

18 January 2011

Ms Julie Dennett
Committee Secretary
Senate Legal and Constitutional Affairs Legislation Committee
Parliament House
Canberra ACT 2600

By email: legcon.sen@aph.gov.au

Dear Ms Dennett

Re: Inquiry into the Commonwealth Commissioner for Children and Young People

The National Welfare Rights Network (NWRN) welcomes the opportunity to provide some brief comments on this important legislation into the establishment of a Commissioner for Children and Young People. The NWRN is an incorporated network of 14 community legal centres throughout Australia which specialise in social security law and how it is administered by Centrelink. Based on the experience of the clients of NWRN members, the Network also undertakes research and analysis, develops policies and position papers, and advocates for reforms to law, policy and administrative practice.

The NWRN endorses the submission on the Bill by the National Children's and Youth Law Centre, the Australian Research Alliance for Children and Youth, UNICEF Australia, and the National Association of Community Legal Centres. We would like in particular to emphasise our view that as an independent officer of Parliament, the Commissioner should report directly to Parliament.

The role of the Commissioner should be to advocate for systemic change in administrative policies and legislation with the aim of improving the wellbeing of all children and young people. We believe that the Commissioner should pursue a "rights-based" approach in undertaking its activities, to ensure that practical outcomes of improved health and wellbeing of children and young people in Australia are achieved. The most effective way to achieve this result is for the full text of the United Nations Convention on the Rights of the Child to be incorporated into the proposed legislation.

We consider that the right to benefit from social security and the right to an adequate standard of living enshrined in articles 26 and 27 of the Convention should be

specifically included in the Articles listed in the item “Section 3 – Object”, to form new subsections 3(3)(e) and 3(3)(f) respectively.

Please find attached a submission which describes in detail the many ways in which Australia’s social security system is failing young people and illustrates many issues which would benefit from investigation by a Commissioner for Children and Young People. This submission is based on the casework conducted by Welfare Rights and the experience of our clients.

We would draw to your attention the current overly restrictive criteria for young people to receive the Independent rate for Youth Allowance and the absence of Youth Protocols between the Commonwealth and some States (see sections 1.4 and 4.3 respectively of the report) as examples of issues which need urgent attention.

Yours sincerely

Maree O’Halloran
President
National Welfare Rights Network

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