



Appendix E – Role of Australian Commissioners for Children and Child Guardians

Role of Australian Commissioners for Children and Child Guardians



State/ Territory	Australian Capital Territory	New South Wales (NSW)	Northern Territory	Queensland	South Australia	Tasmania	Victoria	Western Australia (WA)
Name	ACT Children & Young People Commissioner	NSW Commission for Children and Young People	Children's Commissioner	Queensland Commission for Children and Young People and Child Guardian	Guardian for Children and Young People	Commissioner for Children Tasmania	Child Safety Commissioner Victoria	WA Commissioner for Children and Young People
Legislative base	<i>Human Rights Commission Act 2005</i> , and <i>Human Rights Act 2004</i>	<i>Commission for Children and Young People Act 1998</i>	<i>Care and Protection of Children Act 2007</i>	<i>Commission for Children and Young People and Child Guardian Act 2000</i>	<i>Children's Protection Act 1993</i>	<i>Children, Young Persons and Their Families Act 1997</i>	<i>Child Wellbeing and Safety Act 2005</i>	<i>Commissioner for Children and Young People Act 2006</i>
Independence	Reports to the Minister	Reports to Parliamentary Joint Committee	Reports to the Minister	Reports to a Parliamentary Joint Committee	Reports to the Minister	Reports to the Minister	Reports to the Minister	Reports to a Parliamentary Joint Committee
Reporting to Parliament	Required to table an annual report to Parliament Can table special reports to Parliament	Required to table an annual report to Parliament Can table special reports to Parliament	Required to table an annual report to Parliament Can table special reports to Parliament	Required to table an annual report to Parliament Can table special reports to Parliament	Required to table an annual report to Parliament Can table special reports to Parliament	Required to table an annual report to Parliament Can table special reports to Parliament	Required to table an annual report to Parliament Can table special reports to Parliament	Required to table an annual report to Parliament Can table special reports to Parliament
Appointment	The Commissioner is an independent statutory officer appointed by the Executive	The Commissioner is an independent statutory officer appointed by the NSW Governor	The Commissioner is an independent statutory officer appointed by the Administrator	The Commissioner/Guardian is an independent statutory officer appointed by the Queensland Governor	The Guardian is an independent officer appointed by the Governor of South Australia	The Commissioner is an independent statutory officer appointed by the Governor of Tasmania	The Commissioner is appointed by the Premier	The Commissioner is an independent statutory officer appointed by the Governor of Western Australia

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Grounds for dismissal and who can dismiss	The Commissioner may be removed from office by the Executive for contravening a law, misbehaviour, bankruptcy, or conviction of certain offences	The Commissioner may be removed from office by the Governor for misbehaviour, incapacity or incompetence	The Commissioner may be removed by resolution of Parliament on grounds of misbehaviour or incapacity or bankruptcy	The Commissioner/ Guardian may be removed from office for incapacity or misbehaviour as defined in the Act.	The Guardian may be removed from office by the Governor for neglect of duty, incapacity or any other sufficient reason. They must be removed if convicted of an indictable offence	The Commissioner may be removed from office by the Governor on the recommendation of the Minister for any sufficient reason	The Commissioner may be removed from office by the Premier	The Commissioner may be removed from office by the Governor for incapacity or inability to perform functions, misconduct or other reasons under the Act
Advisory Committees	May establish advisory committees pursuant to the <i>Human Rights Commission Act</i>	<ul style="list-style-type: none"> Required to establish an Expert Advisory Committee Can establish other advisory committees – Young People's Reference Group established 	No	May establish youth, expert or other advisory committees under the Act	No	<ul style="list-style-type: none"> Children and Young Persons Consultative Council Children and Young Persons Advisory Council 	May establish advisory committees	May establish advisory committees consisting of children and young people and may establish other advisory committees

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Role	Mandate to promote and protect the rights and well-being of all Australian Capital Territory children and young people	Mandate to promote the well-being of all New South Wales children and young people	Mandate to promote the best interests of New South Wales children and young people in out-of-home care and accredit agencies providing out-of-home care	Mandate to promote the well-being of Northern Territory “protected and otherwise vulnerable” children and monitor key government decisions	Mandate to: <ul style="list-style-type: none"> promote and protect the rights, interests and well-being of all Queensland children and young people fulfill particular responsibilities for vulnerable children as defined in its Act systemically monitor and report on outcomes for children and young people in the child protection and juvenile justice systems 	Mandate to promote the well-being of South Australian children in out-of-home care	Mandate to promote the well-being of all Tasmanian children and young people	Broad mandate to promote the safety and well-being of all Victorian children and conduct inquiries as requested by the Minister.	Mandate to promote the well-being of all West Australian children and young people

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Functions: Advocacy	Broad advocacy functions through providing advice to Executive Government and non-government organisations	Broad advocacy functions through research, policy, community education and public awareness, special inquiries, releasing public reports and making recommendations to Parliament, Executive Government, non-government organisations and business corporations.	Contributes to the development of out-of-home care policy and legislation through providing advice to Executive Government and non Government organisations	Provides advice to Executive Government and broad education functions	Broad advocacy function for all children through research, complaints, policy advice, education and public reports to Parliament, Executive Government and non-government organisations. Specific advocacy function for children in alternative care, government, residential support facilities and juvenile detention through community visitor program	Broad advocacy for children and young people through policy, inquiries and advice to Executive Government. Limited individual advocacy role.	Broad advocacy provided through policy comment, research activity, community education and advice to the Minister	Broad advocacy functions through policy, research, monitoring, special inquiries, public awareness and recommendations to Executive Government and non-government organisations	
Functions: Complaints	Can investigate and decide on individual complaints	<ul style="list-style-type: none"> Cannot act on individual complaints Monitors trends in complaints 	<ul style="list-style-type: none"> Cannot act on individual complaints Monitors the accreditation of out-of-home care 	<ul style="list-style-type: none"> Can investigate individual complaints relating to “protected and otherwise vulnerable” children 	<ul style="list-style-type: none"> Can investigate individual complaints Can investigate systemic concerns Can seek judicial review of decisions made by statutory child protection decision maker 	<ul style="list-style-type: none"> Monitors systemic complaints 	<ul style="list-style-type: none"> Can investigate individual complaints when requested by Minister 	<ul style="list-style-type: none"> Can respond to individual complaints at the discretion of the Commissioner Monitors systemic complaints 	<ul style="list-style-type: none"> Cannot act on individual complaints Monitors government agencies systems for dealing with complaints made by children and young people and trends in complaints received

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Functions: Employment Screening	No	<ul style="list-style-type: none"> Encourages organisations to be child-safe and child-friendly Conducts and monitors employment screening for volunteers, students, paid staff and self employed in child-related employment 	No	<ul style="list-style-type: none"> Requires providers in regulated service environments to comply with risk management regulations Conducts and monitors employment screening for volunteers and paid staff in child-related employment Monitors and undertakes targeted audits of agency and individual compliance with legislation 	No	No	<ul style="list-style-type: none"> Annually reviews the administration of the Victorian employment screening system Promotes the Victorian employment screening system 	Not yet proclaimed
Functions: Accreditation	No	No	No	No	No	No	No	No
		Administers the out-of-home care accreditation and quality improvement program and Adoption Service Providers (by delegation)						

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Functions: Child Death Review mechanisms	No	Chairs independent Child Death Review Team to identify trends and patterns in child deaths, maintains register of all child deaths of NSW children, conducts research and publishes statutory annual reports and special reports	Chairs the Review and Prevention Committee	Chairs independent committee to review deaths known to child protection system within 3 years prior to their death; maintains register of all deaths of Queensland children, conducts research and publishes statutory annual reports, promotes prevention activities	No	No	Conducts inquiries into the deaths of children known to the child protection system Reports findings to the independent Victorian Child Death Review Committee and Executive Government	No
Functions: Other		Regulates prescribed children's employment		<ul style="list-style-type: none"> Conducts monthly visits to all children in care, detention and residential facilities funded by Queensland Government Surveys all children in state care, detention and residential facilities biennially and reports their views on safety, well-being and adequacy of support 	Monitors information sharing on individual children	Advocates for and visits the youth detention centre	<ul style="list-style-type: none"> Promotes out of home care services that encourage the participation of children Advises Executive Government on the performance of out of home care services At the request of the Minister can investigate and report on an out of home care service 	

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Children: Age	0-17 years	0-17 years	0-17 years	0-17 years	0-17 years	0-17 years	0-17 years	0-17 years
Children: Target Group	All children and young people	All children and young people	Protected and otherwise vulnerable children	All children and young people with particular focus given to children in out-of-home care and the juvenile justice system	Children and young people in out-of-home care	All children and young people with a particular focus given to vulnerable children, particularly those in the child protection or juvenile justice system	All children and young people with a particular focus on those who are most vulnerable	All children and young people with special regard for the interests and needs of Aboriginal and Torres Strait Islander children and young people and vulnerable or disadvantaged children and young people
Children: Population	75,481	1,569,177	56,539	973,140	341,895	114,503	1,152,362	481,840
Year established	2006	1998	2008	1996	2006	2000	2005	2007
Commissioner/ Guardian	Alasdair Roy	Gaye Phillips	Howard Bath	Elizabeth Fraser	Pam Simmons	Paul Mason	Bernie Geary	Michelle Scott
Website	www.hrc.act.gov.au	www.kids.nsw.gov.au	Not available yet	www.ccyjpcg.qld.gov.au	www.gcyp.sa.gov.au	www.childcomm.tas.gov.au	www.ocsc.vic.gov.au	www.ccyjpw.wa.gov.au

