

Commonwealth Commissioner for Children and Young People



Why does Australia need a Commonwealth Commissioner for Children and Young People?

Australia is ranked 20th out of 27 OECD countries on infant mortality.

The largest group of homeless in Australia are those aged between 12 and 18.

In 2008/09, there were 32,641 children who had a confirmed case of abuse or neglect. Only 5 per cent of young Australians are Indigenous, yet they make up over half of those in juvenile detention and almost 60pc of unsentenced detainees.

In 2008, UNICEF's report, *The Child Care Transition*, ranked Australia 22nd out of 24 developed countries for childcare and early learning.

Far too many children and young people are falling through the cracks of our society. These include children bullied in schools, the babies, infants and kids who are victims of neglect, the children and teenagers who are homeless on Australian streets every night, and young people who are in juvenile or immigration detention.

Australia has a duty to protect their rights. As a signatory to the UN Convention on the Rights of the Child, Australia has a duty to uphold human rights, whether they are civil rights, cultural rights, economic rights, political rights or social rights.

Senator Sarah Hanson-Young has introduced the Commonwealth Commissioner for Children and Young People Bill 2010.

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Key features of the Greens' Bill:

- Promoting the rights of all children and young people nationally, to ensure Australia meets our responsibilities under the Convention on the Rights of the Child;
- Providing national leadership in advocating and monitoring for the well being of Australian children and young people;
- Reviewing existing laws; proposing new policies; and conducting research;
- Promoting and protecting the rights of children and young people in immigration detention, and acting as the legal guardian of unaccompanied minors arriving in Australia without the requisite visa;
- Promoting strong education programs;
- Reporting Australia's performance under its international obligations to the United Nations.

There are four guiding principles in upholding children's rights:

- Non-discrimination in the applicability of children's rights (Article 2)
- The primacy of the consideration of the child's best interests (Article 4)
- The child's right to survival and development (Article 6(1))
- The child's right to participation in decision-making (Article 12)

These four principles should form the basis of our approach to protecting the best interests of our children and young people.

At present, child protection is a state and territory government responsibility. Yet, with increasing community awareness of the importance and broad scope of child protection, it's clear that the establishment of a national system that co-ordinates these varying state-based regulations and programs is needed.

If we want to effectively tackle serious problems such as child abuse, homelessness, poor education, poverty and social disadvantage, we need to recognise the value and key role children and young people bring to the community. In order to achieve this, Australia needs to follow the lead of countries such as New Zealand, Britain, Norway and Sweden in providing children and young people with a voice at a national level, to ensure that we adequately fulfil our international obligations as a signatory to the United Nations Convention on the Rights of the Child.

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How would the Commonwealth Commissioner work?

The Greens' Bill specifically states that the Commissioner is required to:

- Consult with children and young people, their parents and guardians, and their educators;
- Consult with relevant bodies and organisations;
- Develop agreements with State and Territory Governments around the cooperation and interaction between the Commonwealth Office of the Commissioner and relevant State and Territory bodies;
- Adopt work practices that ensure the Office of the Commissioner is accessible to children and young people and encourages their participation.

Will all children and young people have access to the Commissioner?

The Commonwealth Commissioner for Children and Young People Bill 2010 seeks to establish an independent statutory office of Commonwealth Commissioner for Children and Young People, to advocate at a national level, for the needs, rights and views of people below the age of eighteen.

Whether it is children in child care or state care, in the education system, the juvenile justice system or immigration detention, in big cities, small towns or outback communities, all young people deserve to have someone looking out for their interests.

Other than the Greens, is there public support for a Commonwealth Commissioner?

Community support for the establishment of a Commonwealth Commissioner is growing, with the national child rights development organisation Save the Children reporting that 78% of Australians believe there is a role for a specific national Commissioner for children and young people.

This bill has been drafted in consultation with Save the Children, and the organisation is endorsing the legislation.

Other organisations such as UNICEF, Australian Human Rights Commission, and the Australian Research Alliance for Children and Young People have also indicated their support for the establishment of a national body to advocate for the rights of children and young people.