

1 June 2012

Mr Tim Watling  
Inquiry Secretary  
Senate Legal and Constitutional Affairs Committee  
Parliament House  
**CANBERRA ACT 2600**

By email: [legcon.Sen@aph.gov.au](mailto:legcon.Sen@aph.gov.au)

Dear Mr Watling

**Inquiry into the Australian Human Rights Commission Amendment (National Children's Commissioner) Bill 2012**

Novita Children's Services appreciates the opportunity to make a submission to the Parliamentary Inquiry.

Novita is a South Australian non-government, non-profit organisation established in 1939 as The Crippled Children's Association of South Australia to care for children diagnosed with polio. Today, Novita provides state-wide services for children and young people living with disabilities, and their families.

Novita supports the establishment of the National Children's Commissioner and the enactment of the Australian Human Rights Commission Amendment (National Children's Commissioner) Bill 2012.

Novita has developed and expressed a strongly held view over several years in support of the establishment of a National Children's Commissioner. For example, in its submission in October 2008 to the Australian Government National Disability Strategy, Novita identified a number of key issues, in particular that a national disability strategy should provide for a National Children's Commissioner so that all Australian children are afforded every opportunity to reach their full potential. Novita provided a submission in relation to the Commonwealth Commissioner for Children and Young People Bill 2010. It is pleasing to note the significant progress that has occurred, leading to the Australian Human Rights Commission Amendment (National Children's Commissioner) Bill 2012.

In addition, the disability sector has been at the forefront over many years in calling for a National Children's Commissioner. For example, in May 2004, Australia's peak disability body, National Disability Services (then known as ACROD) published a paper in which it recommended that a National Commission be established to enhance the rights and protection for children and young people, including those with disabilities.

It is particularly pleasing to note that Section 46 MB (6) of the Bill makes specific reference to the need for the National Children's Commissioner to have regard to the United Nations Convention on the Rights of Persons with Disabilities. This is extremely important and goes some way towards alleviating concerns that children and young people with disabilities might be marginalised in the development of this legislation. The National Children's Commissioner must also have regard to the United Nations Conventions on the Rights of the Child (Section 46 MB (6) (v)). It is noted that there are responsibilities which the Australian Government has towards children and young people with disabilities pursuant to the United Nation's Conventions on the Rights of the Child.

Paragraph 20 of the Explanatory Memorandum is of considerable reassurance in describing the potential scope of "*children who are at risk or vulnerable*" (Section 46 MB (4)), and that they will include "*children with disability, Aboriginal and Torres Strait Islander children, homeless children or those who are witnessing or subjected to violence.*" It is important that children with disability have been specifically acknowledged in this regard.

Section 46 MB (1) of the Bill details the functions to be performed by the National Children's Commissioner. Novita considers that they are appropriate functions and agrees with them. The ability to consult, as described in section 46MB (5), is also appropriate.

In conclusion, Novita welcomes the Australian Human Rights Commission Amendment (National Children's Commissioner) Bill 2012 and views it as an important, national milestone in the enhancement and understanding of the rights and wellbeing of children and young people.

Yours sincerely

**Glenn Rappensberg**  
**CHIEF EXECUTIVE**