

1 June 2012



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

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

The Public Interest Advocacy Centre (PIAC) strongly supports the enactment of the Australian Human Rights Commission Amendment (National Children's Commissioner) Bill 2012.

In brief, PIAC supports this Bill for the reasons set out in the submission of the Human Rights Law Centre (dated 28 May 2012). PIAC also supports the further proposals made in that submission. In particular, PIAC endorses the Human Rights Law Centre's recommendation that s 46MB(6)(b) be amended to include reference to, at least, the *Convention Against Torture and Other Cruel Inhuman or Degrading Treatment or Punishment*. In addition, PIAC also supports the proposal to amend this provision of the Bill to include reference to the two most relevant Optional Protocols to the Convention on the Rights of the Child – those relating to the involvement of children in armed conflict, and the sale of children, child prostitution and child pornography.

PIAC bases its support for this Bill on its considerable body of legal work and advocacy in this area. PIAC is an independent, non-profit law and policy organisation that works for a fair, just and democratic society. It empowers citizens, consumers and communities by taking strategic action on public interest issues.

PIAC undertakes a range of work to promote the rights of children and young people. In 2005, PIAC worked with Legal Aid NSW and the Public Interest Law Clearing House NSW to establish the Children in Detention Advocacy Project (CIDnAP) with the aim of challenging the unlawful and unnecessary detention of young people in the criminal justice system. PIAC's experience through CIDnAP highlights the many forms of detention affecting children and young people, and shows that these merit systemic advocacy and reform. PIAC has particular concern about the effects on children and young people of the administrative detention system established by the *Migration Act 1958* (Cth), and the reasonable access of children and young people to bail through the criminal justice system.

Through CIDnAP, PIAC's experience has been that children and young people need a strong and independent advocate for their rights, and to ensure

adherence to the principle that the detention of children and young people should always be a decision of last resort. The establishment of a National Children's Commissioner has the potential to assist in the achievement of this goal.

Naturally, PIAC is willing to provide further assistance and information to the Committee in the event that this is required.

Yours faithfully

Edward Santow
Chief Executive Officer
Public Interest Advocacy Centre