

Australian Children's
COMMISSIONERS
AND **GUARDIANS**

To: The Senate Standing Committee on Legal and Constitutional Affairs
Title: Inquiry into the Australian Human Rights Commission Amendment
(National Children's Commissioner) Bill 2012
Date: 1 June 2012

Thank you for providing the opportunity to comment on the Australian Human Rights Commission Amendment (National Children's Commissioner) Bill 2012 (the Bill).

This submission represents the position of the Australian Children's Commissioners and Guardians (ACCG). The majority of ACCG members have a legislative mandate to advocate for, promote and protect the rights, best interests and well-being of all children and young people under the age of 18 years, within our respective jurisdictions. The ACCG has particular regard for children and young people who are most vulnerable or disadvantaged.

The Australian Children's Commissioners and Guardians' position:

1. The ACCG supports the Bill and the creation of a child rights based National Children's Commissioner within the framework of the Australian Human Rights Commission.
2. The ACCG supports the Bill's high level approach in defining the functions of the National Children's Commissioner. The proposed functions represent a positive step towards addressing long standing advocacy gaps for children and young people at a national level, but will not duplicate or overlap the work being undertaken by the state and territory Children's Commissioners and Guardians.
3. The ACCG notes that the broad nature of the National Children's Commissioner's functions as outlined in the Bill will provide the National Children's Commissioner with the flexibility and ability to address a wide range of child rights issues as they occur, such as the impact of national welfare reform initiatives on children and their families.
4. The ACCG strongly suggests the inclusion in the Bill of guiding principles to reinforce the Bill's underlying core beliefs. The first of these should be '*this Act is to be administered under the principle that the best interests of children are paramount*'.
5. The ACCG suggests that the National Children's Commissioner's role should not be confined to '*examining existing and proposed Commonwealth enactments*' but should also include the capacity to examine Commonwealth policies, programs and services.
6. The ACCG suggests that children in the immigration detention system and refugees who are unaccompanied minors be included as examples of particular groups of children who are at risk or vulnerable in paragraph 20 of the Explanatory Notes as a focus area for the National Children's Commissioner.

7. The ACCG supports the intention, indicated in the accompanying Explanatory Notes, for the National Children's Commissioner to take a lead role in making an independent submission to the United Nations Committee on the Rights of the Child but suggests that consideration be given to including this requirement in the legislation.

The ACCG has a keen interest in following the progress of the Bill and looks forward to working collaboratively with the new National Children's Commissioner to advance and protect the rights of children and young people within Australia.

For more information about this submission please do not hesitate to contact Ms Adrienne Schneider, Senior Policy Officer, Strategic Policy and Research, Queensland Commission for Children and Young People and Child Guardian, on _____ or e-mail:

Members of the ACCG who contributed to and endorse the submission:

Ms Aileen Ashford, Commissioner for Children, Tasmania
Dr Howard Bath, Children's Commissioner, Northern Territory
Ms Kerryn Boland, New South Wales Children's Guardian
Ms Elizabeth Fraser, Commissioner for Children and Young People and Child Guardian, Queensland
Mr Bernie Geary, Child Safety Commissioner, Victoria
Ms Megan Mitchell, Commissioner for Children and Young People, New South Wales
Mr Alasdair Roy, Children and Young People Commissioner, Australian Capital Territory
Ms Michelle Scott, Commissioner for Children and Young People, Western Australia
Ms Pam Simmons, Guardian for Children and Young People, South Australia