

# **Explanatory Memorandum – National Commissioner for Children Bill 2008**

## **Senator Andrew Bartlett**

This legislation allows for the establishment of a National Commissioner for Children. The National Commissioner must promote and protect the rights, interests and wellbeing of all Australian Children less than 18 years of age. The Commissioner will work independently to Commonwealth government, State governments and other agencies furthermore should not be influenced by them in making decisions for the rights of children in Australia.

The main provisions in the bill are as follows:

### **Part 1 - Commencement**

This provision deals with the commencement of the Act which is subject to the Parliament appropriating funds for the purposes this Act.

### **Section 3 - Main Object of Act**

This section explains the object of this Act including the role and responsibilities of the National Commissioner for Children.

### **Section 4 - Principles underlying this Act**

This section outlines principles which support the establishment of a National Commissioner for Children. Further this section highlights the rights of children in Australia which require the statutory support which this bill will provide.

### **Section 5 - Definitions**

This section explains key definitions of the Act.

### **Section 6 - Operations of State and Territory Laws**

Explains that this Act does not intend to exclude or limit the existing work of the already established State and Territory Commissioners.

## **Part 2 Division 1 – Office of the National Commissioner for Children and Young People**

### **Sections 9-18**

These provisions establish The Office of the National Commissioner for Children and Young People. Further these provisions give guidelines for the appointment of the National Commissioner for Children and Young people and their employment terms and conditions, further provide procedures for employees/consultants and allows for Acting Commissioner to be appointed if the National Commissioner is absent.

## **Part 2 Division 2 – Functions of the Commissioner**

### **Section 19-23**

These provisions deal with the role, responsibilities and function of the Commissioner and guidelines on how their tasks are to be carried out; states that the Commissioner is to work independently but must co-operate with other agencies and gives details on the appointment of Deputy Commissioners.

**Part 2 Division 3 – Reports**

**Section 24-27**

These provisions are for the reporting requirements of the Commissioner for Children and Young People.

**Part 2 Division 4 – Advisory Committee on Children**

**Section 28-33**

These provisions are for the establishment of an Advisory Committee of Children. They also outline membership, function, procedures and membership conditions for members.

**Part 2 Division 5 – Other Advice**

**Section 34-36**

These sections allow for the Commission to establish other committees, for the Commissioner to seek advice from other relevant bodies and provide that the Commissioner may consult other existing committees in relation to children.

**Part 3- National Code for the Protection of Children**

**Section 37-40**

These provisions ensure that the National Commissioner for Children and Young People implements national standards for the protection of children from abuse and sets a minimum standard of care.