



COMMONWEALTH OF AUSTRALIA

# SENATE

## Hansard

**MONDAY, 16 OCTOBER 2006**

### CORRECTIONS

This is a **PROOF ISSUE**. Suggested corrections for the Official Hansard and Bound Volumes should be lodged in writing with the Director, Chambers, Department of Parliamentary Services **as soon as possible but not later than:**

**Monday, 23 October 2006**

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BY AUTHORITY OF THE SENATE

# PROOF

In part, this is because many independent contractor owner drivers work to only one principal and, as a result, are fully dependent on them for their work volume.

This is coupled with the fact that owner drivers often operate within very tight business margins, a problem caused primarily by the large loans they take out to pay for their vehicles.

Given that I am about to run out of time, I seek leave to incorporate the remainder of my speech in *Hansard*. I have also sought permission to table the three press releases to which I am referring.

Leave granted.

*The speech read as follows—*

Financing these loans requires a steady income source and, therefore, steady work.

Accordingly, the Bill will not override protections for owner drivers in New South Wales and Victoria (the only two States with such legislation).

The Government believes that special protections applying to owner drivers in NSW and Victoria should not be disturbed at this stage."

In a similar vein, the Member for Hughes wrote to Mr Clarence Gibbs, another owner driver, on 18 August 2006 forwarding him a copy of a letter from Minister Andrews stating that:

"Owner drivers arrangements in New South Wales have been historically recognised by both Liberal and Labor State Governments.

In part, this is because many independent contractor owner drivers work to only one principal and, as a result, are fully dependent on them for their work volume.

This is coupled with the fact that owner drivers often operate within very tight business margins, a problem caused primarily by the large loans they take out to pay for their vehicles.

Financing these loans requires a steady income source and, therefore, steady work.

Accordingly, the legislation will not override protections for owner drivers in New South Wales and Victoria, the only two States with such legislation."

#### Child Abuse

**Senator MURRAY** (Western Australia) (10.06 pm)—Good evening, Mr President.

**The PRESIDENT**—Good evening to you.

**Senator MURRAY**—Many know of my long campaign against child abuse. This campaign has included getting up and membership of two Senate inquiries. Although these have been completed, my office continues to be regularly contacted with requests for support and assistance or to be aware of particular problems. One such contact motivated me to again raise the issue of child sexual assault and abuse in a different context than those I have spoken on before. Over the past few decades, a number of national and state or territory based inquiry reports have revealed both historical and contemporary problems of child protection. These have led to efforts to create a safer world for children. They include mandatory reporting legislation,

school programs, reforms to the justice system and greater vigilance and awareness.

However, there is one group of children that has so far largely slipped through the awareness net. They are young people who stay in other people's homes on student exchange trips. While most students undoubtedly return home with fun memories of overseas stays, there are some who have suffered life-changing experiences of a different kind. To date there has been little Australian research into the experiences of exchange students apart from that carried out by emeritus professor Frieda Briggs of South Australia. She is a prominent anti-child abuse researcher and activist who is the recipient of many awards, including the Order of Australia last year. She points out that exchange students are vulnerable because of the sheer size of the industry and because of a reluctance to make adequate home inspections and to subject hosts and coordinators to prudential and criminal checks. To give some idea of the size of the student exchange industry, I am informed that some 1,450 different agencies facilitate the entry of more than 275,000 student exchange participants to the United States each year.

This figure does not include those organisations that remain outside government influence. There are agencies that accept more students than there are beds and resort to unethical methods to place them. With these agencies, in some places supermarket vouchers have been known to be presented as prizes to new hosts and emotional appeals made via the media, misusing students' photographs and personal details. Apparently posters have even been found on bus stops, on lamp-posts and in letterboxes bearing phrases such as 'Will you take me into your home?' I have no way of verifying negative reports, but stories of some children from some exchange countries apparently even ending up sleeping in hammocks in American garages, paying for their own food because the host family is poor and, in the worst cases, being exposed to unacceptable environments including pornography, alcohol and drug abuse must make us determined to require Australian organisations to ensure maximum integrity in their placement systems.

Fortunately most children do get safely through childhood, but some come to harm because they are in the wrong place at the wrong time. It is worse when they come to harm because they have been put in harm's way. We know paedophiles are attracted where children are vulnerable, so it is not surprising to hear that occasionally, instead of caring families awaiting their children, some students have been placed with sex offenders in Europe, Thailand, India, South Africa, Canada and the United States.

The reality of bad placements was confirmed by Chief Superintendent Chris Gould in the United Kingdom in a groundbreaking 1998 study. He found that

2,000 exchange students from around the world had been abused in the United Kingdom. He estimated that four to six per cent of exchange students suffer abuse of some sort. This becomes a huge figure when in Europe alone there are 6 million exchanges each year, meaning about a quarter of a million bad experiences. Chief Superintendent Gould stated: 'Victims are invariably middle-class, well-protected youngsters whose parents wouldn't dream of allowing them to sleep in the homes of strangers in the neighbourhood but send them across the world to countries with different languages, cultures and values, trusting entirely in Rotary, the school or another organisation.'

One report was that an American girl overseas was forced by her rapist host to have an abortion before she returned home, and that two boys were threatened with civil action for defamation if they reported their abuse to the police. They were instructed to sign a statement that the breakdown of their placements was due to their own bad behaviour. If victims report assaults in their host countries, assistance is not always available. In such cases they can be denied the opportunity to contact parents, and as passports and tickets are routinely removed by agencies, they are effectively prevented from returning home at a time of their choosing. Additionally, when sexual assaults in overseas countries have been reported here in Australia, are our police interested or able to pursue and prosecute offenders abroad?

Some Australian former students are still in counselling or psychiatric treatment years after reporting offences. Some have found that offenders were allowed to accept other students, and retained their student exchange organisational membership. Problems came to public notice in the late 1990s, when four South Australians revealed what had happened to them. One, now a senior public servant, told of how as a teenager she had been sexually assaulted by her 40-year-old Rotary student exchange coordinator. She was forced not to tell anyone throughout her entire year spent in the United States. She had been waiting for 20 years for an apology from those Rotarians. The ABC covered this case and, on being contacted, the alleged offender bragged how his Rotary club had believed him and not the victim. Does that sound familiar?

After running this story, more Rotary and Southern Cross victims came forward. One adult survivor told of how, as a 16-year-old farm girl, she and her family were ecstatic about her being chosen to go to South Africa. Once there, and after addressing a Rotary gathering, she was raped in her host's car on the way back to his house. This event has shattered her life since. In 2004, ABC's *Stateline* in South Australia reported that one in 20—five per cent—of exchange students are abused. It is good, of course, that most are not.

Typically, as with churches, charities and agencies caught out failing in their duty of care with institutionalised children, some organisations involved in student exchanges have accused the victims of lying, of being ungrateful and of being poor ambassadors for their country. They have been quick to employ public relations experts to manage the adverse publicity and lawyers to shield them from liability. It is pleasing to learn that Rotary has recognised the dangers and is assisting Professor Briggs to carry out research into the experiences of exchange students and to formulate a child protection policy and regulations for Rotary to implement.

However, it is not so pleasing to learn that this issue has not been considered serious enough to yet warrant official examination. Back in 2001, a victim requested the Senate conduct an inquiry into the abuse of exchange students, but nothing resulted. The issue was also raised in the context of the inquiry into crime in the community, conducted by the House Standing Committee on Legal and Constitutional Affairs in 2002, but nothing transpired. The Department of Foreign Affairs and Trade has been asked in writing to include student exchange risks on its website. Again, no action has been taken. Professor Briggs wrote to Minister Brendan Nelson when he was minister for education, requesting that student exchanges be included in his National Safe Schools Framework, which is now a condition of federal schools funding—and rightly so. But no action was taken. One familiar reason given for these inactions is that child protection is a state's responsibility. Disappointingly, the abuse of a minority of Australian exchange students is not regarded as sufficiently important, or of a sufficient scale, to yet justify federal reaction.

Other countries, however, have taken action. In 2004, the Ministry of Education in New Zealand funded research into the experiences of overseas students following information that Asian students were being terrorised and robbed. And in 2005, the state department in the United States announced it was creating new and tough regulations to provide better protection for visiting children. The federal government here should show leadership too, to ensure that the states and territories take these matters seriously. And, of course, the federal government should do what it can itself. We know that child protection is needed wherever some children may be at risk. Just as in recent years the abuse spotlight has been on churches, schools and other care organisations, and on the failure of governments to react in time, any exchange student abuse will be targeted by the media. It is better to be prepared than not.