

# It's time: federal representation for young Australians

By Gillian Calvert

**More than ten years ago the Australian Law Reform Commission (ALRC) concluded in its inquiry into children and the legal process that children and young people across the nation are largely ignored, marginalised and mistreated.**

The conclusion of the joint report by the ALRC and HREOC for the inquiry, *Seen and Heard: Priority for Children in the Legal Process* (1997) was clear and compelling. It stated that:

Much must be done to provide for children's access to and appropriate participation in, the legal processes that affect them.<sup>1</sup>

Changes are needed across all levels of government and across all jurisdictions. The Commonwealth should take on a leadership and co-ordination role in this regard.<sup>2</sup>

One of the report's main recommendations to help address this situation was for Australian children to be provided with a formal representative (referred to in the report as an Office for Children). The purpose of this official role would be to advocate on behalf of Australian children and young people and represent their interests at the nation's highest political level.

Ten years later the nation is still waiting for the establishment of an independent, national 'voice for children' to represent their interests at the nation's highest political level through direct access to the federal government and the Australian Parliament.

While the Australian Parliament is there to govern for all Australians—not just for adults—the current anomaly highlights a real

lack of representation and citizenship. Until this discrimination is directly addressed, with an agency providing a coherent overarching strategy on behalf of all Australian children, the needs and views of younger Australians will continue to have a lower priority than those of other members of our community.

Adults organise themselves in many ways to represent their own particular interests—they lobby, form membership organisations, and donate funds to political parties. Other organisations, agencies and groups can advocate and campaign on their own or their members' behalf for changes to legislation, policies, funding, programs and practices that affect their lives. These interests often win out because of access to things like money, influence and voting power.

Children have neither the capacity nor the resources for such activities to influence the decisions that are made affecting their lives. Kids can't vote and don't have the resources to set up lobby groups. Families and parents advocate for individual children or groups of children with similar concerns, but not for the entire child population. Under the current arrangements, federal representation for the interests of children and young people will remain limited, variable and sporadic.

The states and territories have made a positive start and all now have independent advocates on behalf of kids. Some of these involve a Children's Commissioner—a unique and independent role that occupies space between government and society and forms a bridge between the two sectors.

In New South Wales, Western Australia, Tasmania and Queensland Children's Commissioners play an overarching advocacy



Gillian Calvert is the NSW Commissioner for Children and Young People.

△As an independent advocate for children, an Australian Children's Commissioner could speak up on these broader issues and co-ordinate with the state Children's Commissioners to advocate for the well-being of our children and young people—in effect— bringing children into the federal government and Australian Parliament.△

role and cover everything that affects children and young people in their state. This involves legislation, policies, programs and services—and is not limited to single issue areas of interest. They also act as conduits for information and policy within and between children and institutions and bring together people and sectors to generate new ideas and knowledge.

However there are crucial issues which have an impact on kids' lives and well-being that cannot be achieved by the states alone. While they bring benefits at a state level, the influence of state-based Children's Commissioners on federal policy and legislation is limited in family law, immigration, communications, climate change, the economy, productivity and industrial relations, taxation and income support systems.

As an independent advocate for children, an Australian Children's Commissioner could speak up on these broader issues and co-ordinate with the state Children's Commissioners to advocate for the well-being of our children and young people—in effect— bringing children into the federal government and Australian Parliament.

An independent Australian Children's Commissioner could represent kids' interests and speak up for them without fear of upsetting other powerful lobbies and interests such as churches, business, industry and the media. Having a Minister or Office for Children would be a positive step in giving children's issues some federal recognition. They are not, however, an independent voice for our children.

A statutory base underpinning the work of independent Children's Commissioners gives them authority, enabling them to go to Parliaments on behalf of children as citizens. In turn, that statutory base places an obligation on those Parliaments to listen to what the Commissioner has to say about decisions that could impact on kids' lives.

An Australian Children's Commissioner is positioned to influence the critical federal levers that set the stage for children's well-being. Without independent advocacy, children's interests and needs usually take a back seat or are overlooked when decision making takes place.

Improvements to children's lives require long-term political commitment and independent authority and leadership. An Australian Children's Commissioner, with no political

ideologies, vested interests or agendas, could provide this.

At an international level, the United Nations Committee on the Rights of the Child has called on governments around the world to appoint Commissioners for Children, arguing that these appointments are vital in keeping children's rights on our political agenda and linking this to their well-being.

An Australian Children's Commissioner would be in a position to monitor and evaluate children's well-being at a national level—in turn—assisting the Australian Government to report on our progress as a signatory to the United Nations Convention on the Rights of the Child.

Children's development is strongly linked to our economic and social progress. Investing in our kids is important, because of the value they have both here and now and for Australia's future.

This time in our political and economic history provides an ideal opportunity to make the most of the strengths we have, and to elevate children so that we can work towards making our nation stronger and more prosperous for all its citizens.

Appointing an independent Australian Children's Commissioner sends a clear and powerful message to this and every other nation that we want all our citizens to have genuine, meaningful and effective representation.

It's time that Australia 'stepped up to the platform' and demonstrated to its children and young people that their interests will be given their proper legal, economic, political and social representation at a national and international level.

#### Endnotes

1. Australian Law Reform Commission, *Seen and Heard: Priority for Children in the Legal Process* (ALRC 84, 1997), p 5.
2. Ibid.