



COMMONWEALTH OF AUSTRALIA

JOINT STANDING COMMITTEE ON TREATIES

Reference: UN Convention on the Rights of the Child

CANBERRA

Thursday, 28, May 1998

OFFICIAL HANSARD REPORT

CANBERRA

JOINT STANDING COMMITTEE ON TREATIES

Members:

Mr Taylor (Chairman)

Senator Abetz	Mr Adams
Senator Bourne	Mr Bartlett
Senator Coonan	Mr Laurie Ferguson
Senator Cooney	Mr Halverson
Senator Murphy	Mr Hardgrave
Senator O'Chee	Ms Jeanes
Senator Reynolds	Mr McClelland
	Mr McGauran

For inquiry into and report on:

1. the domestic ramifications of Australia having ratified the Convention;
2. Federal and State progress in complying with the Convention;
3. the difficulties and concerns arising from implementation in its current form;
4. possible inconsistencies between domestic jurisdictions and the need for agreed national standards;
5. the need for a mechanism to promote, monitor and report publicly on compliance and to implement public consultation processes;
6. the adequacy of the administrative, legislative and legal infrastructure in addressing the needs of children;
7. the adequacy of programs and services of special importance to children; and
8. any further action required in relation to the Convention.

WITNESSES

**McCLAY, Hon. Roger Neville, Commissioner for Children, Office of the
Commissioner for Children, 39 Pipitea Street, Thorndon, Wellington,
New Zealand 1600**

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Present

Mr Taylor (Chairman)

Senator Abetz

Mr Adams

Senator Reynolds

Mr Bartlett

Mr Laurie Ferguson

Mr Halverson

Mr Hardgrave

Ms Jeanes

Mr McClelland

Committee met at 8.07 a.m.

Mr Taylor took the chair.

McCLAY, Hon. Roger Neville, Commissioner for Children, Office of the Commissioner for Children, 39 Pipitea Street, Thorndon, Wellington, New Zealand

CHAIRMAN—On behalf of the committee, I extend a very warm welcome to you and your unpaid wife. It is nice to be able to bring somebody along if it does not cost you anything. This is the second largest joint committee of the parliament. It is the most recent and, we would like to think, the most effective. Already we have made a mark, and I think we will continue to make a mark.

In terms of the Convention on the Rights of the Child, this committee normally deals with treaties, protocols, conventions or whatever between the first signature of moral intent and the second ratifying signature of legal intent. This situation is a bit unusual—the Convention on the Rights of the Child—in that we are under the joint resolution of both Houses. We are entitled to look at all extant treaties, and we have about 1,000 of those—bilateral and multilateral. We decided the Christmas before last that we would have an exploratory paper on the Convention on the Rights of the Child, which bounced around in this country in 1988-89 prior to the 1990 ratification. We thought that we would test the water to see what had happened since that ratification which, of course, was done without any parliamentary involvement and with very little involvement of the general population. A general paper was written and this committee agreed unanimously to review it. I have to say that, subsequently, we realised we had opened a Pandora's box. Over and over again up came the rights of children vis-a-vis the rights and responsibilities of parents; in particular, articles 12 to 16, which are the ones that seem to bounce around more than anything else.

In the hearings that we have had right around Australia so far—and we are in the latter stages of preparing the report—we have found that the emotional reaction still exists. The suggestions that have been made vary from commissioners for children, to officers of children in the Prime Minister's office, to officers in each state and territory, et cetera.

So we thought it was appropriate that we invited the New Zealand commissioner to come across. We have heard evidence from the Queensland commissioner, and we will talk about that in the evidence, but unfortunately the untimely death of your predecessor put us back a little. We are delighted to have you here this morning and delighted to host you, and I am sure we will get a productive hour and a quarter's worth of evidence.

I will just introduce those committee members who are here. Starting on my left is Senator Eric Abetz, a government senator from Tasmania; Susan Jeanes, a government member from South Australia; Kerry Bartlett, a government member from New South Wales; and Rob McClelland, my deputy and an opposition member from New South Wales. On my right is Bob Halverson, who until recently was the Speaker. This is his first meeting and I formally welcome Bob to the committee.

Committee members—Hear, hear!

CHAIRMAN—We are delighted to have you on board for the balance of this parliament. Bob is a government member from Victoria. Continuing, we have Gary Hardgrave, a government member from Queensland; Dick Adams, an opposition member from Tasmania; and the last fellow who just walked in is Laurie Ferguson, an opposition member from New South Wales. It is a 14-member committee, so we have got quite a good turn-up here this morning. That is indicative of the issue that we are about to discuss, which is a very important one. I understand you want to make an opening statement and we would be delighted to hear what you have to say.

Mr McClay—Mr Chairman, thank you very much. I am very grateful for your hospitality and generosity in getting me and my wife across to meet with your committee. I have been looking forward to it. I am a little nervous. I come from 15 years of sitting on the other side of the table and thinking, ‘Who the hell is this guy and what does he think he knows? I’ll ask him some curly ones.’ But it is a privilege to be here as the New Zealand Commissioner for Children, and my wife, Dawn, is certainly unpaid today on this exercise. She is just going to perhaps highlight some of the things that I want to mention to you.

I did not expect that at eight o’clock you would have so many members of your committee here, but I have about 10 copies of the things I wanted to share with you and I can give you those. If you want those now, that is fine, or I will distribute them later.

Mr McCLELLAND—If I can interject there, Bill is an ex-naval officer, so when he says, ‘Be here,’ we all turn up.

Mr McClay—As some of you will know, the Office of the Commissioner for Children was established in New Zealand in 1989, and that was prior to New Zealand ratifying the convention. I am privileged to be the third commissioner appointed since then. As the chairman has mentioned, my predecessor, a good friend of mine, Laurie O’Reilly, sadly died earlier this year in January and I have been appointed to the position for six months. I am keen that I might be considered to be suitable to be there in the long term, but that is a decision for your political cousins in New Zealand to make.

The act that created the position of the Commissioner for Children was the Children, Young Persons and their Families Act 1989. It was a piece of legislation that I had been involved in with colleagues for about 10 years through changes of government and so on. Finally, we came up with a piece of legislation that was quite wide ranging, with a lot of new innovations in terms of how we catered for children and the practices and policies that related to children and young persons up to the age of 17 in New Zealand. It has been, I think, internationally recognised as quite a model of empowerment for young people. It was quite a philosophical change. It is one that advocates minimal intervention by the state, and it also highlights paramountcy—the principle of paramountcy for the child.

The act has four main principles: to advance the wellbeing of families and of children as members of those families; to provide for families to be assisted in caring for their children—at that time there were nearly 8,000 children not living with families, living away somewhere else, in a social welfare home, if you like, either because they were in need of care and protection or there was a youth justice issue; so the emphasis changed to make it much more a family responsibility—and also to provide for children who are in particular need of, as I said, care and protection and for those who have offended against the law to have their issues resolved wherever possible by and with the family.

Of course, most importantly for me in this role, there has been the creation and appointment of a Commissioner for Children. There are a number of specified functions and powers of a Commissioner for Children. I have brought a lot of material with me for those of you who want to have a closer look at the legislation and the sections that are relevant from that piece of legislation. I have also been given such powers as are reasonably necessary or expedient to enable the commissioner to carry out the commissioner's functions.

CHAIRMAN—If I could just interrupt you, this is Senator Margaret Reynolds, who is an opposition senator from Queensland.

Mr McClay—As to the role of the commissioner, there are really essentially two principal classes of activity that my office is required to get involved in. One is monitoring and reviewing the Children, Young Persons and Their Families Act and the other is promoting the welfare and interests of children and young persons.

We act in the interests of children really at three levels: investigating individual complaints—and, my goodness, there are plenty of them; they come in all day, every day, from all over the place. There are not many from children themselves; they are particularly from parents and child advocates and those who are concerned about something that has gone wrong somewhere in the system.

The second is acting on an issue that might be identified as very significant from the volume of complaints that we get. If we are getting many, many complaints from one part of the country about a breakdown in the system by the Department of Social Welfare, it usually will mean there is a problem there. It might be to do with resourcing or some particular issue about which we could then say, 'Well, we had better have a closer look at this and make some recommendations.' The third is advocacy to benefit children collectively. It might be by education initiatives; it might be society awareness of children's rights; promoting structures and processes and policies that might enhance those rights.

Other activities include coordinating and consulting with the state and coordinating and consulting with private agencies to get safe processes and policies for children. We publish regularly a newsletter called *Children*. It invites academic responses and it invites

general discussion highlighting issues. We get into trouble sometimes because things are written in it that some people do not like. It generally pushes issues and pushes the boundaries, and gets discussion and awareness going.

We promote research. A recent one that we have become involved in arose from the late Laurie O'Reilly's concerns with respect to what he saw as New Zealand almost becoming a fatherless society with so many youngsters just with mum, usually mum, and no dads on the scene, no men—and, in school, no men and so on. He raised that whole issue. There has been a number of conferences, and I know there has been some interest in that issue in Australia too. I have brought some of the research coming out of that so far with me to leave with you.

There are media and oral presentations, of which there are plenty of opportunities and at which Laurie was a real expert. He was very good at capturing some attention for these issues—sometimes annoying those of us then in politics but, certainly, capturing issues and highlighting issues for people to debate and make decisions about.

We do not have a mandate to prosecute generally or specifically for children and, in fact, we are precluded from investigating decisions or acts of omission that might be made by the court. We can really only recommend, not enforce. We are not courts or we are not police.

As to the legal standing of the office, we are a Crown entity under the meaning of the Public Finance Act. I have a performance agreement with the Minister for Social Welfare that is negotiated annually, and that is the big job for me to get onto next week. I am not an officer of parliament, and I say that because it is quite a significant part of the debate about this position. I negotiate my funding and performance agreements directly with the minister—or I will, I hope. Staff are employed by me, and they work under individual employment contracts.

There are some general comments and observations that I want to make to you. I tried to think in terms of what you have been talking about and what you have heard from all the various parties and pretend that I was a parliamentarian again, and I thought, 'What is it I would want to hear near the end of such an inquiry?' So these are very much Roger McClay's views, given the background of having worked with Laurie and his predecessor and now finding myself in the hot seat.

As I mentioned, the office was created as part of a very wide-ranging reform of the way in which we dealt with care and protection and youth justice issues. Our functions are not so specific as to prevent involvement in any area. We really are monitoring the act and the department which enforces or was under that act, but I am able to get involved in all sorts of issues, be they education, health—it could be sport, no matter what. Many would suggest that we might better have separate 'empowering' legislation which more clearly defines our role for all children on all issues.

Our inquiry role can become, I have observed, too dominating. We are just looking after inquiries like an ombudsman which is, to me, a little different from being advocates. I am going to look to try to see if the Ombudsman might be able to handle some of the issues so I can be an advocate for children, rather than just an inquirer into complaints.

The issue of independence is quite an issue, and certainly it was highlighted by previous commissioners who have strongly advocated and pressed for greater independence for the office. They have suggested that it would be enhanced by our own legislation, making the commissioner, say, an officer of parliament and making a clear distinction between the commissioner and his relationship with the department whose practice we are usually required to monitor.

Other than changed legislation, I have sought from the minister to have him consider whether our funding may come through another department. There is the implication that the department through which our funding comes is the very department with whom we are interfacing and monitoring. You do not bite the hand that feeds you. It is more perceived than real, in my opinion. I am also going to seek to enhance my own independence through some specific clauses in my purchase agreement and my contract with the minister.

So, whatever the course that is followed, I think it is very important to have enhanced public confidence in the commissioner as a free and independent person with no departmental stakeholding or beholden to any one particular part of the government.

In the context of that issue, I guess you may have seen these publications. They are very good. The first one, *A voice for children*, is by Malfrid Flekkoy. She was the first post holder of the office in Norway and recognised as quite a significant authority. The other is a lot of good material going through the same issues as you are here, but in the United Kingdom.

I have got a heading here for myself 'To Have or Not to Have' because that is what you are going to decide or recommend, I guess. I am obviously a very strong advocate of an office such as we have in New Zealand. As a previous minister of the Crown, I have to say I did find the commissioner's role invaluable—a pain in the neck, sure, quite often, because he highlighted issues that maybe governments and parliamentarians should be looking at a little more closely. He pointed out budgets and so on where this is not really going to help children a lot and so on. But he was invaluable as a source of independent advocacy of issues for children generally.

I think only a commissioner for children, or whatever you call it, can coordinate the many and varied children's advocacy to influence policy makers and practitioners, promote compliance with the United Nations Convention on the Rights of the Child and seek redress for children whose rights are transgressed. An office for children can be the voice equivalent, it seems to me, that so many other groups in society have got. Every

cause has a voice for it—minority groups rights; animal rights; ethnic, race relations, issues; human rights; homosexual law reform rights; women's rights; sole parents rights. Dare I say it, we have people advocating marijuana rights when they stand for parliament and so on. There is no-one consistently advocating in a combined way for children.

The ethos for what is important for children certainly comes in the form of the convention. Over recent decades, you will know, most nations have increasingly recognised that children have special needs and life circumstances. They have a certain innocence and vulnerability. I do think strongly that they require a special extra response from society, in law and in practice. Children do not, of themselves, have any articulate, compassionate, protective and caring spokespersons, and a children's ombudsman, an office for children or a children's commissioner could perhaps provide that spokesperson or that ongoing voice.

If I can get philosophical and just say to you probably what I do not need to say to members of parliament, but democracy, to me, is based on the premise that groups of people will stand up for their own interests and rights, but children are not in a position to really do that. They do not vote or play a part in the political processes which determine, both nationally and locally, the policies that affect their lives. Children are, in general, a low political priority and issues are not always looked at from a child's perspective.

Government and local authority responsibility for children services are widely dispersed across a range of departments and agencies, as are private sector interests. There is, therefore, a real need to coordinate the good things which might take place. There needs to be one authority to look across the board of how policy generally affects children and young people. Children are vulnerable to ill-treatment by those who are more powerful. When you think about it, that is almost everybody else. So a children's commissioner is one very important response to the need for an independent and wide-ranging statutory office to promote the rights and interests of children and young people.

To put it in context with respect to New Zealand, could I very briefly now just tell you the background to the creation of the position. In the 1960s, there was a lot of emerging support for a concept of a bill of rights for children. Then, in 1979, the International Year of the Child, there was an even stronger support for the establishment of a permanent agency to act as what was called then a voice for children. In 1982, there was the New Zealand Committee for Children, arising out of that International Year of the Child, and that reported to government on the need for a voice for children. It called for things like social policy, support networks, recognition of existing children's groups and services, a coordinating body and somebody who could disperse information.

In 1985, a draft bill was presented by the New Zealand Committee for Children. Laurie O'Reilly was on that committee, by the way. It had emphasis on accountability of statutory social workers and also mandatory reporting—which is a good one to hotly contest and debate in the House, I can tell you—multidisciplinary approaches, decision

making child protection teams, independent review panels in districts around the country and a national committee on child protection. A lot of severe criticism came along, a lot of division surrounding those suggestions, and it was not taken up. Ministers continued to keep looking at how we might do it differently.

Senator ABETZ—Was the Committee for Children a New Zealand parliamentary committee or outside?

Mr McClay—No, it was a committee set up with parliamentary backing and political blessing, arising out of the International Year of the Child. It was probably the first established vehicle for those who were deeply involved in all the issues. Then, in 1989, the Children, Young Persons and Their Families Act was passed. I remember it well. I am a bit frightened to look at *Hansard* to see what terrible things I said about the minister at the time—we were political opponents, but not on this issue we weren't. It was pretty much a non-party issue with respect to how we would look at looking after children. In *Hansard*, Dr Cullen—he is still the Deputy Leader of the Labor Party in New Zealand—said:

The Bill reflects a belief that more attention should be paid to the rights of children and young persons—the right to safety, the right to protection from abuse and neglect, the right to a say in decisions that affect them, and the right to a fair hearing and to appropriate sanctions when they offend against the law.

This was the bill. This had nothing to do with the convention. We had not signed it then. He concluded his speech by saying:

Finally, I emphasise that the Bill sets up the Office of the Commissioner of the Commissioner for Children. The functions are set out in clause 410. They include investigating decisions made or actions taken under the legislation, and monitoring policy and practices relating to the exercise of powers under the Act. I think it will be a widely welcome breakthrough in terms of the Bill.

So we had the Office of the Commissioner established. In 1992 there was a report instigated by Mrs Shipley, the then Minister for Social Welfare, now the Prime Minister. Quite soon—if they are kind enough to keep me in the job—I will diplomatically go back to her and remind her of a few of the findings and ask her why we did not do them.

There was a ministerial review by Judge Mason which recommended things like: a separate statute for the Commissioner for Children to enhance its standing and to clearly demonstrate independence from the department with which it is often at loggerheads; to have the Commissioner made an officer of parliament; and to have the Commissioner able to join in any action in any court to remedy effects on the life or wellbeing of children.

I could not remember why the government did not carry out all those recommendations, but yesterday I got, from a friend in the department, the cabinet papers with respect to those recommendations at that time, which I am happy to leave here. It will be very

valuable to you if you can set up an office and you want to know whether it is best to have an Ombudsman's role answering to parliament or an officer of parliament or separate legislation and so on.

I have listed here, between the time the position was created and the present, a long list of significant events involving advocacy, research and reporting of the office. I will not go through all that. They include: bullying, school violence, legislative reforms, residential care facilities and children and young people at risk. I have brought some reports with me that may be of interest to you which have contributed overall to some progress.

I have also got indications of the workload and the sort of cases we get involved in; some statistics up to June 1997—the complaints, the inquiries and different things that Laurie was involved in and investigated. Individual complaints, for example, are not to do with the act or the department—they came from school or education issues. Children were being kicked out of school, would you believe, not having had any say. They were expelled from school, never having had the opportunity to sit down with anybody to say, 'Please, sir, it didn't happen that way; it happened this way.' Everybody else in society gets their day in court or in front of whoever it is that is going to punish them.

The government is currently changing the law in New Zealand so that children from six to 16 will have a right to be heard with respect to the circumstances that has brought their school board to consider kicking them out of school. They will have an advocate—their parent or someone else. I have here the statistics that will give you a flavour of what we are doing.

I have noted a number of issues, on overhead No. 7, that I know, from my political days and now, concern people and which always get thrown up on talkback radio—Radio Rhema particularly and so on—by people who are genuinely worried about this convention. They think it is really a world plot—a government inspired world government thing—to bring about the downfall of society. I do not believe that at all. I have gone through the particular issues there that are often asked and I have outlined my own responses.

I will just give you one example. I will not go through all of these because they are written here for you if you are interested in having a look. To the question 'Does the United Nations Convention on the Rights of the Child negate parents rights and responsibilities and give more authority to governments?' I start off my response by saying:

NO! On the contrary the Convention upholds the primary importance of parents' role and refers to it repeatedly throughout the document.

It says governments must respect the responsibilities of parents for providing appropriate guidance to their children, including guidance in exercising their rights. Governments have to protect families and assist families as nurturers of children. These articles are significant in issues of sex education,

religious beliefs—

cultural beliefs and so on. If you look at articles 5, 18.1 and 18.2, they really specifically talk about that issue. I have done, off the top of my head, a response—from my perspective—on some of the crunchy issues that you see there.

CHAIRMAN—Can I just interrupt there about the disciplining of children. When I was a member of the Australian delegation to Geneva last September I noted that the reasonable chastisement issue came up over and over again. What comments do you have on that?

Mr McClay—The comment I made here:

Forms of discipline which involve violence (physical/mental) are unacceptable.

That is, according to the convention.

Excessive, abusive violence is out. Techniques parents should use are not defined.

I am going to be saying to my old colleagues—when I am feeling less vulnerable about my position—please define what is acceptable. It is very difficult—because a smack on the bottom for a five-year-old becomes in some cases, sadly, a whack across the head with a bit of four by two for a 15-year-old. That is not acceptable, obviously.

New Zealand has changed its law with respect to physical smacking which is not now allowed in schools, but the law has not changed with respect to the parents' right. I think it will be some time before it does, if it ever does. I am a little different from my predecessors on how we should handle that. I do not think governments can just change it and the world will become wonderful overnight—because the population is not going to accept it. The people may well come to accept, eventually, that there are alternatives. You cannot have little Johnny telling the teacher at school, 'Dad smacked me this morning,' and the teacher ringing up the police and dad being arrested. That would be a nonsense.

I think society has to keep grappling with it. It would be my job to keep that issue bubbling along, being debated and talked about so that maybe society would eventually accept that there are forms of punishment that are unacceptable. Our office does see a lot of occasions when dad thought he was just administering some punishment for naughtiness and the kid is in the Starship Children's Hospital in Auckland—I think they went a bit over the top. It is a difficult issue and will obviously be one of the crunchy issues that you will debate here.

There are some in New Zealand society who say, 'Physical punishment is our cultural right.' When I see some of the children in hospital I say, 'Well, I think your culture is a bit wrecked and you should look at it again.' I do not know any culture that

thinks you should thrash children to within an inch of their life. There is a lot of education needed. Usually, I find these children were thrashed to within an inch of their life for having done something when actually the person who did it was angrier with their spouse or someone else than they were with the child, but they took it out on the child. That is a hard issue.

It is worth remembering that the United Nations Convention on the Rights of the Child is the result of many years work—10-plus years of consultations and negotiations between government officials and lawyers, health professionals, social workers and educationalists, children's rights groups, non-government organisations and religious groups too—from all around the world. More countries have ratified this convention than any other human rights treaty in history. There are just two to go: one big one and one little one—Somalia and the United States of America. As we strive to adhere to the convention, I think it is worth remembering that it is about basic human rights to which children everywhere are entitled.

It is my intention in the foreseeable future in New Zealand to lobby for a review of our adherence to the convention and how the Office of the Commissioner for Children plays its part in terms of New Zealand's participation. It really is the bible by which I work in my office. It was not there when the office was set up, but I do not have too much difficulty deciding what our view is on issues to do with children because the convention does spell it out. I am not a right-wing or left-wing nutter about this. I know you cannot do everything today, but you can do some things today with respect to these issues and you do have to take the public with you.

In conclusion, the Office of the Commissioner for Children in New Zealand undertakes a very wide variety of different roles but its primary purpose is to advance the welfare of children in New Zealand. That is our job. Our credibility is based around being able to provide timely and quality advice and information. We can bring in third party expertise too. We do not get enough money to do all we would like to do. Lately, I have enjoyed it when some of my old colleagues have said, 'Roger, how's the job going?' I say, 'Pretty good, but remember how Laurie used to whinge all the time about not having enough money? He was right. You're not giving me enough.' They usually just shuffle off.

The funding for the operation in New Zealand is about \$850,000 per year. About 60 per cent of that goes in salaries and wages. It is a pretty tight budget but we can work within it and do the job that is required. You can always do more with more, of course. The demand for our services and advice is certainly driven by the ratification of the convention earlier this decade and recognition by society that we are there and that there are vulnerable children. Fiscal and management changes in most other agencies of government have helped drive things along.

Some years ago, the government scrapped the Parent Advocacy Council for

schools, so the work that they used to get from complaints from parents about how their children had been treated at school now comes to me. There is a lot of revision in New Zealand with respect to special education funding, and we are getting a lot of complaints about that in our office. Growing awareness of and media attention on the office brings more and more work.

We are an integral part of a system of checks and balances for children. We are part of the moral conscience for departments of state. We facilitate networks. We examine and report on breakdowns in the systems or practice. We are the clearing house, if you like, for national and international knowledge and practice and we battle to remain free advocates and holistic promoters of the needs of children.

The convention fundamentally guides and informs our work. We offer the very best opportunity for governments to demonstrate their commitment to the convention. It is pretty good. New Zealand got a bit of a bashing around the ears by the special committee, as I guess Australia did, but the fact that we have a commissioner for children with an office set up as it is is one of the ticks that New Zealand is able to get.

We do not threaten other authorities; rather, we promote and assist them and coordinate with them. We have got a long way to go, I have to say, but as I look at it from lots of perspectives over nearly 10 years of existence I think it can justifiably be claimed that the office has played a very good part in making New Zealand a safer place for children and in promoting the rights of children.

My office certainly—and I think New Zealanders, ministers and members of parliament—would welcome a visit by any one of you or all of you together. The standing committee could go on tour to New Zealand. Pick some good weather and come across when there is some rugby or cricket on. We don't talk about netball in New Zealand at the moment—although I know you'll want to. You would be very welcome to come and have a look and spend a bit of time, particularly with legislators, and go over the issues and arguments about whether it should be an officer of parliament or independent, and so on. Thank you very much.

CHAIRMAN—Thank you very much for a comprehensive coverage. We look forward to getting a copy of that, which details some of the information you have given to us this morning. Some committees in the parliament do not require witnesses to swear or make an affirmation. We normally do but in this case, unless you particularly want to, we will not. You are aware that we are a duly constituted parliamentary committee and that the usual provisions apply. You do not want to swear or affirm, do you?

Mr McClay—If you would like me to, I will. It is not an issue for me.

CHAIRMAN—We do not really require it of you. What you do not have in New Zealand that we have is a federalist system, and that complicates the situation. It has been

suggested to us in evidence from a number of quarters that we should have some sort of umbrella legislation. But the evidence also, thus far, has indicated that CROC means different things to different people. There is a difficulty, as I think most members of the committee see at the moment, of reconciling one with the other. In New Zealand you say you are trying to move towards an umbrella legislation, bearing in mind that you do not have the federalist system.

Mr McClay—That is what has been very strongly advocated by my predecessors. It is something that I probably will press parliament about if I continue in the role of commissioner. I do believe it is more a perceived problem than a real problem. I am quite independent. I have an understanding with the minister and the department. For example, he was given a copy by me of what I was going to say to you. If I am going to make some pronouncement that is critical or whatever, I will usually give him the dignity of knowing about it first. I have got pretty loose reins and I can involve myself in and investigate almost anything. Laurie certainly did—within the constraints of his funding, of course.

I do not know the answer to your question about the place of the states. You have an office of the commissioner or something similar in some states—I think in Queensland. I have been invited to meet with him and I am hoping to at some time, but I am not very familiar with it. I suppose if we were starting again and I was as wise as an MP as I am now—I am much wiser now than I was then—I think probably you would create an independent office, perhaps with more powers, that is and is seen to be independent.

I think the convention is a good set of guidelines and rules about the issues that a commissioner would busy himself with but it is not just that. My job is very much linked to the act that was passed because of the way in which we deal with youngsters. But without that act you perhaps have an even cleaner slate to start with.

CHAIRMAN—I should also point out to you that, in terms of travelling to New Zealand, no committee in this parliament has overseas travel funds. But I also point out that Peter Stephens, the secretary of this committee, was in New Zealand a few months ago and gave a presentation on the role of this committee. He made particular reference to this convention. In New Zealand you are starting to move down the line that we have within this committee.

Mr McCLELLAND—I suppose the controversial or difficult issue is whether a mere officer for children attached to the Prime Minister's department, or whatever it might be, would be adequate or whether there should be a separate commissioner with, literally, his own commission and independence. I gather from what you have just said that you would favour that independent status if only for symbolism, do you think?

Mr McClay—Because of my background and because of my networks and my knowledge of the parliamentary system, I personally like to think I have got a minister I

can go to and say, 'Come on, Minister, we cannot do this job on this money or if you are going to constrain us in this way.' Others might feel differently. They would want to feel not constrained by a minister. But I have a contract with them. I have got more access to the minister than I would to anybody if I was an officer of parliament. So that is one way I look at it in terms of operating.

If you are starting again, I think it probably would be better. In fact, it was quite strongly recommended by Judge Mason when he reviewed this. The information I have left here, if you are interested, Rob, is all the cabinet papers and the decisions and responses to Judge Mason as to why the government then said, 'No, we're not going to go down that path.'

An officer of parliament is seen as a very special significant step, and they are going to be fewer and farther between. That, I think, is the general view of most of the major political parties in New Zealand, although Dr Cullen recently in conversation with my office indicated that perhaps we should look at that question again. So we will go on debating it. But if you are starting from the beginning I think that would be the best way to go.

Mr HARDGRAVE—I think this committee is going down the path where there seems to be two distinct blocks of rights contained within the convention. The largest block seems to prescribe a variety of protective rights, and the smaller block, if you like, prescribes the governance of a child's autonomy. Would you see your role more about the protective rights than perhaps acknowledging or enforcing the autonomous rights of the child?

Mr McClay—I think very much with respect to protection. Funnily enough, that probably comes from our legislation rather than that being dictated by the convention. We are very involved with the care and protection issues with respect to children, although the general public would say, 'No, they're not. They really only investigate terrible things.' We have an investigation going on now with respect to a young lad of 17 who has been convicted, and he is in gaol. He raped a little girl of the parents that were looking after the family home. The complaint to my office was from those parents that they had not been told by the department or anyone else about the risks that this boy posed. So we are investigating a practice issue, if you like, of the department. But it is all to do with care and protection.

Mr HARDGRAVE—Going back to your philosophical model about democracy, it seems to me that, as you acknowledge, if children need advocates then the children themselves are not autonomous.

Mr McClay—In practice, I do not think they are.

Mr HARDGRAVE—No.

Mr McClay—There are other ways of doing it, of course. They may be in groups, in schools, in youth councils and so on, but there is no one voice other than an office for children. We have a Minister of Youth Affairs in New Zealand. In fact, that is the ministry that is charged with promoting and educating people with respect to the convention and also with putting the report together for New Zealand. We work quite closely with them.

Mr HARDGRAVE—On the expulsion matter that you raised, the fact that you are looking at children being heard in those sorts of matters, that in itself also exposes the fact that children are not regarded in the system as autonomous. But do you see your role in perhaps creating autonomy, giving a six-year-old the same right as a 26-year-old, or do you see it more still as the advocacy to protect them?

Mr McClay—With respect to having the right to be heard in any judicial sort of decision making process, certainly. I cannot see why a 26-year-old has a right to be heard when decisions are being made about them and a six-year-old does not. Even within the family concept, why would a six-year-old not have an opinion about whether things might be done this way or that way? Whether they get their way, of course, is a different issue. As the convention points out in several places, the final decision is with the parents. The philosophy that children have a right to be heard, I think, is a pretty sound one.

Every time I make a speech and the issue of corporal punishment comes up—there will be someone who will raise the issue, and often it will be on a cultural base that it is the right of the parent to smack and so on—I often use this point: ‘At this meeting tonight, sir, if you cause me trouble and you interrupt, you interject, you cat-call, hiss and boo and annoy me’—all the things that used to happen when I was in politics—‘and I come over and give you a physical whack, you can have me up for assault. But, if you were my son and you did that, I can smack you and you could not do a thing.’ It seems that there are rights that are different. I am not sure I ever win the argument with them.

Senator ABETZ—But there are fundamentally different relationships, surely, between a parent and a child and two grown up autonomous adults. I would have thought that if you tried to apply what you were just asserting you would have, quite frankly, a ludicrous situation within the family unit.

Mr McClay—As I said before, those are issues for debate and it will be a long time before society is ready to accept that no, we will not have smacking.

Mr HARDGRAVE—But in a sense, though, your system is still trying to protect children because they are regarded by the system as not having autonomy within themselves to protect themselves.

Mr McClay—Yes. That is a job that I can do as an advocate for children—to highlight those issues and get people to look at them. Whether this office can claim fame

or credence to my predecessors or other issues or the convention, there certainly is much more awareness now in our society about the smacking-belting issue, and I do not think it is as predominant as it used to be. But, if it were raised in parliament or in any part of society, there would still be groups on each side.

CHAIRMAN—The autonomous argument comes up in a number of areas. There are some particular writings by Professor Hafen on this in the *Harvard International Law Journal* and Brigham Young University, et cetera. Are you aware of some of that? Do you have a view?

Mr McClay—I am not as aware of it as I would need to be to be able to express a view to you that I think would be of use to your inquiry. I have no doubt that Laurie will have made some publications and speeches and comments with respect to that.

CHAIRMAN—It would be helpful if you could take that on notice and give us something reasonably quickly in terms of the Hafen argument. We can give you some references, if you have not already got them from the secretariat.

Mr McClay—We can do that next week, I am sure, if there is some information there.

Senator ABETZ—One thing that always astounds me is that those who support the convention always tell us that it is the most ratified—in fact, we had our own department tell us that. It was my own personal research that then discovered all the reservations. For some reason we are never told about the huge number of reservations and the rationale and reasons expounded for those reservations. I just wanted to know whether you have a particular view as to why this convention is subjected to all these reservations. Is it because the language of the convention is so ambiguous that it can be interpreted in a whole range of ways?

Just to give you a quick example, before our committee we have had evidence from the Jewish community that they are fully supportive of this convention because it allows them to practice their religious rights, et cetera. Yet we then had an academic who told us about a week later that circumcising a young boy who was unable to express an opinion about what was happening to him was, in fact, child abuse and should not be allowed under the convention. So you have these two extremes of interpretation. Do you think that is the reason why there are so many reservations placed on this convention?

Mr McClay—I think you are quite right. I am not aware of the numbers of countries that have what numbers of reservations, but I am sure you are right. I think it is a cultural one. It is loosely worded and that is perhaps the reason there is so much debate in each country. But that could be an advantage, too, in terms of slowly working towards what will be better rights for children.

New Zealand has some reservations as well. They are similar to yours, I think. One is with respect to the rights of children who are the children of illegal immigrants. I said to the minister that it may be a good time for him to look at that in terms of the rights of children of the world. If you have a youngster in Auckland who is spreading whatever disease he might have flat strap but who is not going to get treatment because he has no right to free medical treatment simply because his parents are here illegally, it might be within our interest to treat him and educate him in those things. But that will be hotly contested, too. People will say, 'If you are not allowed to be in this country, why should taxpayers be spending money on you and your children?'

The other ones we have are to do with the ability to keep youngsters within gaols which are adult gaols. I think you had that one. Another is to do with our labour laws with children working under a certain age and so on.

I think you are right, and what happens elsewhere is something I have not given a lot of thought to. The reading is loose, and the interpretation I take from it is that it talks about the rights of children but it also does mention in a lot of places the responsibility of parents and their right to finally decide. But those issues that you mention are pretty crunchy and I guess that is why it is hotly contested.

Senator ABETZ—This particular convention does use language about the rights of parents subject to the rights of children, so the rights of the 'parents' are usually qualified in relation to other aspects of the convention.

Right at the beginning of your presentation, you told us about the philosophical change. I was wondering if you could develop that a bit further, because I was reading a briefing note that we were provided with in relation to the Children, Young Persons and their Families Act. I was just going through the role of the Commissioner for Children and nearly each time children were mentioned it was in the context of the welfare of children. I think generally within the community that is fully accepted and embraced, yet when one embarks on the next step of talking about the rights of children that is what usually evokes community concern—so as to say, 'If you're going to give them rights, what are their obligations?' because rights are usually countervailing with obligations. I was just wondering what you saw as the philosophy behind the legislation. Was it a concern simply for the welfare of children, or does it also go the next step and pursue, argue and advocate the cause of the rights of children?

Mr McClay—The philosophy of that legislation really was that the rights of children would be better served by requiring their families to take more responsibility—rather than when a child is in need of care and protection or has contravened the law they are whipped away and the state takes over and puts them in a home somewhere.

First, before that, we would say, 'Look, mum and dad, you have a responsibility. What went wrong?' There is a system of family group conferences, which have some

meaning in statute and some credence and decisions in them must be carried out. It is like a mini court, if you like. The victims have rights to express their views, and the family is called to attention by saying, 'This youngster has been let down. How might we proceed better? Can the wider family take over if the mother cannot manage? Is there someone else in the wider family?'

I have got to say that, after 10 years of legislation, I think we probably need to look at whether we went too far in that. If the youngster has gone off with some aunty he does not know and who cannot handle him either, maybe we are stretching this wider family concept a bit too far. It really was putting the responsibility back on to families and the state helping the families to cope.

Then of course the convention came along, but I do not think that contravenes or cuts across the act. It enhances it, if you like. It says, 'This child has a right to certain things.' Sometimes those rights might be the right to be picked up by someone if they are in Cuba mall, Wellington, at two in the morning and they are 11 years old. Even though they do not want to be picked up, society probably would have the right to pick them up and take them home or wherever.

Senator ABETZ—That is interesting because some of the children advocacy groups that we have heard from would basically say that is to a certain extent police harassment for moving children out of malls.

Mr McClay—There will always be the harassment issue, and we get a number of those complaints and we look into them. Sometimes some bobby might have been a bit tough and we would find and make recommendations. The officers have a lot of credibility—thanks to my predecessors, I might say—in terms of their recommendations. Most organisations know that, if what the commissioner's office has said is not adhered to or is dismissed, it will get a pretty good media showing and there will be some embarrassment.

Although there are no powers for me, my predecessors have certainly helped create a situation where we are quite powerful and public pressure would say, 'That's a reasonable office and what they say is pretty sensible. In this case, maybe the police were a bit tough.' We are the interface and I think the reasonable voice between the extreme groups who say, 'No, children's rights—they can do what they like,' and those who say, 'No, parents have responsibilities and certain final rights, too.' I would like to think my office is the reasonable voice in between.

Ms JEANES—I have been a longstanding advocate for a commissioner for children in Australia and I had the pleasure of meeting Laurie last year in Brisbane. He raised with me at the time his concern about the amount of time that he was taking in the ombudsman role. You said that was the majority of your work. I am interested in the percentage of contact that you have from parents, as opposed to other people, on behalf of their child. I am also interested in regard to the rest of your work—the wider issues

section. How many of the problems there are also brought to your attention by parents?

Mr McClay—On pages 14 and 15 I indicate the workload in any one year, for part of which he was very ill. The numbers of complaints and so on were going up like that on the graph, with Laurie as commissioner, because he was a strong, outspoken advocate; he did not mind having a good whack at government funding and things like that. He got a lot of publicity. So lots more people knew who he was, what the office was about and the workload carried out.

There are a lot of communications from parents, but sadly it will usually be when the department has stepped in to take their children away from them. That is a pretty horrendous thing to happen and they will often make a formal complaint to my office to say, ‘The department did not do their job properly; they walked in early in the morning and took my babies away.’ Obviously, you do not carry on with life and forget that. So we will investigate that. In the majority of cases, the department has been within its rights and the rights of the children are more enhanced by their doing that, because they were in danger in some way or other, or not being cared for.

We get a lot of parent based complaints with respect to school issues and how their children have been treated at school; sometimes about smacking, but not too often. There are not too many teachers who will cane a child these days because it is against the law. But it would just be about treatment. Bullying is a very big issue. I do not know whether it is something that is in the world’s water now, but bullying is a big issue everywhere around the world. There are some who would say it is because we have become too soft and we do not allow smacking of children any more. Who knows what has brought it about.

I like to say to children that when I was a teacher I would say, ‘If you’re going to bully him, I’m going to give you a hiding,’ which is rather an interesting observation to make—if you bully, I am going to bully back.

Ms JEANES—What has your office been able to do about bullying?

Mr McClay—Since I have been there, not too much. There have been some studies and I think I brought some of those reports that were done in previous years. It is a matter of guidelines for schools and parents on how to handle the issue, alternative programs for those children who are into bullying and so on. It is an educative role, really—that is what the office takes with respect to those issues.

Schools seek our help quite a lot about handling dicey issues about the rights of children—whether someone can say, ‘You have got to have your hair cut,’ or ‘You cannot wear a ring in your nose.’ The latest one is rings in your tongue. A school said, ‘No, you’re not coming to school if you have got a ring in your tongue.’ He said it was his right to express his individuality by having a ring in his tongue. The school has got rights,

too, about its tone and so on. So we get involved in all of those and we try to act in the middle and be very sensible and reasonable with respect to the rights of the young person, but the rights of the school, too, to be able to deliver in a manner that is consistent with what we want for the majority of our youngsters.

That will help you a little in terms of the issues. We do not get a lot from children. I would have thought we would get lots of letters from children. We do not.

Ms JEANES—How many staff do you have with your \$850,000?

Mr McClay—We have probably about seven permanently. It has been up to about 12. I think we will be fine with seven, and I am going to have fewer staff, pay them a bit more and we will all work harder.

Ms JEANES—Do you have research specialists?

Mr McClay—That is interesting, because the role of the first commissioner, Dr Hassall, was pretty much exclusively research. A lot of very valuable material was produced, there were a lot of research workers there and so on. Laurie has changed that to very much answering the calls of complaints and quite high profile lobbying. I would think that I would need to be somewhere in the middle of that.

If we can deal with the complaints a little more easily, or get the ombudsman to take some of them, I want to be able to be much more an advocate on the big issues for children, and our office has to be able to do some research. Sometimes we are the only office that can really do it suitably to get all the material together.

I have got some research here about the fathering issue that Laurie raised. It is research on this issue: where can solo fathers go to get help with respect to their rights on access issues and so on? We get a lot of complaints on that, of course, too. Fathers will ring up and say, 'That "b" woman,'—the one he conceived children with originally and now cannot stand to be in the same country with—'won't let me see my children.' It is an access issue. I have to look at it carefully and ask: is this to do with the child or is it to do with his rights? The child has got a certain right to know its father, maybe.

Mr ADAMS—How do your laws look at the maintenance situation? Is there a mandatory responsibility for a male to pay for the child?

Mr McClay—Yes, there is. It is not necessarily the male; it is whoever does not have the child. The non-custodial parent is required to contribute to the welfare of the child by way of a monetary contribution to the parent who does have custody. There is a lot of argument over that. We get a lot of complaints about that. It is not something that we get into, unless it is to do with the rights of the child to have some reasonable access,

to know their mother or father, or whoever.

Mr ADAMS—I think we have all experienced that.

Mr McClay—You have got that, too. I think we copied your legislation on that.

Mr ADAMS—You are quite right. A lot of it is just a matter of human beings not getting on, having been separated for six years, perhaps.

Mr McClay—That is right.

Ms JEANES—What can you actually do about that? You said before that you did not have an enforcement role. Do you have a Family Court?

Mr McClay—Yes, we have a Family Court. Usually, of course, the decisions about access have been made by the court.

Ms JEANES—So there is really nothing you can do.

Mr McClay—No, but we can assist and advise, in terms of how the department might be involved. We try usually to be sympathetic to the child's needs and rights. Usually, you cannot win, though.

Ms JEANES—Are you ever called before the Family Court?

Mr McClay—You can be, yes. I have not been, but you can be. As a general rule, you will not be. I have quite extraordinary protections under our act with respect to our ability to call for evidence and to be protected, very much as you are in parliament—a parliamentary type privilege or court privilege, if you like. There are quite wide powers. But we do not very often get involved in court issues. Judges in the past have called upon commissioners, almost in chambers, if you like, to give advice and to help.

We can highlight issues. For example, under the law, if a judge calls for a report from the department under a certain section (I think it is section 49 of the Crimes Act) about a child and they do not do it—they might say it is because they do not have the resources—that is a big issue. So the judges are now calling on counsel for the child to do it and they are not necessarily appropriate.

That is an issue I have raised recently with the department on behalf of the judges. We might be able to help their cause to get a few more resources, if that is what is needed, so that the reports on these kids can be done. The judge has got to send them away for another four weeks because the report is not done. I see that as a right of the child, whether they like it or not, to have those things done for them by society.

Senator REYNOLDS—I am particularly interested in the possible structures that might be introduced in Australia. The chairman has already alluded to our major difference in terms of relationships with the states. I was interested that you said you had seven staff. It would seem that any Australian structure should take into account some representation of states, because otherwise it would be seen as heavy handed and imposed on Canberra to tell the states what to do. In that context, do you think it is possible to have complementary structures—for instance, Queensland already has something up and running—or should we look more to a structure that is a federal-state structure?

Mr McClay—I do not know. I have been to ministers' meetings here with your colleagues over the years and I have sat there watching the poor minister from Canberra coping it from everybody.

Senator REYNOLDS—Or do we simply abolish the states?

Mr McClay—I do not know. I really do not know the answer to that question because I am not familiar enough with the power that an office, say, in Queensland would have and what their relationship would be with the commissioner for children who might be based here or wherever. I would imagine the commissioner for children in Australia would need to have some representation around the country or an office or a place. Laurie was looking at whether he may have offices in Christchurch or Auckland. I am not doing that. We do not have the funding at the moment, and I am not sure we need it either. I do not think you need an office front everywhere.

My office is interesting. It was set up obviously for children because there are lots of playthings, boats, toys and things, there, but we do not get many children in there. It is a place where adults come with respect to the rights of children. I am going to get more, and they are from the schools and so on, but that is just for my own peace of mind. It is a pretty slick operation in terms of the ombudsman role, advocacy, research and so on. But I would imagine you would want to have some presence of such a person or their office or their representatives or deputies in each state. If you have somebody in Perth, they are still a hell of a long way from the outermost part of that state, aren't they?

Senator REYNOLDS—One of the key issues, I would think, if there were such an office today would be to look at juvenile justice issues, particularly in my state of Queensland, and in Western Australia. But I would think someone like yourself, with every respect, sitting here in Canberra making pronouncements about juvenile justice in those two states would not progress a change of attitude whereas, if it were a longer term relationship between officers in offices or officers from those respective states, you might have a better chance of working towards the longer term education and change of attitude that has really been the hallmark of everything you have been saying.

Mr McClay—Yes. I presume you have precedent. It is not for me to come here and ask you questions, I know, Mr Chairman, but how do you handle this with other

issues such as the ombudsman, the human rights commission and so on?

Mr HARDGRAVE—Premiers tend to walk out when they get upset.

CHAIRMAN—Senator Reynolds has raised some very relevant issues. In the Australian setting, we have some juvenile justice issues like the two strikes and you are in, three strikes and you are in in Western Australia and in the Northern Territory under their state-territory legislation, for which we have been criticised in Geneva. You mentioned that to start off with too. To what extent is it a problem in New Zealand—that is, the juvenile justice and your office?

Mr McClay—It is a problem that we get involved in when there has been a breakdown in practice and, from time to time, policy. We might recommend that the policy is wrong. I have mentioned this issue to you before. I have a draft of the recommendations we are going to make in my bag to fax my thoughts back to them. Some of it will be recommending that the department should look at its policies, in this case, for tracking children and information about children being passed on appropriately. There should be a system that makes sure that that has happened and people do know things. That is a bit of a practice and a policy issue. Sadly, we get involved when something terrible happens and somebody complains.

CHAIRMAN—We have a problem in this country in terms of indigenous people and the rates of incarceration. Do you have a similar sort of thing coming through your office in terms of juveniles with the Maoris?

Mr McClay—Yes, but we are separate from the system that creates that. With respect to the rights of young people in prison, I would expect to be part of any decision making and policy formulation as to how we look after young people in that area. Indeed, in my report on this particular case, we will be encouraging the government to move with some speed to implement what it said it wanted to do as to where young sex offenders who are 15 are going to go—are you going to put them in an adult prison.

CHAIRMAN—That is the sort of issue we are talking about.

Mr McClay—We are very strong advocates about that. We do not get involved in the political issues of whether people should go to prison or have their heads chopped off for various offences.

CHAIRMAN—That is the difficulty with federalism, and we come back to this federal-state relationship. The three strikes and you are in and the two strikes and you are in is an attitude taken by Western Australia and the Northern Territory and it has a particular impact, as it turns out statistically, on indigenous kids. It makes it very difficult for us as a Commonwealth to appear before a committee and to defend ourselves.

Mr McClay—Yes. So if I were your commissioner here in this case that I am dealing with now and it happened in a certain state—I have been investigating a complaint on behalf of the parents of the little girl who was technically raped. I have become an advocate for the boy who did that and what is now to happen to him. During this, two weeks ago, he turned 17. He was right in the middle of a program that, I think, would probably have let him back on the streets eventually to let him get on with life and put all that behind him. But he is in prison now at 17 and he is probably raped every morning in the shower. I do not know. I just think it would have been better if he did not go to prison at 17.

Mr McCLELLAND—Is he in an adult prison?

Mr McClay—Yes. We think you guys are tougher than us, but you do not put yours there until 18. We are putting them in at 17.

CHAIRMAN—Did he have a prior conviction?

Mr McClay—No, he did not.

Mr HALVERSON—So this was his first offence.

Mr McClay—Mind you, he admitted to everything. I think he did all the murders that have been unsolved in Australia since the turn of the century as well. He admitted everything, like kids do, to get rid of the problem. On appeal, he was finally sentenced to three years in prison. He does the first part of it under the auspices of the social welfare department and then when he turns 17 he is in prison. I think there is room there. That is a policy issue on which I would advise the government that there needs to be somewhere else for someone like him to go for whom there is a reasonable chance that he will be able to get on with life and continue the program he was in, but that has all stopped now that he is in prison.

Mr HARDGRAVE—We do not have a commissioner for children in the federal sense, but I would imagine that you would urge this committee to look very long and hard at those sorts of practices here. Given that you said the Convention on the Rights of the Child was your office bible, there would be some obvious failings as far as the protection of children if we are involved in these sorts of practices in this country.

Mr McClay—Yes. I know there is a difficulty with this state thing and I do not understand enough about how you would do that. If you had a commissioner for children or the equivalent in each state, I am sure they would work closely together. There would be differences in laws, wouldn't there? You might have a death penalty in one state but not in another, or you may put children in prison at one age in one state but at a different age in another. Those are issues we do not have until you become part of New Zealand and then we will have to deal with them.

Mr HARDGRAVE—In fact, on that, perhaps a point of information, the Standing Committee of Attorneys-General meets on a fairly regular basis to try to sort out the glaring inconsistencies as far as penalties, treatment of victims and, in fact, what is a juvenile and what is not and all those sorts of things right across the eight states and territories.

Mr McClay—Over time people will come to realise that the Convention on the Rights of the Child is not really a big plot against the society of the world but that it is just a genuine attempt by most of the countries in the world to make some progress of recognition and practice. As people come to accept that the world does not stop because it was signed, the different states are all obliged to work towards it until the world is perfect.

I know you are going through that debate now—we are not so much—but that is not to say that there are not some groups in society who feel strongly. Some of them are religious groups. The boarding schools, for example, would disagree with some of the issues. Even in an ideal background, I take it that perhaps the thing was done in a less parliamentary overall sense than it might have been, which was a bit the same as us, although there was agreement across the House, but eventually most of your states would all see that they have an obligation to work towards implementing it.

CHAIRMAN—Roger, on behalf of the committee, thank you very much.

Committee adjourned at 9.26 a.m.