

# **ADDITIONAL COMMENTS BY SENATOR HANSON-YOUNG**

## **Introduction**

1.1 The Australian Greens welcome the introduction of this legislation and support the recommendation of the Committee Report that the Bill be passed.

1.2 The establishment of a National Children's Commissioner (NCC) is a very necessary and important reform, and one that the Australian Greens have been calling for over recent years. The Greens have previously introduced our own legislation to Federal Parliament for an independent statutory Children's Commissioner, because it is crucial that the rights of Australian children and young people are given expression and protection at a national institutional level.

1.3 The NCC will be particularly critical in representing children from disadvantaged backgrounds and making sure that Australia consistently meets its obligations under the United Nations Convention on the Rights of the Child.

1.4 The NCC must be adequately resourced to fulfil its key functions of monitoring and advocating for the protection and promotion of children's rights in Australia.

1.5 In the course of the inquiry into this bill, the Australian Human Rights Commission and other submitters such as Uniting Justice raised concerns that the current bill does not explicitly refer to important international instruments such as Convention against Torture and Cruel, Inhumane or Degrading Treatment or Punishment and the Optional Protocol to this Convention.

1.6 The Australian Greens believe that the Bill should be amended to give the NCC a stronger platform to engage in preventative monitoring of all places where children's rights in this area may be compromised, such as in immigration detention centres.

1.7 The Australian Greens also note the input of a number of submitters who noted that Australia has ratified a number of Optional Protocols under the Convention on the Rights of the Child, which are not currently included in the Bill.

1.8 Finally, the Australian Greens note the concerns raised by submitters regarding the examples of particular groups of children who are at risk or vulnerable that is contained in the Explanatory Memorandum to the Bill. It is our view that the NCC's broad discretion to focus on vulnerable and at risk children arising from s46MB(4) of the Act should be clarified with more detail in the Explanatory Memorandum. The list in the Explanatory Memorandum should include Aboriginal and Torres Strait Islander children, refugee children and children seeking asylum in Australia.

### **Recommendation 1**

**1.9 Section 46MB(6)(b) of the Bill should be amended to explicitly include:**

- (a) the Convention Against Torture and Cruel, Inhumane or Degrading Treatment or Punishment and the Optional Protocol to this Convention;**
- (b) the Optional Protocol to the Convention on the Rights of the Child on the Involvement of Children in Armed Conflict; and**
- (c) the Optional Protocol to the Convention on the Rights of the Child on the Sale of Children, Child Prostitution and Child Pornography.**

### **Recommendation 2**

**1.10 The reporting function at section 46MB(3) should include an additional requirement on the Commissioner to report on Australia's level of compliance with its human rights obligations under the Convention on the Rights of the Child.**

### **Recommendation 3**

**1.11 The Explanatory Memorandum should be amended to explicitly include asylum seeker and refugee children as examples of vulnerable and at risk groups of children.**

### **Recommendation 4**

**1.12 The Bill should be passed.**

**Senator Sarah Hanson-Young  
Australian Greens**