

Explanatory Memorandum

Commission For Children And Young People Bill 2004 (E 340)

(Introduced by the Hon. C.J. Barnett , MLA)

These explanatory notes relate to the *Commission For Children And Young People Bill 2004*, a private members Bill introduced into the Legislative Assembly by the Hon. Colin Barnett MLA (on behalf of the Hon Barbara Scott MLC) on 22 September 2004.

The *Commission For Children And Young People Bill 2004* is a Bill to establish a Commission For Children And Young People in Western Australia to promote and advocate the welfare and special interests of children and young people. It enables the Commission For Children And Young People to perform its functions consistently with, and promote voluntary compliance by public and private sector agencies with the principles of international agreements so far as they relate to children and young people.

Background

At the World Summit on Children held in May 2002 delegates agreed upon a number of principles, these included:

- Put Children First – A child’s best interests should be paramount to all decisions affecting children.
- Care for every child – Children must get the best possible start in life. Their survival, protection and growth combined with promotion of good health and proper nutrition are the essential foundations of human development.
- Protect children from harm and exploitation – children must be protected against acts of violence, abuse, exploitation, and discrimination.

The World Summit was the catalyst for the organisation by the Hon. Barbara Scott MLC, Shadow Minister for Children, of a children’s summit in Western Australia on October 25 2002, held at the University of Notre Dame Australia, Fremantle. It was entitled “The State of Western Australia’s Children”.

Key note speakers included: Hon. Roger McClay Commissioner for Children in New Zealand; Hon. David Malcolm, Chief Justice of WA; Professor Fiona Stanley, Director of the Telethon Institute for Child Health Research; Prue Walsh, play environment specialist from Queensland, and Isabelle Adams, indigenous education specialist.

Some 300 people attended the summit including children. Invitations had been sent to major stakeholders across W.A. The overwhelming view of the all day summit was that Western Australia should have a Commissioner for Children. All summit speeches were made available on the Hon. Barbara Scott’s web site and responses to the summit were invited.

In November 2002 the Liberal Party then released a position paper announcing a commitment to a Children's Commissioner. The document outlined the role and functions of a Children's Commission and stated that if necessary the Liberal Party would, while in opposition, introduce a Bill to establish a Children's Commission in Western Australia.

On 11 June 2003, on the motion of the Hon. Barbara Scott MLC, the Legislative Council established a three person Select Committee on Advocacy for Children (Appointment of a Commissioner for Children). The task of the Committee was to inquire into and report on the appointment of a commissioner for children or the establishment of an independent office for children as the most appropriate means of establishing an advocate for children to ensure government and the Parliament are aware of the needs of children and that those needs are reflected in government policy and practice.

After extensive consultation with witnesses and the receipt of written submissions from individuals and organizations, the Committee reported to the Legislative Council on 2 July 2004. The Committee recommended the establishment of a Commission for Children and Young People with a Commissioner as its head, appointed by the Governor. There are ten other recommendations describing the role and functions of the Commission.

This Bill reflects the recommendations of the Select Committee.

The Bill

Part 1 – Preliminary

Part 1 contains the title of the Act, the relevant commencement provisions, and definitions of terms used within the Bill.

Part 2 – Commission For Children And Young People

Part 2 establishes the Commission For Children And Young People and the office of Commissioner. It describes the terms of employment and the method of appointment of the Commissioner and staff and accountability requirements for the Commission.

Part 3 – Functions Of Commission

Part 3 empowers the Commission to act and places limitations on those powers both specific restrictions and general requirements in the form of principles to be followed.