

## **Commissioners and Guardians for Children: a national snapshot**

Australia has developed a number of initiatives to safeguard the interests and well being of all children (for example, the implementation of working with children checks and mandatory reporting). An enhanced awareness of the participatory rights of children has emerged alongside these developments. One way in which children's interests and participatory rights can be promoted is through the establishment of Commissions and Guardians intended to represent and advocate for children.

Each Australian State and Territory has an Office for Youth Affairs or equivalent, responsible for developing and coordinating policies that relate to children and young people (Kenney and Tait, 2005). In addition to such departments, Australian jurisdictions have also taken steps to introduce independent statutory bodies most commonly known as Children's Commissions. Broadly, these bodies function to review policy and legislation relevant to children and young people; provide a complaints mechanism in relation to the delivery of children's services; advocate for children's rights and interests; provide community education; and encourage the participation of children and young people in decision-making on issues that affect their lives. Note, however, that there is some variation in the role and activities of the different Children's Commissioners. Some Commissioners take a broad focus and seek to represent all children and young people, while the role of other Commissioners is more directly orientated towards children and young people who are at risk or those who come into contact with child protection systems.

In 2005, the Clearinghouse's Child Abuse Prevention Newsletter published an article by Kenney and Tait that reviewed the development of commissions for children and young people in each Australian jurisdiction. Since that publication, all Australian Jurisdictions have established a Children's Commission or equivalent body. The following table provides a national overview, identifying the relevant body in each State and Territory and the current Commissioner/Guardian. The table also outlines the key activities Children's Commissioners/Guardians undertake in each jurisdiction, and provides links to Internet sites and relevant legislation. Kenney and Tait's (2005) original article can be viewed at:

<http://www.aifs.gov.au/nch/pubs/newsletters/nl2005/summer.html#nk>

<b>JURISDICTION</b>	<b>Australian Capital Territory</b>
<b>Details</b>	The ACT has a Disability & Community Services, and Children & Young People Commissioner working within the Human Rights Commission.
<b>Key Activities</b>	To consult, seek advice and encourage the participation of children in decision-making; consider complaints; ensure service standards in children's services are met; and encourage and assist service users and providers to make improvements to services.
<b>Current Commissioner</b>	Linda Crebbin
<b>Links</b>	<a href="#">The Human Rights Commission</a> <a href="#">The Human Rights Commission Act 2005</a>
<b>JURISDICTION</b>	<b>New South Wales</b>
<b>Details</b>	New South Wales has a Commission for Children and Young People. The commission is an independent organisation that reports directly to the NSW Parliament.
<b>Key Activities</b>	To promote the participation of children and young people in decision-making; input into laws and policies that affect children and young people; to undertake research (including research for the NSW Child Death Review Team); promote awareness and understanding of issues affecting children and young people; promote child-safe and child-friendly organisational policy and practice; to implement and monitor the Working With Children Check; administer the Child Sex Offender Counsellor Accreditation Scheme; and produce publications and resources about children and young people's issues.
<b>Current Commissioner</b>	Gillian Calvert
<b>Links</b>	<a href="#">NSW Commission for Children and Young People</a> <a href="#">Commission for Children and Young People Act 1998</a>
<b>JURISDICTION</b>	<b>Northern Territory</b>
<b>Details</b>	The office of an Independent Children's Commissioner was created by the Care and Protection of

	Children Act 2007. The Commissioner is currently situated within the Department of Health and Families.
<b>Key Activities</b>	To act as an advocate for children in care and represent their best interests at all levels of government and in the community; oversee and manage complaints about services for children in care; provide advice to government on strengthening the child protection system; and to monitor the implementation of reform relating to the 'Closing the Gap' Initiatives
<b>Current Commissioner</b>	Dr Howard Bath
<b>Links</b>	The Commission's Website is currently under construction  <a href="#">Care and Protection of Children Act 2007</a>
<b>JURISDICTION</b>	<b>Queensland</b>
<b>Details</b>	Queensland has a Commission for Children and Young People and Child Guardian. The Commission is an Independent body, and its decisions are not influenced by any Government department or other agency.
<b>Key Activities</b>	To monitor and review laws, policies and practices impacting on services provided to children and young people and on the safety and wellbeing of vulnerable children and young people; administer a state-wide Community Visitor Program for children and young people in alternative care - including foster care; receive and investigate complaints about services to children and young people known to the Department of Child Safety; maintain the Child Death Register, administer the Child Death Case Review Committee and conduct research into child deaths; administer the working with children check screening program 'the blue card'; educate the community to comply with the Commission's Act; conduct research into issues impacting on the safety and wellbeing of children and young people; and promote laws, policies and practices that uphold the rights, interests and wellbeing of children and young people, particularly those at risk.
<b>Current Commissioner</b>	Elizabeth Fraser
<b>Links</b>	<a href="#">Commission for Children and Young People and Child Guardian</a>  <a href="#">Commission for Children and Young People and Child Guardian Act 2000.</a>

<b>JURISDICTION</b>	<b>South Australia</b>
<b>Details</b>	The Office of the Guardian for Children and Young People is an independent body that reports to the Minister of Families and Communities.
<b>Key Activities</b>	To advocate for the best interests of children and young people under the guardianship, or custody, of the Minister; provide independent monitoring of the circumstances of children and young people in out-of-home care; monitor the quality of out-of-home care; investigate and report to the Minister on matters referred to the Guardian; and advise the Minister on whether the needs of children in care and guardianship are being met, particularly on systemic issues affecting the quality of their care.
<b>Current Commissioner</b>	Pam Simmons
<b>Links</b>	<a href="#">Office of the Guardian for Children and Young People</a> <a href="#">Children's Protection (Miscellaneous) Amendment Bill 2005</a>
<b>JURISDICTION</b>	<b>Tasmania</b>
<b>Details</b>	The Office of the Commissioner for Children, Tasmania is an independent body responsible to the Parliament of Tasmania.
<b>Key Activities</b>	To ensure that legislation, policy and practices that affect the health, welfare, care, protection and development of all children operate in the best interests of the child; identify and act on issues affecting children and young people; conduct research on issues related to children; consult with Ministers, Government agencies and Non-Government Organisations and the community; and seek the views of children about issues affecting them.
<b>Current Commissioner</b>	Paul Mason
<b>Links</b>	<a href="#">Commissioner for Children, Tasmania</a> <a href="#">Children, Young Persons and Their Families Act 1997</a>
<b>JURISDICTION</b>	<b>Victoria</b>
<b>Details</b>	The Child Safety Commissioner provides advice to the Minister for Community Services and the Minister for Children on issues affecting children's lives.
<b>Key Activities</b>	To promote child-safe environments; monitor Victoria's out-of-home care system; conduct inquiries

	into the deaths of children known to the child protection service system, and into other matters referred by the Minister for Children; and administration of the Working With Children Act 2005 including educating and informing the community about the Act.
<b>Current Commissioner</b>	Bernie Geary OAM
<b>Links</b>	<a href="#">The Child Safety Commissioner</a> <a href="#">The Child Wellbeing and Safety Act 2005</a>
<b>JURISDICTION</b>	<b>Western Australia</b>
<b>Details</b>	Western Australia has a Commissioner for Children and Young People, established under the Commissioner for Children and Young People Act 2006. The role of the Commissioner is to promote the best interests of children and young people in WA.
<b>Key Activities</b>	To advocate on behalf of children and young people; promote strategies and outcomes that enhance their wellbeing; monitor, and inquire into, children's wellbeing in the community; monitor government agency investigations of complaints made by children and young people; promote children's participation in decision-making; promote community awareness about the wellbeing of children and young people; consult with children and young people in their communities; and consider and make recommendations on laws, policies, programs and services affecting children and young people.
<b>Current Commissioner</b>	Michelle Scott
<b>Links</b>	<a href="#">Commissioner for Children and Young People, Western Australia</a> <a href="#">Commissioner for Children and Young People Act 2006</a>