



National Office

CREATE Foundation Limited ABN 69 088 075 058

PO Box 3689 South Brisbane QLD 4101

T 07 3255 3145 | **F** 07 3255 3126

www.create.org.au

31 May 2012

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

Dear Committee Secretary

National Children's Commissioner

I am writing in response to the tabling of the Australian Human Rights Commission Amendment (National Children's Commissioner) Bill 2012 in Federal Parliament on Wednesday 23 May 2012. The Bill seeks to establish a National Children's Commissioner as part of the Australian Human Rights Commission to provide systems advocacy for children and young people with respect to Commonwealth policies and services.

CREATE Foundation is committed to connecting children and young people with a care experience with each other, empowering them to develop in order that they may realise their potential and to maximise the ways in which the care system can change for the better. CREATE provides a national systems advocacy service for children and young people aged 0 – 25 who are in, or have left, out-of-home care. Our advocacy aims at connecting with, and empowering, children and young people to give them a voice and assist them to promote change in the way out-of-home care services are provided.

CREATE supports the introduction of a National Children's Commissioner. We recognise the importance of broad systems advocacy for all children and young people with respect to Commonwealth Government policies and services. However, CREATE is of the view that the Bill should emphasise the need for the National Children's Commissioner to have a specific focus on vulnerable groups of children and young people, including those with a disability, those from an Aboriginal or Torres Strait Islander background and those who are living in statutory out-of-home care.

The role of National Children's Commissioner has the potential to contribute to significant improvements in services for children and young people living in out-of-home care. These young people are at significant risk of experiencing a range of adverse outcomes in later life, including social isolation, homelessness, substance abuse, unemployment and involvement in the criminal justice system. The National Children's Commissioner could assist children and young people in care by promoting Commonwealth policies that seek to address their needs and by working with existing government agencies, such as Centrelink, to ensure that services are accessible and appropriate for these children and young people.

CREATE is concerned that the current budgetary allocation of \$3.5M over 4 years will not enable the National Children's Commissioner to adequately exercise the statutory function proposed within the Bill. We note that Ms Branson of the Australian Human Rights Commission suggested that at \$3.5M the Commission would not be able to afford more than 3 other staff members, none of which would be lawyers. CREATE is concerned that an inappropriate level of funding for this position may lead to the provision of tokenistic systems advocacy services that are not representative of, or in the best interests of, children and young people.

International treaty instruments such as the *Convention on the Rights of the Child* define 'child' to include people under the age of 18. CREATE would like to draw the Senate Committee's attention to the complex issues and challenges facing young people in statutory care who are turning 18 and leaving out-of-home care. CREATE would be disappointed if a statutory upper age limit of 18 prevented the National Children's Commissioner from being involved in addressing the needs of this population of young people.

CREATE Foundation would have preferred that the National Children's Commissioner be given a broader role and powers, including the ability to receive individual complaints from children and young people about Commonwealth policies and services. CREATE would like further information about how the systems advocacy role of the National Children's Commissioner will link with individual complaints and advocacy services, such as the Commonwealth Ombudsman.

Whilst CREATE Foundation supports the Bill, the organisation would have preferred a response which was based on a broader role and powers and which was better resourced.

Please contact me on _____ if you need further information about CREATE's position on Australian Human Rights Commission Amendment (National Children's Commissioner) Bill 2012.

Yours sincerely

Jacqui Reed
Chief Executive Officer
CREATE Foundation Pty Ltd