



Government  
of South Australia

The Council for the  
Care of Children

7 June 2012

Mr Tim Watling  
Inquiry Secretary  
The Senate Standing Committee on Legal and Constitutional Affairs  
c/- [legcon.sen@aph.gov.au](mailto:legcon.sen@aph.gov.au)

Dear Mr Watling

**Re: Inquiry into the *Australian Human Rights Commission Amendment  
(National Children's Commissioner) Bill 2012***

Further to correspondence forwarded on behalf of the Council for the Care of Children on the 30 May 2012 to the Senate Standing Committee, the Council would like to provide the attached supplementary report for the Committee's consideration.

This supplementary submission is to be read in conjunction with, not as a replacement of, the original submission provided by the Council.

Yours sincerely

Dr Diana Hetzel  
Chair  
Council for the Care of Children

**Supplementary Submission to:**  
***Inquiry into the Australian Human Rights Commission  
Amendment (National Children's Commissioner) Bill 2012***

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The Council for the  
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June 2012



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## **Supplementary Submission to:**

### ***Inquiry into the Australian Human Rights Commission Amendment (National Children's Commissioner) Bill 2012***

- In addition to explicitly acknowledging the need to represent and protect the interest of specific population groups at greater risk within the Australian Community (reference page 5 of the Council's initial submission) it is recommended that the Bill specifically recognises the unique status of Aboriginal and Torres Strait Islander (ATSI) children and young people as the First Peoples of Australia. In doing so the Bill should make provision for ensuring the interests of ATSI children and young people are afforded priority in the National Children's Commissioner's performing of functions. This could be addressed with specific reference included under Section 46 MB(4) of the Bill.
- It is acknowledged that the functions of the National Children's Commissioner (the Commissioner) as outlined in Section 46MB(1) are defined in deliberately broad terms as to provide the Commissioner with scope to undertake a range of activities. However, it is proposed that the Commissioner should also have the scope to provide reports to bodies or entities other than the Minister as deemed necessary to fulfil the Commissioner's obligations.
- The reference to the Commissioner consulting with various bodies in performing their functions (Section 46 MB(5)) could benefit from some tightening. Whilst not wanting to 'straight jacket' the Commissioner, the importance and value of involving and incorporating the views and input of children and young people should be given precedence. It is recommended that the Commissioner be required to engage with children and young people as part of performing their functions. As currently worded it is optional for the Commissioner.
- To ensure the efficacy of the Commissioner, it is recommended that the Bill make provision for collaboration with respective bodies with common or complementary aims and objectives. This requires more than consultation but a preparedness and authority to partner and undertake joint endeavours so long as it doesn't compromise the independence of the Commissioner. This would allow for a more collaborative relationship to be established between the Commissioner and their State and Territory counterparts, optimising the value of the collective resources available across Australia for Commissioner functions.