



29 May 2012

To the Senate Standing Committee on Legal and Constitutional Affairs

Subject: National Children's Commissioner

Thank you for the opportunity to make comment on this important Bill. Defence for Children International Australia would like to assert our position on a number of points, which can be found below. We have also included some background information for the benefit of the Committee.

1. Scope of the Submission

This submission is in response to the call for submissions to the Inquiry into the Australian Human Rights Commission Amendment (National Children's Commissioner) Bill 2012.

Defence for Children International Australia supports the NGO Sector Positions Paper *A National Commissioner for Australia's Children* released in December 2011.¹ This submission is in line with that Paper.

2. About the Defence for Children International

Defence for Children International is an independent non-governmental organisation that has been promoting and protecting children's rights on a global, regional, national and local level for 30 years.

Defence for Children International is represented through its national sections and associated members in 40 countries worldwide.

3. Effective independence from Government

The Office of the National Children's Commissioner should act independently to protect, promote and advocate for the rights of children and young people in Australia. The Office should not be subject to the control of Government. Defence for Children International Australia supports the call for a statutory commitment to the United Nations Paris Principles in relation to the functioning of the Office².

4. United Nations Convention on the Rights of the Child

Defence for Children International Australia believes that the office should have a mandate to monitor the implementation of the Convention on the Rights of the

¹ <http://www.familiesaustralia.org.au/publications/pubs/coalition/nationalchildrenscommissioner.pdf>, accessed 28 May 2012

² <http://www2.ohchr.org/english/law/parisprinciples.htm>, accessed 28 May 2012

Child throughout Australia. This should not be a substitute for the current roles of other bodies in implementing and monitoring the Convention. This would provide the Office with a mandate encompassing a variety of areas which are vital to ensuring the wellbeing of children and young people.

5. Working with other bodies

To ensure efficient and comprehensive monitoring, advocacy, and reporting, and to avoid duplication, the Office of the National Children's Commissioner should develop agreements with the Offices of State and Territory Children's Commissioners based on the spirit of cooperation and coordination.

The Office should work in conjunction with other existing institutions such as the Australian Human Rights Commission and the various Ombudsmen, providing expert advice in relation to the rights and needs of children and young people.

6. The voice of children and young people

The Office of the National Children's Commissioner should involve children and young people in all aspects of its work, including the development of the Office's mandate, the appointment of a Commissioner, the engagement of the community, the operation of the Office, and the evaluation of its services.

Special consideration and care should be taken to include the voice of children from disadvantaged backgrounds, children from culturally diverse backgrounds, Aboriginal and Torres Strait Islander children, and children with special needs.

7. Adequate resourcing

The Office of the National Children's Commissioner must be provided with adequate resources to effectively fulfil its mandate. Defence for Children International Australia believes that the present level of proposed funding is well short of what the Office will require.

8. Promotion of evidence-based policy

The Office of the National Children's Commissioner should proactively promote evidence-based policy which affects the rights and wellbeing of children. The Office should monitor the development and application of relevant policy and laws such as the National Framework for Protecting Australia's Children and be responsible for holding the Government to account on their effective delivery.

If you have any queries regarding our submission, please contact me on

Yours sincerely

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