



COMMONWEALTH OF AUSTRALIA

PARLIAMENTARY DEBATES



HOUSE OF REPRESENTATIVES

BILLS

**Australian Human Rights
Commission Amendment (National
Children's Commissioner) Bill 2012**

Second Reading

SPEECH

Thursday, 21 June 2012

BY AUTHORITY OF THE HOUSE OF REPRESENTATIVES

SPEECH

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Questioner
Speaker Hayes, Chris, MP

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Mr HAYES (Fowler) (09:54): I rise to support the Australian Human Rights Commission Amendment (National Children's Commissioner) Bill 2012. The bill amends the Australian Human Rights Commission Act 1986 and creates the position of the National Children's Commissioner in the Human Rights Commission. The commissioner will have a monumental role in providing a voice for Australian children, particularly those who are living in disadvantaged conditions and those exposed to threats to their rights and safety.

Like many here, I have children—I also very proudly have five grandchildren—and for this reason this bill has a particular personal significance to me. Even though my children are all grown up, as a parent I cannot help but always want to lend support to them no matter how old they are. Grandparents and their grandchildren have a slightly different relationship to the relationship that parents and their children have, but still as a grandparent you are always looking after and lending support to your grandchildren. I am very blessed because, as I said, I have five grandchildren, and they are very much loved. One of my grandsons is afflicted by autism, and this means that the relationship with him is slightly different again. As a family we do everything we can to ensure that he is not discriminated against in our community, in his schooling or, particularly, within the family.

I feel for people who do not have such a close family bond as we do. There are many in our community who, for various reasons, do not. Many children are forced to become adults well before their time. Children afflicted with disabilities, children living in homeless conditions and children exposed to domestic violence often are forced to take on the persona of mature adults well before their childhood has passed. Having a strong voice for children in this predicament reflects a caring society. This bill is not designed to bureaucratically impose the National Children's Commissioner to supplant the role of a caring family, but it does acknowledge that not every kid in this country—and the member for Fremantle has been very passionate about this for some time—has the support of a caring family. We as a caring nation need to ensure that they to have a strong voice.

I have had an interest in domestic violence for a heck of a long time, because I have had a long association with law enforcement agencies around the country. I am very proud of the efforts they make to suppress crime and minimise the impacts of crime on the community. When I look at the crime statistics—and it does not matter which date, which jurisdiction or which police station they come from—I see that the reported incidents of domestic violence remain stubbornly high. The number of incidents is in many instances going up. This is sometimes on the basis that people are now more confident about reporting domestic violence to authorities; nevertheless, domestic violence is of considerable concern in our society. We normally talk about the impact that domestic violence has on women, who are its main targets, but it also has a huge impact on children. According to statistics, one in three women in Australia will experience domestic violence and one in five women will experience sexual violence. These statistics are pretty bad on the face of it. According to the Australian Bureau of Statistics 2005 personal safety survey, of all women who have experienced partner related violence that had children, 59 per cent indicated that the violence was witnessed by the children in a relationship. So the violence had a direct impact on the children in those relationships. Most of those relationships would probably have more than child. If you extrapolate the statistics, it is possible for the total number of victims of domestic violence to be almost the same as the number of children who have witnessed domestic violence. The impact of that is that 60 per cent of young males growing up in an abusive relationship are more than likely to become abusers themselves as they mature and 50 percent of young females growing up in an abusive relationship—and I am assured this is the case—are more than likely to take an abuser as a partner.

To assert that in these areas a child should not have a strong voice is an absolute absurdity and it certainly would be a situation where we would be closing our eyes to something that all of us in this place know is a reality—that is that the level of domestic violence is high. The victims are not just the women in the relationship who have been targeted specifically for the violence but the children themselves. In a similar way I see a role for the commissioner in terms of homeless children and others children in vulnerable positions in our society.

Homeless children are a group that are very vulnerable and many face unique challenges to survive on a daily basis. This is not just young people living rough. This also includes young people who for various reasons are not able to live at home and have been, using the popular term, 'lounge surfing'. They move from one sofa to another, from one family to another and regrettably they do not have a permanent place of abode. In my former electorate we did a lot of work with an organisation that was specifically providing shelter for young women. I had the opportunity to meet with these kids on many occasions, particularly at Christmas and Easter and occasions that would normally impact on a family. What I learnt from talking to many of the kids there—and they ranged from 12 through to 19—was that there were many reasons they were not at home. But what they really wanted was to have someone actually help them to make decisions in their lives. It was a church based organisation that was helping them in that direction. It showed me that young people do have rights. Young people do need to understand the social systems that we take for granted as adults and they need some person who has the legal authority to pursue their rights.

Back in 2005, when I was the member for Werriwa, in the lead up to the by-election the Macquarie Fields riots took place. There were a lot of young people throwing firebombs and stones and everything else that they could at the local police. At that stage I met up with Father Chris Riley and have had a very long and valued association with him ever since. He is a man who is absolutely passionate about children and making sure that children have every opportunity to succeed in our society. He is not a person who wants to come in and prejudge relationships. He certainly does not prejudge why kids are on the street. He wants to give them an opportunity. I have seen the passion in this man's face when it comes to kids.

Not long after that, we had the devastation of the earthquakes in Indonesia. Father Chris Riley became heavily involved in building a school at Aceh. Many of the kids who were throwing Molotov cocktails and stones at police and doing all that stuff in Macquarie Fields were the ones who accompanied Father Chris Riley to Aceh to help build the Islamic school there. I have met these kids many times. A number of these young people who were on the streets showing all the signs of being delinquent are now qualified social workers and are working within the system to try and assist young people, showing them there is a better way, helping them to be able to make those decisions because many of the young people that Father Chris Riley deals with do not have a stable adult influence in their lives. Unfortunately, many kids in that sort of environment mature rapidly beyond their age and miss out on their childhood. People like Father Chris Riley who are committed to helping young people do an absolutely fine job, but young people must be seen to be able to exercise appropriately their legal voice. They do need someone who can assist. In the short time I have available I would like to mention a person who in New South Wales absolutely stands out as someone who did much for young people. Barbara Holborow was a magistrate in the Children's Court of New South Wales. She received the Order of Australia earlier this year before passing away at the age of 81. She was a magistrate with the Children's Court for a number of years and she was a person who dedicated her life to disadvantaged youth. Barbara worked in a women's refuge. The first child she adopted was a young Aboriginal boy called Jacob. After that, many foster children came under Barbara's care. As a magistrate, Barbara had an impact on the lives of many thousands of kids. Fiercely committed to reforming the justice system for children, she was involved in setting up free legal aid for children in New South Wales and in creating a court which actually cared for the rights of children, particularly in cases of neglect. Sentences were able to be deferred and diversionary activities were set up for young people.

If Barbara were still with us she would be an excellent person to consider for the role of National Children's Commissioner. A person in authority, Barbara Holborow did so much to ensure not only that children's rights were observed but also that children were given the appropriate chance that all of us take for granted for our own kids. I commend this legislation. Like the member for Fremantle, I am proud to be part of a government that has taken on board the rights of children to ensure that they are properly protected in our modern society.