



**Committee Secretary
Senate Legal and Constitutional Affairs Committee
PO Box 6100
Parliament House
Canberra ACT 2600
Australia**

31 May 2012

Dear Secretary

The Australian Council of TESOL Associations (ACTA) is pleased to provide this written submission to the Inquiry into the *Australian Human Rights Commission Amendment (National Children's Commissioner) Bill 2012*.

ACTA is the national coordinating body of state and territory professional associations for the Teaching of English to Speakers of Other Languages (TESOL). ACTA represents and advocates on behalf of teachers, parents and guardians, and English-language learners, including migrants, refugees, international students, and Aboriginal and Torres Strait Islander students who speak traditional/heritage languages, creoles and varieties of Aboriginal English, in all education sectors and contexts across Australia.

Our organisation strongly supports the establishment of the office of National Children's Commissioner within the Australian Human Rights Commission in order to achieve the following critical human rights objectives:

- promote discussion and awareness of matters relating to the human rights of children in Australia
- conduct research and educational programs for the purpose of promoting respect for the human rights of children in Australia

- consult directly with children and representative organisations
- give particular attention to children who are at risk or vulnerable
- examine existing and proposed Commonwealth legislation, policies and programs for the purpose of ascertaining whether they recognise and protect the human rights, wellbeing and development of children in Australia, and to report to the Minister the results of any such examination.

The establishment of this position is particularly timely in view of the call made on 22 May 2012 by the United Nations Human Rights Office Regional Representative in the Pacific for the Northern Territory 'Stronger Futures' legislation to be put up for review by a Parliamentary Joint Committee on Human Rights. United Nations High Commissioner for Human Rights representative Matilda Bogner's call for a parliamentary review was made in order to assess whether the 'Stronger Futures' legislation complies with those international human rights standards and directives referred to in the Australian Human Rights Commission Amendment (National Children's Commissioner) Bill 2012, and to which Australia is a signatory. The release on the same day of the *50th Amnesty International Report* likewise draws attention to the possible contravention of international human rights law in the 'Stronger Futures' legislation and also in Australia's policy of indefinite mandatory detention for refugees and asylum seekers. The potentially harmful effects of these two policies on groups of at risk and vulnerable children in Australia are a cause of immediate concern.

We would welcome the opportunity to consult further on this inquiry and to collaborate with the Australian Human Rights Commission in promoting public discussion and awareness of issues affecting the human rights of children in Australia, and in the development, implementation and monitoring of policies and programs which promote respect for and protect the human rights, wellbeing and development of children in Australia.

Yours Sincerely

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