



Australian Association of Social Workers

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

Submission to the Senate Legal and Constitutional Affairs Committee from the Australian Association of Social Workers (AASW)

Introduction

On 23 May, the Senate referred the Australian Human Rights Commission Amendment (National Children's Commissioner) Bill 2012 for inquiry and report. The Bill proposes an amendment to the Australian Human Rights Commission Act 1986 to establish the office of National Children's Commissioner within the Australian Human Rights Commission.

Support for the Bill

- The AASW commends the Australian Government on the creation of a new position of National Children's Commissioner.
- The AASW supports the amendment to Australian Human Rights Commission Act 1986 with the Australian Human Rights Commission Amendment (National Children's Commissioner) Bill 2012.

The AASW supports the functions of the Children's Commissioner to:

- promote public discussion and awareness of issues affecting children, conduct research and education programs, and consult directly with children and representative organisations.
- examine Commonwealth legislation, policies and programs that relate to children's human rights, wellbeing and development.

The AASW agrees with the objectives of establishing a National Children's Commissioner, to:

- improve advocacy at a national level for the rights, wellbeing and development of children and young people up to the age of 18 years;
- improve monitoring, by examination of enactments and proposed enactments of Commonwealth laws affecting the rights, wellbeing and development of children and young people;
- promote cooperation between the Commonwealth, States and Territories to promote the rights, wellbeing and development of children and young people;

- encourage the active involvement of children and young people in decisions that affect them, particularly administrative decisions and development of Government policies, programs and legislation;
- support Government agencies to develop mechanisms which enhance the active involvement of children and young people, and
- assist Australia in meeting its international obligations by promoting and advancing the rights of the child, in particular as enshrined in the Convention on the Rights of the Child.

The Australian Association of Social Workers (AASW) and the Social Work Profession

The social work profession is committed to maximising the well being of children, young people, adults, families and the community in socially inclusive communities, which emphasise principles of social justice and respect for human dignity. The AASW advocates for the pursuit of social justice and changes to social structures and policies in order to promote social inclusion and redress social disadvantage.

The AASW is the only national organisation for social workers in Australia. Social Workers are involved in the delivery of a range of community services in the government and non government sectors and in policy and management. Social Workers are involved in the provision of child focussed services including health, mental health, family support, child welfare, education, child protection, income support, in the public, private and not for profit sectors,

Professional social work practice is underpinned by a code of ethics which emphasises principles of social justice and respect for human dignity and human rights, including the right to freedom from abuse, intimidation and terror. Social work also takes a rights-based approach, consistent with the Convention on the Rights of the Child (1989).

The objectives of AASW are to pursue social justice, promote the public and professional recognition of social work, set education standards and promote lifelong learning, improve practice standards, and contribute to development of knowledge and research.

Recommendations

1. The AASW calls on the Federal Government to ensure that the role of National Children's Commissioner is adequately resourced to carry out its functions and to consult widely with Social Workers and other professionals in Commonwealth, State and Local jurisdictions and with Non-Government organisations and private practice. It is imperative that this position is one of leadership rather than review.

2. The AASW calls on the Federal Government to ensure that the National Children's Commissioner is adequately resourced to effectively plan a cohesive service delivery system for children and young people within Australia. This needs adequate funding for universal programs such as family day care, essential public services such as Child protection Services and Child and Adolescent Mental Health Services, as well as money for targeted programs.
3. The AASW supports a greater investment in the 'public health' model of child wellbeing and protection services, to achieve greater prevention and early intervention, build on family strengths and prioritises families on low incomes and experiencing other forms of disadvantage.
4. The AASW calls on the Federal Government to ensure that the National Children's Commissioner specifically consider reform of the child protection sector. The current debate, in all states and territories, cites concerns that these systems are too dependent on narrow forensic investigatory and statutory processes with an over emphasis on risk assessment. While not withdrawing from necessary forensic investigations and statutory processes, the AASW supports a greater focus on prevention and early intervention programs, which work with vulnerable children and their families' strengths in order to create resilience. The AASW calls on the Federal Government to ensure that the National Children's Commissioner is able to provide leadership and advocate for Federal, State, Territory and Local Governments to tackle child abuse through national and local solutions integrated across jurisdictions and departments.
5. The AASW calls on the Federal Government to ensure that the National Children's Commissioner is able to raise issues and advocate for the Federal Government to implement specific programs to address the multiple needs of Indigenous and other culturally diverse children who continue to be over-represented in child neglect and abuse referrals and investigations.
6. The AASW calls on the Federal Government to ensure that the National Children's Commissioner is able to raise issues and advocate for Federal and State / Territory Government to increase the resources available to community strengthening programs, early intervention programs and preventative programs, which build resilience in children, their families and communities.
7. The AASW calls on the Federal Government to ensure that the National Children's Commissioner is able to inform and advocate for Federal, State, Territory and Local Governments improve life opportunities for children and young people in care and leaving care.
8. The AASW calls on the Federal Government to ensure that the National Children's Commissioner is able to inform and advocate for Federal, State

and Territory Governments to develop a workforce strategy for the child wellbeing and protection sector which includes the registration of staff.

If you have any queries regarding this submission please contact Kym Daly, Acting Chief Executive Officer at the AASW National Office on .

Yours sincerely,

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AASW National President

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