



Joint media release: SACOSS, Youth Affairs Council of SA, Child and Family Welfare Association of SA, Office of the Guardian for Children and Young People, Council for the Care of Children and Aboriginal Legal Rights Movement

Sector demands change to strengthen Children's Commissioner Bill

Key stakeholders and peak body organisations are today asking the government to agree, and the opposition and crossbench to ensure, current flaws in the Children and Young People (Oversight and Advocacy Bodies) Bill 2016 are addressed.

After years of waiting and following a hasty consultation, firstly on an excerpt and then a full draft Bill, last Tuesday the Lower House passed this Bill in record time. While some submissions to the consultations have been made publicly available by authoring organisations, the Government has not made these submissions available to opposition and crossbench MPs to consider before passing the legislation.

Within these submissions and other public statements, key stakeholders have expressed significant concern about how the current legislation has been framed as a response to the Child Protection Systems Royal Commission and about a number of other key dilemmas posed by the current legislation.

SACOSS CEO, Ross Womersley said, "While we are delighted this legislation has finally found its way to the Upper House on the back of the Nyland Royal Commission, the role of the Children's Commissioner was never envisaged as a primary response to the failings of our child protection system! And yet that's how it has now been framed."

The idea of a Commissioner for Children and Young People was first

recommended for SA over 13 years ago by Robyn Layton.

Anne Bainbridge, Executive Director of the Youth Affairs Council of SA (YACSA), said, “A Commissioner for Children and Young People's primary role should be to represent and advocate for the rights and interests of children and young people under 18 years of age. The Commissioner must engage with and advocate for all children and young people – not just those in the child protection system.”

Cheryl Axleby, CEO of Aboriginal legal Rights Movement (ALRM), noted that the Bill is still completely absent of any provision for Aboriginal children and young people despite the fact that almost 40 percent of children in out-of-home care and more than 50 percent of children currently in residential care are Aboriginal.

Ms Axleby went on, “The State cannot keep assuming that non-Aboriginal people within advocacy bodies have the skills and knowledge that will ensure the rights, safety and wellbeing of Aboriginal children and young people. It's in this context that the Aboriginal Community Leadership Reference Group (ACLRG) and ALRM renew their call for two Co-commissioners, one of whom will focus on Aboriginal children and young people.

Amanda Shaw, the Guardian for Children and Young People, noted, “Children and young people should be at the centre of this process but there is little evidence they have been engaged in the drafting of the Bill and there are deep concerns about the adequacy of the mechanism required by the proposed legislation for children and young people's ongoing input and engagement.”

Simon Schrapel, Chair of the Government-appointed Council for the Care of Children, called on Parliament “to ensure the rights, involvement and voice of children and young people are front and centre of this new legislation. The current Bill falls short on this count and the Council recommendations to strengthen the participation of children have thus far been ignored. These include making provisions to ensure young people's engagement in the recruitment and selection of a Commissioner to represent them, and including in the Commissioner's functions a requirement to report to Parliament on how children and young people's views have been sought”.

CAFWA ED Rob Martin said, “we mustn't lose this opportunity to get a Children's Commissioner installed but just as with the Government's specific

responses to the Nyland Royal Commission, we should not be implementing this in such a hasty manner that we hamper the Commissioner's capacity to genuinely advance the interest of all children and young people across SA." The group calls on the Government to work with the Upper House and the sector to ensure we have the best possible outcome from this vital piece of legislation. If nothing else, given the legislation purports to be about promoting children and young people's best interests it must make a better effort at ensuring their involvement.

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The original media release can be accessed at:
<https://www.sacoss.org.au/sector-demands-change-strengthen-childrens-commissioner-bill>