welcome you and open the 2016 Secondary Schools Parliamentary Convention. I really do hope you enjoy your day. I am so pleased that there are so many students — 100 of you here. There are normally 88 of us in this chamber, so if you get a little bit uncomfortable, you will just have to wiggle and move and ask people to excuse you, but I am sure you are going to have a terrific day.

You represent over 28 government, Catholic and independent schools from across Victoria, and just looking around the room, I can see there are people from many, many places. This sort of event, this sort of

collaboration, is extremely important for us, particularly as today you demonstrate the strength of your voices when you take over this chamber from us, your state politicians, and activities such as the School State Constitutional Convention provide you with the opportunity to experience democracy and citizenship in action.

You really have a cracker of a topic, I have got to say, 'Equal rights — myth or reality?'. As I am sure you have noticed, equality — particularly marriage equality — has been in the news quite a lot lately, and as a government, we value and celebrate diversity and are committed to ensuring all Victorians have the same rights and opportunities and the same chance to succeed in life.

In the interests of equality, the Victorian government has called on the federal government to change federal legislation to enable same-sex couples to marry. Many of you may already know that we actually have in Victoria Australia's first Minister for Equality, Martin Foley. It is an historic example of this Victorian government's commitment to equality, and it took place last year when we came to government.

Last year we actually had a formal apology in this parliament, in this very room, to people who were criminally convicted under unjust and prejudiced homophobic laws. It was a very significant day and a very emotional day. In the gallery were people who had been convicted of these unjust and prejudiced homophobic laws. In his apology, Premier Daniel Andrews sent a clear and powerful message about equal rights to all Victorians. He said:

Here in Victoria equality is not negotiable. Here you can be different from everybody else but still be treated the same as everybody else, because we believe in fairness.

To our knowledge, no jurisdiction in the world has ever offered a full and formal apology for laws like these.

Today you have been given 10 aspects of equal rights to discuss. They are really big targets, including Aboriginal and Torres Strait Islander rights, the rights for people of refugee and asylum seeker background, sex discrimination and gender identity rights, race discrimination, age discrimination, children's rights, disability rights, social equality, religious belief discrimination, and marriage equality.

You may or may not agree with the views of your peers on these issues. I suspect you will not. We hardly ever agree on everything in this parliament. Your views will be challenged and you will in turn challenge the views of others, and that is a good thing. That is what debating is all about and that is what democracy is all about. For the Deputy Speaker and myself, we have been debating and advocating all our lives. I think, Don, you were probably involved in the freedom to demonstrate actions during the Vietnam War years like myself. We also took part in the debates around ending the death penalty in Victoria. For me especially, when I arrived at my first workplace I began the fight for pay equity. The blokes were getting paid more than me even though I was in a what you would call an 'enlightened environment' of education.

There are many things still to be done and many challenges to be faced. I know when I am in the Parliament I relish the opportunity to hear my parliamentary colleagues' opinions as well as put forward my own. My peers and I certainly do not always agree, and that makes for a lively debate. In Victoria we are lucky to have a diverse but cohesive community, but can I say we have got to keep a watchful eye out for that too.

Ms GRALEY — As young leaders you have a responsibility to make sure that Victoria remains a progressive, inclusive, diverse, vibrant and prosperous place. I am really glad you are going to have the opportunity here today to think about just what that may look like.

A key to the Victorian government's pledge to establish Victoria as the education state — you may have seen that on the number plates, that Victoria is the education state — is about holding events like these, where we improve civic and multicultural education. We want you to be informed so you can make your own decisions. This is because we want you to be really well equipped with all of the knowledge you need to become active and informed citizens. You do have a very special role to play out there in your communities. The education state for many of us is all about access and equity. Importantly the education state means that all students will have access to an excellent, quality education regardless of how well their families are, where they live or their background. It acknowledges education as a fundamental right of all Victorians.

I probably do not need to remind you that equality is an emotional topic, because of course it affects each and every one of us and is central to our ideas of democracy. So I trust you will enjoy debating with informed passion, with courtesy, with respect for each other's views and with a word that is a little bit out of fashion but

one that I like to use a lot — kindness. Your own debate will be recorded by Hansard reporters and state members of Parliament will be able to read and reflect on your discussions. So what you say here matters. The issues you will debate today are of fundamental importance to our sense of a healthy and just community, and I really do urge you to embrace this opportunity, an opportunity that can too easily be taken for granted.

I would like to conclude with a few words from the youngest ever winner of the Nobel Peace Prize, Malala Yousafzai. I am really glad to be talking about what she has to say, because some of the things that I have been raising in the Parliament recently have been some issues that were given some cursory notice only in the Royal Commission into Family Violence. They have been around a sex slavery, forced marriages and honour killings. I was very glad to see last week that 20 more of the 270 Nigerian schoolgirls that were taken away by extremists have been found. There are still a lot more girls to come back to their school classrooms from which they were taken and to be reunited with their families. Those sorts of issues are a very timely reminder of just how fortunate we are to live in Victoria and how grateful we all should be for having a safe classroom. So I am going to remind you of what Malala said. She is just 19 years old now. She was a Pakistani activist — she still is — for female education. At 15 she survived being shot in the head for speaking up for equality. She said:

I speak not for myself but for those without voice, those who have fought for their rights — their right to live in peace, their right to be treated with dignity, their right to equality of opportunity, their right to be educated.

I really encourage you today to make the most of this opportunity, to express your opinions — make sure they are really strong and robust — be passionate and really ask the important and challenging questions. Challenge each other.

So thank you for listening to me this morning. It now gives me great pleasure to officially declare open the 2016 Secondary Schools' Parliamentary Convention.

The SPEAKER — Thank you very much, Judith. Can I now introduce Kristen Hilton, who is the commissioner for equal opportunity and human rights, to address us. It might be an idea, because otherwise we are going to have you with your back to people, to actually go there. Just in front here.

Ms HILTON — Good morning, everyone. Can you hear me okay? Great. Welcome to this really fantastic gathering. I too would like to begin by acknowledging the traditional owners of the land on which we meet, the Wurundjeri people of the Kulin nations, and pay my respects to any elders past and present. I would also like to acknowledge the Deputy Speaker, who sounds like he is going to keep you in good check today, the parliamentary secretary, the honorary member for Narre Warren South and of course all of you fantastic students, parents and teachers who have come today to really celebrate what it is to participate fully in civic society.

I am here today to talk to you about equality, human rights and the laws in this state which govern our rights. I think it is particularly fitting that we are in this beautiful building to do so. The grandness of this building lies not so much in its architecture but in the conversations that have been had in this room, because all of the laws and policies that I will talk to you about today have been debated often vigorously and often in a heated way in this particular chamber.

My role as the Victorian equal opportunity and human rights commissioner is to promote these laws and to make sure that our lawmakers, teachers, judges and students know about them. My role is also to try and reduce discrimination where it occurs, whether that is on the basis of your gender, your religion, what you believe in, whether you are gay or because you have a disability. Equality means not just that. Equality does not mean that we are all the same. Difference is important. Difference is what enriches our society. Equality does mean, though, that you will have equal access to opportunity.

We have had this protection in this state since 1977 under the Equal Opportunity Act. In that time various attributes have been added to the act as we in our society have become more aware and have identified areas of discrimination that have previously been undefined. Before these laws existed it was not illegal to discriminate against someone because of their race, because of their sex, because of their sexual orientation or because they have a disability. You could be refused service in a shop. You could be refused entrance to school. You could be, and can still be, refused marriage. In some cases you would have no legal means with which to protect yourself. While we have this protection now — or some of these protections — it is important to acknowledge that people still face discrimination on a daily basis. A legal framework is only one way in which we can protect

discrimination laws; changing our attitudes and our behaviour is the responsibility of us all, and there is still plenty of work to be done.

Before I became the human rights commissioner I was a lawyer. I worked for about 15 years mostly in human rights and social justice advocacy, but before that I worked at a big corporate law firm just a couple of blocks away from this building. After a couple of years at that firm I was lucky enough to go on a secondment to a young people's legal rights centre called Youthlaw. That was the first time where I really felt like all of the skills and the law that I had learned at university came into practice for me.

One of the first clients that I saw was a young Indigenous woman, who I will call Natalie. She had grown up in New South Wales, mostly in state care. When she came to see me she was 18 years old. She had three children, her partner was in jail, and she had come to see me because she wanted to talk to me about what had happened to her when she was in state care. She had been in a number of foster care placements and she had also been a resident of the state, and she had been terribly abused during that time. She wanted to talk to me about the abuse that it happened. I worked with her for three years to try and get compensation for her under what is called victims of crimes compensation law. It was a long and very, very difficult process. We had to apply under freedom of information laws to get all of her case files from a different state. She had to be very brave and resilient in providing her testimony to a tribunal.

Finally, we succeeded, and she was afforded some compensation, which meant that she was able to move out of the caravan in which she was living with her three children and into more stable public housing. But the great benefit for Natalie, as she told me, was that someone had listened to her story, that there were laws there that said that what had happened to her was wrong and that she felt like perhaps the process that she had gone through might be an example for others to speak up about what sometimes happens, particularly to Indigenous children in state care. To me that showed the power of the equal opportunity and human rights framework, and that was the decision I made then — to move on from corporate law into an environment where I could use those skills and that knowledge to work for people who were more vulnerable and disadvantaged.

One of the other clients I saw was a homeless man called Bill. When he came to see me he was about 60 years old and he had been living in and around Flinders Street station, sleeping rough, which means sleeping outside, for about seven years. He was known to police because he slept just near the police station at Flinders Street station. He had an acquired brain injury and a significant intellectual disability. He came to see me because he kept receiving fines every day. You probably travel on public transport, and I am sure none of you have ever forgotten your myki pass, but if you have, you may have been unfortunate enough to receive a fine. While Bill was not travelling on public transport very much, because he was in different parts of the train station, because he had littered or because he was forced to live his life in a public space, he had accrued thousands of dollars worth of fines. When he came to see me he actually had \$100 000 worth of fines that he had received.

What would happen is that he would receive a fine from police for, for example, being on the wrong side of the station — that was \$100 — and he would get angry, tear it up and throw it on the ground. Then he would receive another \$100 fine for littering. Then he would get angry at police and he would swear at them, and then he would receive another fine for abusive language. So on any particular day this man, who was intellectually disabled, aged and homeless, could receive \$800 worth of fines for public offences.

I worked with Bill. Again, it took a long time for us to put his case together. We went to the Magistrates Court and we were able to argue that because of his very difficult circumstances he should have his fines waived. That particular case led to a law being passed in this Parliament which recognises that some people of particular vulnerability or disadvantage are able to have special circumstances taken into account when dealing with fines like that.

Bill's story was also one of the stories that was crucial in the discussion around a charter of human rights being introduced into this state. It recognises that while we may say that all people are born equal, in fact we do not all have equality of opportunity, and we know that life circumstances pan out for people in very different ways. That is why we have law and policy to help redress some of that injustice that is borne out every day.

For many years I have worked with people like Bill and Natalie. I have worked with refugees who have been locked in both onshore and offshore detention centres. I have worked with women and children fleeing domestic violence and with people with serious mental health issues who have been detained in institutions against their will. I have worked with children who have been abused in state care. And I have represented

people — I worked for legal aid for a long time — who have committed terrible crimes and whose backgrounds were equally terrible.

What was common among these people, even though they all had different stories to tell, was that they had been broken in some way. I do not mean defeated — I do not mean that they did not have a sense of hope or resilience — but their life had come as a surprise for them. What had come as a surprise and a sadness was that the state or people in power had excluded them and had isolated them — had made them feel less because of a particular attribute — and something in them had broken as a result.

The power of discrimination and human rights laws is not just to say that discrimination is wrong and you should not do it — you should not discriminate against someone who is Muslim or someone who is gay or someone who is disabled — but that we are going to hold you to account if you do and that there are consequences for that type of action.

Human rights are basic entitlements. They belong to all of us. They belong to all of us because of the very nature of us being human. The idea is that you should not be less entitled because you are young or because you are old, because of your gender, because of your religion or because of your belief. The human rights movement and the development of human rights as a part of international law was in large part a response to the Second World War. ‘Never again’, the world said.

We must protect a person’s right to life, a person’s right to liberty, freedom of expression, to be free from torture and to be free from discrimination. We often refer to these sorts of rights as civil and political rights, and they are enshrined in the International Covenant on Civil and Political Rights. The right to health care, the right education and the right to work and housing are referred to as economic, social and cultural rights, and they too are enshrined in international law as a part of the International Covenant on Economic, Social and Cultural Rights. Many western countries have incorporated these rights into their domestic laws. Australia, I am sorry to say, stands apart in this regard. We do not have a national bill of human rights. I hope that that day will come. I hope that that day is not too far away, and that as you move on from school into university and go into your careers — whether as lawyers or teachers or nurses or doctors — one day you will be working with a national act of human rights.

In the meantime, 10 years ago in this Parliament something very special happened. Victoria became the first state in Australia to pass a human rights act, which applies in this state, and it enshrines 20 civil and political rights that relate to freedom, respect, dignity and equality. The rights that are contained in that charter encapsulate the need to ensure that all members of our community have the right to equality, the right to participate in public life — which is what you were doing here today — and the right to go about their life in a manner that accords respect for who they are and dignity for how they should be treated. Free and fair elections, free speech, the right to work and the right to live free from discrimination — all of these are examples of entitlements that we call human rights.

As I said, we also have the Equal Opportunity Act, and that has been in place since 1977. Our work at the commission is about promoting the charter of human rights, the Equal Opportunity Act and the Racial and Religious Tolerance Act 2010, which also makes it an offence to vilify someone on the basis of their race or religion; that is, it is an offence to denigrate or abuse someone on the basis of their race or what they believe in. Our Equal Opportunity Act recognises that even though we may say, as I said, everybody is born equal, the reality is that we treat some groups and some individuals very differently and more negatively because of certain characteristics. For example, while most men have always had the right to vote and the right to stand before Parliament, women were excluded from voting until the turn of the 20th century, and it was not until 1923 that women were allowed to stand for Parliament. Indigenous people were not allowed to vote in federal politics until 1963. On average Aboriginal and Torres Strait Islander people have a life expectancy that is still 10 to 17 years shorter than other Australians. Aboriginal and Torres Strait Islanders’ infants die at twice the rate of other Australians. So discrimination against both these groups still exists.

The reality is, as our Parliamentary Secretary for Education told us, that women are still not paid the same as men for the same jobs. On average women are paid 17.5 per cent less than men for doing the same work. This means that the women in the room would have to work extra 64 days to be paid the same amount as men. Despite the fact that for nearly 100 years women have been able to stand for Parliament, women are not present in equal numbers in parliamentary life. They are not present in the same equal numbers in business or politics across the world. Women’s opportunity as well in health and education and basic rights are compromised

because of their gender. We see this every day in the complaints that come before the commission. We received over 10 000 complaints every year from people who are complaining of unfavourable treatment or discrimination.

Under the Equal Opportunity Act it is against the law to discriminate against someone on the basis of 19 protected attributes. These attributes include things like gender, race, sexual orientation or if you are a parent, for example. To make out a claim for discrimination it is not enough to say that you feel like you have been discriminated against — the law is not that loose. You actually have to show that you have been treated unfavourably because of that characteristic. So let me give you a few examples of some of the types of complaints that come before the commission.

Quite recently we conciliated a complaint by a man of African background, who was employed in a restaurant as a kitchen hand. For eight months he endured being bullied by his co-workers. He was verbally abused on account of his race. He was physically abused. He was stuck in one of the large bins outside the restaurant, and reference to his race was regularly made. He finally left the job after being unable to endure that sort of abuse anymore and brought a complaint to the equal opportunity commission. We were able to resolve, or conciliate, that matter with his employer. He received compensation and also an apology from the employer and a revisiting of the equal opportunity policies. So one of the important things about facilitating or conciliating a type of complaint like this is not just the fact that the individual might receive recognition and some sort of compensation for the treatment that they have received, but it is also a way of educating employers or schools or lawmakers about equal opportunity laws and the effect that discrimination can have on people.

In another matter we had a parent come to the commission, and her son had autism. He was in a school, and he was continually being bullied by other students within that school because of his autistic behaviour. He exhibited some challenging behaviour, but the parents' complaint was that the school really did not have a policy in place to deal properly with his autism and there was not a particularly comprehensive way of talking to the students about their child's behaviour. He ended up being expelled, and she had to find another school for her son to go to.

Most recently I sat in on a conciliation where a young woman — she was about 21 — was working in a fashion store. Each day her boss would come in and he would make lewd sexual comments to her. He would talk about the clothes that she was wearing. He would ask her to take her underwear off. He tried to kiss her. She had tried to get a job for three years and she was so fearful of losing her employment that she did not say anything about this until the behaviour became so intolerable that she had to leave her work. She told a couple of her friends, and they encouraged her to bring a complaint to the equal opportunity commission, and again that complaint was successfully conciliated in that she received some compensation and the employer had to make a formal apology to his employee and again visit the equal opportunity policies that were in place at the work.

Unfortunately this type of behaviour is all too common. As the parliamentary secretary noted, there has been huge focus on gender equality in this state, and it is a tribute to the current government that they have paid so much attention to this issue, which is still endemic within our society. There has been a Royal Commission into Family Violence, and we have learnt that gender inequality is one of the real drivers of family violence.

The reality is that, if you are a woman, you are more likely to be poor, you are certainly more likely to be the victim of family violence, you are more likely to be sexually harassed and you are more likely to be judged on your appearance. The statistics are worse if you are a woman of colour or if you are a woman who has a disability. This is not right. This is at odds with your fundamental human rights. It strikes at the very idea of our country as a country that is fair.

I have spoken to a number of schools recently, particularly to girls schools. I said to them that this is not just a girls' issue or a women's issue; this is a boys' issue and a men's issue too.

I am sure everyone of you in this room is aware that a couple of months ago newspapers reported about Instagram accounts that were set up at a number of schools in this state and at schools in other parts of the country, where images of young women were posted on Instagram accounts and the women and the young girls in those pictures were abused online. This shows us that even in our schools we have a culture that objectifies women. It shows us that this sort of thing starts very, very early.

Often when these things happen we are told that boys will be boys or that it is just a joke and we should lighten up or that it is political correctness gone too far, but there is nothing light or funny about this. It normalises sexist behaviour. It increases the likelihood that women will be discriminated against. It increases the risk of abuse. It says that somehow we value women less than we value men.

The hope that I have is that all of you here in this room do not have to be part of this. Stand up when you see your male or your female friends talk in a way that you think affronts you or affronts women or affronts someone because of their difference. Stand up for your girlfriends when you see them being bullied or disrespected. You are part of the solution, you are part of the change and that makes me incredibly hopeful.

You will finish school as the most highly educated, aware young men and women of any generation — black, white, Muslim, Jewish, Christian, atheist, gay, straight, people of different physical and intellectual abilities. You should not be limited by what society tells you you can or cannot do. The only limit should be your imagination, so dream boldly, because our society is richer because of your participation and your difference.

The parliamentary secretary quoted a young human rights activist. I am going to finish by quoting an older human rights activist, Eleanor Roosevelt, the wife of Theodore Roosevelt, a President of the United States, and someone who was crucial in establishing the modern international human rights movement. She said:

Where, after all, do universal human rights begin? In small places, close to home — so close and so small that they cannot be seen on any maps of the world. Yet they are the world of the individual person; the neighbourhood he lives in; the school or college he attends; the factory, farm or office where he works. Such are the places where every man, woman and child seeks equal justice, equal opportunity, equal dignity without discrimination. Unless these rights have meaning there, they have little meaning anywhere. Without concerned citizen action to uphold them close to home, we shall look in vain for progress in the larger world.

So I encourage you in this chamber today to advocate for human rights, to advocate for equal treatment, to challenge each other, to participate in debate that is respectful, robust and thoughtful and to be the human rights advocates of the generation to come.

Thank you.

The SPEAKER — Thank you very much, Kristen, for that. That was extremely interesting and very important. In some of those laws and some of those debates I actually said a few words, so they were very important debates that we had in this chamber. Thank you very much.

OPENING STATEMENTS

The SPEAKER — We now go into the opening statements. I have a list of people that will be making those opening statements. If you could stand up and put your microphone on, say your name and the name of the school that you are from, that would be terrific. The first one is Camberwell Girls Grammar School, Janice Soo.

Camberwell Girls Grammar School

Ms SOO — Good morning. My name is Janice Soo. I am from Camberwell Girls Grammar. You may not have experienced inequality, but you can one day be the victim. In the year 2013 my brother was called Ching Chong for being Asian. The girl responsible and her family were brought into the principal's office. Sadly and shockingly her parents contended that there was nothing wrong with being racist. Inequality still happens today, and this anecdote is one of unfortunately too frequent accounts of the disparity of race, age, religion and disabilities.

So today's topic, equal rights: myth or reality? The world has progressed over thousands of years. Humans have been crying; we have been fighting for equality and justice. Australia: 1902, equal rights for women's votes; 1967, recognition of the Indigenous peoples; 1975, Racial Discrimination Act; 1992, equality to people with disabilities; and 2004, age equality. So where are we now today? Equal rights: myth or reality? But today we still hear and today we still see unpardonable events happen. This year in the Northern Territory state detention centres Aboriginal juveniles were being blinded, shackled to chairs, physically abused and subjected to several other heinous actions. We still see and we still hear the salary disparity and different opportunities between genders.

The CHAIR — Your time has expired. Thank you very much, Janice.

Camberwell Grammar School

Mr CHESLER — Good morning, all. We are all here today to discuss whether equal rights are existent, but we wish to approach the topic from a different angle — whether they could have the potential to exist and hence explore its viability in our modern world. There is certainly a continued desire for equality in our law where it does not already exist. Our attendance here today may well be proof of that. However, its feasibility is brought down by two main factors: law and its enforcement. Firstly, legislating for equality is more difficult than simply writing a bill of rights into our constitution. To produce law that is fair to all, all groups must be considered, a task which is nigh on impossible, and its implementation into our law presents a challenge in its method — whether we choose to adapted into our constitution, legislate it in a bill or through other means.

Secondly, equal rights are not merely guaranteed in law but in the political system that upholds it through the independent courts and the police services that enforce these laws. This opens yet another set of complications, for to make equal rights a reality we must enforce the independence of our judiciary arm, which we have achieved only to a certain degree. You only need to look at Don Dale or offshore detention centres to see where we have failed in this respect. As such, unless we can iron out the creases in the enforcement of law, equal rights still remain a bit of a distant prospect. It is for this reason that we view equal rights not as a myth or reality but a potential, an object we are striving for but still remains out of reach.

Thank you.

Canterbury Girls' Secondary College

Ms CHRISTIE — I am Amelia Christie. What are these women constantly whining about? Men and women are already equal, right? You hear this kind of argument all the time. Feminism used to be about real issues like securing women voting rights. Now it is just about sitting around complaining about the politics of pronouns or the tax on tampons. This kind of rhetoric poses the biggest obstacle to achieving real gender equality today. The myth that equality is our reality is the most dangerous myth of all.

The inequality we see today is different from the past. Sexism has not gone away but rather morphed into a subtle form, still affecting almost every part of a woman's life, from work and education to physical safety and relationships. This elusive discrimination hides behind a generation of men more defensive and uncompromising than ever. How easy it is for a small, unwanted grope or sexist comment to be dismissed as a joke. How quick we are to label anyone making a stand as petty, trivial and man hating. We have a wave of women rejecting feminism because they do not want to seem self-righteous. Feminism has become a dirty word when all it means is wanting to be equal to our brothers and acknowledging that we are not there yet. The perpetrators become comfortable and the target grows accustomed to dealing with oppression as we become stuck in a climate where this is acceptable, where what we have is good enough. Being ignorant and defensive of our equality is certainly tempting for men and women because it is nice to ignore your problems. But believing that equality has been achieved is the biggest presumption standing in the way of making it our reality.

Frankston High School

Mr FELIPE — Thank you very much, Deputy Speaker. Welcome, everyone. My name is Gerard. Today we explore a very complex and difficult issue, the issue of equality. We have to decide today whether or not it is equal or whether or not it is a myth. But what is equality? Equality is a state of being equal, but in saying that it is often assumed that everyone would benefit from the same support. However, we believe that this vision holds a massive misconception. Yes, making sure that all students should have equal access to education is of vital importance. But the truth remains that some students need more to get there. We believe that the complexity of equality, particularly in first world countries, is that we take things for granted. We forget that there are people out there who need the things we seek more than us. We tend to look towards inequality as something negative, but now is the time when we must acknowledge our differences and use it to our strengths. It is time we strive to value those differences and to focus on equity rather than equality, where we are not in the state of being equal but where we are treated fairly and impartially based on our difference in circumstance. Because whilst we are not equal, maybe that is not such a bad thing.

Huntingtower School

Ms LIU — Good morning, my name is Chavelle Liu, and I am from Huntingtower School.

‘I look to a day when people will not be judged by the colour of their skin, but by the content of their character’, Martin Luther King Jr. once stated. Within our society, there will undoubtedly be those who are blind to the pure idea of equality. Although it is most favourable if each and every member of the human race were to have equal rights, we all know that in essence that will never be entirely achieved.

Throughout history humanity has taken measures and made an effort to enforce and advocate for equal rights — in the past for the Indigenous population, and more recently for with various sexualities. Milestones have been achieved, some well-known while others not as well spoken of, like the 1989 United Nations Convention on the Rights of the Child which 196 states have ratified. Acts have been passed and laws have been made, however, enforcing these restrictions will never be enough, as discrimination will always have a presence in the world.

Our world has clearly made significant progress and definitely has potential, but both in Australia and internationally it remains an insurmountable obstacle. Although aspects such as racial equality are more evident throughout countries such as our own, no-one can say with certainty that your race does not influence your position or status in society. Thus unfortunately equal rights remain a myth, an unattainable reality. In Nelson Mandela’s *Long Walk to Freedom*, he says:

No-one is born hating another person because of the colour of his skin, or his background, or his religion. People must learn to hate, and if they can learn to hate, they can be taught to love, for love comes more naturally to the human heart than its opposite.

Thank you.

Islamic College of Melbourne

Ms MOHAMED — Good morning all. My name is Hamdi Kassim Mohamed. I am a current student at the Islamic College of Melbourne and today I would like to talk about the equal rights of women. First, I would like to acknowledge the traditional owners of this land, the Kulin nation.

Many people would agree that humans have come a long way in dealing with and understanding social issues, such as gender inequality, racism and even religious intolerance. However, the fact that the rights of women are still overlooked clearly shows that even in the 21st century the journey of gender equality has a long way to go for it to reach its final destination. I would like to talk about these rights of women through education.

Education is the key to success as it helps mould our future, as we all know. Girls in less-established countries, such as Malawi and Bangladesh, are unable to receive an education because of the preferred lifestyle for them. They are bounded by local norms and are forced to get married at young ages. Not only is education a problem in Third World countries but in Australia as well. Universities grant male students more flexibility in choosing courses than what a female student would receive. Males can take courses easily like mechanical engineering or other courses that involve physical labour. They are thought to be preferred male subjects. Education is something that is meant to be shared with all genders, races and especially religions and is not something to deprive someone of just because of who they are or where they come from.

Before and I would like to quote Senator Janine Haines of South Australia, who said that:

... the hard-won rights of women are still held only on sufferance, and that the price of their total acceptance must be eternal persistence.

Thank you.

Kingswood College

Mr MOSS — I am Sam Moss, and I am from Kingswood College.

True equal rights will never be attainable. That is a fact of society. It always has been and it most likely always will. Ancient Egyptians and the ancient Chinese placed people in a rigid caste system. Centuries later, much has improved and most of us are theoretically afforded the same rights. Whilst we do not have a bill of rights per se,

all Australians have the right to vote, the right to healthcare, freedom of speech and so on. What I wanted to talk about today is the rise of large corporations in society and how they threaten those very rights.

Our society revolves around money, and whilst that is not necessarily a bad thing, we need to take a step back and look at what really matters — which is people. The increasing Americanisation of Australia and the UK will only widen the gap between the rich and poor. Already we are seeing the increasing prominence of businesses that are taking the focus away from the public good and moving it towards shareholders. University tuition fees are relevant for all us. The deregulation of university pushes prices higher as universities start to operate as businesses rather than as public institutions. This effects everyone's access to education because it means that the more money you have, the easier it is to go to university, and the easier it is to go to university, the easier it is to get a job and so on. It is not hard to see other areas of life where money and class separate people. There are obvious examples, like the law courts, where a more expensive lawyer grants you better representation.

But let us look at the power of Rupert Murdoch. We operate in a society where everyone has the right to one vote. In a legal sense that would apply to Rupert Murdoch too. However, in reality Murdoch has the power to swing elections. Politicians court him for his support, and he can then exert his influence on many media corporations. It is the kind of power imbalance that I am angry about. Rupert has more power in an election than you and I, and I think that is unfair.

I could go on, but the message I would like people to take away is from this is to look at the big picture when talking about rights. We need to examine the direction this country is going in and whether people's rights are truly our no. 1 priority. Although this country's citizens may never reach truly equal rights, if we move in that direction, we can improve everyone's living standard.

Lalor Secondary College

Ms DIVKO-EDWARDS — Good morning everyone. I would like to firstly introduce myself. My name is Crystle Divko-Edwards and I attend Lalor Secondary College. I would also like to thank those involved in organising this convention and allowing me this opportunity to speak in front of you all today.

As you are aware, our topic for discussion today is 'Equal rights — myth or reality?'. The answer is easy; they are no more than a fantasy. First of all, what are equal rights? Equal rights referred to equality before the law whereby every individual is given the same rights and entitlements and are seen as level with one another. Unfortunately, in our society such privilege is frowned upon and as a result of this, people are discriminated against for their personal characteristics, such as age, sex or gender identity, religion, socio-economic status, race and even sexual preference. This discrimination that an individual or group shows towards another individual or group is often what separates and segregates us, making one individual or group appear inferior to another.

Additionally, Australian legislation has different sections that provide laws to protect certain individuals or groups. These laws aim at making us as human beings level with one another. However, this is often not the case as there is usually always one group of individuals that hold more power or have more entitlement or access to such entitlements than others. For instance, a young white male may have more entitlement or access to entitlement than that of an Aboriginal male of the same age and status. Certain individuals appear to be more privileged in the way they are perceived and are treated compared to many other groups of people within society, hence this idea of equality is nothing more than a myth.

Thank you.

The SPEAKER — Thank you, Crystle.

MacKillop College

Ms EXTON — Equal rights — a myth or reality? In looking to make a decision about this question. I feel we need to look at the concept and meaning of human rights. As young people we perhaps perceive human rights through the prism of the current debate about topics surrounding gay marriage and refugees. Man's quest to improve human rights is a story that mirrors the development of societies across the planet. In relative modern times internationally Ghandi, Nelson Mandela, Martin Luther King, Rosa Parks and John Lewis have

fought for the rights of the people. In Australia such figures as Charles Perkins and Eddie Mabo have looked to advocate for the rights of their people.

But what is a human right and why are equal rights so important? As a world we formally recognised the importance of human rights when the Universal Declaration of Human Rights was adopted by the General Assembly of the United Nations. Motivated by the experience of preceding world wars, the Universal Declaration of Human Rights was the first time that countries agreed on a comprehensive statement of inalienable human rights. In many ways, with the document in this type of place, why are we as a group of young people still debating as to whether human rights are a myth or a reality? The reason for this are numerous, and will, I can be sure, be discussed today.

Are equal rights a myth or reality? The answer is not a definitive one. An understanding of what a human right is certainly not a myth and the adoption of human rights for a society is not a myth, but the question as to whether they have been universally adopted and whether all humans enjoy basic human rights is certainly a myth and needs to be challenged through the debate and challenged for the good of all living people today and into the future for the world to continue to develop and all to prosper.

Thank you.

The SPEAKER — Thank you, Isabella.

Mater Christi College

Ms NIXON — Good morning everyone. My name is Sarah Nixon. I would dearly love to say that equal rights are a full-blown reality; however, unfortunately we have a long way to go. We have come a long way as a society in recent decades; however, we cannot be complacent and need to keep forging ahead in promoting equal rights and continue to change our culture and way of thinking. In Australia we are a lot closer in the equal rights department than many other countries; however, women are still often discriminated against simply for being a woman. Just a few examples of this discrimination include women being paid less than men who are employed in the same job, women being past up for promotions and not being employed in the first place even though they are the best applicant for the job, and the list goes on. There are other minority groups in modern day society who are also often discriminated against, even though they are legally entitled to equal rights. Some examples of other groups discriminated against include people with disabilities, religious groups and people of diverse sexual orientation and gender identity.

Around the world the levels of equal rights vary tremendously. In many developing countries women are treated as second-rate citizens and women's rights are unheard of. This is something that I believe needs to be addressed on a global scale and will take many decades to achieve.

In conclusion, Australia is getting there in regard to equal rights; however, there is a need to continue the education of society and to introduce progressive legislation to ensure that all people are treated equally and fairly. The challenge on a global scale is much larger; however, with this, distance can be slowly transformed.

The SPEAKER — Thank you, Sarah.

McKinnon Secondary College

Ms SCHWERDT — Hello. My name is Bridget Schwerdt. Now, 'Equal rights — myth or reality?', is a phrase we have heard much in the lead-up to today's proceedings. Currently myth is the leading contender, evident in the multitude of injustices occurring within our own backyards. We sing:

*For those who've come across the seas
We've boundless plains to share*

Yet asylum seekers are detained offshore for undefined periods of time, even though the refugee convention states that no penalties can be imposed for entering illegally. Women can expect to earn on average 17.3 per cent less than their male counterparts, yet there is talk of 'the wage gap still doesn't exist'.

People with disabilities are more often to experience poverty and live in poor quality or insecure housing, and, astonishingly enough, Indigenous Australians have never been recognised in the Australian constitution.

Furthermore, there is evident bias in the Australian media through the fear targeting of religious groups, especially following recent terror attacks, and let us not forget to mention, the botched handling of the same sex marriage plebiscite—the list goes on and on.

Now, as optimists we believe that equality can become reality but as realists we know that there is much to do before this can eventuate. Currently Australia has no bill of rights, and whilst this is commonly a necessary document, we are not necessarily disadvantaged as a document that is fair to all 23.1 million Australians is nearly impossible. So the answer to Australia's lack of equality, and more importantly equity, based on various factors such as social status, gender, age, race and beliefs, is not in the form of one comprehensive document, but through intimately examining the individual sectors of inequity and inequality within our multicultural society and responding so accordingly. However, it is clear that whilst Australia has a fair distance to cover — —

The SPEAKER — Thank you, Bridget; it is not easy when you hit that 2-minute mark.

Melbourne Girls College

Ms GONZALES — I am Lilian Gonzales from Melbourne Girls College. In the words of C.S. Lewis, justice means equality for equals and inequality for unequals. We at Melbourne Girls College believe that equal rights are a myth, as you cannot have equality until you have justice. Equal rights will only mean anything if we live in a society that provides equality of opportunity, which I believe we can all agree that we do not. Equal rights are nothing more than an aspiration when they are not underpinned by equality of opportunity and when we acknowledge the fact that so many people in society come from a position of disadvantage. For these people the notion of equality is meaningless because they are not in the position to fulfil their potential and pursue their aspirations.

Under the International Covenant on Economic, Social and Cultural Rights, Article 13:

Secondary education in its different forms, including technical and vocational secondary education, shall be made generally available and accessible to all by every appropriate means ...

Here quality in education is legislated; however, the reality of the secondary schooling sector in Australia is vastly unequal, with the OECD putting us in the high-quality, low equity category, meaning that the impact of student background on educational outcomes is stronger than OECD countries. This is an example of where equal rights are not enough to guarantee that each child in Australia will be able to access an equal, high-quality public education and thus fulfil their potential. This is where equity rather than equality is necessary. Equity in this sense does not mean that all people will achieve the same outcome, but that all people will have equal access to the same resources and opportunities and have an equal chance to succeed. We cannot have equal rights when we do not have justice. Our present system only further advantages those in positions of privilege while leaving the disadvantage behind.

Thank you.

Ruyton Girls School

Ms GOONESEKERA — Good morning, everyone. My name is Vinhara Goonesekera, and I am from Ruyton Girls School. Equal rights — it is a strange and simplistic term for a complicated, intricate and demanding debate. Is it actually a reality, though? Is it a golden beacon of hope that is sitting there waiting for us to reach it, or have we been billed with an unattainable goal synonymous to perhaps what we call a perfect world? Nothing is perfect and perfection is subjective, so how are we to obtain equal rights if it is different for everyone? For me it is about eradicating boundaries that are deliberately caused by segregation of sex, age and ability. Theoretically, if we were able to eliminate this and create an equal judicial system where everyone's rights were protected, this would not be enough.

For me the system might be unjust, for you it could be discriminatory and for the man in the back of the gallery it might be perfect. Everyone's opinion and moral values are different — we know that. So if we were to create a world full of equal rights, how are we to know it is equal for everyone? Article 26 of the Universal Declaration of Human Rights states that everyone has the right to education, at least in their fundamental stages. However, section 3 of this very article also states that parents have the right to choose the type of education that shall be given to their child. So, for example, parents who choose to have their child educated in a school under

strict and demanding conditions against the their child's wishes. Though it is their right to do so, the child can also say no, because it is infringing their right in section 2, which says:

Education shall be directed to the full development of the human personality ...

And being in such a school is hindering that. Do the rights of the parents trump that of the child? If the preservation of my rights impacts the beliefs of your rights, then who is right?

Thank you.

Northcote High School

Mr NIKOLOVSKI — I am Hugh Nikolovski from Northcote High School. In Australia the rights and the constitution delegated to us by the federal government are possessed by all Australian citizens. These rights include the right to vote, the right to a trial and the right to freedom of speech, to an extent. In Victoria a similar situation occurs with the laws enacted by the state government applying to all Victorians. The result of this is a series of rights and laws being equally bestowed upon the people of Victoria who are Australian citizens. Because of this equal rights are a legal reality for the citizens of Victoria. That is not to say that peoples of other states and territories do not legally enjoy equal rights. They do, but just within the respective state or territory. For example, whilst a couple of the LGBT community have the right to adopt a child here in Victoria they would be prohibited to from doing so in Queensland and the Northern Territory. This is an example of Australian citizens being denied the same rights. This case is one of many in our society from which the conclusion that equal rights are not a reality in Australia can be deduced.

Equal rights, however, transcend legislation, and it is in this transcendence that cultural, societal and economic circumstances disrupt the intended equality of our legislation, no matter how universal we proclaim it to be. Is it equal rights if the chance of a young girl one by day becoming prime minister is drastically lower than a young boy's, even if the laws state both sexes can hold the position? What may look like equality on paper in reality may be quite different. These are just two examples of the myth that is equal rights in Australia.

Mount Alexander College

Ms GILES — Hello, my name is Chloe Giles and I attend Mount Alexander College. The girl I found sitting alone in a corner was crying. No-one wanted to play with her because their parents had advised them not to — 'Don't play with the Vietnamese girl'. Systemic racism is not just about governance or large organisations discriminating. It starts in the institution of home, where parents govern over their children and dictate the narrative of social interaction. While the Racial Discrimination Act aims to ensure that Australians of all backgrounds are treated equally and have the same opportunities the law does not apply to a middle-class family that does not want their child to play with the Vietnamese girl or the African girl. Yes, it is against the law to treat you unfairly or to discriminate against you based on race, colour, descent or national or ethnic origin, and yet one in five school students experience racism every day and one in three people experience racism in the workplace.

White privilege ensures that people will sit next to you on the tram, and they will not be in fear of you robbing them. It means that you can call Australia multicultural and yet refer to White Australia and Aboriginal Australia quite comfortably. Equal rights? Where are the rest of us? Government needs to advertise the importance of anti-discrimination. This multicultural society needs to see themselves in multicultural books at prep school, on the news and in adverts about bread. There needs to be confidence to drive forward if we are to stop living in a backward society.

Thank you.

Scotch College

Mr MENG — Good morning everyone. I am Joshua from Scotch College. To me equal rights does not mean that we make everything equal for everyone, because that would not be possible. There will always be those who work harder than others and deserve to receive more; there will always be differences between people. Rather, it means that everyone has the same fundamental legal and moral entitlements, like the right to have an education, the right to have essential resources or even the right to life. We sadly see right now in our

world that this is not the case — people are not given these equivalent entitlements because of their gender, race, ethnicity, age and so on. Why is this the case? I believe that it is because we are humans.

I think you will agree with me I say that all humans are flawed. From even just a few years after we were born, the innate attributes of selfishness, self-centredness and greed were evident in us. As young children, whenever something did not go our way, we would throw tantrums. We would always choose the bigger between two objects. We would fight with others to get what we wanted. And the list just goes on. It is all in our human nature. We as humans naturally want the better for ourselves.

Having said this, though, the abilities to feel compassionate for others and to do what is right are also a natural part of who we are as humans. There are numerous examples of people today working hard to make this world a more equal place and trying to ensure that everyone has the same basic rights. We as students are being educated from a young age with this knowledge, and with knowledge comes power — the power to make a change. Through consideration for others and working for the common good instead of for our own desires, we can make the world a fairer place. Whether equal rights are a myth or a reality — that is up to you to decide.

Sirius College

Ms OMAHIC — Good morning. My name is Maryam Omahic, and I attend Sirius College. I would like to begin today by acknowledging the traditional owners of the land on which we are meeting. I pay my respects to their elders, past and present, and the elders from other communities who may be here today.

One of the biggest sicknesses that plagues our nation today is the lack of the right to marry whom you love. Recently I read in the newspaper that the same-sex marriage plebiscite is to be pushed to 2019, when in reality this situation dates back to the 2004 Howard government, and numerous subsequent attempts to legalise it at both the commonwealth and the state/territory level have been unsuccessful — that is 15 years.

The human rights commissioner reiterated the commission's longstanding support for the reform of the Marriage Act 1961:

The human rights principle of equality before the law means that civil marriage should be available ... to all couples, regardless of sex, sexual orientation or gender identity ...

While the commission completely supports same-sex marriage it still operates under the Australian federal law that states that marriage is, 'the union of a man and a woman, to the exclusion of all others, voluntarily entered into for life'.

In 2004 the issue of same-sex marriage was brought up in Parliament. As of today, as I stand here before you, there have been 21 same-sex marriage related bills that have not been passed to become law after 15 years of being brought up from 2004. Three years ago in our capital of ACT there was a brief legalisation of same-sex marriage, which was struck down by the High Court on the basis that marriage is between a man and a woman. If Australia's own laws, once created to protect citizens, obstruct the path to freedom for Australian citizens, then how will Australia ever become a free nation with equal rights? How can equal rights become a reality?

St Monica's College

Mr CANNAVO — Conference, my name is David and this is Michael. We are from St Monica's College, Epping. Delegates and special guests, in this great house of legislature we gather here to consider one of the most contentious and divisive issues of human rights. I believe it is essential for governments to legislate to ensure equal rights for all of its citizens as we elect members of Parliament to represent us and fight for us, whether that be in a local — state — or national forum. Speaker, enshrining equal rights in our law by implementing a bill of rights is absolutely crucial to convey a strong message to society that we will not tolerate discrimination in any form from any person or group.

Conference, one of the most shameful aspects of the national debate is the treatment of Aboriginal and Torres Strait Islander people in our prison system. Recently we have seen the horrors at the Don Dale detention facility. The vision obtained by *Four Corners* of the tear gassing of boys held in isolation and the boy tied up on the chair exposed one of the darkest and cruellest moments in the history of juvenile justice in this country. Speaker, Australia needs to have this conversation on how we ensure the rights of every Australian, including Aboriginal and Torres Strait Islander people.

Mr RHODES — This conversation is important for two reasons: firstly, equal rights are not a reality for many Australians; and secondly, a majority of us seem to need or warrant equal rights. Equal rights maintain fairness and prevent Australians from being left behind or disadvantaged. Some rights are already enshrined in law; however, we are faced with the difficulty of creating and maintaining equal rights without the negative consequences for some members of society. For this reason we must move cautiously so that we maintain a balance between our social democratic ideals and civil liberties.

In terms of equal rights being a myth or a reality, just how far are we willing to go to enforce equal rights? Do we desire equal opportunity or equal outcomes? The answer to this will determine the extent of government intervention and therefore dictate whether the policies created will generate unity or division in our society. By enshrining our beliefs on this issue in a bill of rights, Australia has the potential to promote a more cohesive and unified society.

St Joseph's College, Ferntree Gully

Mr SONDHU — Good morning, everyone. I am Nick Sondhu, a student at St Joseph's College. By looking at the state of our nation today, it is clear that we have got many things right, ranking highly in life expectancy and education in comparison to other nations. It is easy to see why Australia is known as a country with a great quality of life. Although all this is true, when you look deeper into the way things are today it becomes clear that there are certain groups of people who are not as well off as the majority. As you begin to dissect the current state of society, it is evident that there are groups of people who are not granted equal rights and who are held down in Australia. There is an underlying sense of discrimination in our culture towards minority groups, which affects the opportunities provided and goes against the sense of egalitarianism which we are known for.

With this being said, however, I do believe that some issues have the capacity to be blown out of proportion. Being of non-Anglo descent, something that I can personally speak on is racism. After being asked to give an opening statement, I took the liberty of asking my parents, relatives and friends of various ethnic backgrounds if they have ever encountered race discrimination. The large majority of them gave the same answer: not once in their lives. I have shared the same experience. Never have I ever encountered any discrimination based on my ethnicity. Perhaps the sample of people that I approached were the lucky ones, but, regardless of facts or statistics, and speaking anecdotally, I believe that racism is not as prevalent as many claim and that racial equality towards most ethnic groups is a reality. I have no doubt in saying, however, that this is a reality of equality that is not shared by other minority groups, and I look forward to being enlightened on the many issues that people are still plagued by in Australia so that we can all make an effort to take action and change things for the better.

Sunbury College

Mr AZZOPARDI — I am Foley Azzopardi from Sunbury College. Equal rights — myth or reality? Well, it is kind of a stupid sentence. Equal rights are an integral part of our society. However, they seem to be missing, specifically around the area of gender equality and marriage equality. Article 2 of the UN Universal Declaration of Human Rights states that everyone is entitled to the rights and freedoms of this document, regardless of race, colour, religion, political status or any other title or status. In turn article 16(1) states that 'Men and women of full age ... have the right to marry' without limitations. Thus it is clear that segregating a group of people based on their sex and/or their sexual fluency is breaking two of the UN's human rights rules. In any case it is clear that equal rights are a necessary part of our civilised culture. However, they seem to be missing in many, many areas. So just how civilised are we?

Thomastown Secondary College

Mr ABDI — Hello. My name is Suhaib Abdi, and I am from Thomastown Secondary College. I would like to talk to about the topic, whether or not human rights are of myth or reality. If human rights were an actual reality, we would not have cases such as the neglect and inhumane torture of our Aboriginal youth at our youth detention centres in the Northern Territory. We would not have certain communities, such as people from the Islamic faith, being belittled and discriminated against due to the nature of their clothing and their place of prayer. We would not have people like Pauline Hanson, who wants to send away refugees who are seeking asylum in our beautiful and safe country; is liberty not a fundamental human right? We would not hear the outcry of our disabled population voicing how the government fails to implement something as simple as wheelchair lifts in public transport areas. The words 'domestic violence' would be long forgotten if we had

human rights. We would not treat our homeless Australian population with such cold hearts and ignore their basic human rights by not providing them with the necessities they need to survive such as food and shelter, something we the more privileged take for granted. What kind of country are we that lets our citizens live their lives feeling unsafe due to their needs as human beings and the rights of being an Australian citizen being ignored? If this is the direction we continue to take, the term ‘human rights’ will be nothing but an unobtainable and unrealistic ideal.

Thornbury High School

Mr NAUMOSKI — Good morning, everyone. I am Aleksandar Naumoski from Thornbury High School. Equality is one of the core democratic principles that we as Australians pride ourselves on. From a young age we are guided by a culture that teaches us to give people a fair go. Growing up in an immigration nation, we are taught to value and uphold equal rights and equal opportunities and foster a sense of social justice. We seek to give everyone in society access to opportunities and a basic standard of living that enable all to participate fully in society and realise their potential. Whilst a strong sense of social justice is powerful in shaping the way we think and act, it is not enough to ensure that equal rights remain a fundamental pillar of society. The pillars of any society are protected by laws and institutional governments. Equality and social justice therefore need to exist in the laws and institutions which govern our society.

Whilst Australia does not have a bill of rights, like the US and Canada and many of their democratic cousins, a few important rights are implemented in our constitution and are protected by our common law. The right to freedom of speech, for instance, is protected by the constitution under sections 7 and 24 and other relevant sections. The constitution does not explicitly entrench many rights. However, the few that it does are well protected, and those that are not specified are excluded so as to leave the area of equal rights to the Australian courts, where judges deal with the day-to-day application of law and can overrule and replace outdated, rigged laws which no longer uphold equal rights. Our concept of equality changes, and laws in the area of equal rights need to therefore be able to change and reflect progress in the meaning of equal rights, as determined by Australians and international law. The question: are equal rights a reality or a myth? If our laws reflects today’s views of equal rights, then equal rights for Australians are a reality.

Upwey High School

Ms MOORE — Hi. I am Georgia, and I am from Upwey High School. When someone says equal rights, we think of equality between genders, age and races, but equal rights digs a lot deeper than just those topics. It is a term chucked around in our supposedly accepting and multicultural society. Yet as a developed country in the 21st century, we still lack equality in many forms. Rather than it being a reality, it is a myth that is either assumed we have or that we are told will soon be a reality. I think if you are part of a minority group most likely your answer will be, ‘No, equal rights is not a reality’. And if you have not been impacted on by discrimination you may be more likely to say, ‘Yes, equal rights is a reality’. But having heard some of the conversation today, I am glad that so many of you feel that we are not there yet.

For me, I think when we look at equal rights it is about looking at the evidence and it is about looking at the data, and I am going to draw on that but I am also going to draw on my own experiences, particularly working in Aboriginal affairs for around 25 years. I am also going to draw on my experiences as a mother. My youngest child is 14, in year 9. He is an angsty teenager, he tells me. Our oldest boy was 28.

What I am going to do is make some observations about some equal rights in terms of same-sex couples and women, and then I am going to focus on the rights of Aboriginal and Torres Strait Islander people. I think we heard earlier today that if we think about equal rights for same-sex couples, clearly we are not there yet. Same-sex couples do not enjoy the right to marriage, what many would describe as a fundamental right. In fact the Universal Declaration of Human Rights talks in article 16 about the rights of adults to enter into consensual marriage, and that is enshrined in the Universal Declaration of Human Rights. I think all of us have a right to be free of discrimination and racism, and that includes discrimination based on gender and sexual orientation. I think from my perspective and from the perspective of many people in the community, including I am proud to say the Victorian government, no-one should be denied the right to marry the person they love because of their gender or their sexuality. Amnesty International has a very easy and clear way of putting it. They say:

Love is love. Simple as that.

I think when you talk about women — and we have already heard a little bit about pay equity and gender equity — clearly we are not there yet in terms of pay equity. The Australian Human Rights Commission estimates that the national gender pay gap is between 15 and 18 per cent, and it has remained around that same percentage for the last two decades. Australia has actually slipped in its ranking on a global index measuring gender equity equality. It was ranked 15th in 2006, and we have now slipped to 24. Kristen mentioned earlier that in simple terms Australian women need to work between 60 and 70 days more a year to earn the same pay as a man. So I think barriers to gender equality and especially pay equality are not going to be addressed in the short term, and we need to work really hard to ensure that we continue to address some of the factors that stop us as women receiving equal pay. That includes that more women are represented as part-time workers in low-paid industries, and we continue to be underrepresented in leadership roles in the private and public sectors. Unfortunately I am the most senior Aboriginal woman in the Victorian public service. Unfortunately — because we are in 2016 and I do not think that is good enough. I would like to see many more Aboriginal people with me, and sometimes it is very lonely being the only one of your kind, especially when you go to other executive director meetings. I hope that will change in the very near future.

Things are changing though, and this government has got a really strong commitment to women. Last year we unfortunately found that female representation on government boards had actually dropped in the last four years from 40 per cent to 35 per cent, and so this government introduced last year that no less than 50 per cent of all future appointments to government boards, including Victorian courts, will be women. I think that is an amazing commitment. It is also making sure that ministers are responsible for seeing that obligation through, so the buck stops with ministers. Hopefully over time we will see more women on company boards, and that is what we have been seeing with the ASX 200 companies, where the percentage of women on boards is slowly rising. It was 8.3 per cent in 2010, and it was 18 per cent in 2014.

Women also have the right to live a life free from violence, but unfortunately we are significantly overrepresented when it comes to family violence. Aboriginal women experiencing family violence were even more overrepresented. Earlier this year the Royal Commission into Family Violence handed down its recommendations, and to this government's credit the Premier has committed to implementing every one of those recommendations. What I am hoping to see and what our brothers and our fathers and our grandfathers are hoping to see is that over time family violence will absolutely decrease. Our men are standing by us in terms of wanting to see family violence decrease as well, and I am sure all the boys in this audience, or all the young men in this audience, do not want to see their sisters or mothers, aunties or grandmothers, experience family violence. I know you are really committed to that as well.

But what I really want to focus on is the rights of first nations people. Here in Australia first nations people is about Aboriginal and Torres Strait Islander people. But I want to say a little bit about terminology. What you find is when we talk about first nations people sometimes you hear the term 'Indigenous', and you will often hear 'Indigenous' in an international context. In Australia we tend to use 'Indigenous' or 'Aboriginal and Torres Strait Islander'. I actually do not like the term 'Indigenous' in an Australian context, because I think it is pretty bland. Most of us know whether we are Aboriginal and/or Torres Strait Islander. So often I will have a non-Aboriginal person come up and say, 'Oh, you're Indigenous'. And I will say, 'No, I'm Aboriginal' because I know I am Aboriginal. I am sure Torres Strait Islander people will say the same thing. Sometimes you see a difference in terminology and you need to be aware of that. When I am with Aboriginal people I will not say 'I'm Aboriginal', I will say 'I'm a Yorta Yorta woman', from the Moira or the Ulupna clans, because that is another level of distinction. We as Aboriginal people will often use different terms to describe ourselves. Often in Victoria you will hear the term 'Koori', and you will hear it in New South Wales. If you go to Queensland you will hear the term 'Murri' and if you go to South Australia you might hear the term 'Nunga', so there are different terms that we as Aboriginal people use to describe ourselves.

On paper Aboriginal people have equal rights, but we are still struggling for equality. The key indicators show we are still not there. There is a gap between Aboriginal and non-Aboriginal people's life expectancy. This year in the Prime Minister's *Closing the Gap* report the latest data around life expectancy showed that Aboriginal women die 9.5 years earlier than non-Aboriginal women, and Aboriginal men die 10.6 years earlier than non-Aboriginal men. We are not on track to close the gap in life expectancy by 2031. We are not going to get there by 2031, and that is still 15 years out. We are not there yet in terms of equality and in terms of life expectancy. There is an interesting discussion in the Aboriginal community because some of our mob say, 'If we are going to die earlier, we should actually get access to the old age pension and our superannuation earlier, because we are not going to live long enough to see the benefits of that all the way through'.

We have heard today, and I have been really heartened by the fact, that people have been quoting Aboriginal young people in incarceration and their experiences, so thank you very much. Aboriginal people are much more likely to be incarcerated compared to non-Aboriginal people. Adults are 12 to 13 times more likely to be imprisoned, and our people are around 24 times more likely to be in incarceration. To me that does not sound as if we have got equality of outcomes and that we have got equal rights yet.

Unfortunately we are more likely to be unemployed and experience lower educational outcomes. Working in education, with our kids experiencing lower educational outcomes, it is a really hard thing to stand up in your own community and try and explain why our students are not achieving as well as non-Aboriginal students, and it is simply not acceptable. Our apparent retention rate in year 12 is around 66 per cent. Non-Aboriginal people's apparent retention rate is 86 per cent. So the gap in Victoria for our kids making it to year 12 from when they start in year 7 is 20 percentage points — in a place like Victoria. We have not got remoteness, we have got access to services and yet there is still a gap in outcomes, so it does not sound as if we are there yet in terms of equal rights.

Sometimes when people hear this data they say, 'Well, what can we do, because we think we should treat everybody the same?', but I think we are all much smarter now and we are much more mature, and we know that if we are going to achieve equality of outcomes, it is not about treating everybody the same.

There is a really good quote. I was googling last night and found that the National Youth Council of Ireland put it very simply. They said:

Equality is not always about treating everyone the same — it is about treating people in such a way that the outcome for each person can be the same.

Or that people can experience equality of access and opportunity. For us as a society, we need to give ourselves permission to treat people differently to get equality of access and equality of outcomes, and that is what a number of you have said here today.

From an Aboriginal point of view, it is about making sure that we have more Aboriginal education workers can support schools so they can put in place strategies so that our students have better educational outcomes. It is about providing cultural awareness training to organisations. It is about funding Aboriginal organisations to deliver services. Because guess what? The same way you want to see your own people's experiences when you access services is the same way I want to get my services from Aboriginal people. I deserve that right in the same way you all deserve that right. So funding more Aboriginal organisations that will deliver services is an example of achieving equal rights for our people.

From an educational point of view, it is about more scholarships so that more of our kids can finish year 12 and more of our kids can have a tertiary education. I think these measures need to be across Australia because there is a myth sometimes that all Aboriginal people live in remote Australia. Guess what? Over 75 per cent of Aboriginal people live in urban and regional areas, so if we are going to close the gap and we are going to achieve equal rights for Aboriginal people, we need to make sure that we focus across Australia in our cities and in our large regional centres as well as in our remote communities.

Kristen spoke a little bit today about some of the instruments that can help protect our rights. It is interesting when I talk to Aboriginal people and ask, 'Have you experienced discrimination and racism?', I learned that just about everyone in our community has. I am surprised that racism and discrimination is still around, but I should not be.

We had an experience last Australia Day when my son was at a basketball tournament. We had just gotten out of the car, and a lady was leading her little boy, who was probably about three, across some bark, and he was complaining because he had no shoes on. Her comment to the little boy was, 'Don't worry, you've got your Abo feet on'. Now my husband and I stopped. My husband is the head of the Victorian Aboriginal Legal Service. I thought maybe I had misheard, but she said it again. She said, 'Come on, you've got your Abo feet on', and she led him across the bark. My husband said, 'Excuse me, we are Aboriginal people, and that is a very derogatory term and we would appreciate it if you do not use it again, especially in front of your children'.

She was shocked because she was called out. We were shocked because we had actually heard it. But one of the things I think we were most proud of was that, no. 1, we had responded to it in a calm manner, because I think your first instinct is to get quite angry. We probably would have sworn, but we did not. Also we actually

challenged her in front of her children and it is about children learning that message. Hopefully her children will go away and think, 'Mum used a word. She was actually told off for using that word', and hopefully they will know that that word is not acceptable.

I think when we talk with Aboriginal people, racism and discrimination still, but sometimes people are just getting a little bit smarter about it. You might see some selection criteria that says you need year 12 completion. Well, for our mob, who have got lower completion rates for year 12, that is a barrier. It is not saying Aboriginal people cannot apply, but it is still a barrier. I think we really need to be smarter in terms of how we address racism and discrimination and know that it can happen in all forms. It can be hard edged, in-your-face and very blunt, but it can also be soft as well.

One of the things we often say to schools and teachers is, 'It's really important for you to have high expectations for your Aboriginal students. High expectations is about assuming that your Aboriginal students will achieve the absolute best. It is about ensuring they reach their full potential, because if you haven't got high expectations, that is actually a form of soft racism'. Often we hear our Aboriginal parents say when their kids are in school the school suggests that their kids are good with their hands and maybe they might want to take a pathway or 'Maybe you might want to consider VCAL', when they actually know that their child wants to go to university and be a social worker. That is an example of low expectations, and we really need to guard against that if we are going to ensure that Aboriginal people achieve their full educational potential and also ensure that we achieve equal rights.

There are a number of instruments that can help support equal rights for Aboriginal people. The United Nations Declaration on the Rights of Indigenous Peoples. It was adopted by the United Nations General Assembly in 2007, but Australia back then was one of four countries that did not agree to the United Nations Declaration on the Rights of Indigenous Peoples. So can you imagine how Aboriginal people felt when their own country, their own government, did not want to ratify that declaration? Now, thankfully two years later, in 2009, the government did ratify the declaration, and a lot of original people, including myself, were very happy about that. But if you have got time, the United Nations Declaration on the Rights of Indigenous Peoples has a number of articles that talk about the things you need to achieve to ensure Indigenous Peoples have full rights.

Kristen already spoke earlier about the Charter of Human Rights and Responsibilities Act that talks about 20 fundamental human rights. That charter talks about Aboriginal rights, and it actually says:

- (2) Aboriginal persons hold distinct cultural rights and must not be denied the right, with other members of their community—
 - (a) to enjoy their identity and culture; and
 - (b) to maintain and use their language; and
 - (c) to maintain their kinship ties; and
 - (d) to maintain their distinctive spiritual, material and economic relationship with the land ...

So there are instruments available to protect our rights. We need to work hard as a community to make sure that we implement those instruments, and if people do not observe those rights, that they are held accountable. I think some of the experiences that Kristen shared in terms of conciliations was an example of people having the courage to say, 'I haven't had my right adhered to and I'm going to take it further'.

One of the things that is happening in Victoria, as a government, to make sure that we ensure that Aboriginal children and young people experience their full rights, is we just launched a new Aboriginal education policy. So that policy aligns very well with the United Nations Declaration on Human Rights and it also aligns well with the Victorian Charter of Human Rights and Responsibilities. It talks about Aboriginal perspectives in the curriculum. How many of you have experienced Aboriginal perspectives in the curriculum? A lot of our community are saying that it needs to be stronger.

The new Victorian curriculum now requires Aboriginal perspectives to be taught in the curriculum. But it has got to be taught well. A lot of teachers are nervous. A lot of teachers do not want to get it wrong. A lot of teachers are scared they might have a community member come up and say, 'You've got it wrong'. So we need to make sure that we support our teachers to be able to teach Aboriginal perspectives in a really sensitive but

genuine way that involves local communities. So we are looking for a lot of things out of our new Aboriginal education policy, and that, again, will help support the attainment of equal rights for Aboriginal people.

One of the last things I wanted to finish up on is that in Victoria we are having an interesting discussion right now about treaty, and some of you have already mentioned the constitutional recognition. Victoria's constitution already recognises Aboriginal people in the preamble, so I think that is a wonderful thing. There is a lot of discussion right now federally about the commonwealth constitution recognising Aboriginal people. For us as Aboriginal people the jury is out, because we want to see what the wording of the amendments to the constitution are before a lot of us want to look to endorsing those changes.

But in Victoria right now this government has progressed a treaty discussion. A treaty can be described as 'an agreement between two parties to deliver a range of negotiated benefits'. So right now in Victoria there is a lot of discussion around treaty. I do not think it is an either/or when it comes to constitutional recognition and treaty. I think you can have both. Both are good forms of recognition for Aboriginal people, but we really need to see the wording first.

In terms of the theme for this morning, 'Equal rights — myth or reality?', a lot of Aboriginal people in the community would say, 'we're not there yet'. A lot of people in majority groups would say, 'we're not there yet'. The good news is that we have a number of policy commitments, we have a number of instruments and a number of programs that will support equal rights, but we need to use them, we need to use them effectively and we need to make sure that we all work together.

As Kristen said, 'You as young people can make an enormous difference'. We know some of the reasons why we have got an acknowledgement of Aboriginal people in school assemblies and we know some of the reasons why the Aboriginal flag is flying at schools is because non-Aboriginal students have argued strongly for it. So thank you. I really enjoyed listening to you this morning. We as the older group in our community have a lot of high hopes resting on you, and as young people you are our future. So we are looking forward to a lot in terms of what you can do and how you can make a difference in terms of equal rights.

Thank you.

Delegates applauding.

The SPEAKER — Thank you very much, Angela. It is now time for morning tea, which will be in Queen's Hall, between the two chambers on my left. A table will be set up on the side with dietary items for specific requirements. After morning tea students will go to their discussion groups. Students are to be seated with their group by 11.30, so if you start wandering to your place where you are going to be at about 11.25, that would be terrific. NCS and Parliament House staff will be available to assist you to find your discussion group and the room that you are in and the location. Then you will have lunch from 12.35 until 1.30 at Queen's Hall, again on the left. I also invite teachers to get together for the professional development program after morning tea, which will be held in this chamber, so come back here if you will, please. I will see you again at 1.30 back in this chamber, and we will start with the 2-minute statement from each group on the subtopics. Thank you very much, and enjoy your morning tea.

Sitting suspended 11.07 a.m. until 1.32 p.m.

REPORTING SESSION

Moving and debate of motions

The SPEAKER — Okay. Thank you very much for that. We are on time as well. Fantastic. Welcome back. The 10 groups have discussed different subtopics in their discussion groups, and each discussion group had to consider the subtopic allocated and explore if this group has equal rights and if a bill of rights would provide further protection. It is now time to hear what the statements are from the representative reporter. You have 2 minutes each. I will not know who you are, but stand up and then you will have 2 minutes. Just say your name and the school that you are from, please. Group 1 — Aboriginal and Torres Strait Islander rights.

Group 1 — Aboriginal and Torres Strait Islander rights

Ms GILES — I am Chloe Giles from Mount Alexander College.

Ms SPENCER — I am Emma Spencer from Avila College.

Ms GILES — Our topic is Aboriginal and Torres Strait Islander rights. To a certain extent both commonwealth and Victorian legislation protects individuals from discrimination and a breach of their human rights. The laws protect them in theory, however, this is not the reality. Social circumstances have led to many rights being ignored by the media and judicial system. They are also inadvertently ignored by Aboriginal and Torres Strait Islander people due to the lack of awareness of their existence.

Ms SPENCER — In addition, the bill of rights would provide further protection for Aboriginal and Torres Strait Islanders in order to provide a concrete set of anti-discrimination and hate speech laws that would prevent legislation being made that discriminates specifically against one group, as seen in the intervention in 2007. We would like to indicate that the largest area of concern is education, particularly at primary and secondary levels, to ensure that future generations are aware of the social implications of racism and discrimination and the effects that it can have on human rights of minority groups, in particular the Aboriginal and Torres Strait Islander peoples.

Education would also encompass adequate training of teachers about the dangers of soft racism and micro-aggressions that foster a continued marginalisation of Aboriginal and Torres Strait Islander peoples.

Group 2 — Age equality

Ms SOO — Hi, I am Janice Soo. I am from Camberwell Girls Grammar. I am in group 2. Our topic today was age equality. We believe that we should expand employment opportunities for people over the age of 16 up to all ages for equal opportunities and no discrimination. We acknowledge that we do not often hear the terminology ‘age equality’ because it is not that prominent within our society, unlike marriage equality or whatnot. However, statistics show that one-quarter of Australians over the age of 50 experience age discrimination within our workforce. So if we were over the age of 50, it would be almost impossible for us to find a job. Is this what you would want for your future generations, your younger children, et cetera?

We believe that the mindset of the Australian people is crucial to how we treat our elders and younger people in terms of employment and jobs. We believe that we can do this by using campaigns such as WorkSafe, but also using other ways targeted at age, social media and advertising, as well as a yearly workforce inspection of working age rates. There needs to be a change in Australia to laws and our mindset about one’s ability with age.

Thank you.

The SPEAKER — Lucky I am still a couple of decades away from 50.

Group 3 — Refugee and asylum seeker rights

Mr AZZOPARDI — Good afternoon. I am Foley Azzopardi of group 3, and we are talking about the rights bill in relation to refugees. A bill of rights would not be effective in a general sense, but perhaps pieces of separate legislation could be put in place to cater for cultures and scenarios. A bill of rights would be difficult to change over time, while separate pieces of legislation can be more flexible to correct in relation to changes and world events. Australians also have an obligation to share and protect human rights, as stated in the very lyrics of our national anthem.

In relation to refugees legislation could enable the government and authorities to integrate asylum seekers with ease and at a low cost. In four years Manus Island, a prime detention centre, cost a total of \$4 billion to run, and we spend \$400 000 per refugee each year to keep them detained. I am certain that that money could be used to establish refugees in our society and educate them into working-class citizens so they can benefit our economy.

This is not a question of legality, government purity or cultural purity; it is a question of morals and human rights.

Group 4 — Children's rights

Ms TOLL-TEMPANY — I am Angelique, and I am in group 4, which discussed children's rights. At the moment we have a Victorian charter which we believe does in some aspects represent children, but we believe it is not specific enough to children and does not accurately and adequately represent them. We believe that children have a lack of education on our rights and youth representation in government. This charter is only on a state level. A bill of rights would allow us to adequately protect and implement the rights of children in Australia. A bill of rights would encourage and provide further protection and representation of children and education on their rights. We want better protection of children in relation to domestic violence. A statistic for you: 55 per cent of physical abuse and 40 per cent of sexual abuse against children is because of domestic violence.

We want to educate children on our implemented rights and how to approach and understand them, and on how to think critically and address or recognise if our rights are being acknowledged. Overall we want youth representation in government to acknowledge the interests of children in all aspects of their lives. At the moment we have representation of children, but a bill of rights would further encourage this and empower children. A bill of rights would be on a federal level rather than a state level. This would encourage unity between states, which can influence equality and also could influence other countries which may be observing us to possibly take a look at their rights and adapt them to better suit children's needs. It would help children to access their rights and encourage the introduction and limitation of children's rights in our legal system.

Group 5 — Rights of the disabled

Mr STEIN — Hello, Speaker. I am Gideon Stein. When it comes to the rights of the disabled, it is more about equity than equality. We believe that the current Victorian legislation does not adequately protect the human rights of the disabled. However, we as a state are making great progress when it comes to the welfare of these people. Over the last four decades, the life expectancy of Australians born with Down syndrome has tripled from 18 to 60 years of age. Additionally the Gillard government was successful in introducing their national disability insurance scheme, which began on 11 October this year, to provide services so that the disabled can lodge their claims. This happened seven days ago, so this is very current.

If a bill of rights were to be introduced, enacting specific laws would be much less effective than the protection offered by courts. Because disability cases are so individual, umbrella laws like a bill of rights would be less effective, as it could not deal with such a diverse group of minorities. Difficult questions would be squeezed into artificially limited categories contained in a bill of rights. It would be better to just allow the individual courts to work through the cases.

In conclusion we are against the institution of a bill of rights for the rights of the disabled. The rights of this fragile group of people simply cannot be supported by such a superficial and ambiguous document.

Group 6 — Sex and gender identity rights

Ms SCHWERDT — I am Bridget Schwerdt. We believe that under the Sex Discrimination Act sex and gender roles are adequately covered; however, they are not protected, evident in the obvious gaps in gender equality and acceptance of sexual identities and orientations. We feel that a bill of rights, while symbolically powerful, will have no overall practical application.

Instead we propose the following measures: a flexible act, one that encompasses the rights needed in terms of gender and sexual identity at the current time, such as freedom to express one sexual identity without discrimination and the protection against sexual and gender discrimination, whilst also maintaining the ability to adapt to the changing state of gender and sexual identity; a governing body that oversees the application of the Sex Discrimination Act and works alongside the government at social inclusion at a federal level and allows members of the public to lodge complaints and compensation claims against any discrimination based on sexual identity and gender; and an educational approach to encourage the expansion of sex education programs to encompass gender identity and empowerment. As such, we wish to create an environment for all Australians, regardless of their identity, to be free and protected.

I know as an educated female I do not want to be receiving 17 per cent less pay than my male counterparts. I know that I want my children to grow up knowing they can be anyone or anything. I know I do not have to be

one of the one in four women sexually harassed in the workplace. And I know it is time that we end sex and gender identity discrimination in Australia. I know it will take time, but I know it will be worth it.

Group 7 — Social equality

Mr DONALDSON — I am Michael Donaldson. I am in group 7, and we were discussing social equality. We decided to take a broad view of our topic, so mainly just all social equality brought in together, but we especially wanted to discuss the wealth gap because that is not really a topic covered by anyone. We decided as a group that an issue in Australian society is wealth distribution. While we do have some measures to try and stop this gap from growing, such as a progressive tax system, there are other laws that, while they were put in with good purpose, have also allowed this gap to increase, such as negative gearing. So we determined with regard to the class system that it is still a problem that needs to be closed, and there is not adequate legislation to solve that yet.

Onto a broader topic, we wanted to discuss anti-discrimination law in society and its effectiveness. We determined that while there are some anti-discrimination laws, we did agree that this relies on society agreeing with these, and currently with a lot of these laws the general society just does not agree with them. So there is no real purpose in having them if not everyone agrees for them.

Finally we discussed the plausibility of a bill of rights and agreed that a bill of rights will not solve our problems because, one, it becomes too outdated too quickly — all you need to do is look at the United States with the second amendment — and also, secondly, there is no finite list of what rights to include and what not to include. You might put in your marriage rights and your women's rights and all that, but there will always be a group that you forgot to put in, and that is always a problem. So we agreed that it would be better to keep rights as more common law but to bring them all together in a central sort of way, because at the moment it is scattered across all the different anti-discrimination bodies.

Group 8 — Freedom of religion

Mr BANERJEE — Hi. I am Arvin from Huntingtower, and our group believes that freedom of religion is a bit of a myth, but we are progressing towards it becoming a reality. While freedom of religion is written into our constitution, where we can choose which religion we believe in, it is the ideology and perception of some Australians towards some religions which can create an issue. A bill of rights would be good to have, but freedom of religion would not be thoroughly protected by it. Education would be better. Obviously if there was a bill of rights, it would be important to include freedom of religion; otherwise what sort of impression would that leave on other people looking at our bill of rights. A bill of rights is important, as it emphasises the protection of human rights and fundamental freedoms, and is needed so that no laws can be made which infringe these rights. The root of discrimination is fear, and often the root of fear can often come from not knowing about the issue at hand. This is why we propose that while the inclusion of freedom of religion is important in a bill of rights, education for children and teenagers is the solution. By educating different belief systems and ethnicities from a historical and cultural perspective we can truly make a difference.

Group 9 — Marriage equality

Ms PATIENCE — I am Hannah Patience, Strathcona Baptist Girls Grammar. We define marriage equality as a union between two consenting adults, regardless of sexual orientation, identity or race, to the exclusion of all others. Legislation currently does not protect the human right for all people to marry. From 2004 to the present day, governments have failed to recognise and legalise marriage equality after 21 failed bills. The current laws, such as the Marriage Act 1961, oppose marriage equality and define marriage to be a union between a man and a woman. Think of them as millions of Australian citizens denied the basic human rights and happiness that every heterosexual couple is afforded unconditionally.

A bill of rights would fail to address the problem efficiently. There are simply too many dimensions and facets to creating a bill of rights for it to be a more practical and viable option. The time and effort needed to implement a bill of rights is not realistic when compared to a bill. Although currently we are failing to pass many forms of legislation regarding marriage equality, it still remains our most economic and time-efficient form. There needs to be legislation passed not only legalising same-sex marriage but allowing same-sex couples the same respect afforded to heterosexual couples. We believe legislation, however, would address and hopefully end the debate if it were passed. Love is love, and it should not be defined or limited. It is simply

draconian that we continually deny basic courtesy to people just because of their sexual orientation. We would like to conclude with a statement from a same-sex couple: ‘We would like same-sex marriage approved not only for our own marriage but to remove the stigma that we are different’.

Group 10 — Race equality

Ms GOONESEKERA — I am Vinhara Goonesekera, Ruyton Girls’ School. On the topic of racial equality, not all races are treated equally and racism is still an issue, even though it is more subtle today than in previous generations. Despite this our group believes that on the topic of race equality a bill of rights would not be useful and may even cause negative reactions from individuals who believe their rights would be restricted or infringed. We feel that at this point of time any bill of rights would be perceived as aiming to improve our reputation as a country on a global stage rather than fixing these issues. We should focus on educating the people and helping disadvantaged minority groups help themselves rather than letting people from a majority decide what we need.

The SPEAKER (Don Nardella) — Very interesting. Has anyone been keeping a table on the bill of rights? No? I have got two yeses, two sort of sitting on the fence and six noes on the bill of rights, so that is very interesting if you are following that.

SOAPBOX

The SPEAKER (Don Nardella) — So we now have some time to provide some feedback on the statements. So it is a soapbox session. Anybody can get up and have their say, but you will only have 1 minute — 60 seconds — to have that say. This is not the way we usually do it, because usually you sit in the seat and I will call your name. I do not want to be saying ‘you’ or whatever, but if I can try and point to you — not in a very nasty way, but I will ask somebody to speak. So it is whoever is on their feet first, or I will try and go around the room. We have got about half an hour, a minute each, so who wants to start? Or we can go home. No, that is all right. Who wants to go first on what we have heard or what your group discussed?

Ms GEBREWELD — My name is Robel. I am from Mount Alexander College. Since writing about the issue, you will not change the issue. You and I will need to change first, because the issue does not come by itself. It is us; we create it. The things that we do are actions that determine. Be fair and love each other. The rest will follow up. We all know that it cannot be perfect because we all see things differently, but we can make change. We need to have a representative from multicultural as we are multicultural. If we have from different cultures, then they know — for example, like if we have from different cultures, they know more about their cultures than we think how they would prefer.

Mr CHESLER — Ben Chesler, Camberwell Grammar School. I think regarding a bill of rights and adapting that into our constitution there were three main key flaws letting it down.

Firstly, it is unadaptable to change, or at least not very easily, requiring a referendum, which would make it superseded and a relic of the past very quickly.

Secondly, the constitution merely sets out how the government is informed and run. It is a rather dry and functional document, and any bill of rights might detract from that nature.

Thirdly — last, but not least — incorporating a bill of rights into the constitution would not necessarily give it practical power. While it would give it symbolic power, there is not so much a penalty or a penance for breaking the rights incorporated into those bills.

Ms PATIENCE — Hannah Patience, Strathcona Baptist Girls Grammar. Regarding equality, can equality be achieved? In its purest sense, no; however, we as a nation can achieve basic broad rights. While we are highly progressive when we compare ourselves to more disadvantaged countries — we still have a long way to go — our society as a whole is completely accepting.

We still need to reach various milestones that many other countries have already reached, but how do we become equal? Most inequality lies within the behaviour of a nation. We can enforce anti-discrimination legislation; however, we cannot enforce behaviour. We as students right now can only lead by example and work forward for a world where equality is no longer our no. 1 priority.

Mr EVERARD — James Everard, Camberwell Grammar School. I would like to make reference to my honourable friend Benjamin Chesler's comments earlier about the bill or rights not being practical for Australia. He made three arguments, which I take issue with.

Firstly, he said that the constitution did not make room for a bill of rights, that it was designed only to divide powers between state and federal governments. Whilst this is true, I think it is also fundamentally wrong. The constitution should establish what the rights are for Australians. It was designed by 1900 straight white men, most of them from the business world and who really did not have any interest in the common man, and it is about time — in the 21st century — that we reformed that.

His second point was that it was not particularly powerful. It is very easy for someone in a privileged position to say that, but if you are actually trying to challenge the standing order in a court of law, then you want to be able to — —

The SPEAKER — Your time has expired.

Ms PRETTY — I am Madisson from MacKillop College. From when we were having our group discussions before, I have seen a few groups that have agreed to a bill of rights for certain subjects. In our group we decided that a bill of rights is not a right path to take, because even though something may be passed — a bill like, 'You can't do this anymore', and, 'You can't do that anymore' — people still do it, because people simply just disregard the government, because, you know, 'The government doesn't know everything, so it doesn't really matter'. There were things passed to have Aboriginal people no longer classed as flora and fauna, but people still treat them like that. I think some of us have seen it with our own eyes. A bill of rights does not really seem a really good idea for any other subject?

Ms SPENCER — I am Emma Spencer from Avila College. I believe that, before we really are able to have discussions about legislation that we can put in place to protect equality, we have to consider whether the current legislation we actually abide by — I think especially in terms of the Anti-Discrimination Act and laws against hate speech. Yet as society, both in the media and especially in Parliament, we still are condoning and allowing hate speech by people like Pauline Hanson and Cory Bernardi to be shared without any repercussions or punishment, despite going against actual laws that are in place against discrimination and hate speech. So I think before we are able to move forward in terms of equality, we have to look at whether or not the current systems we have in place are working in the first place.

Ms TOLL-TEMPANY — I am Angelique Toll-Tempany from Thornbury High School. While I agree with what has been said about how we need to address our current laws, I think that somehow we need to have a look at what laws we have in place and try and change them to better fit how things have changed now compared to when the laws were first made. But I know that unfortunately a lot of the time this does not happen because people see it as such a complex and diverse issue that instead of even trying to tackle it they just sort of go, 'It's too difficult. We'll just leave things how they are'. So although the bill of rights may not be the perfect solution I feel like if it is a solution that is possible maybe unfortunately it is good to take what we can do rather than just do nothing, because otherwise we might not get anything done.

Ms YACINE — I just want to say that equal rights can only be achieved in a society that encourages open-mindedness. If we cannot learn to understand each other and respect each other's views and values we will never achieve equal rights. Our society will remain divided, with superiors and inferiors and majority and minority, which will continue to shape the system into an unfair and unequal one.

Ms GILES — I believe that before we can look at it creating a bill of rights we have to reflect upon our constitution and how it is interpreted and whom it is interpreted by. The constitution is interpreted by judges of the High Court. We do not elect them, so if government is supposed to be representative the people who are interpreting our laws and what we follow are not actually representing the people who follow the laws. So before we can go in and try and make new legislation or try and change the wording of the constitution maybe we should look at how we interpret the wording of the constitution and who is interpreting it, because the judges tend to be older lawyers. They are white men. They do not really understand the needs of the minority races and groups of the society that they are interpreting legislation for. Thank you.

Mr AZZOPARDI — With the bill of rights, I do not know whether someone has already brought this up or not but we do find now that the world is moving faster and faster, technology wise and culturally wise. We need

to make sure that the laws and bills we put in place are not going to go out of date far too quickly or that we do not leave them in for too long. A great example of that is that it is still illegal to wear chain mail armour in British Parliament. I do not know many politicians that still wear chain mail. When we make laws I think it is good to consciously revise them but to also make sure that the laws are not in need of constant revision over and over again and try and think at least a little bit into the future so we do not have to continually have these sorts of issues.

Mr RHODES — It is clear that from what we have said today a bill of rights would definitely be a great guideline to sort of respect rights in different people and how they should be treated. But we have also acknowledged a sort of small minority group that would ignore these guidelines, sort of go against these and, as we have discussed, there will not be many penalties for that. I do not believe that this is good enough reason though to sort of disregard the idea or the concept of the bill of rights. I believe that there is more that we can do on top the bill of rights. I think on top of the concept of the bill of rights as a sort of guideline to how we should treat others and respect other people's rights, I think we could also build up resilience in those who are sufferers of not having these equal rights. In some cases you cannot really sort of build up that resilience, such as with females who are paid unequally. But perhaps for racial dissemination or gender discrimination I believe that we can also build up campaigns or awareness to sort of reassure those people, those sufferers, that they should not be discriminated against, on top of the bill of rights, and we cannot disregard that.

Ms HURLEY-EDWARDS — Each day we are becoming aware of issues that are not directly affecting us and we may not know how to address them or prevent them from occurring, as they are not directly happening around us or to us, and this may lead us to disregarding such problems and ignoring them. I think we need to not only become aware of the problems and issues present throughout the world, in particular issues where people are disadvantaged and not given equal treatment and opportunities, but we also need to begin to act upon them and prevent them from developing even further. As mentioned earlier today, young children's actions are usually modelled by the behaviours of their parents and other adults around them, so if we act in a passionate way that is trying to address and prevent these problems regarding inequality from occurring the children and younger generations would become more aware and be conditioned to act acceptably and respectfully, and this could potentially eliminate these problems as future occurrences.

Ms SCHWERDT — I find that the answer to today's question is not entirely in laws. It is not in declaring rights, and it is not in dictating who fits where. Whilst helpful, these are not entirely the answer. Rather it is common human decency. It is about learning to appreciate others' cultures and perspectives and ensuring that we are living the best life possible and helping each other to do so. Income, job, education, colour or creed does not make a good person. It is how you treat the world and those around you that makes the difference — that makes this world fair for all.

Mr FELIPE — Thank you very much, Deputy Speaker. Just to reflect on that, I very much agree with you: it is not just in the laws, it is not just legislation that we have to abide by; it starts with us. We need to start changing our perspectives on things. Why do we need the law that states, 'You must respect each other'? We must start with ourselves. We need to have the common sense to respect each other. We are in a First World country. We are so very lucky. In Third World countries, such as where I was born, we do not have those opportunities to say, 'Let's fight for equal rights' and all that. It starts with us in our feeling. It is in our instinct. We are human. We do not need to rely on laws to tell us what to do. It should come from the heart, because inequality does not exist unless we want it to. You mentioned before that we do need to understand each other. We need to reflect on our differences in cultures, and that is why is important that we need to change from the heart in order for equality to begin.

Ms PATIENCE — A bill of rights will prevent us as a society from technically being racist, so why do we clutter up our legal system with unneeded documents and repeating ourselves? Fundamentally, a bill of rights is a necessary and are needed and will eventually outdate itself.

While the idea is appealing, human rights are covered by many other forms of legislation. We really have no need for an extra binding document. America has a bill of rights, however, they are no better off than us — and some would argue, worse. We have a system that is certainly not perfect, but it continues to work for us. If we wish to change and improve our laws, we should simply update our legislation as written in our constitution.

Mr SMITH — With the bill of rights we should actually pass it, but to strengthen it we should also pass a bunch of legislative acts of Parliament that would further cement what is in the bill of rights so that we can

amend it and change it as time progresses. As Patience said over there, the bill of rights is symbolic but the acts of Parliament would back it up and make it effect the everyday person.

Ms PEDERSOLI — I think that rather than putting a bill of rights in place because it is what the majority believes that minorities need and instead of introducing rules that people will not follow because they believe their rights are being infringed, we should help these minority groups help themselves and give them funding for things that they choose rather than what we think they need, so that they can represent themselves and become more independent and respected in society so that less people will want to discriminate.

Mr CANNAVO — I want to delve into something a little more specific this afternoon, and this is following what group 9 said. The debate about same-sex marriage is decisive, no doubt, but we need to also consider how we are going to do this, how we are going to legalise this so that it is not only cost-effective but also does the right thing morally and politically, and I believe that is not a plebiscite. I am not going to be very partisan, but I am just going to state the facts here.

How do we legislate same-sex marriage? I believe we should have a free vote, the reason being that this plebiscite is not binding. There is no such thing as a binding plebiscite. The reason why a lot of conservative Liberals are saying that they want a plebiscite is because it is not binding and they do not have to legally abide by it. It is also not cost-effective. Some estimates say \$500 million and some say \$180 million. We could use this money for health, education, infrastructure et cetera. For a government that tells us we have a debt problem and a budget emergency, the same-sex marriage plebiscite is not responsible.

Mr STEIN — Hello. We have laws that are directly contradicting other laws. We have the right to freedom of speech but we cannot incite any hate speech. I think that these contradictions must be addressed before we continue with the creation of more complex legislation. I do not think that legislation ever needed to be so complicated and ambiguous, and I think that these rules are more difficult to enforce as they become more complicated. Thanks.

Ms VOLOSHIN — I would like to address more specifically the asylum seeker issue. I would like to call on Australia and say how dare we — a multicultural society which boasts so forcefully about the fact — turn people of different cultures and nations away when people of those nations step within our borders. Does it not make us a family and call on our mateship? It is just hypocrisy, asking for mateship and calling it an integral value of our society when we do not uphold and we do not call on and that should make the government choose action. On the basic human rights bill, I say a basic human rights bill does not change with a society as much as we are making it seem. A basic human rights bill is intergenerational and timeless, and it dictates aspects that are more than just privileges but deserved and should-be-expected parts of society. All equal rights fall under the asylum seeker opportunity. The question is not a matter of legality; it is a question of humanity. If one acknowledges them as humans and people with rights, then one must provide them human rights.

Mr QU — A bill of rights is restrictive. However comprehensive a bill of rights is, it will not cover everything and it defines what we have must do, which is in turn limiting what we can do. The main issue of a bill of rights is that it tends to focus on rights in criminal processes and rights of property. However, there are a myriad of fundamental rights which cannot be so easily enforced by our courts. A bill of rights is therefore unnecessary and will eventually become outdated as the world continues to progress. Thank you.

Ms HEPWORTH — I have often heard the saying ‘prevention is better than a cure’. We can have legislation which lays out the laws which impose penalties and which protect and provide compensation for those who experience discrimination or have their rights denied, but if it comes to this stage, then the damage is already done. I believe the focus should be placed on educating people and learning ourselves about respecting other people’s rights first and foremost as a form of prevention. We can write rules down on paper, but there will always be people who go against the law. No matter what we write down, this may not necessarily change our behaviour. Only by changing our own ways will we finally be able to see change in the world around us.

Mr DONALDSON — Furthering on from that speech, which I entirely agree with, I think it is, first, important to recognise that law is not the only solution to the equal rights problem and it is not the right solution entirely. Yes, the first step is to get rid of all the laws, such as the marriage equality that is preventing marriage. But I think after that the track should bend away from making it law — the anti-discrimination laws — and more just the fact that we should focus our attention on ironing out the societal problems that cause these rather than actually just making laws. Because in general if there are laws that people are not going to follow,

especially laws related to discrimination, even if people break the law and they get told off for it, they are just going to do it again because it is in their thing. So you need to focus on ironing out the problems in society, otherwise the laws just do not matter. So that is where the effort needs to go first.

Ms PARDO — I totally agree with you guys saying that education is the way and that it is not all in the legal system and the law; however, we can work with these three in conjunction with each other. So with introducing what may be a bill of rights or some other legalities, we can at the same time be educating why this is the way. We can attack the discrimination that is happening at the moment and help the victims that are undergoing the problem that is happening right now, as well as educating people and future generations to iron out this problem in the future so we can stop it now and later. Thank you.

Ms TRIEU — Regarding the issue about same-sex marriage, the only thing blocking it is legalities. So I think that having a bill of rights would be very helpful to this particular issue as if it was said in a specific legal document, it would be a lot easier for people to argue that same-sex marriage is alright. I just think that a bill of rights would be very helpful to same-sex-marriage. Additionally, people have said that you cannot change it easily in a bill of rights because you have to have a referendum or something, but that is actually not completely true if it is unentrenched rather than entrenched, meaning that you can change it through normal legislation rather than a referendum. That means that the bill of rights can change over time with people's views and help Australia get better.

Ms OMAHIC — While I completely agree with same-sex marriage, I disagree with passing a bill of human rights. I would like to make reference to Ms Azzopardi saying that we need to look into the future beforehand. If you want to pass a bill of human rights, we need to look forward into the future and predict what people might want in reference to marriage for the lack of flexibility a bill of human rights holds. For example, we will have to be prepared to legalise polygamy. If we want marriage equality, we cannot be discriminatory to other types of marriage. Thank you.

Mr KAUTSKY — What I have heard from you guys today is that some of you believe that perhaps the legal option is the route and some of you believe that the social option is the route. But I really think these two need to work together to actually achieve meaningful change. Sure, I understand why some people might have an issue with a bill of rights, because look at America's — their second amendment is not working out too well for them unfortunately. But then perhaps social change by itself also is not the key because there is no actual real consequence or anything. So I think these two really need to work together to get as close to as equality as we can. Sure, this might not happen instantly — it might be decades, it might be centuries — but in my opinion this is really the best way to tackle the issue. Thank you.

Mr ABDI — I just wanted to have a little rant about how useless the bill of rights is. I mean literally if you look under the word 'useless' in the dictionary, you would find a picture of the bill of rights. Let us just say I am talking about discrimination here, because it is not something easily — — I mean, the bill of rights is just a piece of paper, right? Let us just talk about race here, because I am black. So if one of my local bullies comes up to me and say, 'Hey, man, it looks like you were left in the oven for a bit too long', I am not going to pull out my miniature book of rights and say, 'See? Section 3, you can't say anything here.'. What we need to do is we need to start from the beginning — our roots, where we begin — education from the moment we are born. We need to be instilled with that. We need to know that what you say, what you do to people, it hurts them. Discrimination should not be allowed. The same thing with same-sex marriage: we should be open. Love is love, and, yes, change comes from within, I guess — I thought I would plagiarise off him.

Ms GOONESEKERA — I just wanted to go back to a topic that has come up about making laws that transcend generations. Now, there is one part of the legal system that has transcended hundreds and hundreds of years, and that is the constitution. So why do we need to change something that has worked for us for many hundreds of years, and why do we need to change it and add something that might actually not help us in the long run? I understand that it was made by a bunch of old white guys, but those white guys actually had the interest of Australia at heart back then. The constitution has Australia's interest at heart, as it does now. The bill of rights has not ever been vehemently needed, and I do not think it ever will, and I do not think it is necessary for us to add into the constitution. Thank you.

The SPEAKER — This is as an aside: those old white guys were part of parliaments that did not allow women to vote — but anyway. Any other comments?

Mr RAMAGE — Some people in this world are more privileged than others. While there is the right for education I believe everyone should be given equal opportunity to achieve their potential and an education that can support and nurture their ideal future and career, and I believe this is an important issue that must be addressed first. Thank you.

Ms NOVOZHILOV — I must agree that a bill of rights for topics concerning race and marriage equality would generally be quite ineffective, because, as stated before, opinions and thoughts would still be quite negative. People will believe what they want to believe; we can never change that. But I believe that applying harsher consequences are necessary when people are being actively abused or harassed, such as in the workplace, and particularly in the media, where people are free to say anything. A famous example would be Pauline Hansen's — whatever her name is — opinion on Muslim people. This of course would bring up certain ethical issues such as the deprivation of free speech, however, I still believe that in the interest of our Australian citizens harsher repercussions should be considered. Thank you.

Mr MARTIN — My name is Mason Martin. I just want to say that, yes, equality can be possible via establishing laws, acts and all of that, but I just want to draw more on the fact that it is us that need to change and that it is nurture and not nature. I do not think us being accepting of other people will be possible in this generation at all. We have come from generations that had prejudices against other races and all of that, so I do not think it can be possible in this generation at least because we need to carry on our good teachings, I guess. Thank you.

The SPEAKER — We will have a couple more. We will have this young lady and then that gentleman.

Ms GUNASEKARA — Personally I believe in almost every single person's point of view, but I feel like we also need more representation in the government as well as in the media of different groups of people. This is compared to Parliament, where it is mainly just white people who are generally in a certain age group and who are normally wealthy. What we need are more people that are not straight, or more people of colour, to actually inspire other people to create a more equal society. That is all. Thank you.

Mr LYNN — I actually think that we should adopt a bill of rights because it does not matter if it becomes outdated. It can be a symbolic document which brings us as Australians together. It will create cohesion in the country, and through that a sense of identity as Australians. So through that we will respect each other because we are all of the same country and we are together as one. Thanks.

The SPEAKER — Thank you very much for that, Denis. That completes the soap box. I know it is hard when you are sitting in the green seats and you cannot get up and speak, especially when you cannot give the best speech of your life. I know how hard that is.

So now after hearing all of that and after the discussions in your groups and with your friends and colleagues over lunch, it is now time to have a vote. That is what we do here in Parliament. It was very interesting when there was a discussion about chain mail. If you go to Westminster, you actually have two lines at the end of the table. The two lines symbolise that a person with their sabre drawn can only touch the tip of a sabre of somebody else that is drawn on the other side, because the Parliament is actually where you debate things, where ideas are brought out and where you have that discussion, and then you make decisions, rather than going to war.

We have had the debate and we have had the discussion, so we are now going to have a vote. We will do this like we do in Parliament. The question is: does Australia need a bill of rights to provide further protection for all its citizens? That is a question that you have to make a decision on. We will have the ayes to the right; that is, the people supporting that Australia does need a bill of rights to provide further protection for its citizens should stand up and be on the right-hand side of the chamber. The people that are not supporting that Australia needs a bill of rights to provide further protection for all its citizens go with the nays on the left-hand side. We will ring the bells for 1 minute. You make a decision. Either go on the right or the left.

Delegates divided on question.

Question defeated.

The SPEAKER — The next question is:

There is both commonwealth and Victorian legislation that attempts to protect individuals from discrimination and a breach of their human rights. Are these adequate?

Again, we will divide for a minute. If you agree with that — that Victorian and commonwealth legislation are adequate — go to the right, and if you do not, go to the left.

Delegates divided on question.

Question defeated.

The SPEAKER — That was interesting, because whenever a question is put in the Parliament you really have to think about and you really need to debate what your position is going to be and how you are going to actually vote and the consequences of that vote. You have just in a sense experienced what we go through on a lot of the time within the Parliament.

2016 NATIONAL SCHOOLS CONSTITUTIONAL CONVENTION

The SPEAKER — We now have a student who has attended the National Schools Constitutional Convention this year to talk to us about his experience. Jakob Cobby is from Thornbury High School, and I welcome Jakob to address you now.

Mr COBBY — Thank you. Earlier this year, from 16 March to 18 March, I was lucky enough to attend the 21st National Schools Constitutional Convention, which took place in the city of politics and roundabouts, Canberra. This year the topic that framed the convention was ‘Education in a federation’, with a particular focus on whether education should remain a residual power of the states or whether it should be transferred to the commonwealth government. This gave rise to some fantastic debates and discussions between the 120 delegates from all over Australia. It was amazing to be able to discuss and debate with other like-minded students as well as those with different opinions, which widened my perspective and taught me a lot about the topic.

The convention took place in Old Parliament House, with a view of the current Parliament House in the background, with all the history between them making a perfect backdrop for our discussions and debates. The convention concluded with a mock referendum, which was held by employees of the Australian Electoral Commission. The result was an overwhelming yes vote, meaning that the commonwealth should be able to legislate in the area of education, which we concluded from debates would result in a fairer, more consistent curriculum for all students nationally.

Perhaps one of the highlights of these discussions were the soapbox sessions, like you guys did today, in which delegates were able to get up and convey their opinions on the topics to the other delegates. We were also able to see the positions of other countries in this area, receiving speeches from various high commissioners of other countries, including the United States, Canada and New Zealand. This, for me, was extremely educational, enabling me to see and understand different opinions and perspectives and allowing me to form a well-informed and balanced opinion on the topic, which I was able to convey in the mock referendum debate.

We did not only discuss education in a federation but also got opportunities to see all the important action that goes on in Canberra. We paid a visit to Government House, where the Governor-General, Peter Cosgrove, resides. Sadly, he was not home that day, but nonetheless we got a tour of the house and were able to see the famous Rolls-Royce that the head of state is transported in. One of my favourite experiences during my time in Canberra was a visit to the High Court. On the last night of the trip all 120 delegates were invited to a private dinner in the foyer of the High Court of Australia. Under the large concrete and glass structures of the court, we sat and ate as we listened to speeches from some extremely inspirational people, such as the CEO of the HoMie clothing brand, a not-for-profit business located in Melbourne which donates all of their proceeds to try to reduce homelessness in Australia.

A trip to Canberra would not be complete without a trip to Parliament House, however, so of course on the first day of the trip, just after our brisk flight to Canberra, we visited Parliament House, sitting in on an extremely heated but very interesting parliamentary question time — so heated, in fact, that four members of Parliament were exited due to being a little too passionate. It is one thing seeing question time on television, but viewing it

in real life and in real time and watching Prime Minister Malcolm Turnbull up against Bill Shorten was extremely satisfying and a great experience.

Regardless of these amazing and enlightening experiences, my favourite aspects of the convention were the people I met and the friendships I made. During the convention I was able to meet so many like-minded people and make so many great friendships that I am sure will last a lifetime. With 120 delegates from all across Australia it was brilliant to be able to get to know so many people with different experiences and different ways of looking at things. Despite the joking banter between delegates from different states, I was able to form many friendships with people from all over Australia — people whom I regularly communicate with and hold friendships with now.

In the short three days in Canberra, to say I learnt a lot is an understatement. Having studied legal studies at school, seeing Parliament in action and taking part in discussions truly brought the textbook alive. I got an insight into the functioning of all branches of our government, which further ignited a passion for politics and the legal system within me. Although the core of what I learnt at the convention is what is possible with hard work and passion, seeing various members of Parliament, other passionate students and other role models has motivated me to make the most of my last year of high school and to take on all leadership opportunities that are available to me. I have also learnt social and people skills and how to respectfully convey my opinion while taking into account the opinions of others, not to mention my gained knowledge of the commonwealth constitution.

Attending such a convention is truly a once-in-a-lifetime event. From sitting in the High Court, in which the famous Mabo decision was handed down, to shaking hands with some of our country's most influential women and men, I gained so much insight and was inspired so much by not only the guest speakers at the Convention but also the other delegates, who shared with me so much knowledge and perspective that you truly cannot gain anywhere else.

All of you sitting in here today are eligible for the National Convention, and I, with so much emphasis, urge you to fill in your forms that are in your packs and apply for next year's Convention. It is most definitely something that you will reflect upon with positivity for the rest of your life, as I do. It is these life experiences that shape the person you become and motivate you to make a positive change in our community. After the experience in Canberra I am confident of the bright minds that will one day assume the leadership of our country, and I am sure in this room today I am surrounded by some of them. There is no doubt that we will be in good, capable hands. Thank you.

The SPEAKER (Don Nardella) — Thank you very much, Jakob. That was terrific. Certainly Canberra is a different place. One of the really interesting things is when you actually see question time and then you go back to your room, your hotel room or wherever else. You put the telly on and you put the news on. You sort of think, 'This is déjà vu. I've heard this. I've seen this before', and you remember it because you were there. So it is a bit of a surreal situation when you actually have that happen to you. I also had the pleasure of going to Westminster and listening to the Prime Minister's question time under Prime Minister Brown a few years ago. That was interesting as well because it is a different system. But thank you very much for that, Jakob. That was terrific. And, yes, please do fill out your forms and apply for that for next year.

CLOSING CEREMONY

The SPEAKER (Don Nardella) — I now have the great pleasure of introducing my parliamentary colleague and friend Mr John Pesutto, the honourable member for Hawthorn, who is representing the Leader of the Opposition, Matthew Guy, who unfortunately cannot be here today. John is a new member. John replaced the Honourable Ted Baillieu after the last state election and has only been here for just over two years. He is also the shadow Attorney-General. So he is very active within the Parliament, very vociferous in his advocacy for his party and his constituents and one of the — mark my words — star performers for the future for his Liberal Party. So without any further ado, John Pesutto.

Mr PESUTTO — Thank you, Mr Nardella, my very good friend and parliamentary colleague. It is a delight to be here.

So imagine a young 17-year-old boy asleep in his bedroom in a Melbourne suburb. It is 3.00 a.m. in the morning, and all of a sudden, in the dead quiet of night, the doors storm open. In come heavily clad federal and

state law enforcement authorities who apprehend that young man. The little sister is screaming. The parents are screaming, wondering what is going on. Imagine that this young man has been the subject of surveillance over many months and is suspected by federal and state law enforcement agencies of preparing a catastrophic terrorist activity.

Imagine that young man is brought before other officers at headquarters and is told, 'You need to tell us everything you know. This is what we have on you. You don't have the right to a lawyer in these circumstances, and you don't have the right to silence. You must tell us everything you know'.

Now, you have been debating human rights today. This scenario I have painted for you is a very real scenario; it happens from time to time. You see, under our law and under our values and culture, we value the right to silence. It is just one of many rights we value and cherish in our democracy. But we also value community safety too, do we not?

So I am not asking you whether you think the agents in this scenario are right or wrong or the young man is right or wrong. I want you to see the collision of two very important values. One is the right to silence. Should that person have the right to say, 'I am not speaking until my lawyer gets here, and even when he or she does, I will not tell you a thing. I don't have to'. What about the other side of the debate? It might be your sibling, your parents or your friends who are on a tram or a train. If somebody successfully assembles the constituent parts of an explosive device and proceeds to do it, you would think on the one hand about the right to silence and on the other community safety.

None of these issues is easy. I suspect if you had debated the questions you have been considering today, you could be here for 12 months and you would still be arguing. There is often not a right or a wrong answer to these questions, because at the end of the day human rights are not really about law, and I am a lawyer. It is actually not about law.

In the first instance, questions about human rights are about the balance you feel comfortable make, and you have to decide for yourselves where you think that balance ought to be struck. It is not easy. I do not find any of these things easy.

The right to silence is a difficult one, and it falls within my portfolio. Should we have stronger detention laws when police and law enforcement agents suspect somebody is going to engage in a terrorist act? Should they be able to detain somebody for 28 days or more? People would argue passionately that people should not be detained without charge. They are very passionate and they represent a legitimate view. There are others who say, 'Come on! Are you going to put community safety at risk? Of course we need to detain people' — also legitimate. Where do you draw the line? That is something you as aspiring public servants will have to make — if not already, in due course.

Finding that balance is not easy in cases where equality before the law is pitted against freedom of speech and freedom of religious worship. We have got a debate going on at the moment in this Parliament about where we ought to draw the line between equality before the law, which is intended to remove discrimination, and people's right to practise their religious freedoms freely.

For instance, if somebody of a certain sexual orientation wants to work as a preacher or as a deacon in a certain church, is it fair that that person should not be subjected to discrimination? You might say, as I would, 'Yes, of course'. People on the other side of the debate would say, 'But we live in a free democracy. If we want to establish our own church and run it the way we want, shouldn't we have that right as long as we're not harming anybody else, even if somebody is unhappy with what we stand for?'. Freedom of worship versus equality before the law.

One of the toughest bills I had to consider, and Mr Nardella had to deal with it too, was a bill to stop protests in front of abortion clinics. We had a problem that over many years had seen protesters, if I can be direct, who went far too far in intimidating women who wanted to access certain services at certain medical clinics. I detest what those protesters are trying to do — to interfere with a woman wanting to access those services — but the bill that was originally before the Parliament said that nobody could protest within 150 metres of that service no matter what. My difficulty with the bill was not that I wanted to defend people whose view I detest — the protesters — but it said that you could stop a protest, even if it were peaceful and inoffensive.

To the government's credit, it brought back the bill with some changes, which made it apply to circumstances where protesters were acting offensively and intrusively. I voted with the government on that bill. The reason I point that out to you is not so much that you should take a particular view on that issue but to illustrate for you that sometimes when you are a member of this place you have to be prepared to consider and at times defend the rights of people whose views you might find detestable and strongly disagree with.

For me, both rights are important. A woman or anybody else should be able to access a health service, I figured, but I also figured as long as the law does not crush the right to protest, even if I totally disagree with it, then that is something I can support.

You will make your own minds up about how you want to approach these issues, but do not ever think they are easy. The things that come through that door and that Don Nardella and I and our parliamentary colleagues have to consider only come here because they are hard. There is often is not a right or a wrong answer. There is only this question: do you approach the issue in good faith, and do the people who come to you and petition you, as future leaders of our state and our country, will you show good faith and will you expect them to show good faith?

There are some people I have always seen in my office even though they know I totally disagree with them. I will always hear them out. There are some people who I do not believe come to issues with good faith, and I do not hear them out, but that is just my call.

I hope that those of you who have been here today and not been here before have been impressed by this chamber and that you might think about a life of public service in the future if you have not already settled on that already. I can only recommend to you that it is the highest privilege I will ever enjoy in all of the things I have done in my career. Yes, every issue that comes here — whether it is the budget, whether it is technical legislation around planning, whether it is legislation around medical treatment, euthanasia or anything else — everything at its heart is about human rights.

You do not need to be a high-flying lawyer to know a thing about human rights, because at the end of the day human rights are about values and your own values — what you place a priority on.

Whilst you can see value in both sides of the debate, ultimately what the people out there want from the people in here — and maybe one day that will be each of you — will be 'What are you going to decide?', because you are going to have to make a decision, so you have to make a call.

I hope you have enjoyed today. I am so impressed by what I have heard in the time that I have been here, but I also heard before — Don, I think I have done my time. Can I encourage all of you to pursue a life of public service. I am sure that Don and I and others are always available to take a call or to answer any questions you might have. Well done on today. I hope you enjoyed it.

The SPEAKER — Okay. A big hand for John. Thank you very much.

Delegates applauding.

The SPEAKER — It is now nearly time to go. It has gone so quickly, hasn't it? I reckon. A couple of things. You have got 5 minutes to complete the evaluation form that is included in the folder which you were given at registration. If you could do that, you could do that now. That is terrific. When finished, you should return the form on the way out at the registration desk. You will also be able to collect your certificate of attendance.

At this stage, whilst you are sort of going through your evaluation, I thank everybody — the people that have put this together, but certainly the participants today, for all your hard work, your thinking and your participation, which has made today great. I think you have got a bit of an understanding of what we do. I am in bay 13. I am there with the gentleman in the white shirt. That is my seat just there. I used to be over here, but the Speaker used to tell me off because I was interjecting too much and he could not hear, so I went up there. But what we do, as John has said, is consider those difficult things all the time, both within our party rooms and within the Parliament, and we debate them. It is not easy, but it is a very good way for you to understand the things that we do and how representative democracy actually works within not only the state of Victoria but also at the federal level. If you get a chance, go up to question time in Canberra and have a look around. If you

get a chance you should also go to the old Parliament House. I reckon the old Parliament House has probably got much more character than the new Parliament House, even though the new Parliament House has got a lot more marble.

Thank you very, very much, and please enjoy the rest of the day.

Ms CHRISTIE — I just want to say, on behalf of everyone: thanks for giving us a taste of government, and it has been a really great day and a privilege to share the experience with you, so thank you very much.

Convention adjourned 2 54 p.m.