



Australian Association of Social Workers Ltd.

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Committee Secretary
Senate Legal and Constitutional Committee
PO Box 6100
Parliament House
Canberra ACT 2600

15 December 2010

Dear Sir/Madam

The Australian Association of Social Workers (AASW) strongly supports the introduction of the *Commonwealth Commissioner for Children and Young People Bill 2010* and welcomes the opportunity to comment on the proposed legislation.

The AASW is the key professional body representing more than 6000 social workers throughout Australia. It is also the accrediting body for all tertiary social work programs in Australia and for the assessment of overseas qualified social workers.

Significant numbers of AASW members work in the child protection field in a range of roles including tertiary therapeutic interventions for children and their families where there have been child protection concerns, other direct case work, management, policy and a variety of early intervention roles. Social workers are recognised throughout the world as the core professional group in child protection policy, management and practice.

The AASW endorses Families Australia's recommendations in relation to the Bill, in particular that:

- The legislation should explicitly reflect a public health model;
- The Commissioner should ensure a particular focus on Aboriginal and Torres Strait Islander children and young people;
- The Commissioner should pay special regard to the rights, needs and interests of vulnerable children and young people;
- The Commissioner should not be restricted to considering only the situation of children and young people under the age of 18;
- The Commissioner should prepare his/her own independent report to the UN Committee on the Rights of the Child;
- The wording of the Bill in relation to the UN Convention on the Rights of the Child (UNCRC) should have an additional reference to the Australian context, in particular, the principles underpinning the National Framework for Protecting Australia's Children 2009-2020;
- There should be provision for longer-term development of common approaches across jurisdictions in matters such as performance reporting and monitoring;
- The Commissioner should have a jurisdiction over any issues that may arise in off-shore processing centres.

In addition the AASW recommends that:

- The Commissioner should have remit to examine the adequacy of, and make recommendations in relation to, the workforce that support children and young people, its skills and qualifications in Commonwealth, State and Territory services;
- Given the need for children and young people to participate in the development of policies which affect them, the Commissioner should promote a model of active participation by children and young people.

The AASW appreciates the opportunity to comment on the draft legislation.

Yours sincerely

Kandie Allen Kelly
Chief Executive Officer