

# News releases - John Rau

## Child protection regulators and advocacy agents consolidated under new Bill

John Rau

August 31, 2016

Laws covering the proposed Commissioner for Children and Young People and other agencies which advocate for children and young people will be brought together in a new Bill.

The draft Bill has been released today by Attorney-General and Child Protection Reform Minister John Rau for consultation ahead of its introduction to Parliament as early as possible.

The draft Bill incorporates the excerpt published earlier this month, which specified the powers and functions of the Children's Commissioner in line with the recommendations of Royal Commissioner Margaret Nyland.

The powers and functions will establish an office of Children's Commissioner, which is independent of ministerial direction and which promotes the rights of children in this State.

The Commissioner will have the power equivalent to a Royal Commission to investigate, at a systemic level, the rights, development and wellbeing of children. The Commissioner's office will have discretion to investigate individual cases where it believes a systemic issue is involved – but it will not function as a complaints clearing house for individual cases.

The draft *Children and Young People (Oversight and Advocacy Bodies) Bill 2016* sets out the responsibilities of the Children's Commissioner as well as the Guardian for Children and Young People, the Youth Advisory Council, the Child Death and Serious Injury Review Committee and a new Child Development Council.

The Commissioner will have the power to hold state authorities to account, if the agencies do not comply with the recommendations made by the Commissioner, or those made by the Guardian or the Child Death and Serious Injury Review Committee and referred to the Commissioner, where the recommendation has been accepted but not implemented.

Under the Bill, a Child Development Council of up to 12 members will be established and will advise Government on policy issues relating to the health and safety of children and young people.

Public comment on the draft Bill is invited until Thursday 15 September. The draft Bill can be read and comments lodged at [www.yoursay.sa.gov.au](http://www.yoursay.sa.gov.au)

## Background

The Child Protection Systems Royal Commission, headed by former Supreme Court Justice Margaret Nyland, recommended the establishment of a statutory office of Commissioner for Children and Young People with specified functions and powers.

Commissioner Nyland envisioned the Children's Commissioner working co-operatively with other agencies and advocacy bodies.

The draft Bill includes penalties of up to \$10,000 for a person who obstructs the Commissioner, the Guardian, the Review Committee or the Council, makes false statements, divulges personal information without authority or victimises an informant.

Powers and functions of the Children's Commissioner – published earlier this month – are included in the draft Bill. Following consultation, the method of appointment has been adjusted to be consistent with the method used to appoint the Independent Commissioner Against Corruption, the Electoral Commissioner, Ombudsman and Judicial Conduct Commissioner.

The Government intends to introduce this Bill as well as the *Child Safety (Prohibited Persons) Bill 2016* and amendments to the *Public Sector (Data Sharing) Bill 2016* as soon as Parliament resumes.

The Government has allocated \$200 million towards the initial response to the Nyland Royal Commission.

A full and detailed response to the Commission's 260 recommendations will be presented before the end of the year.

## Quotes attributable to Attorney-General and Child Protection Reform Minister John Rau

The Government is moving promptly, but in a calm and considered way, to bring to fruition the recommendations of the Nyland Royal Commission.

Establishing the office of Children's Commissioner, working in harmony with other agencies, is a recommendation which can be delivered swiftly if the Parliament supports this important initiative.

This draft Bill ensures the Children's Commissioner has the power to continually investigate systemic issues of child protection and recommend improvements.

As we make a fresh start in child protection, we want a system which includes a high-profile, independent advocate for all children and young people.