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## Blind Citizens Australia

Committee Secretary  
Senate Legal and Constitutional Committee  
PO Box 6100  
Parliament House  
Canberra ACT 2600  
Via email: [legcon.sen@aph.gov.au](mailto:legcon.sen@aph.gov.au)



14 December 2010

### **Comment on the Commonwealth Commissioner for Children and Young People Bill 2010**

Blind Citizens Australia is the peak national consumer body of and for people who are blind or vision impaired. Our mission is to achieve equity and equality by our empowerment, by promoting positive community attitudes and by striving for high quality and accessible services which meet our needs. As the national peak body, we have over 3100 individual members, 16 branches nationwide; in metropolitan, regional and rural locations and 13 affiliate organisations that represent the interests of Australians who are blind or vision impaired.

#### **Initial comments**

Blind Citizens Australia views with interest proposed legislation which would establish an independent statutory Commonwealth Commissioner for Children and Young People, a position which would advocate at a national level for the needs, rights and views of people below the age of eighteen. We are particularly supportive of

- the use of the United Nations Convention on the Rights of the Child, specifically the non-discrimination in the application of children's rights
- consultation with children and young people in ways appropriate to their age and maturity; and with parents and guardians; educators and Commonwealth, State and Territory bodies
- listening to and seriously considering the concerns, views and wishes of children and young people; and
- co-ordinating policies, programs and funding which impact on children and young people, between Federal, State, Territory and local governments

We see this as a positive move in highlighting the experience of children and to provide a systemic avenue to address issues. Whilst the Commonwealth *Disability Discrimination Act 1992* can be effective in addressing some discrimination, it is reliant on the person experiencing discrimination making a complaint, which often takes a significant amount of time and stress to resolve. The role of the Commissioner could provide an opportunity for more systemic outcomes and for children to have their own voice, in addition to the voice of their parents/guardians.

We have read with interest the discussion paper released by the Australian Human Rights Commission on this issue (see [www.hreoc.gov.au/human\\_rights/children/2010\\_commissioner\\_children.html](http://www.hreoc.gov.au/human_rights/children/2010_commissioner_children.html)).

Whilst we recognise that many states within Australia have a Commissioner who advocates on behalf of children, we share the Commission's concerns that:

- Each state has a different mandate on the issues that are addressed
- State Commissioners do not have jurisdiction over Federal issues such as immigration and welfare amongst others
- Despite ratifying the Convention on Rights of the Child twenty years ago, Australia has not fully implemented the Convention within domestic law. Australia does not have a national Commissioner with the specific mandate for monitoring children's rights, including protecting and advocating for children who are marginalised. These are concerns which have been specifically raised by the United Nations Committee.
- At present, the voices of children are rarely heard or considered within senior decision making. The voice of children with a disability could be argued to be almost non-existent.

Blind Citizens Australia recommends that a Commissioner for Children and Youth, if adopted, should be established within the framework of the Australian Human Rights Commission, similar to current Commissioners advocating on race, age and disability. This approach fosters continuity and access to professional and practical support. We recommend that the Senate inquiry view the Commission's discussion paper in detail.

We would also like to make the following recommendations:

We believe that, if adopted, the final legislation should also reference the United Nations Convention on the Rights of Persons with Disabilities (UN CRPD), specifically Article 7 Children with Disabilities. Children with a disability often experience vastly different treatment from their peers and may also have different needs. In the case of children who are blind or vision impaired, we are overwhelmingly hearing stories of children who are excluded from recreational pursuits because of their vision loss; inclusive educational strategies which are failing because of poor communication between staff leaving the child socially and educationally excluded; and parents and children disenfranchised from self-advocating their needs.

Referencing the UN CRPD in the legislation will ensure that all involved are aware of their obligations under the Convention. This will also ensure that vital aspects of the UN CRPD are incorporated in the legislation, ensuring that the final product is one that recognises disability as a separate issue which may impact on the welfare and rights of children.

### **One major concern is education**

Clause 9(1)(f) states that a proposed function of the Commissioner is 'promoting public education programs about, and ensuring strong investment in, early childhood development'.

Early childhood development and education access is one of the most crucial issues affecting children who are blind and one of the most important rights to protect.

Blind Citizens Australia is concerned that children who are blind or vision impaired around Australia are not getting consistent access to the specialist educational resourcing that they need to become young, skilled and employable adults. This includes resources like

- adaptive technology (such as screen reading and Braille technology) and training in how to use the technology
- timely access to the curriculum and materials in accessible formats (large print, audio, Braille and accessible electronic formats) and
- increased access to qualified Braille professionals, visiting teachers and aides specialising in vision impairment.

Blind Citizens Australia recently called for a critical increase of funding to be directed towards education to improve outcomes for children across Australia falling through the educational gaps. Key problem areas reported to Blind Citizens Australia include poor, and in some cases, no access to class work and materials in accessible formats including Braille; overwhelmed teachers leaving students alone in classrooms due to poorly communicated integration strategies and a child being taught Braille maths by a teacher concurrently learning Braille maths. The expanded core curriculum, which covers important skills around daily living and mobility, is also inconsistently taught. Our concern is that teachers and aides are tired and under-resourced to support the learning needs of students. This is to the direct detriment to a child whose only shortcoming is a loss of sight.

Clause 9(1)(c)(iii) which would permit the Commissioner to undertake research, inquiries and report to Parliament and Clause 9(1)(f) which talks about co-ordinating policies, programs and funding which impact on children and young people between Federal, State, Territory and local governments are steps in the right direction to ensure that children are included and can meaningfully participate in education.

More information about the needs of children who are blind in education can be found in our [Education Policy](#) which is also available from Policies/National Policies on our website [www.bca.org.au](http://www.bca.org.au).

### **Age coverage**

We agree that the Commissioner should advocate at a national level for the needs, views and rights of people below the age of 18. We do however maintain that it is important that this does not preclude the Commissioner from addressing issues around the transition of young people to adulthood. For young adults who are blind, this includes the transition to further education, employment or vocational pursuits. With an unemployment rate of 63% amongst people who are blind or vision impaired of workforce age, we want to ensure that the needs of young adults are not forgotten or dismissed once a child turns 18.

### **Information must be accessible**

The engagement of children who are blind, as well as their parents and peers who may also have a vision impairment, is reliant on information which is easy to access, understand and share. Good information accessibility includes information provided in a range of formats including audio, large print (16 point or larger), electronic text (Word format in favour of PDF as PDF format presents accessibility issues for people who use screen reading technology) and Braille.

To discuss this submission further or for additional information, please contact Blind Citizens Australia on (03) 9654 1400 or [jessica.zammit@bca.org.au](mailto:jessica.zammit@bca.org.au).

We refer the Senate Legal and Constitutional Committee to submissions made by Children with Disability Australia and the Australian Federation of Disability Organisations which extend our points regarding the coverage of children who have a disability.

Yours sincerely,

Jessica Zammit  
National Policy Officer  
Blind Citizens Australia

This submission is available in large print, audio, Braille and in electronic formats for access by people who are blind or vision impaired on request.