



D. J. MORRIS

11 November 2010

Dear Secretary

Commonwealth Commissioner for Children and Young People Bill 2010

This is a submission in relation to the above inquiry being undertaken by the Committee.

Clause 14(1) of the Bill provides as follows:

The Commissioner holds office for the period specified in the instrument of appointment. The period must not exceed five years.

The recent events in Tasmania relating to the office of the Commissioner for Children make it imperative that such statutory office-holders are appointed for a period longer than the life of a Parliament.

In Tasmania the Commissioner for Children last month published a report generally critical of the actions of the State Government and 24 hours later it was announced that he was not to be re-appointed. In the Tasmanian legislation the appointment period is three years.

I appreciate that the general intent of the Bill is that a Commissioner be appointed for a five year period, but I believe that the discretion for the Minister to recommend any shorter period to the Governor-General should be removed.

I submit that the Committee should recommend that clause 14(1) of the Bill specify a 5 year term, not allow a shorter period. This will enhance the independence of the Commissioner. Other provisions of the Bill allow for resignation and for termination of the appointment by the Governor-General in specific circumstances.

Yours sincerely

The Secretary
Committee on Legal and Constitutional Affairs
The Senate
Parliament House
CANBERRA ACT 2600