



Centre for Excellence in Child and Family Welfare Inc.

30 May 2012

To the Senate Standing Committee on Legal and Constitutional Affairs

Subject: National Children's Commissioner

Thank you for the opportunity to make comment on the Australian Human Rights Commission Amendment (National Children's Commissioner) Bill 2012. The Centre would like to put forward our position on a number of points, which can be found below. We have also included some background information and a supplementary paper for the benefit of the Committee.

Scope of the Submission

This submission is in response to the call for submissions to the Inquiry into the Australian Human Rights Commission Amendment (National Children's Commissioner) Bill 2012.

The Centre for Excellence in Child and Family Welfare endorsed the NGO Sector Position Paper *A National Commissioner for Australia's Children* released in December 2011¹. This submission is in line with that Paper.

About the Centre for Excellence on Child and Family Welfare

The Centre for Excellence in Child and Family Welfare is a not-for-profit peak body for nearly 100 child and family services in Victoria.

Working for vulnerable children, young people and families, the Centre provides sector training, facilitates and publishes research, advocates through campaigns and media liaison, and sustains ongoing programs focusing on key areas of the State care system.

These include the voice of children and young people, and specific programs for foster care, kinship care and residential care. We also work and advocate for better transitions for young people leaving State care.

¹ <http://www.familiesaustralia.org.au/publications/pubs/coalition/nationalchildrenscommissioner.pdf>, accessed 30 May 2012

The Centre represents small, medium and large community service organisations across the State, enhancing their capacity to deliver services through engagement and voice in State policy and service development.

An incorporated association, the Centre is guided by a board of 12 directors drawn from our member organisations, together with a chief executive officer and an expert academic member.

True independence from Government

The Office of the National Children's Commissioner should act independently to protect, promote and advocate for the rights of children and young people in Australia. The Office should not be subject to the control of Government. The Centre contends that the National Children's Commission should function as an independent office, fully separate from the functions of the Australian Human Rights Commission.

The Centre also supports the call for a statutory commitment to the United Nations Paris Principles in relation to the functioning of the Office².

The voice of children and young people

The Office of the National Children's Commissioner should involve children and young people in all aspects of its work, including the development of the Office's mandate, the appointment of a Commissioner, the engagement of the community, the operation of the Office, and the evaluation of its services.

Special consideration and care should be taken to include the voice of children from disadvantaged backgrounds, children from culturally diverse backgrounds, Aboriginal and Torres Strait Islander children, and children with special needs.

A copy of the Centre's recent publication *Their voice: involving children and young people in decisions, services and systems*.

Championing of evidence-based policy

The Office of the National Children's Commissioner should proactively promote evidence-based policy which affects the rights and wellbeing of children. The Office should monitor the development and application of relevant policy and laws such as the National Framework for Protecting Australia's Children and be responsible for holding the Government to account on their effective delivery.

International Conventions

² <http://www2.ohchr.org/english/law/parisprinciples.htm> , accessed 30 May 2012

The Centre believes that the office should have a mandate to monitor the implementation of the United Nations Convention on the Rights of the Child, as well as other relevant international pacts and treaties such as the UN Convention against Torture and the UN Convention against Transnational Organised Crime, throughout Australia. This should not be a substitute for the current roles of other bodies in implementing and monitoring such agreements. This would provide the Office with a mandate encompassing a variety of areas which are vital to ensuring the wellbeing of children and young people.

Working collaboratively

To ensure efficient and comprehensive monitoring, advocacy, and reporting, and to avoid duplication, the Office of the National Children's Commissioner should develop agreements with the Offices of State and Territory Children's Commissioners based on the spirit of cooperation and coordination.

The Office should work in conjunction with other existing institutions such as the Australian Human Rights Commission and the various Ombudsmen, providing expert advice in relation to the rights and needs of children and young people.

Adequate resourcing

The Office of the National Children's Commissioner must be provided with adequate resources to effectively fulfil its mandate. The Centre believes that the present level of proposed funding is well short of what the Office will require.

If you have any queries regarding our submission, please contact our Director of Social Policy & Research, _____ or _____

Yours sincerely

Dr Lynette Buoy
Chief Executive Officer