

To the Committee Secretary
Senate Committee on Legal and Constitutional Affairs
PO Box 6100
Parliament House
Canberra ACT 2600

Submitted via Online Submission System

To the Committee Secretary, Senate Committee on Legal and Constitutional Affairs,

Submission to the inquiry into the Australian Human Rights Commission Amendment (National Children's Commissioner) Bill 2012

MacKillop Family Services (MacKillop) welcomes the opportunity to provide comment on the amendments to the *Australian Human Rights Commission Act 1986*, to provide for a National Children's Commissioner and the functions to be associated with the new role.

MacKillop is a leading provider of services for children, young people and their families in Melbourne, western Victoria, western Sydney and the south east of NSW. The programs we deliver include home based and residential care, disability services, refugee services, youth support, education and training, family support and support to women and men who, as children, were in the care of our founding agencies.

Formed in 1997 as a refounding of the earlier works of the Sisters of Mercy, the Christian Brothers and the Sisters of St Joseph, MacKillop exists to support, to foster hope and to promote justice for children, young people and their families, particularly those who experience distress, disadvantage and abuse.

MacKillop was pleased to hear of the announcement of the establishment of a National Children's Commissioner. The Bill to amend the *Australian Human Rights Commission Act 1986* is supported by MacKillop, as is the intention behind the establishment of the Commissioner. In particular, we are pleased that the proposed position will, as was stated by the Attorney General, Ms Nicola Roxon, MP, in her Second Reading Speech, have a clear focus on the needs of vulnerable or at risk groups of children. In those categories, Ms Roxon cites children with a disability, Aboriginal and Torres Strait Islander children, homeless children or those who are witnessing or subjected to violence. As a provider of services to children, we wish to add that some of the most vulnerable children in the Australian community are children who come to Australia seeking asylum, including children who are and are not accompanied by adults.

We note the proposed new section of the Act, section 46MB Functions of Commission that are to be performed by National Children's Commissioner, subsection(4) says:

In performing functions under this section, the National Children's Commissioner may give particular attention to children who are at risk or vulnerable.

MacKillop submits that this section should be written so as to be interpreted broadly, to include all children and young people, including asylum seekers.

MacKillop supports the broad range of functions which the Bill proposes to grant to the Australian Human Rights Commission and the proposed National Children's Commissioner. In particular, we provide support for the intention that the Commissioner will promote discussion and awareness of matters relating to the human rights of children in Australia, examine enactments in relation to this, as well as report annually on the enjoyment and exercise of human rights by children in Australia. We also acknowledge the importance of the Commissioner's focus on Australia's obligations under the United Nations Convention on the Rights of the Child and including children in consultation processes and note the inclusion of that proposal in the Bill.

Yours sincerely,

Micaela Cronin
CEO, MacKillop Family Services

JUSTICE
HOPE
COLLABORATION
COMPASSION
RESPECT