



Our **Mission** is to stop child sexual assault in our society.

Our **Vision** is to make Australia the safest place in the world to raise a child.



Wednesday, 30 May 2012

Committee Secretary  
Senate Legal and constitutional Affairs Committee  
E-mail: legcon.sen@aph.gov.au

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

Dear Committee:

Bravehearts Inc is a not-for-profit organisation dealing exclusively and specifically with child sexual assault. Bravehearts has been operating since 1997 providing child focused healing and preventative strategies including comprehensive therapeutic, support and education programs. In addition, we are heavily involved in legislative reform and research. Based in Queensland, Bravehearts has branches in Queensland, New South Wales, Victoria and Tasmania.

It is our position that the establishment of National Children's Commissioner would be a positive step toward ensuring the protection of the rights of all Australian Children. We believe that a National Children's Commissioner could play an important role in promoting and protecting the rights of all children in Australia, particularly of those who are most at-risk. This could enhance the safety and protection of children and young people across Australia and improve their opportunities to grow and develop in a safe and secure environment.

With child protection and related legislation split across State and Territories, there are particular challenges in ensuring a coordinated national approach to policy and legislation decision-making regarding issues that affect children. The Commonwealth government is responsible for ensuring that Australia meets its obligations under the Convention on the Rights of the Child. Children's rights and interests are routinely affected by policies and service delivery that fall within the Federal government's powers, for example family law. However, individual States and Territories have responsibility for the provision of many other services that affect children, including child protection, education and health.

As the development and administration of policies and services that affect children is spread across the different levels of Australian government, the safeguard and protection of the rights of the child in Australia needs a national approach. For example, the Australian Government's *National Framework for Protecting Australia's Children 2009-2020* has been developed and its implementation could be oversighted by a National Children's Commissioner.

[www.bravehearts.org.au](http://www.bravehearts.org.au)

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In relation to the *Australian Human Rights Commission Amendment (National Children's Commissioner) Bill 2012*, we note that in the overview of the Bill, the functions of the Commissioner include four key roles, to: (1) promote awareness and discussion of issues affecting children and young people, (2) conduct research and education programs, (3) consult directly with children and representative organisations and (4) examine Commonwealth legislation, policies and programs that relate to children's rights, wellbeing and development. With only three of the four functions appearing in the new subsection 46MB(1), we would recommend that the role to "consult directly with children, young people and representative organisations" also being included in the amendments.

Bravehearts thoroughly supports the establishment of a National Children's Commissioner, with key responsibilities to ensure, monitor, investigate and report on children's rights in accordance with Australia's obligations under the Convention on the Rights of the Child.

Warm Regards

Hetty Johnston  
Founder & Executive Director

Carol Ronken  
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Research and Policy Manager