

Human Rights in Australia: An Introduction For Newly Arrived Refugee Families



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.



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.

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Why this book is needed

Refugees from many different communities have told us about their confusion over human rights in families in Australia. Instead of rights being seen as something good about life in Australia, some see rights as negative or as a problem for their family.

Some feel that women's rights are upsetting the balance of family life and are breaking up families.

Parents are happy that their children have rights to education and health, but some parents feel that, in Australia, children have "too many rights" and "rights without responsibility". Parents feel children's rights are taking away their role as parents, and allow children to leave their family and to lead bad lives.

"All of these rights we are getting here in Australia, I am very happy and proud, but there is problems with... family pressures and children's behaviour." (Community member)

"Solution 1: a family guidebook which clearly explain rights and responsibilities...It would help our society here." (Community member)

This book explains some of these rights and what they mean for families in Australia.

At the back of this book you will find summaries of the Universal Declaration of Human Rights,

the Convention on the Rights of the Child, and the Convention on the Elimination of All Forms of Discrimination against Women and to relevant Australian Legislation. There are references to these Human Rights Conventions throughout the Booklet.

In Australian society and law, all men and women have equal rights. This means that they have equal rights within families, the right to make choices in all areas of their lives, the right to have their own money and goods, the right to marry who they choose and the right not to stay with someone who is harming them. They also have the responsibility to care for their family members, and to not harm anyone by their actions.

Children and young people also have rights, to a secure life, to be happy and secure with their parents, not to have to work and to have time for fun. They also have responsibilities to obey the law. They can also contribute to the family by participating in household tasks and if they are receiving Centrelink payments, by contributing to the rent, food and household costs.

Sadly if people do not seek help, it can end up with wives and husbands fighting and even separating, and children running away from home. Sometimes the police and other authorities can be involved and this causes great pain for everyone.



If there is disagreement in the family about these things, which cannot be solved by discussion, then you should seek help from the AMES Australia, migrant information centres, other service providers or from someone you trust in the Australian community. There are some suggestions about where you might go if you need help about some of the things discussed in this book on page 46, but it is important that if you are having problems you seek assistance from someone who can help you with the correct information.

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/





An outline map of Australia is centered on a solid green background. The map shows the continent's irregular shape, including the southern coastline and the island of Tasmania. The text "Your Rights in Australia" is overlaid in white, bold font in the center of the map.

Your Rights in Australia

'The right for all people to live with dignity and respect'



References to Human Rights Documents:
UDHR Preamble, Art.22; CEDAW Art.5; CROC Art. 23, 40.

In Australia, this means

That every person is entitled to be treated with respect by all other people.

It means that we can all live our lives in dignity, and feel proud of who we are and what we are.

It means that husbands and wives should respect each other. That children should respect their parents, and that parents respect the rights of their children.

Australians who have been here for a long time must treat newcomers with respect and allow them to live their lives with dignity.

Newcomers must respect the Australian law and way of life and work to balance new rights with old customs.

This can be very difficult and we all have to make sure that we have enough information about each other's lives and cultures to make this happen.

References to Australian Domestic Law:
Australian Human Rights Commission Act 1986 (Cth) (see appendix 1).

'All people are free and equal
and have the right to be free from discrimination'



References to Human Rights Documents:
UDHR Art. 1,2,4,7; CEDAW Art.1,2,3,5; CROC Art. 2, 37.

In Australia, this means

That wherever a person is from, they are entitled to the same rights as all others in Australia.

It means that women and men have equal rights in Australia. Men and women are equal in families and cannot be forced to do things they do not want to do.

It means that people are free to dress as they wish, to meet with other people and to go out when they want to, as long as they neither break the law nor hurt another person.

If anyone tries to stop people doing these things he or she can be reported to the police and action might be taken against them. This can cause misunderstandings for families who have come from cultures which have different ways of doing things. It is important that if these changes are confusing or causing conflict in the family, that you seek help from someone you trust before it becomes a big problem. Your local Humanitarian Settlement Services (HSS) provider, Migrant Resources Centres (MRCs), Refugee Health Centres, or your local Community Centre will be able to assist you find help.

References to Australian Domestic Law:

National: Australian Human Rights Commission Act 1986 (Cth); Racial Discrimination Act 1975 (Cth) (see appendix 2);

New South Wales: Anti Discrimination Act 1977 (NSW) (see appendix 2),

Victoria: Equal Opportunity Act 1995 (Vic) (see appendix 2),

Queensland: Anti-Discrimination Act 1991 (Qld) (see appendix two).

'All people from all countries, cultures,
political beliefs and religions have equal rights'



References to Human Rights Documents:
UDHR Art. 1, 2, 4, 7; CEDAW Art.1, 2, 3, 5; CROC Art. 2, 37.

In Australia, this means

That racism and discrimination are against the law in Australia. No one should call you racist names, make negative comments about your dress, your culture, your religion or the colour of your skin.

If this happens to you or your children at school, you should talk to the teachers, the school counsellor or the school principal.

If it happens at work you can complain to a manager. You can report people who make racist comments or actions to the police.

You can call the Australia's Human Rights Commission to make a complaint on 1800 620 241. They will investigate your complaint and help you find a solution. You can make your complaint in any language and they provide interpreter services free of charge. Visit www.humanrights.gov.au.

Australian law should protect every person from being discriminated against. There is information about your rights at www.humanrights.gov.au/sites/default/files/GPGB_quick_guide_to_discrimination_laws_0.pdf

References to Australian Domestic Law:

National: Australian Human Rights Commission Act 1986 (Cth); Racial Discrimination Act 1975 (Cth)

New South Wales: Anti Discrimination Act 1977 (NSW)

Victoria: Equal Opportunity Act 1995 (Vic)

Queensland: Anti-Discrimination Act 1991 (Qld)

'The right to be safe and protected and to feel secure'



References to Human Rights Documents:
UDHR Art. 3, 6, 7, 12; CROC 11, 19, 20, 22, 32, 36.

In Australia, this means

That everyone in Australia has a right to feel safe and to be safe, in their homes, at school, at work or in public places.

Australian police are there to protect and respond to everyone in Australia.

Teachers in schools should make sure that the children are safe.

If you have a problem with neighbours or other people in the community, you should talk to someone you can trust and seek help.

If you feel unsafe or unprotected you can

- talk to your family, a teacher, or a friend you trust
- ask for help from your settlement support service, community centre, or migrant information service
- visit your police station and speak to a police officer
- contact a support service – some contact details are at the end of this book. Your settlement support worker or migrant information service can also give you advice.

If you cannot speak English you can get help from your local Humanitarian Settlement Services (HSS) provider, Migrant Resources Centres (MRCs), Refugee Health Centres, or your local Community Centre.

'All people have the right to be free from violence and sexual abuse and free from the fear of violence and sexual abuse'



References to Human Rights Documents:
UDHR Art. 5, 16; CEDAW Art. 6, 16; CROC 19, 33-39.

In Australia, this means

That all forms of violence and sexual abuse towards men, women or children are against the law. No-one in Australia should live in fear of violence or sexual abuse.

Women and girls cannot be beaten or raped either by strangers or by family members, including in their own homes.

Women have the right to choose their own marriage partners. Wives are allowed to say no to sex with their husbands without being punished.

Children must not be beaten or severely punished.

These rights cause problems in some communities. There are special services to help families to adapt to changes in the ways that families work. There are services for women and men who have suffered from violence, and specialist services for children who are abused.

Newly arrived families need to learn about these changes and discuss how their communities can adapt to Australian laws, while also keeping their culture strong.

References to Australian Domestic Law:

Crimes Act 1900 (Cth) (see appendix 3); Crimes (Domestic and Personal Violence) Act 2007 (Cth) (see appendix 4); Marriage Act 1961 (Cth) (see appendix 5).

'All people have the right to freedom of movement,
to go out by themselves and to be part of the community'



References to Human Rights Documents:
UDHR Art. 9, 13, 24; CEDAW Art. 15; CROC Art. 10, 31.

In Australia, this means

That newly arrived refugees have the right to travel wherever they want to in Australia.

It means that women or children cannot be locked in or detained in their homes.

Women and men are permitted to travel independently and freely as they choose.

Safe childcare is needed for children if their parents have to go out - children cannot be locked in the home or left alone without their parents, even if this seems like a safe choice: it is against the law.

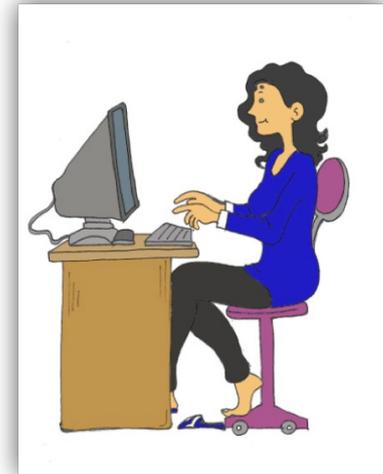
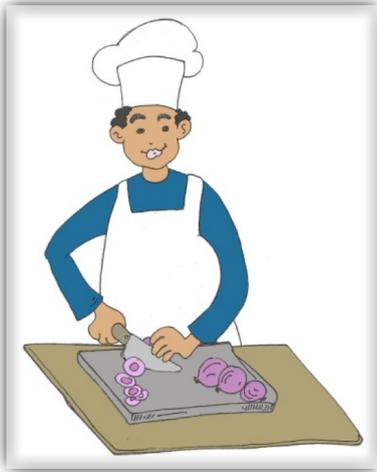
Women and men can socialise with other women or men as they choose.

If any of these laws are broken, the police will become involved. If the matter is serious it could end up in court. This has very bad effects on families and communities.

If people are having problems adapting to these laws they must talk to someone who can help. Families should not break up because of a lack of communication.

Child protection laws in Australia vary from state to state, so to understand the specific laws that apply to your family you must find out about your state's law.

'All people have the right to work and to earn money'



References to Human Rights Documents:
UDHR Art. 22, 23, 25; CEDAW Art. 11, 13; CROC Art. 26, 27.

In Australia, this means

That everyone who is able to, has the right to work.

Men and women both have the right to work.

To help people fulfil this right the government provides services to help people find a job or to develop a small business. You can ask your settlement support service or migrant information centre about these services.

Even with this support it often takes a long time to find work, especially for new arrivals who have not yet gained local skills and experience.

Not being able to get a job is very hard for families, especially for men who want to work hard to provide for their families.

It can cause many family tensions. It will need patience and understanding from all family members.

References to Australian Domestic Law:

National: Australian Human Rights Commission Act 1986 (Cth); Racial Discrimination Act 1975 (Cth);

New South Wales: Anti Discrimination Act 1977 (NSW),

Victoria: Equal Opportunity Act 1995 (Vic),

Queensland: Anti-Discrimination Act 1991 (Qld).

'All people have the right to fair work conditions'



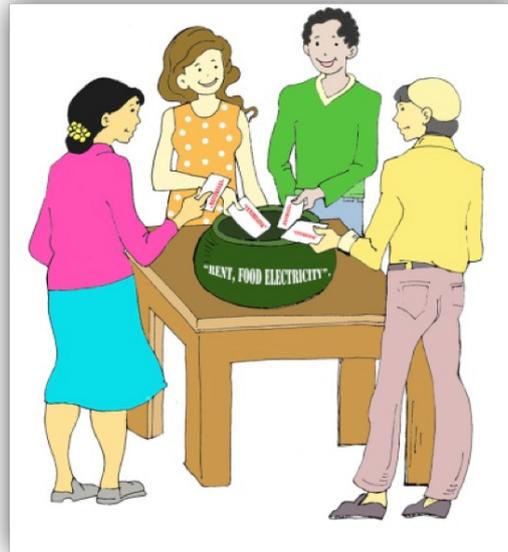
In Australia, this means

Everyone has rights they are entitled to at work. These are rights you have regardless of race, religion, ethnicity, gender or sexuality.

There are minimum wages that you must be paid. This means that your employer must pay you a certain amount and you have the right to a fair amount. This wage changes based on your age. If you are sixteen you will be paid less than someone who is twenty for example.

In addition, there are also other protections at work such as the right to not be harassed, the right to not be bullied and the right to use safe equipment to do tasks.

'All people have the right to an equal standard of living, to which they all contribute'



References to Human Rights Documents:
UDHR Art. 22, 23, 25; CEDAW Art. 11, 13; CROC Art. 26, 27.

In Australia, this means

That if people cannot find work, they have a right to receive an income through Centrelink for as long as they need to.

Men, women and children over 16 will each receive a portion of the Centrelink family income. This money is to support the whole family. Each member who is receiving income from Centrelink has the responsibility to contribute to the rent, food and other expenses.

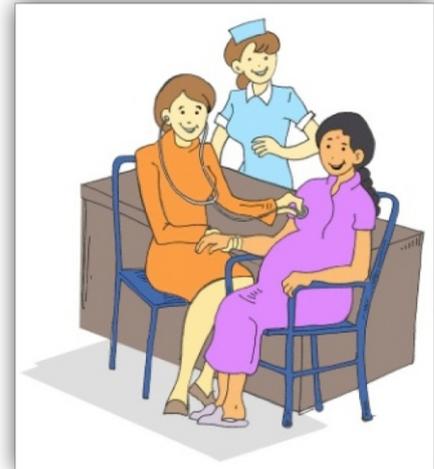
Children receiving Centrelink payments are as equally responsible as their parents to contribute to family expenses. Some children do not understand this and spend all their money on themselves. This causes great problems for some families.

Some men are not used to their wives receiving money and feel it means they are not looking after their family properly. This can also cause conflict if the husband is used to managing money in the family.

If managing the Centrelink payment is causing problems in the family, it is important to seek help to avoid family conflict and financial troubles from your local Humanitarian Settlement Services (HSS) provider, Migrant Resources Centres (MRCs), Refugee Health Centres, or your local Community Centre.

If you want to call Centrelink with a translator call 131 202.

'All people have the right to a healthy and happy life and the right to good health services'



In Australia, this means

That everyone living in Australia has the right to good health care.

This includes women's reproductive health care, mental health services and counselling for people who are stressed, depressed or who have mental illness.

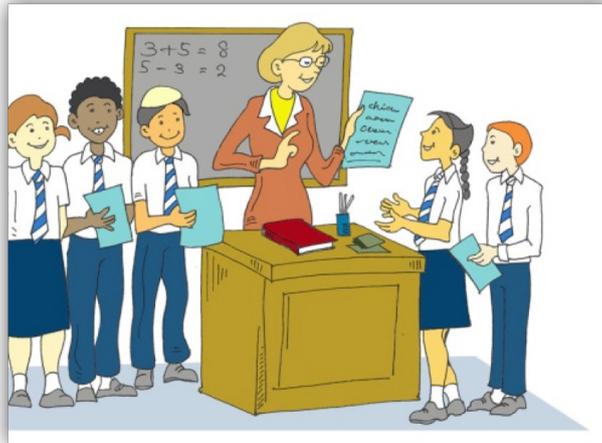
Special health care services are available for refugees who are struggling to cope with the horror of what happened to them before they came to Australia.

Children have the right to specialist health care from the moment they are born.

Counselling to assist families is also an important part of health and wellbeing.

Newly arrived refugees should receive assistance to make sure that they get all of the health care they need. There are special interpreters for health services. If you think that you are not getting the health care services which are your rights, contact your local Humanitarian Settlement Services (HSS) provider, Migrant Resources Centres (MRCs), Refugee Health Centres, or your local Community Centre.

'All people have the right to education'



References to Human Rights Documents:
UDHR Art. 26; CEDAW Art. 10; CROC Art. 17, 28-30, 32.

In Australia, this means

Education is a right for all people in Australia.

Girls and boys, men and women are treated equally in the education system.

They all have an equal right to go to school, to TAFE and to University.

Girls have the same rights as boys to family support if they wish to apply for scholarships to do higher study.

Women and men both have the right to study for a career.

There are services available to assist new arrivals to access the rights to education, from your local Humanitarian Settlement Services (HSS) provider, Migrant Resources Centres (MRCs), Refugee Health Centres, or your local Community Centre.

References to Australian Domestic Law:

NSW: Education Act 1900 (NSW) (see appendix 6)

Victoria: Education and Training Reform Act 2006 (Vic) (see appendix 6).

Queensland: Education (General Provisions) Act 2006 (Qld) (see appendix 6).

‘All children have the right to relax and play, and not to do work which affects their health or education’



References to Human Rights Documents:
UDHR Art. 9, 13, 24; CEDAW Art. 15; CROC Art 10, 31.

In Australia, this means

That children can socialise with other children as part of their development and learning experience during childhood. They have the right not to have to act as interpreters for their parents, and not to have to earn money for the family.

In Australia the laws which protect children's rights are very strict.

Children have to be cared for at all times. They cannot be beaten by their parents or any other person.

Some of the punishments which were culturally acceptable in home countries are against the law here.

Sometimes children do not understand what this means. They think it means that their parents are not allowed to discipline them. This is not true, and if problems happen between parents and children because of a misunderstanding of children's rights, it is important to seek help from a counsellor.

References to Australian Domestic Law:

National: Family Law Act 1975 (Cth) (see appendix 7).

NSW: Children and Young Persons (Care and Protection) Act 1998 (NSW) (see appendix 8).

Victoria: Children, Youth and Families Act 2005 (Vic) (see appendix 8).

Queensland: Child Protection Act 1999 (Qld) (see appendix 8).

'All people have the right to take part in decision making about their own lives and those of their family members'



References to Human Rights Documents:
UDHR Art. 9, 13, 24; CEDAW Art. 15; CROC Art 10, 31.

In Australia, this means

That a very important right is the right of everyone to be able to make decisions about their own lives.

This means that once we are citizens we can vote in elections. We can take part in meetings at our children's schools. We can join trade unions.

This can be difficult for new arrivals because of language problems. Interpreters should be available to help through the AMES Australia, your local Humanitarian Settlement Services (HSS), or Migrant Resources Centre (MRC).

In the home, women have the right to work with their husbands, to make decisions about all aspects of family life, such as where they want to live, and how to use the family income.

While the children are young, parents make important decisions such as where they should go to school.

As children get older, their opinions can be taken into account.

If this is different from the way things were done in the home country it can cause family problems. It is important to seek help if this happens.

References to Australian Domestic Law:
Commonwealth Electoral Act 1918 (Cth) (see appendix 9).

'All people have the right to freedom of speech, to mix with the people they like, as long as it does no harm to anyone else'



References to Human Rights Documents:
UDHR Art. 18-20; CEDAW Art. 3, 5; CROC Art. 13-15.

In Australia, this means

That we all, including children, have the right to make choices about a number of important things in our lives, and the law will protect our choices. This includes:

Our religion and how we choose to worship;

Our political opinions and the groups which we belong to;

Our culture and how we choose to express it;

Our sexuality; and

Our freedom to speak publicly and to write about our choices.

It is important to remember that the *Universal Declaration of Human Rights* does say that we can only do this as long as we are not hurting anyone else by doing so.

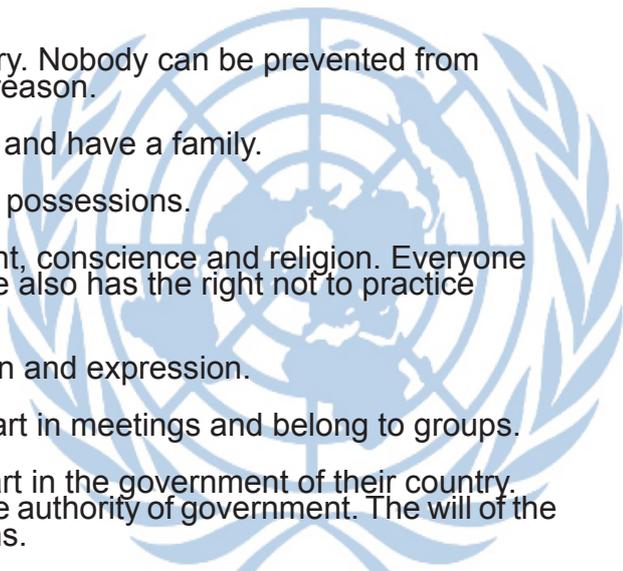
References to Australian Domestic Law:

Australian Human Rights Commission Act 1986 (Cth); S 116 Australian Constitution (see appendix 10).

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.

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

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/

- Australian Childhood Foundation provides information for families about Children and Young People affected by abuse.
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/

Family

- Lifeline provides counselling and crisis support on the telephone 13 11 14 available anytime day or night.
www.lifeline.org.au/
- Family Relationships Advice Line
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

Queensland: www.qails.org.au/01_directory/search.asp?action=search

Victoria: www.fclc.org.au/centres.php?centre_type=2

If you are under 18 you are considered a child in Australian law. If you feel like you have been discriminated at school or not treated correctly, the National Children's and Youth Law Centre offers a free email service. You can email any questions you have to them and they will inform you of your rights. www.lawstuff.org.au/lawmail

APPENDIX I: *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 Human Rights Commission on **1300 656 419**.

APPENDIX 2: 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.clcsw.org.au/clc_directory.php?letter=m

Queensland: www.qails.org.au/01_directory/search.asp?action=search

Victoria: www.fclc.org.au/centres.php?centre_type=2

APPENDIX 3: *Crimes Act 1900* (NSW)

The Government aims to eliminate and criminalise sexual assault. Sex needs to be between two consenting parties. This Crimes Act defines “consents” as “sexual intercourse where the person freely and voluntarily agrees to the sexual intercourse”. If one of the parties doesn’t consent to the sex, the other is committing a crime in Australia and will be punished. Someone cannot consent if they are too young, mentally unstable, intoxicated, unconscious or sleeping. Consent is also still needed between two partners who are married. If there is not consent to the sex in a marriage, this will be considered marital rape in Australia.

If you are being sexually assaulted or know someone who has been sexually assaulted, the free helplines available to you are:

New South Wales: NSW Rape Crisis **1800 737 732**

Queensland: Queensland Sexual Assault Services **1800 010 120**

Victoria: Centre Against Sexual Assault **1800 806 292**

APPENDIX 4: *Crimes (Domestic and Personal Violence) Act 2007* (Cth)

The law intends to protect women by eliminating domestic violence in Australia. This includes offering safety and protection of all people in Australia, including children, who experience or have to see domestic violence. Courts are now able to take out apprehended domestic violence orders (ADVOs) which aim to protect people from domestic violence, intimidation (including harassment) and stalking. The government recognises that domestic violence is unacceptable behaviour and needs an appropriate response from the police and legal system.

If you have been hurt or your partner is violent contact the police. Women and children have the right to be safe in their home. The police can try and stop the partner from harming you, or get him to leave the home.

If you are being hurt or know someone who is being hurt you can call for free:

New South Wales: Domestic Violence Line **1800 656 463**

Victoria: InTouch Multicultural Centre Against Family Violence **1800 755 988**

Queensland: Domestic Violence Hotline Queensland **1800 811 811**

APPENDIX 5: *Marriage Act 1961* (Cth)

The law defines marriage as “the union of a man and a woman to the exclusion of all others, voluntarily entered into for life”. This means that in Australia you are only allowed to marry one person at a time, otherwise the second marriage will be illegal under Australian law. Marriage in Australia cannot be forced - women and men have the freedom to choose who they wish to marry if they are 18 years or older. However, this Act also means that people in same-sex relationships cannot legally marry in Australia.

If you are not happy in your marriage, you have the right to get a divorce from your husband or wife. No one has to be at fault.

If you want more information on getting a divorce or relationship questions, you can call the Family Relationships Advice Line for free on **1800 050 321**.

APPENDIX 6: 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 New South Wales, a child must be enrolled in school by their sixth birthday. 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

Queensland: www.qld.gov.au/education/schools/find/enrolment/pages/how-to.html

Victoria: www.education.vic.gov.au/school/parents/primary/Pages/enrol.aspx

APPENDIX 7: *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 8: 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 protected. 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.

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 9: *Commonwealth Electoral Act 1918* (Cth)

In Australia everyone has the right to vote if they are over eighteen and are an Australian citizen. You are not stopped from voting on the basis of your gender, sexual orientation, where you live or your race. Everyone is expected to vote and must enrol online. For more details on how to enrol go to www.aec.gov.au/enrol/

APPENDIX 10: 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.

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/