

Commonwealth Commissioner for Children and Young People Bill 2010

NDS supports the intention of the *Commonwealth Commissioner for Children and Young People Bill 2010*. Ideally, legislation should provide the Commissioner with adequate powers—backed by appropriate resources—to enable them to:

- promote the rights, safety, welfare and wellbeing of children and young people;
- ensure a focus on children and young people that is broader than child protection/welfare;
- listen to the voices of children and young people and their families and represent them to government and within the political process;
- ensure a special focus on vulnerable children and young people including those with a disability to ensure minimal standards for quality of life are met;
- involve children and young people in its decision-making;
- address rights of children and young people in all statutory policies;
- provide leadership and advocacy;
- accept referrals from individuals, community groups, advocacy groups, peak bodies, government departments;
- develop State/Territory wide strategies for children and young people, with key performance indicators to measure their success, underpinned by:
 - prevention and early intervention;
 - a universal approach that includes all children, with a focus on the most vulnerable;
 - an outcome focus;
 - evidence based;
 - a holistic view of the child;
 - a collaborative approach;
 - attention to risks and building resilience;
 - partnerships with local communities;
- seek bi-partisan commitment on matters of priority for children and young people; and
- draw on European model of children's ombudsman or commissioner that reflects the intent of the UN Convention on the Rights of the Child (Note: Australia's existing commissions do not reflect this intent).

Specific comments

NDS supports the broad objects of the Bill which establishes an independent statutory office of Commonwealth Commissioner for Children and Young People but believes that a focus on wellbeing should be explicit. Care must be taken to ensure that the work of the Commissioner remains on advancing the wellbeing of children and young people; child protection issues, while of utmost importance, must not dominate to the exclusion of all other matters. The adoption of a public health model would assist in identifying and promoting early intervention and prevention approaches that would benefit many children and provide families with support early enough to prevent abuse, neglect or other poor outcomes from occurring.

Object 2(c) states that the Commissioner will “co-ordinate related policies, programs and funding across Australia, which impact on children and young people”. While the Commissioner should be able to comment on the coordination (or lack of) of related policies, programs and funding across Australia, they should not be actively involved in coordination activities. In 2009, the Council of Australian Governments stated:

the investment by governments and the non-government sector into family support and child protection services is significant, yet our separate efforts still fail many children and young people. We need a unified approach that recognises that the protection of children is not simply a matter for the statutory child protection systems...Australia needs a shared agenda for change, with national leadership and a common goal.

The Commissioner’s role should promote the centrality of children and young people in Australian society. They should be able to express views on a national agenda and provide leadership without compromising their independence. Coordination of policies and programs more appropriately sits with ministers and government departments.

The Bill lists one of the functions and powers of the Commissioner as:

advancing the status of children and young people in Australia, including Indigenous children and young people and other groups identified as being at risk

NDS believes this statement should be strengthened to provide a remit for the Commissioner to pay special attention to the needs and interests of particularly vulnerable children and young people. NDS would see children and young people with disability as a special needs group for whom many mainstream services (such as early childhood services, education and training) fall well short of what could be considered adequate (often through insufficient funding, limited access to teachers and support staff trained in disability, and poor access to facilities and assistive technology).

The functions of the Commissioner should also be extended to include the ability to initiate any reviews, inquiries or research, and to monitor the performance of national plans.

In Section 10, an additional item that requires the Commissioner to consult with non-government community service organisations, researcher and academics, and other relevant parties should be added. These groups play an important role in the promotion of the safety and wellbeing of Australia's children and young people through research and analysis, advocacy, policy and service delivery roles.

NDS does not support the Commissioner being required to prepare Australia's report to the United Nations Convention on the Rights of the Child (UNCRC); to do so would limit their ability to be an independent statutory office. Ideally, the Commissioner should be required to produce and make public an independent report on progress under the UNCRC. This report would be in addition to the report which must be developed by the Australian Government.

December 2010

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About National Disability Services

National Disability Services is the peak industry body for non-government disability services. Its purpose is to promote and advance services for people with disability. Its Australia-wide membership includes about 700 non-government organisations, which support people with all forms of disability. Its members collectively provide the full range of disability services—from accommodation support, respite and therapy to community access and employment. NDS provides information and networking opportunities to its members and policy advice to State, Territory and Federal governments.