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8 December 2010

Committee Secretary
Senate Legal and Constitutional Committee
PO Box 6100 Parliament House
Canberra ACT 2600

COMMONWEALTH COMMISSIONER FOR CHILDREN AND YOUNG PEOPLE BILL 2010

I understand that the above Bill, which was sponsored by Senator Hanson-Young on 29/9/10, has been referred to this Senate Committee with their report due on the last sitting day in May 2011.

The objectives of this Bill are commendable and are critically needed to facilitate action on behalf of children (as defined in the UN Convention on the Rights of the Child). By way of background, I have had discussion and worked with the Children's Commissioners in New South Wales, Queensland and Western Australia, so I am aware of both strengths and weaknesses in setting up such offices. With this in view, I feel that some aspects of the Bill need to be clarified.

In particular, I would draw your attention to [Clause 3(2), 9(1)] in relation to [Clause 10]. If the Commissioner and Office of the Commission are to function as:

“providing material, leadership in monitoring and advocating for the wellbeing of Australian children and young people”,

Then they must look beyond existing legislation or regulation (with all its shortfalls) to advance the status of children's wellbeing. The current Bill does not identify / clarify how the commissioner would be expected to access research – or even to promote research into gap areas – in order to bring children's wellbeing into line with international and national findings. Certainly it is stated [Clause 10(e) and (f)] that the commissioner is to consult but not specifically with research bodies. This could be easily amended if the Commissioner is to function as a catalyst of change.

Further in relation to information sources, while the commissioner can engage consultants [Clause 24] to assist performance, the Bill does not establish any guidelines on this process. Obviously without a funding budget, this process cannot be undertaken; so is there some mechanism to ensure this can occur?

I hope these comments help in meeting this sound initiative for children. I would be happy to clarify any of these issues – or to attend a relevant enquiry. I am a firm believer in pro-active (not reactive) positions. I would urge you to seriously consider the issues raised here.

Yours sincerely

Prue Walsh