



Parliamentary Joint Committee on Human Rights  
PO Box 6100  
Parliament House  
Canberra ACT 2600

Dear Parliamentary Joint Committee on Human Rights,

The Northern Territory Office of the Children's Commissioner (OCC) welcomes the opportunity to make a submission to the Parliamentary Joint Committee on Human Rights' Inquiry into Australia's Human Rights Framework.

The OCC is an independent oversight body with jurisdiction over all 'vulnerable children and young people' in the Northern Territory.<sup>1</sup> Its mandate centres on community engagement and promotion of child rights, investigating complaints regarding service provision to vulnerable children, and monitoring of child protection and youth detention services. The following submission draws on and endorses the work of SNAICC – National Voice for Our Children in relation to this Inquiry, as well as providing additional recommendations based on jurisdiction and the work of the OCC.

In addition to the recommendations below, the OCC endorses and is a signatory to the Australian OPCAT National Preventive Mechanism (**NPM**) Member's Joint Submission to this Inquiry.

### **Recommendations**

Human rights are critical to ensuring the health, safety and wellbeing of children in Australia. Children and young people have unique rights under the UN Convention on the Rights of the Child, and Aboriginal and Torres Strait Islander children have further rights under the UN Declaration on the Rights of Indigenous Peoples. These rights must be enshrined in human rights instruments within Australia.

The OCC supports a federal Human Rights Act which explicitly acknowledges and integrates the rights of all children, and in particular Aboriginal and Torres Strait Islander children.

The introduction of a federal Human Rights Act will compel all levels of government to consider the human rights impacts of legislation, policy, and practice in a way that current frameworks do not. However, legislation alone is not enough. Genuine consultation and partnership with NGO's and affected communities, along with adequate resourcing for those organisations, is necessary to achieve meaningful outcomes.

In the Northern Territory, Aboriginal children continue to be grossly overrepresented in the child protection and youth justice systems. Any human rights instruments in Australia must therefore align with the National Agreement on Closing the Gap (including the four Priority Reform Areas) and be complemented by adequate resourcing and investment in the supporting sectors to ensure positive, tangible outcomes for Aboriginal and Torres Strait Islander children. This includes investment in and genuine partnership with the Aboriginal and Torres Strait Islander community-controlled sector. This will help to ensure that Aboriginal and Torres Strait Islander children have access to the necessary services to fully enjoy all their rights, and to access remedies if these rights are breached.

---

<sup>1</sup> *Children's Commissioner Act 2013 (NT) s 7.*



**The OCC supports all recommendations made in the submission from SNAICC – National Voice for Our Children (SNAICC Submission) as outlined below.**

1. The Commonwealth Government enact a Federal Human Rights Act.
2. The Federal Human Rights Act include all rights set out in the United Nations Convention on the Rights of the Child and the United Nations Declaration on the Rights of Indigenous Peoples, in addition to the rights currently proposed in the Position Paper.
3. Every State and Territory Government enact a Human Rights Act consistent with the Federal Act to ensure that the rights of Aboriginal and Torres Strait Islander children are appropriately protected from breaches and provide pathways for redress at all times.
4. All Human Rights Acts, instruments and complementary legislation align with the National Agreement on Closing the Gap Priority Reforms.
5. The implementation of Human Rights Acts in Australia be complemented by appropriate resourcing for, and investment in, ACCOs to ensure Aboriginal and Torres Strait Islander children have access to the universal and targeted services needed to enjoy their rights in full.
6. The implementation of Human Rights Acts in Australia be complemented by appropriate resourcing for, and investment in, the ACCO legal sector to ensure Aboriginal and Torres Strait Islander children have equitable access to remedy pathways to address breaches individually and collectively
7. The Commonwealth Government established a fully empowered, resourced and legislated National Aboriginal and Torres Strait Islander Children’s Commissioner and equivalent roles in every state and territory.
8. All processes to develop, implement and evaluate any human rights instruments in Australia align with the National Agreement on Closing the Gap by ensuring shared decision-making with Aboriginal and Torres Strait Islander people and communities via Aboriginal and Torres Strait Islander peak bodies.
9. The Inquiry facilitates meaningful participation from Aboriginal and Torres Strait Islander children and young people at all stages of its work.

**In addition to the recommendations made by SNAICC, the OCC recommends:**

10. The Inquiry facilitates meaningful participation of all children at all stages of its work, while maintaining a parallel, specific focus on Aboriginal and Torres Strait Islander children (for the reasons set out in the SNAICC Submission).
11. Any framework be subject to clear, stringent evaluation mechanisms which:
  - a. incorporate the experience of children and families who have experienced human rights abuses (such as children in child protection and youth justice systems);
  - b. utilises existing data sets (such as the Productivity Commission’s ‘Report on Government Services’, Australian Institute of Health and Wellbeing (AIHW) data) as well work with new initiatives (such as Treasury’s ‘Measuring What Matters’ review of national indicators and AIHW’s ‘Linked Child Wellbeing Data Set’)<sup>2</sup>; and
  - c. identify and address gaps in implementation of the framework.

Children – and especially Aboriginal and Torres Strait Islander children – must remain centred in any discussions about human rights in Australia and children, families, Aboriginal and Torres Strait Islander peak bodies, community-controlled organisations and service providers must be part of the conversation.

---

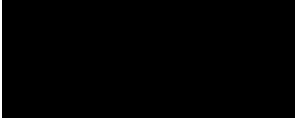
<sup>2</sup> Commonwealth of Australia, Department of the Prime Minister and Cabinet, National Strategy to Prevent and Respond to Child Sexual Abuse 2021-2030 (2021) 51 <<https://www.childsafety.gov.au/system/files/2022-09/national-strategy-2021-30-english.pdf>>. We note that the Social Resource Centre has been engaged to conduct this scoping study and recommend reaching out to them for further detail <<https://srcentre.com.au/>>



The OCC recommends that the committee continues to involve both the OCC and SNAICC – National Voice for Our Children in its future work as it progresses the Inquiry into Australia’s Human Rights Framework.

Thank you for considering this submission. If you have any queries please do not hesitate to contact Shaun Rich, Strategy Officer via email at [shaun.rich@nt.gov.au](mailto:shaun.rich@nt.gov.au).

Yours sincerely



Nicole Hucks  
A/Children's Commissioner  
30 June 2023



08 8999 6076



GPO BOX 3779, Darwin NT 0801



[occ.nt.gov.au](http://occ.nt.gov.au)



[occ@nt.gov.au](mailto:occ@nt.gov.au)