

# Children's Rights in Australia: An Introduction For People Who Came To Australia As Refugees



2nd Edition



## Acknowledgements

This Booklet is part of a Training Package to assist newly arrived refugees understand how the Human Rights Conventions are applied in Australia and what it means to family life. It was developed at the request of representatives of a number of recently arrived refugee communities who took part in a consultation held by AMES Australia and the UNSW Centre for Refugee Research in 2010. The Consultation was about exploring solutions for the problems some families are experiencing as they settle into their new home in Australia. This training package was one of their suggestions.

You may also like to read

'Human Rights in Australia: An Introduction For People Who Came To Australia As Refugees', and

'Women's Rights in Australia: An Introduction For People Who Came To Australia as Refugees'.



## We would like to thank:

All the participants who came to Australia as refugees, and who contributed their time, experience and suggestions about how to assist new arrivals as they settle into Australia.

The AMES Australia staff who participated in the process: Ramesh Kumar, Melika Yassin Sheikh-Eldin, Nanthu Kunoo, Jenny Blencowe, Terry Taylor, Hilary Bucumi, Mohamed Humad, regional managers, team leaders, case managers, Community Guides and all other staff who have contributed to the production of this Booklet. AMES Australia, as a service provider, understands the needs of newly arrived refugees and hopes to deliver high level of services to them.

AMES Australia would like to thank the staff from the UNSW Centre for Refugee Research for the development of this booklet: Eileen Pittaway, Geraldine Doney, Rebecca Eckert and Judi Tucker.

Graphics by Damayanthi Muthukamaraga. Updated appendices by Isobel Blomfield.

Final thanks to the Australian Government Department of Families, Housing, Community Services and Indigenous Affairs for funding the translation of this Booklet into eight community languages.

2nd Edition February 2016. Updated as part of the ARC Funded Linkage Project-*The Meaning of Rights in Refugee Settlement*. ISBN 978-0-7334-3688-8.



## Why this book is needed

In Australia, all people are entitled to enjoy their human rights. This means that mothers and fathers, children, and all members of the community have the same rights. However, it does not mean that we can insist on our own rights in such a way that it hurts another person, or that we can take away their rights.

This Booklet is about the rights of children In Australia. It is based on the United Nations Convention on the Rights of the Child.

Rights are linked to responsibilities. It is the responsibility of the state or country in which we are residents or citizens, to make sure that we enjoy our rights. The Government provides things such as education, health services, child protection laws and many other services which all help us achieve these rights.

We are also all responsible for assisting ourselves, and others to enjoy their rights. This is especially the case in families, where it is expected that family members will protect and support each other in all areas of life.



Parents have the responsibility for doing the best that they can for their children, and to provide the love, care and protection, which they need. This includes making sure that they and their children access the rights which are provided by the Government.

Children also have responsibilities as well as rights. They should respect and listen to their parents, and work with their parents for the good of the whole family.

When they come to Australia, some people find our systems, laws about child rearing and the way we use human rights very confusing. They are parents who have protected their children in terrible refugee camps and in urban refugee sites. They have fought to keep their families safe and together, often at great personal cost.

Yet sometimes, they feel that they are regarded as bad parents because they do not know the rules and laws here, or because they have done things differently to the Australian way in the past.

Instead of helping, it sometimes feels that children's rights make things harder for parents.

We know that even in countries like Australia, not all children enjoy all of their rights.



The Australian Government assists families and the community to make sure children's rights are protected. Schools and health services are provided and standards are set to protect children. Laws are passed to keep them safe from abuse and exploitation.

For most families, their desire to do the best for their children, and the provision of these services is all that is needed to provide most rights for children in our society.

However, we do know that not all families are happy and that not all parents are good. We also know that some children can sometimes behave badly. Children's rights cannot always be fulfilled in their family. In all communities, including the Anglo Australian community, teenagers may argue with their parents.

Sometimes, outside help is needed and government agencies have to step in. Occasionally they take children away from their parents. This is a very serious step, which can cause great unhappiness to the children and their parents.



It is one that has to be considered very carefully before it happens. Everyone has to be sure that the rights of the child come first.

In every culture and in every country in the world, the family is the most important place for a child to grow and develop. Children's rights are supposed to help with this, not to cause problems. If there are conflicts about rights in newly arrived families, it is most important that the family members sit down and discuss them. It often helps to discuss them with someone respected in the community or a trusted service provider.

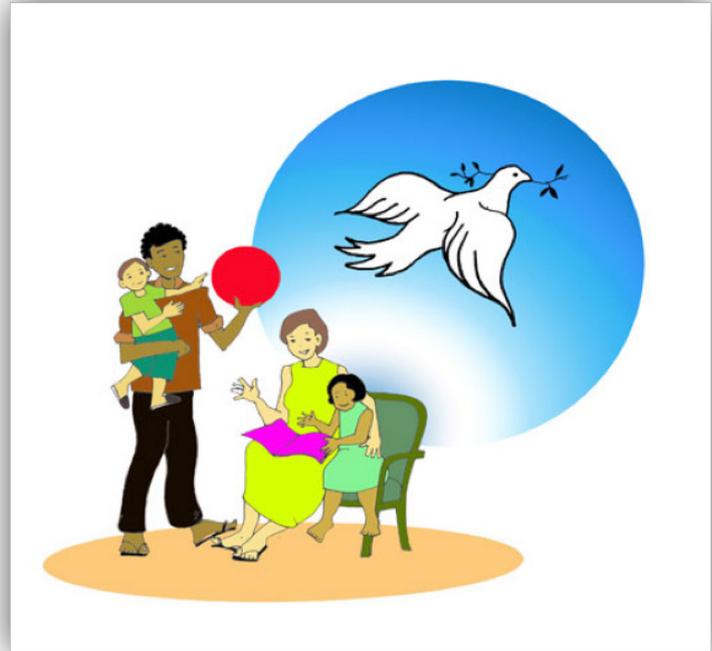
If you or your family need support and assistance there are a number of people and services who can help. You can think about talking to other members of your family, your community, a good friend, your case manager, community guide or other settlement service provider. The people and organisations who can help include: Migrant Resource Centres; Local Community Centres; Counsellors; Teachers; Legal Aid; the Police.

If you are not sure who to ask for help, talk to your settlement support worker. They will listen to your story and refer you to the best source of support.



This Booklet is designed to help parents understand some of the rules and laws, which apply here, that are based on the Convention on the Rights of the Child. It is also informed by the Universal declaration of Human Rights and the Convention on the Elimination of All Forms of Discrimination against Women, (CEDAW). Plain language versions of these are included at the end of the Booklet.

We hope it will help children to understand that the rights they have in Australia are their rights, to be enjoyed within a safe and loving family.



## Interpreter Services

Each person in your family has the right to participate in conversations and decisions which will affect your lives in Australia.

To support you, the Australian Government provides Interpretation Services through 'Translating and Interpreting Services' (TIS National).

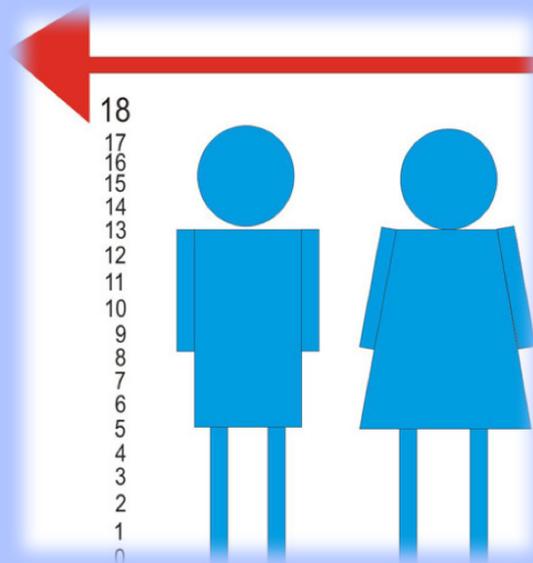
You can receive interpreting support on the telephone or in-person.

You can ask the organisation you are working with to arrange an interpreter for you.

You can telephone TIS on 131 450 or read their website:

[www.tisnational.gov.au/](http://www.tisnational.gov.au/)

In International Law, Children are people under the age of 18 years old. This includes babies, children and adolescents.



References to Human Rights Documents:  
CROC Art. 1.

A light blue background with a white outline map of Australia in the center. The text "Children's Rights in Australia" is written in white across the middle of the map.

# Children's Rights in Australia

'All children have rights, no matter what their colour, language, religion, and political or other opinions, where they were born, or who their parents are'



References to Human Rights Documents:  
CROC Art. 2; UDHR Art. 1, 2; ICESCR Art. 1; ICCPR Art. 1, 2

## In Australia, this means

All children in Australia have equal rights. It does not matter how they arrived here, or from which country.

It does not matter if they are indigenous children, Australian born, migrants or refugees. Australia has signed the Convention on the Rights of the Child and has the responsibility to guarantee the rights of all children who live here.

It does not mean that refugee children have more or less rights than anyone else.

References to Australian Domestic Law:

Racial Discrimination Act 1975 (Cth) (See appendix 1); Anti-Discrimination Act 1977 (Cth); Australian Constitution s 116 (See appendix 2).

'Children have the right to grow up and to develop physically, mentally and spiritually in a healthy and normal way, in freedom and dignity. Countries must introduce laws to protect children from harm and to make sure they have these rights'



References to Human Rights Documents:  
CROC Art. 3, 4, 5, 6, 14, 16, 18, 19, 24, 27, 28, 29, 31-36, 42; UDHR Art. 1, 2, 3, 4,  
5, 6, 7, 12, 13, 18, 19, 22, 23, 24, 25, 26, 27; ICESCR Art. 1, 6, 7, 9, 10, 11, 12, 13,

## In Australia, this means

Children have the right to all that they need to grow up strong and healthy. They can follow the religion of their choice. They have the right to the love, support and services they need to achieve their dreams.

Australia provides many services to assist children as they grow up. These include childcare and school, youth clubs, sports groups, libraries and parks.

There are strict laws and services to protect children from harm and to make sure they enjoy their human rights.

### References to Australian Domestic Law:

New South Wales: Children and Young Persons (Care and Protection) Act 1998 (NSW) (See appendix 3); Crimes Act 1900 (NSW) (See appendix 4).

Victoria: Children, Youth and Families Act 2005 (Vic) (See appendix 3); Crimes Act 1958 (Vic) (See appendix 4).

Queensland: Child Protection Act 1999 (Qld) (See appendix 3); Criminal Code 1899 (Qld) (See appendix 4).

National: Family Law Act 1975 (Cth) (see appendix 5).

‘Every child has the right to a nationality and to be a citizen  
of a country’



References to Human Rights Documents:  
CROC Art. 7, 8; UDHR Art. 15; ICCPR Art. 24.

## In Australia, this means

All children born in Australia receive a birth certificate with the names of their parents.

Children in Australia can be permanent residents, and after four years, with their parents, can gain citizenship.

Children do not have to change their names or nationality to live in Australia, unless they want to.

References to Australian Domestic Law:

Australian Citizenship Act 2007 (Cth) (See appendix 7); Birth, Deaths and Marriages Registration Act 1995 (NSW); Births, Deaths and Marriages Registration Act 1996 (Vic); Births, Deaths and Marriages Registration Act 2003 (Qld) (see appendix 8).

'Children have the right to care and protection, to good food, housing and medical services, and not to live in poverty'



References to Human Rights Documents:  
CROC Art. 6, 18, 19, 24, 26; UDHR Art. 3, 4, 17, 22, 25; ICESCR Art. 9, 10, 11, 12.

## In Australia, this means

The Government expects parents to provide care and protection to their children. When refugees first arrive, they receive a range of services to assist families to settle into their new home and to find work. Until that happens, the Government provides them with income through Centrelink.

This income is given to mothers, fathers and to children over the age of 16. It is intended for the whole family. It is the intention that each family member who receives the Centrelink benefit will contribute equally to the cost of rent, food, electricity etc. Older children can then use the balance towards education, clothing, and other expenses.

This is not pocket money for individuals. It is hoped that families will work together to make sure that each family member enjoys their rights. The whole family is responsible for working out a budget that is fair for everyone. This is exactly the same support that is given to other Australians who have problems and may need assistance from the Government for a period of time.

The Government also provides medical care and assistance in finding housing when refugees first arrive in Australia.

# 'Children with a disability have the right to specialist services, education and care'



References to Human Rights Documents:  
CROC Art. 23, 28; UDHR Art. 25, 26; ICESCR Art. 12.

## In Australia, this means

Children with a disability in Australia are entitled to a range of services and additional help at school.

They are provided with the medical treatment that they may require.

If necessary, their parents are also provided with financial assistance and support services to help them to care for the child.

References to Australian Domestic Law:

National: Disability Discrimination Act 1992 (Cth); Disability Services Act 1986 (Cth); National Health Act 1953 (Cth).

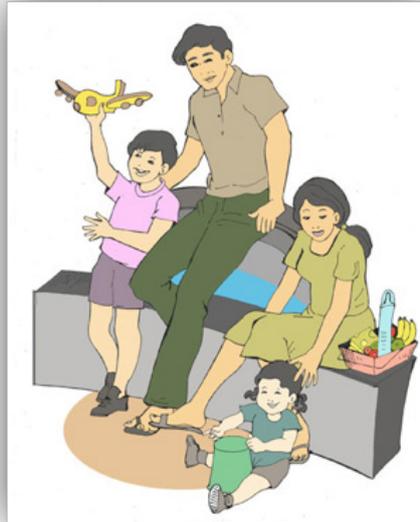
New South Wales: Disability Inclusion Act 2014 (NSW); Education Act 1900 (NSW).

Victoria: Education and Training Reform Act 2006 (VIC).

Queensland: Education (General Provisions) Act 2006 QLD).

(See appendix 9).

‘Every child has the right to love, understanding and good quality care from their parents and family’



References to Human Rights Documents:  
CROC Art. 5, 6, 9, 18, 19, 20, 25; UDHR Art. 4, 22, 25; ICESCR Art. 10.

## In Australia, this means

It is expected that parents will love and care for their children and do everything they can to help them achieve a good and happy life. This may sometimes mean disciplining children for bad behaviour, if the parent thinks that this is necessary.

There are laws in place to make sure that the punishments are not cruel or too harsh, for example in some States of Australia it is not allowed to smack a child, but there is no law that says that parents should not discipline their children. Parents can seek guidance about what is considered to be acceptable forms of punishment in Australia from various Government and non-government organisations (see page 39 for some suggestions) or asking their caseworker for advice.

It is expected that this is a role that parents will take as they guide their children towards being responsible adults.

There is help available for parents, as they settle into Australia, to learn about new rules and laws. If a child has no parents, or (is not safe living) with their parents, the Government will sometimes take over this role of caring for children.

References to Australian Domestic Law:

National: Family Law Act 1975 (Cth) (See appendix 10)

New South Wales: Children and Young Persons (Care and Protection) Act 1998 (NSW).

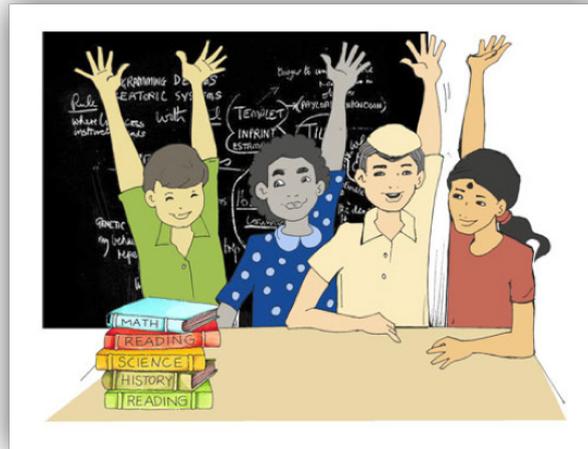
Victoria: Children, Youth and Families Act 2005 (VIC).

Queensland: Child Protection Act 1999 (QLD)

(See appendix 11).

# 'All children have the right to attend school'

They have the right to have the time to play, to have the opportunity to be successful in areas they are interested in or display talent for, and to be a good member of society. Whenever possible, it is the responsibility of parents to help them achieve this.



References to Human Rights Documents:  
CROC Art. 28, 29, 31; UDHR Art. 26; ICESCR Art. 10, 13, 14.

## In Australia, this means

Government schooling is free. Parents are required to provide uniforms and scholastic material for their children. If they cannot afford to do this, there is help available. The Government also provides special educational services for newly arrived refugee children, to help them learn English and to settle into a school system which is probably very different to where they have come from.

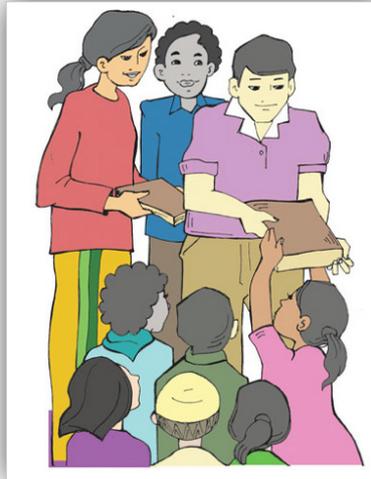
Parents have the responsibility to guide children to do well at school and to be good citizens. This can be difficult if the parents do not speak English, or are not used to a formal education system. Children often learn English and become familiar with life in Australia more quickly than their parents. Children still have the responsibility to respect and obey their parents, who have so much other knowledge and experience to share with them.

If families experience problems related to their children's education, or do not understand the school system in Australia, they should speak to their caseworkers.

References to Australian Domestic Law:  
New South Wales: Education Act 1990 (NSW)  
Victoria: Education and Training Reform Act 2006 (Vic)  
Queensland: Education (General Provisions) Act 2006 (Qld)  
(See appendix 12).

# 'Children have the right to be the first to get help and assistance if things go wrong. This includes good health care, food and a good environment'

Refugee children have the same rights as children born in the country in which they are living.



References to Human Rights Documents:  
CROC Art. 3, 20, 22, 26; UDHR Art. 25; ICESCR Art. 10.

## In Australia, this means

The rights of the child are considered to be very important.

In disasters or emergencies, or when serious problems happen in families, the rights of children will always be seen to first.

Refugee children have exactly the same rights as all other children in Australia.

**BUT**

This does not mean that parents have less rights, or no rights, in relation to what happens to their children if something bad happens to them.

References to Australian Domestic Law:

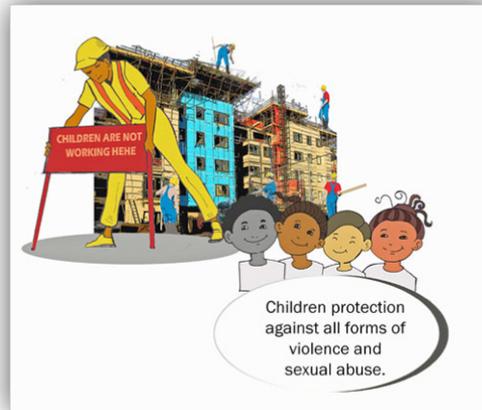
New South Wales: Children and Young Persons (Care and Protection) Act 1998 (NSW)

Victoria: Children, Youth and Families Act 2005 (VIC)

Queensland: Child Protection Act 1999 (QLD)

'Children have the right to be protected against cruel acts or exploitation by any other person. This includes protection against all forms of violence and sexual abuse'

Children must not be forced into work before a minimum age and must not work in dangerous situations or for long hours.



References to Human Rights Documents:  
CROC Art. 19, 32, 34, 35, 36, 37, 38; UDHR Art. 4, 5; ICESCR Art. 10; ICCPR Art. 6, 7, 8, 9.

## In Australia, this means

Children in Australia have the right to be protected from all forms of cruelty, violence, sexual abuse, and exploitation in the workplace. There are laws to do this. This means that children cannot be harmed by parents, teachers, and members of the community or strangers. If these things happen, children can go to any responsible or trusted adult for help, or to the police if something really bad happens and no-one else can help.

It does not mean that they should report their parents to the police after an argument over something less serious, like not being allowed to go out late, or how they dress, or if they receive mild punishment for behaviour parents disagree with. This should first be discussed with a family friend, a counsellor or a teacher before more serious steps are taken.

References to Australian Domestic Law:

Federal: Family Law Act 1975 (Cth)

New South Wales: Children and Young Persons (Care and Protection) Act 1998 (NSW)

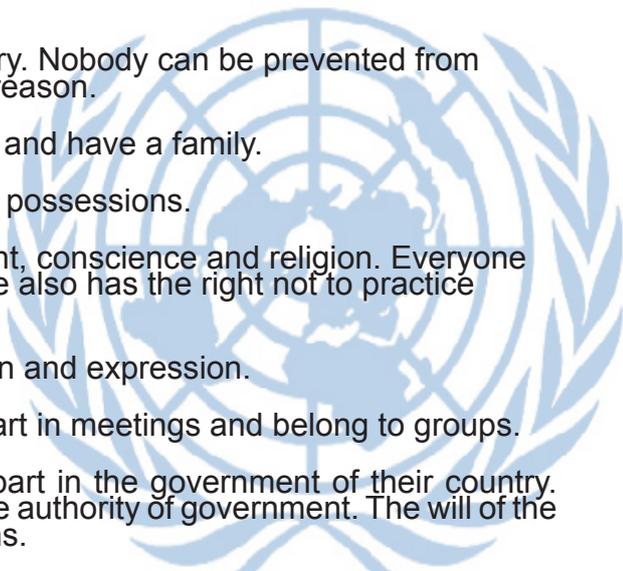
Victoria: Children, Youth and Families Act 2005 (VIC)

Queensland: Child Protection Act 1999 (QLD)

## Plain language version of the *Universal Declaration of Human Rights*

Adopted by the General Assembly of the United Nations on 10 December 1948

- Article 1 Everyone is born free and equal in dignity and rights.
- Article 2 Everyone is entitled to all the rights and freedoms in this Declaration.
- Article 3 Everyone has the right to life and to live in freedom and safety.
- Article 4 No one can be forced into slavery.
- Article 5 No one can be tortured or treated cruelly.
- Article 6 Everyone has the right to be treated equally by the law.
- Article 7 The law is the same for everyone and should be applied in the same way to everyone.
- Article 8 Everyone has the right to ask for legal help when their rights are not respected.
- Article 9 No one can be randomly imprisoned or sent away from their own country.
- Article 10 Everyone has the right to a fair and public trial by an independent court.
- Article 11 Everyone should be considered innocent until proved guilty.
- Article 12 Nobody can interfere with someone's family, home, privacy or correspondence without good reason. Everybody has the right to be protected from such actions.

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- Article 13 Everyone has the right to travel wherever they want within their own country. Everyone also has the right to leave their country and to return to it.
- Article 14 Everyone has the right to go to another country and ask for protection if they are being mistreated or are in danger.
- Article 15 Everyone has the right to belong to a country. Nobody can be prevented from belonging to another country without good reason.
- Article 16 All men and women have the right to marry and have a family.
- Article 17 Everyone has the right to own property and possessions.
- Article 18 Everyone has the right to freedom of thought, conscience and religion. Everyone has the right to practice a religion. Everyone also has the right not to practice a religion.
- Article 19 Everyone has the right to freedom of opinion and expression.
- Article 20 Everyone has the right to peacefully take part in meetings and belong to groups.
- Article 21 Everyone has the right to choose to take part in the government of their country. The will of the people is the foundation for the authority of government. The will of the people is expressed in free and fair elections.
- Article 22 Everyone has the right to social security and is entitled to economic, social and cultural rights.

- Article 23 Everyone has the right to work, the right to equal pay for equal work and the right to a decent income and working conditions. Everyone also has the right to form and to join trade unions.
- Article 24 Everyone has the right to have time to relax and have fun.
- Article 25 Everyone has the right to a standard of living adequate for health and wellbeing. Motherhood and childhood are entitled to special care and help.
- Article 26 Everyone has the right to free education. Primary school education should be available to everyone. Everybody should also have access to higher education.
- Article 27 Everyone has the right to participate in their community's cultural life.
- Article 28 Everyone has the right to live in a society in which the rights and freedoms in this Declaration are available.
- Article 29 Everyone has a responsibility to ensure that the rights of others are respected.
- Article 30 No one has the right to try and take away any of the rights in this Declaration.

This text is a plain language version of the *Universal Declaration of Human Rights* compiled by the *New Zealand Human Rights Commission*.

# Plain Language Version of the *United Nations Declaration Of The Rights Of The Child*

All children have the right to what follows, no matter what their race, colour, sex, language, religion, political or other opinion, or where they were born or who they were born to.

1. You have the special right to grow up and to develop physically and spiritually in a healthy and normal way, free and with dignity.
2. You have a right to a name and to be a member of a country.
3. You have a right to special care and protection and to good food, housing and medical services.
4. You have the right to special care if handicapped in any way.
5. You have the right to love and understanding, preferably from parents and family, but from the government where these cannot help.
6. You have the right to go to school for free, to play and to have an equal chance to develop yourself and to learn to be responsible and useful.
7. Your parents have special responsibilities for your education and guidance.
8. You have the right always to be among the first to get help.
9. You have the right to be protected against cruel acts or exploitation, eg you shall not be obliged to do work which hinders your development both physically and mentally.
10. You should not work before a minimum age and never when that would hinder your health and your moral and physical development.
11. You should be taught peace, understanding, tolerance and friendship among all people.

# Plain Language Version of the Convention on the *Elimination of All Forms of Discrimination against Women*

## **Article 1: Definition of Discrimination**

Discrimination against women is: “any distinction, exclusion or restriction made on the basis of sex which has the effect or purpose of impairing or nullifying the recognition, enjoyment or exercise by women...of human rights and fundamental freedoms”.

## **Article 2: Policy Measures to be Taken**

Governments condemn discrimination against women in all its forms and will work to end it. This includes abolishing all existing laws, customs and regulations that are discriminatory.

## **Article 3: Guarantee of Basic Human Rights**

Governments will take all appropriate actions to ensure the advancement of women and to protect their rights on a basis of equality with men.

## **Article 4: Temporary Special Measures**

Governments may institute affirmative action programmes to ensure women’s advancement. This will not be considered discriminatory.

## **Article 5: Sex Roles and Stereotyping**

Governments will strive to eliminate cultural and traditional practices that perpetuate discrimination and gender stereotyping of women.

## **Article 6: Trafficking and Prostitution**

Governments will work to eliminate trafficking in women and the exploitation of the prostitution of women.

## **Article 7: Political and Public Life**

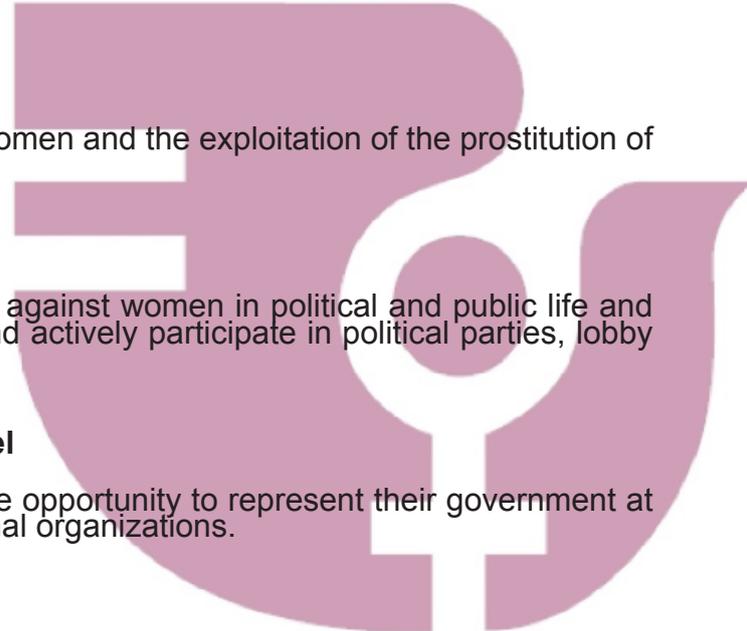
Governments will work to eliminate discrimination against women in political and public life and will ensure women the right to vote, hold office and actively participate in political parties, lobby groups and NGOs.

## **Article 8: Participation at the International Level**

Governments will take action to ensure women the opportunity to represent their government at the international level and participate in international organizations.

## **Article 9: Nationality**

Governments will grant women equal rights to change or retain their nationality and that of their children.



## **Article 10: Equal Rights in Education**

Governments will act to eliminate discrimination against women in education. This includes giving women and men equal access to education and vocational guidance; the same curricula, examinations, standards for teaching and equipment; and equal access to scholarships and grants.

## **Article 11: Employment**

Governments will eliminate discrimination against women in the workplace.

Women will have the same employment rights as men as well as maternity leave and special protection against harmful work during pregnancy.

## **Article 12: Health Care and Family Planning**

Governments will eliminate discrimination against women in health care and provide them with equal access to health-care services, including family planning.

## **Article 13: Economic Life, Sport and Culture**

Governments will act to eliminate discrimination against women in the economic and social arenas. Women will have equal access to family benefits, loans and credit, and an equal right to participate in recreational activities, sports and cultural life.

## **Article 14: Rural Women**

Governments will ensure that the particular needs of rural women are met in relation to access to

services, training and employment opportunities and social equity schemes, and act to eliminate discrimination against them.

### **Article 15: Equality Before the Law**

Governments will give women equality with men before the law, including rights to enter contracts, administer property, appear in court or before tribunals, and to choose residence and domicile.

### **Article 16: Marriage and the Law**

Governments will ensure that women and men have equal rights to choose a spouse and to marry; the same rights and responsibilities within marriage and on divorce; and equal rights in all matters relating to the birth, adoption and raising of children.

### **Articles 17-22:**

Detail the establishment and function of the Committee on the Elimination of Discrimination against Women.

### **Articles 23-30:**

Detail the administration of the Convention.

Adapted from: *CEDAW MADE EASY Question & Answer Booklet*, published by UNIFEM.

These websites can provide parents with guidance about what is considered to be acceptable forms of punishment in Australia from:

Australian Government: Australian Institute of Family Studies  
'Corporal Punishment: Key Issues'  
[www.aifs.gov.au/nch/pubs/sheets/rs19/rs19.html](http://www.aifs.gov.au/nch/pubs/sheets/rs19/rs19.html)

Australian Psychological Society  
'Parent guide to helping children manage conflict, aggression and bullying - Parenting and disciplining children'  
[www.psychology.org.au/publications/tip\\_sheets/bullying/](http://www.psychology.org.au/publications/tip_sheets/bullying/)

Women and Children's Health Network: Parenting and Child Health  
'Discipline - how parents can discipline children'  
[www.cyh.com/HealthTopics/HealthTopicDetails.aspx?p=114&np=122&id=2428](http://www.cyh.com/HealthTopics/HealthTopicDetails.aspx?p=114&np=122&id=2428)

These national services exist to support you if you have suffered abuse or violence of any kind or if you need help with family problems. They are free services and some have interpreter services. They are safe places where you can receive help and support.

## Women

- Women can telephone Immigrant Women's Domestic Violence Service on FREECALL 1800 755 988 (Interpreter services are available free of charge)
- Domestic Violence Resource Centre  
FREECALL 1800 732 732 or [www.dvrcv.org.au](http://www.dvrcv.org.au)

## Children

- ReachOut.com is Australia's leading online youth mental health service. ReachOut.com helps hundreds of thousands of young Australians with information support and stories on everything from finding your motivation, through to getting through really tough times. <http://au.reachout.com>
- Kid Help Line provides online information and a telephone counselling service for children and young people.  
FREECALL 180055 1800 or [www.kidshelp.com.au/](http://www.kidshelp.com.au/)

- Australian Childhood Foundation provides information for families about Children and Young People affected by abuse. [www.childhood.org.au](http://www.childhood.org.au)

## Men

- MensLine Australia provides telephone counselling support for men dealing with relationship problems and helps you to find solutions in a practical and effective way. Call 1300 78 99 78 or [www.mensline.org.au/](http://www.mensline.org.au/)

## Family

- Lifeline provides counselling and crisis support on the telephone 13 11 14 available anytime day or night.  
[www.lifeline.org.au/](http://www.lifeline.org.au/)
- Family Relationships Advice Line  
[www.familyrelationships.gov.au](http://www.familyrelationships.gov.au) or  
1800 050 321 (8am-8pm Monday – Friday and 10am – 4pm Saturday)

## LEGISLATION APPENDIX

This section of the training kit talks about some of the Australian laws that help protect everyone living in Australia. It is important that we know these rights so that we can make sure that everyone is protected at home, in public and in the workplace.

Some of these rights are Federal laws, which means they apply to all states in Australia. This means that if you live in any state in Australia (Queensland, New South Wales, Victoria, South Australia, Tasmania and Western Australia) you must follow these laws. For example, it is illegal to marry someone who is under 18 years in every state in Australia under the *Marriage Act 1981* (Cth).

Others laws are state laws, which means that your state will have specific law. The laws in each state are not always exactly the same. For example, in New South Wales and Victoria a child must be 17 years of age and have completed year 10 to complete school. In Queensland however, a child can finish school when they are 16 years old or when they have finished Year 10.

This information is to assist you to explain to people that in Australia, our Human Rights are made stronger by laws. If they question this, for example on the grounds of culture, you can give them examples them how the laws apply. This training kit is not a legal guide, and cannot be used to help people take legal action themselves. If you or someone you are working with thinks that the law is being broken you must seek proper legal advice.

You can seek free advice at one of your local Migrant Resource Centres on where to find legal information:

**New South Wales:** Community Migrant Research Centre (02) 9687 9901

**Queensland:** The Migrant Centre Organisation Inc (07) 5591 7261

**Victoria:** Spectrum Migrant Resource Centre (03) 9496 0200

You can also contact your community legal centre for free and seek advice if the law has been broken, or you think the law has been broken. Each suburb usually has a community legal centre. These centres aim to protect everyone's right to live without violence, to be protected in the workforce, law, healthcare and employment. For a list of community legal centres in your state, these websites have information on all the local community legal centres available:

**New South Wales:** [www.clcnsw.org.au/clc\\_directory.php?letter=m](http://www.clcnsw.org.au/clc_directory.php?letter=m)

**Queensland:** [www.qails.org.au/01\\_directory/search.asp?action=search](http://www.qails.org.au/01_directory/search.asp?action=search)

**Victoria:** [www.fclc.org.au/centres.php?centre\\_type=2](http://www.fclc.org.au/centres.php?centre_type=2)

## APPENDIX 1: *Racial Discrimination Act 1975 (Cth) Anti-Discrimination Act 1977 (NSW); Equal Opportunity Act 1995 (VIC); Anti-Discrimination Act 1991 (QLD)*

The Government has put in place laws to protect every person's right to religion, including children. The *Racial Discrimination Act 1975* is a federal law, meaning it applies to everyone in Australia. The *Anti-Discrimination Act 1977 (NSW)*, *Equal Opportunity Act 1995 (VIC)* and *Anti-Discrimination Act 1991 (QLD)* are all state based laws. Under this law, everyone has the right to not be discriminated against or stopped from doing things based on their race, colour, cultural background or national or ethnic origin. For example, an employer cannot stop someone from working at their business based on their race.

If you have been discriminated against, the first thing you can do is talk to the person and see if they will change their behaviour. If you do not want to do this, this is also okay. One way to get legal information about your rights is to go to your local community legal centre.

For a list of community legal centres in your state, these websites have information on all the local community legal centres available:

**New South Wales:** [www.clcnsw.org.au/clc\\_directory.php?letter=m](http://www.clcnsw.org.au/clc_directory.php?letter=m)

**Queensland:** [www.gails.org.au/01\\_directory/search.asp?action=search](http://www.gails.org.au/01_directory/search.asp?action=search)

**Victoria:** [www.fclc.org.au/centres.php?centre\\_type=2](http://www.fclc.org.au/centres.php?centre_type=2)

## APPENDIX 2: S 116 Australian Constitution

Apart from state and federal laws, Australia also has a Constitution. A Constitution is a document that protects some of our rights in Australia. One right that is protected in the Constitution is freedom of religion. Being protected by our Constitution means that the right to not be discriminated against based on religion has one of the highest protections available in Australia. There is also an Australian Human Rights Commission, which will receive any person's complaints if their rights have not been protected, including their right to freedom of religion.

## *APPENDIX 3: Children and Young Persons (Care and Protection) Act 1998 (NSW); Children, Youth and Families Act 2005 (VIC); Child Protection Act 1999 (QLD)*

In Australia the law says that parents need to provide children with things that are important for their health and wellbeing. This includes financial support, food, clothing, accommodation, healthcare and access to education. Whilst each state has a different law, if a parent fails to provide the necessities of life for their child, they may face punishment by any of state in Australia, no matter where they live. For example, you cannot leave a child where the child is at significant risk of harm. This could mean that child protection agencies, police and the courts might have to take the child make sure their right to safety is being protection. This may happen if children are left in a dangerous situation, or are not fed, clothed or provided with accommodation.

If you are a child experiencing harm or if you are working with a child experiencing harm, you can report it to:

**New South Wales:** Child Protection Helpline on **132 111**.

**Queensland:** Child Safety Services on **1300 682 254** (available Monday to Friday), or **1800 177 135** (24 hour contact service).

**Victoria:** Child Protection Crisis Line Tel on **131 278**.

## APPENDIX 4: *Crimes Act 1900* (NSW); *Crimes Act 1958* (VIC); *Criminal Code 1899* (QLD)

Every state law has acts or failures to act are illegal. Most of the offences such as a break and enter (when you break into and enter someone's property) or stealing goods (for example from a supermarket) are considered illegal in all states. Under all these laws there are also some specific protections given to children. For example in New South Wales, Victoria and Queensland the government prohibit any person to engage in sexual intercourse with children under the age of 16.

If you are a child who is involved in a criminal matter or working with a child involved in a criminal matter, the Children's Legal Service (CLS) of Legal Aid NSW helps with children and young people in court. If you need legal advice and are under 18 contact them on **1800 10 18 10**.

## APPENDIX 5: *Family Law Act 1975* (Cth)

This law aims to ensure that children have rights and are protected in the family unit. Parents are expected to care for their children and provide all that is necessary for them to grow. The law sets out the rights of the children and the responsibilities that the parents have to look after the children. If parents divorce, the court will try to make sure both parents contribute to the child's life in a beneficial way. However, the child also has the right to be protected from physical or mental harm.

If you have any questions regarding the responsibilities of parents looking after children, the child's legal rights or divorce, contact your local community legal centre for advice.

Another place to contact is legal aid. In each state legal aid provides a free telephone service that can help to give you information on a legal issue

**New South Wales: 1300 888 529**

**Queensland: 1300 651 188**

**Victoria: 1300 792 387**

## APPENDIX 6: *Australian Citizenship Act 2007* (Cth)

Federal law outlines the way people become Australian citizens, whether through birth, adoption or by applying to become one. Like any other person, a child may apply to become an Australian citizen. Citizenship can be stopped however in some circumstances. For example, being convicted of a serious offence is one way in which a person's citizenship may be cancelled.

## *APPENDIX 7: Birth, Deaths and Marriages Registration Act 1995 (NSW); Births, Deaths and Marriages Registration Act 1996 (VIC); Births, Deaths and Marriages Registration Act 2003 (QLD)*

All children born in Australia receive a birth certificate with the names of their parents. Under state law, the parents or persons who have custody are responsible for registering the birth of their child. In NSW and Victoria this must be done within 60 days of the birth.

It is important that you register a birth otherwise the child will not be able to have access to good resources like free or cheap health care.

**New South Wales:** Visit [www.service.nsw.gov.au/service-centre](http://www.service.nsw.gov.au/service-centre) and type in 'NSW Registry for Births, Deaths & Marriages' and your suburb to find the closest register

**Queensland:** Fill in your application for the certificate on this page: [www.qld.gov.au/law/births-deaths-marriages-and-divorces/birth-death-and-marriage-certificates/birth-certificates/fill-in-a-birth-certificate-application-form/](http://www.qld.gov.au/law/births-deaths-marriages-and-divorces/birth-death-and-marriage-certificates/birth-certificates/fill-in-a-birth-certificate-application-form/)

**Victoria:** Visit [www.bdm.vic.gov.au/home/births/register+a+birth/](http://www.bdm.vic.gov.au/home/births/register+a+birth/) for more details on the steps to complete to register a child's birth.

## APPENDIX 8: *National: Disability Discrimination Act 1992 (Cth); Disability Services Act 1986 (Cth); National Health Act 1953 (Cth); Disability Inclusion Act 2014 (NSW)*

Australian law protects people, including children, from discrimination based on disability and encourages equal opportunity and access for people with disabilities. National Discrimination and disability law covers areas such as employment, education, access to public places and accommodation. The Australian Government has also set standards that services for people with disabilities must meet. These cover peoples right to choice, privacy and for services to consider each persons individual needs. Centrelink provides payments to carers of children with disabilities to support them with caring for their child.

If you have been discriminated against, the first thing you can do is talk to the person and see if they will change. If you do not want to do this, this is also okay. One way to get legal information is to go to your local community legal centre.

For a list of community legal centres in your state, these websites have information on all the local community legal centres available:

**New South Wales:** [www.clcnsw.org.au/clc\\_directory.php?letter=m](http://www.clcnsw.org.au/clc_directory.php?letter=m)

**Queensland:** [www.qails.org.au/01\\_directory/search.asp?action=search](http://www.qails.org.au/01_directory/search.asp?action=search)

**Victoria:** [www.fclc.org.au/centres.php?centre\\_type=2](http://www.fclc.org.au/centres.php?centre_type=2)

## APPENDIX 9: *Education Act 1990 (NSW); Education and Training Reform Act 2006 (VIC); Queensland Education (General Provisions) Act 2006 (QLD)*

Each different State in Australia has their own laws for education and what age a child has to stay in school until. In NSW, a child must start school in Kindergarten when they turn five on or before the 31st of July in that year. Additionally, in New South Wales a child must be 17 years of age and have completed year 10 to complete school. In Victoria a child needs to be five years old by the 20th of April to start attending school, and a child must be in school by the time they turn six years of age. Additionally, in Victoria a child must be 17 years of age and have completed year 10 to complete school. In Queensland Children must be 5 by 30 June in the year they enrol to go to school and must be in school when they are 6 years and 6 months. It is compulsory in Queensland to send your child to school until they turn 16 or finish Year 10. If a parent does not send their child to school this is illegal and they will be given a fine or penalty by the government.

To find out more details about enrolling in school in your state visit:

**New South Wales:** [www.schools.nsw.edu.au/gotoschool/enrolment/index.php](http://www.schools.nsw.edu.au/gotoschool/enrolment/index.php)

**Queensland:** [www.qld.gov.au/education/schools/find/enrolment/pages/how-to.html](http://www.qld.gov.au/education/schools/find/enrolment/pages/how-to.html)

**Victoria:** [www.education.vic.gov.au/school/parents/primary/Pages/enrol.aspx](http://www.education.vic.gov.au/school/parents/primary/Pages/enrol.aspx)

## APPENDIX 10: *Australian Human Rights Commission Act 1986 (Cth)*

This law aims to give equal opportunity and eliminate discrimination based on race, the colour of your skin, whether you are male or female, what your religion or political opinion is, your nationality, your age, your criminal history, your marital or relationship status, your physical or mental health, disabilities and whether you are gay or lesbian. This law establishes a Human Rights and Equal Opportunity Commission.

If you have a human rights complaint and you think you have been discriminated against, you can call the Australian Human Rights Commission on **1300 656 419**.

*This Manual is part of a Training Kit which includes Three Booklets,*

Human Rights In Australia: An Introduction For Newly Arrived Refugee Families;  
The Rights Of Children In Australia; An Introduction For People Who Came To Australia As Refugees  
Women's Rights In Australia: An Introduction For People Who Came To Australia As Refugees,  
and an animated film of these materials.

The Booklets and animated film are available in in 9 languages: English, Arabic, Burmese, Dari, Farsi, Hazaragi,  
Karen, Kiswahili and Tamil.

All materials can be accessed and downloaded from:  
[www.arts.unsw.edu.au/research/forced-migration-research-network/resources/](http://www.arts.unsw.edu.au/research/forced-migration-research-network/resources/)