



AUSTRALIAN  
**CHILD RIGHTS**  
TASKFORCE

**Submission**

**to the United Nations Committee on the Rights of the Child**

**On the List of Issues Prior to Reporting**

**In Preparation for the Seventh Periodic Report of Australia**

**On Implementation of the Convention on the Rights of the Child**

December 2025

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## Introduction

1. **The United Nations Committee on the Rights of the Child** (the Committee) will soon provide its List of Issues Prior to Reporting to the Australian Government in anticipation of the seventh periodic report under **the Convention on the Rights of the Child** (the Convention).
2. **The Australian Child Rights Taskforce** (the Taskforce) offers this submission to support a better understanding of children’s rights in Australia and to enhance constructive dialogue between the Committee and the Australian Government. The Taskforce is the key civil society body responsible for child rights reporting in Australia. It seeks to hold the Australian Government to account by providing the views and evidence of children and civil society on implementation of the Convention.
3. This submission draws on the most recent research and evidence, including the views and experiences of children.

## Ongoing Areas of Concern and Recommendations

3. In previous Concluding Observations, the Committee has drawn Australia’s particular attention to the need for urgent measures in protection from violence, alternative care, mental health, climate change, asylum-seeking, refugee, and migrant children, and administration of justice.
4. In the years since the previous Concluding Observations, these remain priority issues for children and civil society. We address these and several other key issues (the rights of Aboriginal and Torres Strait islander children, poverty and homelessness and rights in the digital environment).
5. The Committee has also drawn attention to the need for a national plan of action for implementing the Convention, with sufficient human, technical and financial resources, and with attention to data and monitoring.<sup>1</sup> We address these and related General Measures of Implementation in the final section of this submission. We invite the Committee’s attention to these issues and measures.

## Preliminary Note on Powers and Responsibilities

6. The Australian Government has previously stated to the Committee on its powers and responsibilities: “Matters such as education, child protection, healthcare and youth justice fall predominantly within the constitutional responsibility of the States and Territories”.<sup>2</sup>
7. The Taskforce has obtained a constitutional legal opinion that challenges this assertion. It states:

*“The Australian Government has as much legislative power to regulate child rights as it wants to have. It could pass valid legislation implementing every single one of its international human rights obligations, including the entirety of the Convention on the Rights of the Child, into justiciable and enforceable domestic law.”*<sup>3</sup>
8. This legal opinion has recently been reinforced by additional constitutional legal opinion in the context of the Australian Government’s power to legislate to raise the age of criminal responsibility and to establish national standards in youth justice.<sup>4</sup>
9. It is the Taskforce’s view that there is no constitutional barrier to the Australian Government discharging its responsibilities to provide leadership in the implementation of the Convention.

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<sup>1</sup> UN Committee on the Rights of the Child, *Concluding observations on the combined fifth and sixth periodic reports of Australia*, CRC/C/AUS/CO/5-6, 1 November 2019, available at: <https://digitallibrary.un.org/record/3863406>, para 8.

<sup>2</sup> UN Committee on the Rights of the Child, *Combined fifth and sixth periodic reports submitted by Australia under article 44 of the Convention*, CRC/C/AUS/5-6, 22 November 2018, available at: <https://www.ag.gov.au/rights-and-protections/human-rights-and-anti-discrimination/united-nations-human-rights-reporting/treaty-body-reporting#convention-on-the-rights-of-the-child-crc>, para 18.

<sup>3</sup> Seveda Clark, Patrick Keyzer and Christopher Goff, “Opinion: The Constitutional Powers of the Commonwealth with respect to Child Rights”, 2023. Available on request.

<sup>4</sup> Justice and Equity Centre, “Explainer: Calling for Australian Government action to protect children”, Justice and Equity Centre, 16 September 2025, available at <https://jec.org.au/resources/explainer-calling-for-australian-government-action-to-protect-children>

## Violence Against Children

10. The Committee has remained seriously concerned over several reporting cycles at the high rates of violence against children including at home; the support provided to child victims of domestic, family and sexual violence; the disproportionate impacts on Aboriginal and Torres Strait Islander children and the limited involvement of their communities in the development of solutions; the greater vulnerability of children with disabilities, and the limited data available regarding violence against children in remote areas, children with a culturally and linguistically diverse background, and LGBTI children.
11. Since the last reporting cycle, the first **Australian Child Maltreatment Study**<sup>5</sup> has produced findings which reinforce the Committee’s serious concerns. This study found 62.2% of young people aged 16-24 had experienced one or more types of abuse<sup>6</sup> during childhood, 40.2% had experienced more than 1 type of abuse and 23.3% had experienced 3 to 5 types of abuse.<sup>7</sup> Data indicate limited progress regarding child protection outcomes over time<sup>8</sup>. The number of children in out-of-home care has remained high, indicating ongoing systemic issues within the child protection system.<sup>9</sup> Despite inquiries and reforms, there remains a lack of focus and investment in preventive measures to mitigate the need for removal from family. Reported increase in online violence against children<sup>10</sup> has further complicated the landscape.
12. The Committee has called for the review of the action plans of the relevant national policy initiatives to prioritise implementation of key prevention measures and responses to violence against children of all ages, including sexual violence, against girls, children with disabilities, and Aboriginal and Torres Strait Islander children. This review should include monitoring of efforts at a state and territory level to ensure a consistent approach to data and measurement of incidence and outcomes.
13. Further, the Committee has encouraged community-based programmes to address violence in all its forms against children in remote areas, children in communities with a culturally and linguistically diverse background, and LGBTI children.
14. **The National Framework for Protecting Australia’s Children 2009–2020** has concluded. A review of this Framework<sup>11</sup> found that it largely fell short of its objectives (or that there was no data to support measurement of objectives). It noted “the National Framework was not supported by a robust logic model or evaluation framework which limited its ability to measure its effectiveness”.
15. **Safe and Supported: National Framework for Protecting Australia’s Children 2021 - 2031** is now in place. This new Framework has a Theory of Change and an Outcomes Framework with a vision for all children and a targeted focus on groups experiencing disadvantage and vulnerability. The First Action Plan and the First Aboriginal and Torres Strait Islander Action Plan (both 2023-2026) are approaching conclusion. And yet in 2025, a Monitoring and Evaluation Strategy remains ‘in development’.<sup>12</sup>

**QUESTION: What preventive strategies are being funded and evaluated under the Framework to reduce violence and enhance protections for children with results measured and monitored at a national level?**

**QUESTION: How will the new National Framework be measured more effectively than the last one? How is progress being monitored consistently across jurisdictions? What funding is being provided to support measurements, monitoring and regular public reporting?**

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<sup>5</sup> Haslam, D., B. Mathews, R. Pacella, J. G. Scott, D. Finkelhor, D. J. Higgins, F. Meinck, H. E. Erskine, H. J. Thomas, D. Lawrence and E. Malacova, *The prevalence and impact of child maltreatment in Australia: Findings from the Australian Child Maltreatment Study: Brief Report*, Australian Child Maltreatment Study, Queensland University of Technology, 2023, available at: [https://www.acms.au/wp-content/uploads/2023/06/3846.1\\_ACMS\\_A4Report\\_V2.1\\_Digital\\_20230627-1.pdf](https://www.acms.au/wp-content/uploads/2023/06/3846.1_ACMS_A4Report_V2.1_Digital_20230627-1.pdf).

<sup>6</sup> The types are physical abuse, emotional abuse, sexual abuse, neglect and exposure to domestic violence.

<sup>7</sup> Haslam et al., *The prevalence and impact of child maltreatment in Australia*, pp. 3, 14.

<sup>8</sup> See e.g., Australian Institute of Health and Welfare, “Child protection Australia 2023–24: Insights” [web report], last updated 30 September 2025, available at: <https://www.aihw.gov.au/reports/child-protection/child-protection-australia-2023-24>; Productivity Commission, “Report on Government Services 2025: Child Protection”, Part F, Section 16, 30 January 2025, available at: <https://www.pc.gov.au/ongoing/report-on-government-services/2025/community-services/child-protection>.

<sup>9</sup> Australian Institute of Health and Welfare, “Child protection Australia 2023–24: Insights”, data table T1.

<sup>10</sup> eSafety Commissioner (25 January 2024), “40% jump in child bullying reports to eSafety” [media release], available at <https://www.esafety.gov.au/newsroom/media-releases/40-jump-in-child-bullying-reports-to-esafety> (accessed 29 November 2025).

<sup>11</sup> Department of Social Services (Australia) / PwC, *Evaluation of the National Framework for Protecting Australia’s Children 2009–2020*, 2020.

<sup>12</sup> Department of Social Services (Australia), *Safe and Supported reporting*, Canberra, last updated 21 February 2025, available at: <https://www.dss.gov.au/child-protection/safe-and-supported-reporting> (accessed 28 November 2025).

**QUESTION: Given the findings of the Australian Child Maltreatment Study and the intent of the National Framework to address disadvantage in preventing harm, what are the measures to address the social determinants of violence against children and to address lack of access to tailored family support? What funding is provided for these measures and how are results monitored at a national level?**

16. **The National Plan to Reduce Violence against Women and their Children 2010–2022** has concluded. One of the key criticisms of the Plan was that it lacked measures to track progress.<sup>13</sup>
17. The new **National Plan to End Violence against Women and Children (2022-2032)** is now in place. In its First Action Plan (2023-2027) Australian governments commit to 10 Actions. Action 8 is the only child specific commitment: to develop and implement age-appropriate programs informed by children and young people, that are culturally safe, to intervene early to address violence and support recovery and healing from trauma. This acknowledges children as victim-survivors. There is no detailed reference to preventing violence against children with disabilities, in particular prohibiting by law the sterilisation of girls with disabilities without their prior, fully informed and free consent.
18. The Outcomes Framework for the Plan includes Outcome 5 - Children and young people are safe in all settings and are effectively supported by systems and services. The Framework does not identify links between Action 8 and Outcome 5 and no detail of programs, funding or strategies have been provided. A measurement plan was released in early 2024.<sup>14</sup>

**QUESTION: What are the programs or strategies to implement the National Plan to prevent and respond to violence against children? What funding is to be provided? How will success for children be measured?**

**QUESTION: What programs and strategies under the National Plan address violence against Aboriginal and Torres Strait Islander children and how will they be measured?**

19. The Committee welcomed the report of the **Royal Commission into Institutional Responses to Child Sexual Abuse (2017)**. The implementation of the Royal Commission’s recommendations was monitored publicly until 2022. The National Office of Child Safety has indicated that there will be a new reporting framework, but no further reports have been published.
20. The Committee welcomed the establishment of a National Redress Scheme as recommended by the Royal Commission. This began in 2018 and will run through to 2028.
21. A key Royal Commission recommendation was the introduction and monitoring of nationally consistent child safe standards (which were agreed by all Governments), reportable conduct schemes and working with children checks.

**QUESTION: Since 2022, how is progress in implementation of the recommendations of the Royal Commission being monitored and by whom? Is this information available publicly?**

**QUESTION: What progress has been made in establishing a coordinated national monitoring scheme across jurisdictions and sectors and with what information available publicly?**

**QUESTION: What is the current and projected progress in the National Redress Scheme?**

**QUESTION: What is the current and projected progress in the implementation of the National Strategy to Prevent and Respond to Child Sexual Abuse? What funding has been provided? How is progress being monitored? Where is this information available publicly?**

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<sup>13</sup> Kate Fitz-Gibbon, “The government has released its action plans to end violence against women and children. Will they be enough?”, *The Conversation*, 16 August 2023, available at: <https://theconversation.com/the-government-has-released-its-action-plans-to-end-violence-against-women-and-children-will-they-be-enough-211606>

<sup>14</sup> Department of Social Services (Australia), *National Plan Outcomes Framework: Performance Measurement Plan*, Canberra, 2024, available at: <https://www.dss.gov.au/system/files/resources/performance-measurement-plan.pdf>

22. The physical punishment of children in schools is currently prohibited, except in the Northern Territory, Queensland and Western Australia. Australian law does not prohibit corporal punishment in other settings, permitting it in the home, alternative care, schools and detention.
23. The Committee has recommended that Australia explicitly prohibits corporal punishment in law in all settings and conduct a public health campaign to promote alternative forms of discipline.
24. The Committee has also recommended that Australia strengthen its measures to limit child marriage; prohibit coerced sterilisation, unnecessary medical or surgical treatment; and guarantee bodily integrity and autonomy to intersex children, and support to their families.

**QUESTION: What steps has the Australian Government taken to prohibit corporal punishment in all settings, promote alternative discipline, and prohibit these other practices?**

## Systems Reforms (alternative care and child justice)

### Children deprived of a family environment

25. The Committee has recommended that Australia provide the necessary resources to family support services for children and their families, particularly for Aboriginal and Torres Strait Islander families, to prevent violence, abuse, and neglect.
26. The Committee has remained seriously concerned over several reporting cycles at the continuing over-representation of Aboriginal and Torres Strait Islander children in alternative care, often outside their communities; the lack of national data on criteria across jurisdictions for decisions on child removal and placement in care; the lack of adequate resources, inappropriate placements and interventions; and limited access to mental health and therapeutic services.
27. The Committee has recommended that Australia increase investment in prevention measures for children and their families to avoid child removal and, when this is a necessary measure, limit it to the shortest time possible, ensure participation of children, their families and communities in decision-making, and guarantee an individualised and community-sensitive approach, especially for Aboriginal and Torres Strait Islander children. *See also Violence against Children.*
28. The Committee has recommended over at least two previous reporting cycles that Australia more effectively address the high rates of homelessness among children, particularly for children leaving alternative care, and for children under 12 years. *See also Poverty and Homelessness*
29. The renewed **National Agreement on Closing the Gap** has a new Target (12) to reduce by 2031 the rate of over-representation of Aboriginal and Torres Strait Islander children in the child protection system by 45%. Data indicates this rate is worsening and the Target is not on track.<sup>15</sup>
30. In 2022-23, Aboriginal and Torres Strait Islander children nationwide were 5.6 times more likely than non-Indigenous children to be reported to child protection authorities, 10.9 times more likely to be subject to a child protection order and 10.8 times more likely to be in out of home care.<sup>16</sup> This includes a high rate of notifications before birth. Although the Australian Institute of Health and Welfare does not publish data on unborn reports across all jurisdictions, the proportion of Aboriginal families in South Australia subject to an unborn child protection notification increased from 24% to 33% between 2015-16 and 2020-21, compared with a rise of 2% to 3% for non-Indigenous families.<sup>17</sup> Unborn reports for Aboriginal and Torres Strait Islander families in Victoria were double those for non-Indigenous families in 2023.<sup>18</sup>
31. Consistent with Committee recommendations, the 2024 Family Matters Report recommended a dedicated funding model and program for Aboriginal and Torres Strait Islander community controlled integrated early years services and for increased investment in reunification services.<sup>19</sup> It recommended the establishment of Commissioners for Aboriginal and Torres Strait Islander Children nationally and in every state and territory, compliant with UN Principles for the Status of National Institutions, empowered and resourced by legislation.<sup>20</sup> A National Commissioner for Aboriginal and Torres Strait Islander Children and Young People was appointed in January 2025. The National role is yet to be guaranteed independence and the necessary powers and resources.<sup>21</sup>
32. South Australia, Victoria, the ACT and Queensland have appointed Commissioners for Aboriginal and Torres Strait Islander children.

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<sup>15</sup> Productivity Commission, *Closing the Gap Data Dashboard: Socio-economic Outcome Area 12*, July 2025, available at:

<https://www.pc.gov.au/closing-the-gap-data/dashboard/socioeconomic/outcome-area12> (accessed 28 November 2025).

<sup>16</sup> SNAICC, *Family Matters Report 2024*, 2024, available at: <https://www.snaicc.org.au/wp-content/uploads/2024/11/241119-Family-Matters-Report-2024.pdf>, p.16.

<sup>17</sup> SNAICC, *Family Matters Report 2024*, p. 28.

<sup>18</sup> *Ibid.*

<sup>19</sup> SNAICC, *Family Matters Report 2024*, pp. 7-8.

<sup>20</sup> *Ibid.*, p. 9.

<sup>21</sup> ABC News, “Advocates say First Nations children’s commissioner must have power to make change”, *ABC News*, 9 October 2025, available at: <https://www.abc.net.au/news/2025-10-09/snaicc-conference-first-nations-childrens-commissioner/105865612> (accessed 29 November 2025).

33. The Committee has recommended that the Australian government:
- Conduct regular assessments of the distributional impact of government investment on sectors to realise children’s rights and to address disparities, paying particular attention to Aboriginal and Torres Strait Islander children.
  - Strengthen its support to Aboriginal and Torres Strait Islander organisations, through capacity-building, increased resource allocation, and priority as service providers.
  - Invest in measures developed by Aboriginal and Torres Strait Islander children and communities to prevent their placement in out-of-home care, provide adequate support and facilitate their reintegration into their families and communities; and
  - Invest more in improving education at the early childhood, primary and secondary levels, paying particular attention to, inter alia, Aboriginal and Torres Strait Islander children.

**QUESTION: What are the measures to address the Committee’s previous recommendations and what are the budgetary allocations to these measures by all Governments?**

**QUESTION: What action is being taken to implement the recommendations in the 2024 Family Matters Report set out in paragraph 31 and the Committee as above at paragraph 33, and what resourcing is provided to these?**

34. Aboriginal and Torres Strait Islander communities have identified the Aboriginal and Torres Strait Islander Child Placement Principle as a key tool to address the overrepresentation of their children in the child protection system. The Principle consists of five elements - prevention, partnership, placement, participation and connection, with a hierarchy of placement options to ensure connection to family, community, culture and country is maintained.<sup>22</sup>
35. In 2023, 26.9% of Aboriginal and Torres Strait Islander children were placed with non-Indigenous, non-relative carers.<sup>23</sup> On average, around one third of Aboriginal and Torres Strait Islander children in out of home care live with Aboriginal or Torres Strait Islander relatives or kin.<sup>24</sup> Connection to Aboriginal and Torres Strait Islander relatives and kin is critical for Aboriginal and Torres Strait Islander children to maintain their identity and connection to culture and community.
36. Since 2018, the Department of Social Services (DSS) has engaged **SNAICC National Voice for our Children** to undertake annual compliance reviews of the Principle for each jurisdiction. These reviews identified a lack of full implementation of the Principle.

**QUESTION: What measures are in place to monitor and implement the consistent use of the Child Placement Principle by child protection authorities nationally and how effective are these measures?**

37. The Australian **National Out of Home Care Standards** do not align with child rights principles nor recognise the importance of cultural rights and rights to self-determination for Aboriginal and Torres Strait Islander children. They provide no oversight, accountability or remedy for rights.

**QUESTION: What steps will be taken to ensure the Out of Home Care Standards comply with child rights principles and provide accountability to children, especially Aboriginal and Torres Strait Islander children?**

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<sup>22</sup> SNAICC, “Aboriginal and Torres Strait Islander Child Placement Principle”, *SNAICC – National Voice for our Children*, available at: <https://www.snaicc.org.au/our-work/child-and-family-wellbeing/child-placement-principle/> (accessed 29 November 2025); SNAICC, *Understanding and Applying the Aboriginal and Torres Strait Islander Child Placement Principle*, 2017, available at: [https://www.snaicc.org.au/wp-content/uploads/2017/07/Understanding\\_applying\\_ATSICCP.pdf](https://www.snaicc.org.au/wp-content/uploads/2017/07/Understanding_applying_ATSICCP.pdf), pp. 4-5 (accessed 29 November 2025).

<sup>23</sup> SNAICC, *Family Matters Report 2024*, p. 32.

<sup>24</sup> SNAICC, *Family Matters Report 2024*, p. 35.

### Administration of child justice

38. The Committee has recommended over previous reporting cycles that Australia:
- Bring its child justice system fully into line with the Convention.
  - Raise the minimum age of criminal responsibility and repeal mandatory minimum sentences.
  - Address the high rate of Indigenous incarceration.
  - Prohibit the use of isolation and force, including physical restraints, investigate all cases of abuse in detention, and adequately sanction perpetrators.
  - Promote non-judicial measures, such as diversion, mediation, counselling, non-custodial sentences, for children who have committed criminal offences.
  - Where detention is unavoidable, ensure that children are detained in separate facilities and for pre-trial detention, that detention is regularly and judicially reviewed.
  - Ensure that children with disabilities are not detained indefinitely without conviction and their detention is regularly reviewed; and
  - Provide children in the systems with information about their rights and how to report abuses.
39. Child justice systems in Australia are characterised by extensive non-compliance with international youth justice principles.<sup>25</sup> No binding national standards exist to enforce compliance.<sup>26</sup>
40. Generally, the minimum age of criminal responsibility remains at 10 years in most jurisdictions. The limited progress made towards raising the minimum age of criminal responsibility includes:
- The Australian Capital Territory has raised its minimum age of criminal responsibility to 14, with exceptions for some offences.<sup>27</sup>
  - The state of Victoria has raised its minimum age of criminal responsibility to 12 years.<sup>28</sup>
  - The state of Tasmania has indicated it will raise its minimum age of criminal responsibility to 14 years without exception but has not enacted legislation yet.<sup>29</sup>
41. A Working Group established by Australian Attorneys-General recommended that all Australian Governments should raise the minimum age of criminal responsibility to 14, without exception.<sup>30</sup> A further report, released in 2023, outlines considerations for jurisdictions in developing supports and services for children.<sup>31</sup> Australia has not implemented the recommendations.
42. Australia has set a target to reduce the rate of Indigenous young people (10-17 years) in detention by at least 30% by 2031 through the **National Agreement on Closing the Gap**. In September 2021, the Australian Government established the **Justice Policy Partnership**, a shared decision-making mechanism which aims to reduce the disproportionate rate at which Aboriginal and Torres Strait Islander People are incarcerated.
43. However, Indigenous children continue to be incarcerated at high rates and remain significantly over-represented in incarceration. In 2023-24, Indigenous children were incarcerated at a rate of about 27 per 10,000, compared to the non-Indigenous rate of 1 per 10,000.<sup>32</sup>

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<sup>25</sup> Save the Children and 54 reasons, *Putting children first: A rights respecting approach to youth justice*, April 2023, available at: [Putting-children-first-A-rights-respecting-approach-to-youth-justice-in-Australia-April-23.pdf](#), pp. 6–9, 15–16, 29–48.

<sup>26</sup> Non-binding national principles have been produced and updated by the Australian Youth Justice Administrators, *National Standards for Youth Justice in Australia*, 2023, available at: <https://www.ayja.org.au/wp-content/uploads/2023/10/AYJA-National-Standards-for-Youth-Justice-in-Australia-FINAL-for-Launch-16-October-2023-October-2023.pdf> and by Australian Children’s Commissioners and Guardians, *Human rights standards in youth detention facilities in Australia: The use of restraint, disciplinary regimes and other specified practices (in relation to detention only)*, 2016.

<sup>27</sup> Australian Capital Territory, *Justice (Age of Criminal Responsibility) Legislation Amendment Act 2023 (ACT)*, A2023-45, 2023, available at: <https://www.legislation.act.gov.au/a/2023-45/> (accessed 29 November 2025).

<sup>28</sup> State of Victoria, *Youth Justice Act 2024 (Vic)*, Act No. 13 of 2024, 2024, available at: <https://www.legislation.vic.gov.au/as-made/acts/youth-justice-act-2024> (accessed 29 November 2025).

<sup>29</sup> ABC News, “Tasmania set to be first jurisdiction to raise minimum age of children in youth detention”, *ABC News*, 8 June 2022, available at: <https://www.abc.net.au/news/2022-06-08/tasmania-to-increase-minimum-detention-age/101134696>.

<sup>30</sup> Age of Criminal Responsibility Working Group, *Draft Final Report*, Council of Attorneys-General, 2020, available at: [age-of-criminal-responsibility-working-group-draft-report-20201.pdf](#), Recommendation 1.

<sup>31</sup> Age of Criminal Responsibility Working Group, *Final Report*, Council of Attorneys-General, September 2023, available at: <https://www.ag.gov.au/sites/default/files/2023-12/age-criminal-responsibility-working-group-final-report.pdf>, p. 72.

<sup>32</sup> Australian Institute of Health and Welfare, *Youth Justice in Australia 2023–24*, last updated 4 March 2025, available at: <https://www.aihw.gov.au/reports/youth-justice/youth-justice-in-australia-2023-24/contents/youth-justice-in-context/youth-and-adult-justice-systems-in-australia> (accessed 29 November 2025).

44. Use of isolation and force has not been explicitly prohibited. Cruel, inhuman and degrading practices continue to be widely used. Cases of undisclosed and unremedied abuse and maltreatment of children in detention are regularly highlighted by independent oversight bodies, court litigation and public interest journalism.<sup>33</sup>
45. In practice, detention is not a measure of last resort, either before or after sentencing. Detention rates remain high, including a growing proportion of unsentenced detention.<sup>34</sup>
46. Bail laws in multiple jurisdictions have become more punitive, heightening the failure to ensure that detention is used as a measure of last resort. For example:
- In 2021, the Northern Territory legislated measures, including automatic revocation of bail and reducing access to diversion, against recommendations.<sup>35</sup> In April 2025, further changes included removing the requirement to consider detention as a last resort for children.<sup>36</sup>
  - In 2021, Queensland reversed the presumption of bail for children in some circumstances. In 2023, Queensland created a criminal offence for breach of bail by children and legislated other harmful measures. The Government acknowledged several changes were incompatible with its own *Human Rights Act 2019*. In 2024, Queensland removed the principle that detention should only be used as a last resort, restorative justice as a sentencing option, and imposed longer probation periods.<sup>37</sup>
  - Victoria has legislated what it describes as the ‘toughest bail laws ever’,<sup>38</sup> including removing detention as a last resort for children and applying harsher bail tests for a range of offences.<sup>39</sup>
  - In 2024, New South Wales introduced harsher bail laws for young people aged from 14 years who are charged with certain offences while on bail for another offence of that type.<sup>40</sup> Under the amended laws, bail must not be granted unless the bail authority has a ‘high degree of confidence the young person will not commit a serious indictable offence while on bail’.
  - South Australia has indicated plans to toughen bail laws for repeat young offenders.<sup>41</sup>
47. Children are regularly detained in adult facilities, before and after sentencing. Police ‘watchhouses’ and cells designed to hold adults are used as informal remand centres for children across several States and Territories.<sup>42</sup> In August 2023, Queensland legislated to allow children to be held indefinitely in watch houses and for watch houses to be used as youth detention centres, again overriding its own Human Rights Act.

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<sup>33</sup> See, e.g. Australian Human Rights Commission, ‘Help way earlier!’: *How Australia can transform child justice to improve safety and wellbeing*, (2024), available at: [https://humanrights.gov.au/\\_data/assets/file/0030/47289/1807\\_help\\_way\\_earlier\\_-\\_accessible.pdf](https://humanrights.gov.au/_data/assets/file/0030/47289/1807_help_way_earlier_-_accessible.pdf); Rudi Maxwell and Cameron Gooley, “Youth justice systems increasingly punitive and cruel, inquiry hears”, *SBS Australia News*, 6 February 2025, available at: <https://www.sbs.com.au/nitv/article/youth-justice-systems-increasingly-punitive-and-cruel-inquiry-hears/r5trpntav>; Hannah McGlade and Megan Davis,

“Urgent complaint to the United Nations on Australia’s youth justice failures”, *Human Rights Law Centre*, 2025, available at: [https://www.hrlc.org.au/app/uploads/2025/04/United-Nations-CERD-complaint\\_youth-justice-in-Australia.pdf](https://www.hrlc.org.au/app/uploads/2025/04/United-Nations-CERD-complaint_youth-justice-in-Australia.pdf).

<sup>34</sup> McGlade and Davis, “Urgent complaint to the United Nations on Australia’s youth justice failures”, pp.10-11, 24-25, 28; Australian Institute of Health and Welfare, “Trends in sentenced and unsentenced detention” in *Youth Detention Population in Australia 2024*, 13 December 2024, available at: <https://www.aihw.gov.au/reports/youth-justice/youth-detention-population-in-australia-2024/contents/trends-in-sentenced-and-unsentenced-detention>.

<sup>35</sup> Northern Territory Government, *Youth Justice Legislation Amendment Act 2021 (NT)*, Act No. 9 of 2021, 2021, available at: <https://legislation.nt.gov.au/en/Bills/Youth-Justice-Legislation-Amendment-Bill-2021-S-24?format=assented>.

<sup>36</sup> Northern Territory Government, *Bail and Youth Justice Legislation Amendment Act 2025 (NT)*, Act No. 9 of 2025, 2025, available at: <https://legislation.nt.gov.au/en/Bills/Bail-and-Youth-Justice-Legislation-Amendment-Bill-2025-S24?format=assented>

<sup>37</sup> Queensland Government, *Making Queensland Safer Act 2024 (QLD)*, Act No. 54 of 2024, 2024, available at: <https://www.legislation.qld.gov.au/view/whole/html/asmade/act-2024-054>

<sup>38</sup> Victoria State Government, the Hon Jacinta Allan MP, “Tough Bail Laws to Keep Victorians Safe”, *Media Release*, 12 March 2025, available at: <https://www.premier.vic.gov.au/tough-bail-laws-keep-victorians-safe>

<sup>39</sup> Victoria, *Bail Amendment (Tough Bail) Bill 2025 (Vic)*, 2025, available at: <https://www.legislation.vic.gov.au/bills/bail-amendment-tough-bail-bill-2025>

<sup>40</sup> New South Wales Government, *Crimes Amendment Act 2024 (NSW)*, Act No. 18 of 2024, 2024, available at: <https://legislation.nsw.gov.au/view/html/inforce/current/act-2024-018>.

<sup>41</sup> Government of South Australia, “Young Offender Plan 2025”, 2025, available at: <https://www.agd.sa.gov.au/law-and-justice/young-offenders>.

<sup>42</sup> Save the Children and 54 reasons, *Putting children first*, p. 43. See also The Guardian, “Harrowing footage sparks calls for Queensland government to remove children from police watch houses”, 19 July 2024, available: <https://www.theguardian.com/australia-news/article/2024/jul/19/queensland-children-police-watch-houses-investigation-ntwnfb>; and ABC News, “Review into Queensland police watch houses to probe ‘end-to-end systemic issues’”, 6 August 2024, available: <https://www.abc.net.au/news/2024-08-06/review-queensland-police-watch-houses-systemic-issues/104188082>; and Australian Human Rights Commission, “National Children’s Commissioner slams ‘shocking’ new Qld youth justice laws”, 25 August 2023, available here: <https://humanrights.gov.au/about/news/media-releases/national-childrens-commissioner-slams-shocking-new-qld-youth-justice-laws>.

48. In Western Australia, children have been detained in ‘Unit 18’ of an adult prison after transfer from Banksia Hill youth detention centre in 2022. In October 2023, an Indigenous child died after being found unresponsive while in Unit 18.<sup>43</sup>
49. Mandatory sentencing legislation applying to children continues to operate in the state of Western Australia.<sup>44</sup> Although the Northern Territory removed mandatory sentencing for certain offences in 2022,<sup>45</sup> the Government plans to reinstate mandatory sentencing for domestic violence offences.<sup>46</sup>
50. The **Royal Commission into Violence, Abuse, Neglect and Exploitation of People with Disability** made recommendations to address the conditions in detention of children and young people including screening for disability and prohibiting solitary confinement.<sup>47</sup>
51. Recommendations of the **2017 NT Royal Commission** have not been implemented. The Don Dale Detention Centre remains open, despite the report recommending its closure.<sup>48</sup>

**QUESTION: What action is being taken to establish national youth justice standards consistent with international youth justice principles, and to ensure their consistent application across all jurisdictions?**

**QUESTION: What progress has been made towards an Implementation Roadmap for the Justice Policy Partnership? What is the plan to progress national youth justice reform, including raising the age of criminal responsibility?**

**QUESTION: Why does the Australian Government not use its external affairs power to raise the age of criminal responsibility or establish national youth justice standards?**

**QUESTION: Why is isolation in youth detention still permitted and widely used?**

**QUESTION: What steps is Australia taking to ensure that children are never detained with adults or in adult facilities, except where this is in their best interests?**

**QUESTION: What progress has been made towards screening for disability for children in justice settings?**

**QUESTION: Why has progress towards reducing the overrepresentation of Aboriginal and Torres Strait Islander children in detention been so limited, and what immediate steps, resourcing commitments, and accountability mechanisms are in place to ensure measurable change across jurisdictions?**

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<sup>43</sup> See Western Australian Corruption and Crime Commission, “An investigation into allegations of serious misconduct following the death of a young detainee in Unit 18 Casuarina Prison”, 11 June 2024, available at: [https://www.ccc.wa.gov.au/sites/default/files/2024-06/An%20investigation%20into%20allegations%20of%20serious%20misconduct%20following%20the%20death%20of%20a%20young%20detainee%20in%20Unit%2018%20Casuarina%20Prison\\_2.pdf](https://www.ccc.wa.gov.au/sites/default/files/2024-06/An%20investigation%20into%20allegations%20of%20serious%20misconduct%20following%20the%20death%20of%20a%20young%20detainee%20in%20Unit%2018%20Casuarina%20Prison_2.pdf), p. 1.

<sup>44</sup> Australian Law Reform Commission, “Mandatory sentencing” in *Incarceration Rates of Aboriginal and Torres Strait Islander Peoples (DP 84)*, 19 July 2017, available at: <https://www.alrc.gov.au/publication/incarceration-rates-of-aboriginal-and-torres-strait-islander-peoples-dp-84/4-sentencing-options/mandatory-sentencing/>

<sup>45</sup> See Northern Territory, *Sentencing and Other Legislation Amendment Act 2022 (NT)*, Act No. 28 of 2022, 2022, available at: <https://legislation.nt.gov.au/en/Bills/Sentencing-and-Other-Legislation-Amendment-Bill-2022-S-69?format=assented>

<sup>46</sup> Justice Reform Initiative, 25 March 2025, available at: [https://www.justicereforminitiative.org.au/media\\_release\\_nt\\_government\\_s\\_move\\_to\\_reintroduce\\_mandatory\\_sentencing\\_won\\_t\\_keep\\_women\\_safe](https://www.justicereforminitiative.org.au/media_release_nt_government_s_move_to_reintroduce_mandatory_sentencing_won_t_keep_women_safe).

<sup>47</sup> Royal Commission into Violence, Abuse, Neglect and Exploitation of People with Disability, *Final Report*, 2023, available at: <https://disability.royalcommission.gov.au/publications/final-report>.

<sup>48</sup> Royal Commission and Board of Inquiry into the Protection and Detention of Children in the Northern Territory, *Final Report*, 2017, available at: <https://hdl.handle.net/10070/821114>, Recommendation 10.2, p.102.

### **Justice and Legal Process for Children**

52. The Committee has recommended that Australia put in place child-sensitive mechanisms to facilitate and promote reporting of cases and ensure that complaint mechanisms are available and child-friendly, both online and off-line, paying particular attention to alternative care places, detention facilities, and locations for asylum-seeking, refugee and migrant children; and to ensure that the National Preventive Mechanism has access to places where children are placed.
53. The **United Nations Committee Against Torture**<sup>49</sup> and the **United Nations Sub-Committee on the Prevention of Torture**<sup>50</sup> have both made recommendations on justice for children that align with the recommendations of the Committee. Of particular concern to these two Committees has been the inadequate implementation of the National Preventive Mechanism under the **Optional Protocol to the Convention Against Torture** and the circumstances surrounding the discontinued visit by the Sub-Committee to Australia in 2022.
54. The Sub-Committee notes its concern “about the fragmentation of the mandate and the ability of bodies nominated by Australia in their emerging national preventive mechanism structure to adequately visit all places of deprivation of liberty.”<sup>51</sup> This includes facilities in which children are detained.

**QUESTION: Noting the Australian Government’s responsibility to ensure access to justice for children, how does it measure and ensure this access to justice? What appropriate mechanisms for access to justice for children are in place across decision-making processes for children? How are children provided with appropriate information and support to enforce their rights?**

**QUESTION: How do Australian justice and complaints systems provide child-friendly mechanisms to challenge decision making? What funding is provided in each jurisdiction and nationally to provide access to justice for children?**

**QUESTION: When will Australia provide a roadmap for OPCAT implementation, including timelines, resourcing, and measures to address the Subcommittee on Prevention of Torture’s concerns about fragmented mandates?**

**QUESTION: Why has the Australian Government not ratified the 3<sup>rd</sup> Optional Protocol to the Convention?**

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<sup>49</sup> UN Committee against Torture, *Concluding observations on the sixth periodic report of Australia*, CAT/C/AUS/CO/6, 5 December 2022, available at: <https://digitallibrary.un.org/record/3996411>, paras. 37–38.

<sup>50</sup> UN Subcommittee on Prevention of Torture, *Visit to Australia undertaken from 16 to 23 October 2022: recommendations and observations addressed to the State party*, CAT/OP/AUS/ROSP/1, 20 December 2023, available at <https://digitallibrary.un.org/record/4030535>, paras. 98-103.

<sup>51</sup> *Ibid.*, para. 19.

## Poverty and Homelessness

55. The Committee has noted with appreciation in previous reporting (2012) the range of measures in Australia to address child poverty including subsidies, tax rebates and other support for lower income families.<sup>52</sup> Since then, child poverty has remained high in Australia, with approximately one in six children under the age of fifteen years living in income poverty.<sup>53</sup> Australia has made little progress in reducing child poverty over the past three decades.<sup>54</sup>
56. While Australia continues some measures and other support for lower income families, levels of government benefits for families with children are low. This contributes to high rates of child poverty, particularly among sole parent families.
57. The Australian Senate Community Affairs References Committee Report (2024) on ‘The Extent and Nature of Poverty in Australia’ recommended that the Australian Government take urgent action on poverty, including to address the adequacy of payments and the efficacy of the income support system.
58. Measures directed to low-income families are rarely child centred. Children’s experiences of poverty are neglected and poorly understood, preventing appropriate action.<sup>55</sup>
59. Strict conditionality, framed as mutual obligation, applies to a range of government benefits for low-income families and undermines a universal right to adequate welfare support. The 2024 Report recommended reform of the mutual obligation regime.

**QUESTION: What actions have been taken to reduce the number of children living in income poverty and uphold children’s right to an adequate standard of living?**

**QUESTION: What actions have been taken to ensure that the children of families reliant on government benefits are not living in poverty?**

**QUESTION: How are children’s experiences of poverty reflected in poverty reduction efforts?**

60. Australian does not currently have an official definition or measure of child poverty, which undermines efforts to uphold children’s right to an adequate standard of living, track progress over time, and identify the groups most at risk.<sup>56</sup>

**QUESTION: What steps have been taken to develop a child-centered definition and measure of multidimensional poverty? How are children’s views on their experiences incorporated into such steps?**

61. Australian does not have a national commitment or plan of action to uphold children’s right to an adequate standard of living and reduce child poverty. Existing plans fail to adequately address child poverty.

**QUESTION: What measures are included in national plans to reduce child poverty?**

62. The Committee has recommended in its previous reporting cycle that Australia address the rate of homelessness among children, particularly for children leaving alternative care.<sup>57</sup> Homelessness and inadequate housing are aspects of child poverty in which children’s rights are violated.<sup>58</sup>

**QUESTION: What actions have been taken to uphold children’s right to housing, and to address child homelessness?**

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<sup>52</sup> UN Committee on the Rights of the Child, *Concluding observations on the fourth periodic report of Australia*, CRC/C/AUS/CO/4, 28 August 2012.

<sup>53</sup> Australian Council of Social Service and UNSW Sydney, *Poverty in Australia 2025: Overview*, October 2025, available at: [https://povertyandinequality.acoss.org.au/poverty\\_in\\_australia\\_2025\\_overview/](https://povertyandinequality.acoss.org.au/poverty_in_australia_2025_overview/).

<sup>54</sup> Borland, J., “Labour market dynamics and unemployment: Structural change and policy responses”, *Economic Record*, vol. 101, no. 324, 20 August 2025, available at: <https://onlinelibrary.wiley.com/doi/full/10.1111/1467-8462.70016>.

<sup>55</sup> Bessell, S. and O’Sullivan, C., *More for Children: Children’s Experiences of Poverty in Australia*, The Children’s Policy Centre, The Australian National University, July 2024, available at: <https://childrenspolicycentre.org/latest-news/more-for-children-childrens-experiences-of-poverty-in-australia/>.

<sup>56</sup> Borland, “Labour market dynamics and unemployment”, *Economic Record*.

<sup>57</sup> UN Committee on the Rights of the Child, *Concluding observations on the combined fifth and sixth periodic reports of Australia*, CRC/C/AUS/CO/5-6, para 42.

<sup>58</sup> Bessell, S. and O’Sullivan, C., *More for Children: Issues Paper 2 – Housing*, Canberra: The Children’s Policy Centre, The Australian National University, October 2024, available at: <https://policybrief.anu.edu.au/australian-children-dont-just-need-housing-they-need-a-home/>

## Mental Health

63. As of 2023, suicide remains the leading cause of death for those aged 15 – 24.<sup>59</sup> The most comprehensive data is from the Australian Institute of Health and Welfare from 2013-14, which identified ADHD as the most common neurodevelopmental disorder in children, estimated to be 8.2%,<sup>60</sup> with an increase in psychostimulant drugs prescription.
64. Children in Australia continue to identify mental health and wellbeing as a top priority and concern for themselves. In 2024, 23% of Australian young people aged 15-19 identified mental health problems as their biggest personal challenge.<sup>61</sup> Despite an increase in mental health services, children still have limited access to services, particularly those under 14 years.
65. The Committee has recommended over previous reporting cycles that Australia invest in addressing the underlying causes of children’s suicide and poor mental health, improve mental health literacy for children to promote awareness and access to support services, and ensure that national planning includes children, their views, and the required services. The Committee has recommended priority in services for Aboriginal and Torres Strait Islander children, children with disabilities, children in alternative care, homeless children, children living in rural and remote areas, asylum-seeker, refugee, and migrant children and from culturally and linguistically diverse backgrounds and LGBTI children. It recommends the prescription of psychostimulant drugs to children with ADHD as a measure of last resort; increase in the availability of online mental health services and making in-person mental health services child-friendly and accessible to children, including those under 14 years throughout Australia.
66. In 2019, the Australian Government announced a national Youth Mental Health and Suicide Prevention Plan. The Australian Government has committed resources for a national strategy to prevent suicide and promote the mental wellbeing of young and Indigenous Australians; to expand and improve the Headspace service network; continue the Early Psychosis Youth Service; for Kids Helpline to provide 24/7 counselling support and for Smiling Mind for children in schools to develop the skills to manage mental and emotional wellbeing.
67. In 2021, the National Mental Health Commission published Australia’s first National Children’s Mental Health and Wellbeing Strategy. Funding has been announced for specific, limited programs. The proportion of all children and young people who received Medicare subsidised primary mental health care services increased over the past 10 years, from 5.6% in 2012-13 to 10% in 2021-22.<sup>62</sup> This may be an indicator of improved access to care, but also of increased prevalence of mental illness.

**QUESTION: How will the Government fund, implement and monitor the Children’s Mental Health and Wellbeing Strategy?**

68. In February 2023, the Productivity Commission provided data on ‘services reviewed against the National Standards’, being an indicator of universal access to services that are of high quality. Overall, it appears as though standards have generally improved.

**QUESTION: What other evidence is available to measure the progress in improving mental health literacy and access to support services including online services particularly for priority groups of children and young people?**

69. On the prescription of psychostimulant drugs, the Australian ADHD Professionals Association have created an evidence-based clinical practice guideline for ADHD.

**QUESTION: What are the outcomes led by Government that address increased prescription?**

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<sup>59</sup> Australian Institute of Health and Welfare, “Leading causes of death” in *Deaths in Australia*, last updated 9 April 2025, available at: <https://www.aihw.gov.au/reports/life-expectancy-deaths/deaths-in-australia/contents/leading-causes-of-death> (accessed 29 November 2025).

<sup>60</sup> Australian Institute of Health and Welfare, “Children with mental illness” in *Australia’s children*, last updated 25 February 2022, available at: <https://www.aihw.gov.au/reports/children-youth/australias-children/contents/health/children-mental-illness> (accessed 29 November 2025).

<sup>61</sup> McHale, R., Brennan, N., Boon, B., Richardson, E., Rossetto, A. and Christie, R., *Youth Survey Report 2024*, Sydney: Mission Australia, 2024, available at: <https://www.voced.edu.au/content/ngv%3A101399>.

<sup>62</sup> Productivity Commission, “Report on Government Services 2025: Services for Mental Health”, Part E, Section 13, 6 February 2025, available at: <https://www.pc.gov.au/ongoing/report-on-government-services/2025/health/services-for-mental-health/>

70. The 2023 Australian Child Maltreatment Study found young people who experienced maltreatment were 2.9 times more likely to have a mental disorder compared to young people who had not experienced abuse.<sup>63</sup>

71. Young people, including young people with lived and/or living experience and their families, should be actively consulted and involved in the design, implementation and evaluation of mental health promotion and healthcare initiatives that relate to them.

**QUESTION - Given the findings of the Australian Child Maltreatment Study, and the link between maltreatment and severe mental health problems how is the Australian Government targeting and preventing forms of child maltreatment?**

**QUESTION - What efforts are made to consult young people consistently in the design of services and initiatives and to improve mental health services and outcomes for young people.**

72. Recent inquiries<sup>64</sup> have called for greater investment in evidence-based prevention and early intervention strategies, coordinated both within and across sectors, to modify risk and protective factors, increase mental health literacy, reduce stigma, encourage early help-seeking and reduce psychological distress and mental health problems in young people.

**QUESTION: What funding, strategies and monitoring is underway or proposed to increase and coordinate action and investment in youth mental health wellbeing promotion as well as youth mental health care.**

73. The Productivity Commission's Review of the National School Reform Agreement recommended the introduction of measures and monitoring of student wellbeing in education settings.

**QUESTION: What funding, strategies and monitoring is underway or proposed to provide evidence-based mental health promotion and support and suicide prevention programs and services in education settings.**

**QUESTION: What funding, strategies and monitoring is underway or proposed to strengthen Primary Care services to aid prevention, early intervention and management of mental health issues and suicide prevention for young people?**

74. Children and young people face unique barriers that limit their access to services and care, such as cost, parental consent, and transport. Marginalised young people experience additional barriers, such as stigma and discrimination. Young people from refugee and vulnerable migrant backgrounds, culturally diverse young people and Aboriginal and Torres Strait Islander young people experience racism, trauma and discrimination and additional barriers to accessing health services, which may affect their mental wellbeing. Services need to involve young people in service design so they are more engaging and appropriate for young people from a range of marginalised backgrounds.<sup>65</sup> Health and education need to ensure young people learn how to independently access health services and about different components of the health and community-based support system.

**QUESTION: What measures are underway or proposed to increase access to information, services and support through community settings and to address these barriers?**

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<sup>63</sup> Haslam et al., *The prevalence and impact of child maltreatment in Australia*, p.4.

<sup>64</sup> Productivity Commission, *Mental Health and Suicide Prevention Agreement Review: Inquiry Report*, No.108, 16 October 2025, available at: <https://www.pc.gov.au/inquiries/completed/mental-health/report>; Royal Commission into Victoria's Mental Health System, *Final Report*, February 2021, available at: <https://finalreport.rcvmhs.vic.gov.au/>; Productivity Commission, *Report on National School Reform Agreement*, December 2022, available at: <https://www.pc.gov.au/inquiries/completed/school-agreement/report>

<sup>65</sup> Robards, F., Kang, M., Steinbeck, K., Hawke, C., Jan, S., Sanci, L., et al., "Health care equity and access for marginalised young people: a longitudinal qualitative study exploring health system navigation in Australia", *International Journal for Equity in Health*, vol. 18, No. 1, 2019, available at: <https://doi.org/10.1186/s12939-019-0941-2>, p.41.

## Climate Change

75. The Committee has emphasised that the effects of climate change have an impact on children's rights, including the rights to life, survival and development, non-discrimination, health, and an adequate standard of living. The General Comment 26 reaffirmed the impact of climate change on children's rights, highlighted children's right to a clean, healthy and sustainable environment, and recognises the central role that children have played as agents of change for climate action.<sup>66</sup>
76. The Committee has recommended that Australia ensure that children's views are considered in developing policies and programmes addressing climate change, environment and disaster risk management, and increase children's awareness and preparedness for climate change and natural disasters. It has called for prompt action to reduce emissions of greenhouse gases, establishing targets and deadlines to phase out the domestic use of coal and its export, and accelerate the transition to renewable energy, including by committing to achieve 100% renewable energy in the electricity sector.
77. Australia has taken steps towards emissions reduction including legislating a new target of a reduction of greenhouse gas emissions of 43% by 2030, between 62 to 70% by 2035 and net-zero by 2050.<sup>67</sup> The Australian Government has introduced measures to accelerate Australia's transition towards renewable energy including committing to an 82% national renewable electricity target by 2030 and fast-tracking offshore wind industry and renewable energy zones.
78. Despite this, there are credible doubts about Australia's targets being ambitious enough to prevent the worst impacts of climate change,<sup>68</sup> in addition to concerns that current policies will not see Australia achieve its targets.<sup>69</sup> There is no evidence that the views, rights and needs of children and young people have been considered in the development and implementation of these policies.
79. The creation of a national youth advisory group and a youth advisory council on climate change are important developments.<sup>70</sup>
80. A legal action against the Minister for Environment was made on behalf of eight Australian children, claiming that the Minister had a duty of care to protect Australian children from climate change harm when deciding whether to approve an extension to a coal mine.<sup>71</sup> The Federal Court found that the Minister did owe a duty of care, but this was overturned when appealed by the Australian Government.<sup>72</sup>
81. In 2024, Senator David Pocock introduced a Bill to the Australian Parliament to amend the Climate Change Act 2022 to require decision makers to consider the wellbeing of children when making decisions likely to contribute to climate change, including decisions that will increase emissions. The Bill was not passed and was not supported by the two main political parties.
82. There remains no cohesive national policy statement or framework on children and climate change.
83. The impacts of climate change are felt by Australian children and young people, and they are deeply concerned about the issue. A significant number of children experience 'climate anxiety' with a 2021 survey showing 84% of young Australians are extremely, very or moderately worried about climate change, with almost half of those surveyed feeling distressed to the extent that it was affecting their daily functioning.<sup>73</sup>

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<sup>66</sup> UN Committee on the Rights of the Child, *General comment No. 26 (2023) on children's rights and the environment, with a special focus on climate change*, CRC/C/GC/26, 22 August 2023, available at: <https://digitallibrary.un.org/record/4019010>

<sup>67</sup> Department of Climate Change, Energy, the Environment and Water (Australia), "Australia's Third Nationally Determined Contribution under the Paris Agreement", September 2025, available at: <https://unfccc.int/sites/default/files/2025-09/Australias%20Second%20NDC.pdf>; Department of Climate Change, Energy, the Environment and Water (Australia), "Net Zero Plan", September 2025, available at: <https://www.dceew.gov.au/climate-change/publications/net-zero-plan>.

<sup>68</sup> Climate Council, *Aim High, Go Fast: Why Emissions Must Plummet*, Climate Council of Australia, April 2021, available at:

<https://www.climatecouncil.org.au/wp-content/uploads/2021/04/aim-high-go-fast-why-emissions-must-plummet-climate-council-report-210421.pdf>

<sup>69</sup> Newth, D., et al., "The disruptive potential of solar photovoltaics and electric vehicles on Australian electricity markets", *Energy Policy*, vol. 123, 2018, pp. 677–688, available at: <https://www.sciencedirect.com/science/article/pii/S030142151830750X>

<sup>70</sup> Office for Youth (Australia), "Climate Change and Water Advisory Group", last updated 7 March 2025, available at: <https://www.youth.gov.au/office-youth/youth-advisory-groups/climate-change-and-water-youth-advisory-group> (accessed 30 November 2025); Department of Climate Change, Energy, the Environment and Water (Australia), Youth Advisory Council on International Climate Change, last updated 22 July 2025, available at: <https://www.dceew.gov.au/climate-change/international-climate-action/yac> (accessed 30 November 2025).

<sup>71</sup> Gilbert + Tobin, "No duty of care but risks of climate litigation continue to grow: Insights from Sharma decision", 21 March 2022, available at: <https://www.gtlaw.com.au/knowledge/no-duty-care-risks-climate-litigation-continue-grow-insights-sharma-decision>

<sup>72</sup> Ibid.

<sup>73</sup> UNICEF, *Report Card 17: Places and Spaces – Environments and Children's Well-being*, Innocenti Report Card Series, 2022, available at: [UNICEF-Report-Card-17-Places-and-Spaces-EN.pdf](https://www.unicef.org/report-cards/report-card-17-places-and-spaces-en), p.58

84. Despite their concerns, children do not believe that decision-makers are listening to their views on climate change, with a survey of young Australians finding that only 13% felt they were listened to by political leaders on climate change issues.<sup>74</sup>
85. Young Australians want their right to a healthy environment enshrined in law - a poll of 1,700 young people aged 13 - 24 found that 9 out of 10 believe they have a right to a healthy environment.<sup>75</sup> The ACT Government is the only Australian jurisdiction to provide for this right, amending its Human Rights Act in 2024. The **NSW Climate Change (Net Zero Future) Act 2024** includes the principle that ‘action to address climate change should be consistent with the right to a clean, healthy and sustainable environment.’<sup>76</sup>
86. Children are facing the impacts of climate change through exposure to increased natural disasters. A 2020 survey found that over 90% of Australian young people had experienced at least one natural hazard event in the preceding three years, including heatwaves, bushfires, severe storms, and floods.<sup>77</sup> In the summer of 2019-2020, 2 in 5 children and young people were personally impacted by bushfires, 3 in 10 were personally impacted by drought, and almost 25% were personally impacted by floods.<sup>78</sup>

**QUESTION: What steps is Australia taking to exceed its 43% emissions reduction target by 2030 and reach net-zero as soon as practicably possible?**

**QUESTION: Will Australia recognise its legal duty to protect children from climate-related harms?**

**QUESTION: Will Australia recognise in law a child’s right to a clean, healthy and sustainable environment?**

**QUESTION: What measures is Australia taking to address the rights and needs of children in disaster and emergency response, national child-focused disaster recovery and resilience plans and policies?**

**QUESTION: What measures is Australia taking to implement national strategies that build the skills, knowledge, capacity and practical resilience of children to survive and thrive in response to worsening climate impacts?**

**QUESTION: What measures is Australia taking to further empower children as agents of climate action through sustained and meaningful participation in decision-making and policy development, as well as participation in international policy-making forums like the Conference of Parties?**

**QUESTION: What measures is Australia taking to uphold Torres Strait Islander children’s rights to life, survival and development, identity and culture, health, education and an adequate standard of living in the face of rising sea levels and loss of Country?**

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<sup>74</sup> World Vision Australia, *Our World Our Say: National Survey of children and young people on climate change and disaster risk*, August 2020, available at: [https://www.worldvision.com.au/docs/default-source/advocacy/youth-survey-report\\_2020-08-12\\_v1-2.pdf](https://www.worldvision.com.au/docs/default-source/advocacy/youth-survey-report_2020-08-12_v1-2.pdf), p.9.

<sup>75</sup> Australian Conservation Foundation, *Children’s Rights to a Healthy Environment: An Australian Perspective 2023*, November 2023, available at: [https://canopy.acf.org.au/m/3408fb189f2a3457/original/2311\\_ACF\\_ROTIC\\_Report\\_FINAL.pdf](https://canopy.acf.org.au/m/3408fb189f2a3457/original/2311_ACF_ROTIC_Report_FINAL.pdf), p.70.

<sup>76</sup> Government of New South Wales, *Climate Change (Net Zero Future) Act 2023 (NSW)*, Act No. 48 of 2023, 2023, available at: <https://legislation.nsw.gov.au/view/whole/pdf/inforce/2025-11-25/act-2023-048>, Part 2, s8(5).

<sup>77</sup> World Vision Australia, *Our World Our Say: National Survey of Children and Young People on Climate Change and Disaster Risk*, p.16.

<sup>78</sup> Royal Far West and UNICEF Australia, *After the Disaster: Recovery for Australia’s Children*, March 2021, available at: <https://www.royalfarwest.org.au/wp-content/uploads/2021/03/After-the-Disaster-Recovery-for-Australias-Children-produced-by-Royal-Far-West-UNICEF-Australia.pdf>, p.12.

## Aboriginal and Torres Strait Islander Children

87. The Committee recommended in its previous reporting cycle that: Australia ensure that Aboriginal and Torres Strait Islander children and their communities are meaningfully involved in the planning, implementation and evaluation of policies concerning them; and that the collaboration between Australian Governments and Aboriginal and Torres Strait Islander People on Closing the Gap has a clear mandate and the resources necessary to function effectively.
88. The Committee has highlighted disparities in indicators relating to rights of Indigenous children, situations of vulnerability experienced by Indigenous children, the need for Australia to strengthen its support to Aboriginal and Torres Strait Islander organisations, disparities in access to services by Indigenous children, and a large number of specific areas of concern in the realisation of the rights of Indigenous children (including those described elsewhere in this submission - *violence against children, children deprived of a family environment, administration of child justice, mental health and climate change*).
89. In 2020, all Australian Governments committed to the renewed **National Agreement on Closing the Gap** which seeks to overcome the entrenched inequalities faced by Aboriginal and Torres Strait Islander people, pushing for equality in life outcomes for all Australians. The **National Agreement** is built around four **Priority Reforms** to transform the way governments work with Aboriginal and Torres Strait Islander communities, organisations, and people across the country. These Reforms have been agreed to by all Australian, state and territory governments. They are:
- Formal Partnerships and Shared Decision Making
  - Building the Community Controlled Sector
  - Transforming Government Organisations
  - Shared Access to Data and Information at a Regional Level<sup>79</sup>

The National Agreement contains 19 social and economic targets and 15 supporting indicators.

90. The **Productivity Commission** maintains a “**Closing the Gap Dashboard**”.<sup>80</sup> The latest update of the Dashboard shows that “there is no nationally agreed process to determine the relevant contributions required from each state and territory towards the targets”.<sup>81</sup>
91. In July 2025 the **Productivity Commission** released the fifth **Closing the Gap** Annual Data Report which measures progress towards the targets for Aboriginal and Torres Strait Islander children:<sup>82</sup>
- **Worsening progress and not on track:**
    - Target 4 to increase the proportion of Indigenous children assessed as developmentally on track
    - Target 12 to reduce the overrepresentation of Indigenous children in out of home care
    - Target 14 a significant and sustained reduction in suicide of Indigenous people
  - **No change from the baseline and therefore not on track:**
    - Target 11 to reduce the number of young people in detention
  - **Improving but not on track:**
    - Target 2 to increase the proportion of Indigenous babies with a healthy birthweight to 91%
    - Target 5 to increase the proportion of Indigenous children attaining year 12 education qualification
    - Target 5 to increase the proportion of Indigenous young people in education or employment
    - Target 9A to increase the proportion of Indigenous people living in appropriate housing
  - **On track:**
    - Target 3 to increase the proportion of children enrolled in preschool.

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<sup>79</sup> Australian Government, “Closing the Gap Priority Reforms”, available at: <https://www.closingthegap.gov.au/national-agreement/priority-reforms> (accessed 29 November 2025).

<sup>80</sup> Productivity Commission, “Closing the Gap Information Repository”, last updated July 2025, available at: <https://www.pc.gov.au/closing-the-gap-data/dashboard> (accessed 30 November 2025).

<sup>81</sup> Productivity Commission, “New Closing the Gap data – March 2025”, *Media Release*, March 2025, available at: <https://www.pc.gov.au/closing-the-gap-data/media-releases/new-closing-the-gap-data-march-2025/>.

<sup>82</sup> Productivity Commission, *Closing the Gap: Annual Data Compilation Report*, July 2025, available at: <https://assets.pc.gov.au/2025-10/closing-the-gap-annual-data-compilation-july2025.pdf>.

92. The context has been shaped by recent political events in Australia. On 14 October 2023 Australian citizens voted not to alter the Constitution to create a body called the Aboriginal and Torres Strait Islander Voice which could make representations to the parliament and executive government on matters relating to Aboriginal and Torres Strait Islander peoples. The referendum debate raised issues of disinformation and racism which negatively impacted Indigenous communities, who overwhelmingly voted yes in the referendum.
93. In March 2022, a Private Members Bill was introduced to the Australian Parliament to establish a framework for the implementation of the **United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP)**. In December 2023 the Australian Parliament voted not to pass the legislation.

**QUESTION: What steps are being taken by the Australian Government to implement the National Agreement Priority Reforms and what resourcing is attached to these actions?**

**QUESTION: What action is being taken to support and build the Aboriginal and Torres Strait Islander community-controlled sector and what resourcing is attached to these actions?**

**QUESTION: What steps is the Australian Government taking to continue the implementation of the Uluru Statement of the Heart with respect to truth-telling and treaty and to ensure Aboriginal and Torres Strait Islander children’s voices are heard?**

**QUESTION: What steps are being taken to ensure the implementation of UNDRIP in Australia particularly in relation to Closing the Gap initiatives, a National Action Plan and education? What are the budgetary allocations to support the implementation of UNDRIP?**

94. The Committee has recommended the establishment of Aboriginal and Torres Strait Islander Children’s Commissioners. Currently the legislation, structure, resourcing and powers of Aboriginal and Torres Strait Islander Children’s Commissioners, Guardians and Advocates vary significantly across jurisdictions.
95. The Aboriginal and Torres Strait Islander Children’s Commissioners, Guardians and Advocates met as a caucus in January 2023<sup>83</sup> and identified 11 advocacy priorities. Effective collaboration requires commensurate resourcing and legislative powers for dedicated Commissioners for Aboriginal and Torres Strait Islander children in each jurisdiction.
96. The **National Commissioner for Aboriginal and Torres Strait Islander Children and Young People** should be independent from government, fully resourced and empowered by legislation, to address the gaps in accountability created by the current patchwork of reporting mechanisms across the country. There is currently no dedicated accountability mechanism at a national level for the Australian Government’s responsibilities to Aboriginal and Torres Strait Islander children.
97. This model for a National Commissioner will support a dedicated voice for Aboriginal and Torres Strait Islander children and young people and support strategies for more effective collaboration and coordination both between and within governments. The role can build the accountability of all Australian Governments, monitor progress of reforms and broker solutions to persistent failures to protect the rights of Aboriginal and Torres Strait Islander children and young people.

**QUESTION: What steps are being taken to establish the role of National Commissioner for Aboriginal and Torres Strait Islander children as described above and for equivalent and complementary roles for dedicated Commissioners for Aboriginal and Torres Strait Islander children in each jurisdiction?**

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<sup>83</sup> Australian and New Zealand Children’s Commissioners and Guardians, *Statement from the Australian First Nations Children’s Commissioners, Guardians and Advocates – 10 and 11 January 2023*, February 2023, available at: <https://cacyp.com.au/wp-content/uploads/2023/02/First-Nations-ANZCCG-statement.pdf>

## Digital Environment

98. There have been several policy initiatives around the digital environment impacting on children's rights.
99. The *Online Safety Amendment (Social Media Minimum Age) Act 2024*<sup>84</sup> was rushed through the Australian Parliament in the final days before the most recent Federal election was called, as a measure claiming to reduce online harms for young people. It places obligations on social media platforms to prevent children under 16 years of age from holding an account (but not from using a platform *per se*).
100. The lack of consultation with children and the proposed pace of implementation has raised concerns, but there are also expectations of significant consequences. Four key concerns are:
- The adverse impacts on children's other rights, such as the right to access information and participation, and their right to leisure and play. Social media space often function as a site and source of vital information and connection for young people.
  - Significant implementation issues, such as requirements for age assurance and verification online, that have implications for children's privacy.
  - A lack of focus on digital literacy and user empowerment with inadequate attention to monitoring of impacts and access.
  - A failure to 'protect' children from online risks. Rather than reducing the risk profile of the digital world, it seeks to remove children from some specific platforms. This means children will still be at risk elsewhere and may move to other risky platforms.<sup>85</sup>

**QUESTION: What steps is the Australian Government taking to address the infringements of the rights of children to information, participation and protection that may result from the implementation of the measure?**

101. The introduction of an Online Privacy Code for Children<sup>86</sup> is anticipated and welcome, although it is not yet clear what improvements and protections for children will be delivered under the Code. More broadly, important reforms to the *Privacy Act 1988* have been delayed.<sup>87</sup> These reforms if implemented could introduce substantive improvements such as modernising the definition of personal data in Australia to capture metadata, a fair and reasonable test to ensure legality of data processing, and a prohibition on targeted advertising to children.

**QUESTION: What is the timetable and commitments from the Australian Government to the recommended and proposed reforms to privacy for the benefit of children.**

102. A more powerful, systemic approach to online safety has been proposed and agreed to by the Australian Government through the introduction of a Digital Duty of Care<sup>88</sup>. These reforms were promised and have bipartisan support across the Australian Parliament but have not been advanced. A Digital Duty of Care approach has the capacity to pivot Australia's current Online Safety legislation away from content focus and the need for take down measures — important but reactive — to a more inclusive and preventative focus on platforms' obligations to end users' safety, especially when end users are children. The details will benefit from further investigation with children's perspective sought in development and implementation (unlike the process for the introduction of the legislation for the social media ban).

**QUESTION: What is the timetable for the online safety and privacy reforms and how will children be involved in their development and implementation.**

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<sup>84</sup> Australian Government, *Online Safety Amendment (Social Media Minimum Age) Act 2024 (Cth)*, Act No. 127 of 2024, 2024, available at: <https://www.legislation.gov.au/C2024A00127/asmade/text>

<sup>85</sup> Australian Child Rights Taskforce (ACRT), "Open Letter on Social Media Bans", 9 October 2024, available at: <https://au.reset.tech/uploads/ACRT-Open-letter-re-social-media-bans.pdf>

<sup>86</sup> Office of the Australian Information Commissioner (OAIC), "Children's Online Privacy Code", OAIC, last updated 5 August 2025, available at: <https://www.oaic.gov.au/privacy/privacy-registers/privacy-codes/childrens-online-privacy-code>

<sup>87</sup> Privacy World, "Australian Privacy Law Reforms: On Pause or Something Entirely New Altogether?", Privacy World, 14 August 2025, available at: <https://www.privacyworld.blog/2025/08/australian-privacy-law-reforms-on-pause-or-something-entirely-new-altogether/>

<sup>88</sup> Department of Infrastructure, Transport, Regional Development, Communications and the Arts (Australia), "Digital Duty of Care", available at: <https://www.infrastructure.gov.au/have-your-say/digital-duty-care> (accessed 30 November 2025).

## Asylum-Seeking, Refugees and Migrant Children

103. The Committee has noted over previous reporting cycles that Australia continues to authorise the detention of asylum-seeking, refugee and migrant children and that disability remains a basis for rejecting an immigration request. The Committee has recommended over two previous reporting cycles that Australia amend its legislation to comply with international law; to create an independent guardian for unaccompanied children; to prohibit the detention of asylum seekers, refugee and migrant children; to respect its non-*refoulement* obligations; ensure that the best interests of the child are a primary consideration in all decisions on asylum-seeking, refugee or migrant children; review migration law and policies to withdraw disability as a criterion for immigration decisions; provide support for all refugee and migrant children to ensure their rehabilitation, reintegration and sustainable resettlement; and introduce adequate mechanisms for monitoring the wellbeing of children involved in asylum, refugee and migration processes.
104. There has been no progress in Australia amending its legislation to create an independent guardian for unaccompanied children.
105. There has been no progress in Australia amending its legislation to comply with international law in relation to refugees and asylum seekers. There has been no progress in Australia in prohibiting the detention of asylum seekers, refugee and migrant children (including in regional processing countries) and to respect its non-*refoulement* obligations.
106. There has been no progress to ensure that the best interests of the child are a primary consideration in all decisions on asylum-seeking, refugee or migrant children.
107. There has been no progress to review migration law and policies to withdraw disability as a criterion for immigration decisions. The Disability Royal Commission has recommended this change as well.
108. Services and support for the settlement of migrants and new arrivals in Australia are to be delivered in accordance with the **National Settlement Framework**<sup>89</sup>. The framework is a ‘high level structural blueprint for the three tiers of government, to work in partnership to effectively plan and deliver services that support the settlement of migrants and new arrivals in Australia’. It is designed for adults and there is no specific framework for children.
109. There has been limited progress in providing support for all refugee and migrant children (including those to be dealt with in the future in regional processing countries) to ensure their early rehabilitation, reintegration and sustainable resettlement; and introduce adequate mechanisms for monitoring the wellbeing of children involved in asylum, refugee and migration processes. Despite the evidence of psycho-social problems amongst asylum seeker children, the Australian Government does not fund specific mental health services to support asylum-seeking, refugee and migrant children.

**QUESTION: What steps is the Australian Government taking to implement these previous recommendations of the Committee for asylum seeking, refugee and migrant children?**

**QUESTION: How does the Australian Government reconcile its lack of commitment to the key principles of international law with respect to refugees and asylum seekers with its commitment to human rights as foundational to international relations?**

**QUESTION: What steps is the Australian Government taking to ensure that settlement arrangements for asylum-seeking, refugee and migrant children meet human rights requirements?**

**QUESTION: Why does the Australian Government not prohibit the detention of asylum-seeking, refugee and migrant children?**

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<sup>89</sup> Australian Government, *The National Settlement Framework*, 2016, available at: <https://immi.homeaffairs.gov.au/settlement-services-subsite/files/the-national-settlement-framework.pdf>

## General Measures of Implementation

### Reservations

110. The Committee has recommended the withdrawal of Australia’s reservation regarding article 37(c) of the Convention in three previous reporting cycles. The failure to do so should be considered alongside Australia’s failure to effectively establish the National Preventive Mechanism under the Optional Protocol to the Convention Against Torture, and ongoing concerns about youth justice.

**QUESTION: Why has Australia maintained its reservation to article 37(c)?**

### Legislation

111. The Committee has recommended in previous reporting cycles the enactment of comprehensive national child rights legislation incorporating the Convention and clear guidelines for its consistent and direct application throughout states and territories.
112. Australia has made no significant progress towards this recommendation. Existing national legislation relating to children is piecemeal and incomplete. The limited references to the Convention in individual pieces of legislation fall significantly short of comprehensively incorporating the Convention. Australia also lacks a national Human Rights Act.

**QUESTION: Why has Australia taken no steps towards comprehensively incorporating the Convention through legislation, despite the significant gaps in current legislation?**

### National Plan of Action

113. The Committee has recommended in two previous reporting cycles that Australia adopt a national comprehensive policy and strategy on children that encompasses all areas of the Convention, with sufficient human, technical and financial resources for implementation.
114. Australia has made no significant progress towards this recommendation. Existing national policies and strategies relating to children:
- Are not coordinated
  - Are far from comprehensive, even when considered as a whole
  - Are inadequately resourced
  - Give insufficient emphasis to preventive and early intervention measures
  - Give insufficient emphasis to children’s participatory rights.
115. UNICEF Australia, 54 Reasons and the Australian Child Rights Taskforce has produced a Blueprint for a National Children’s Plan<sup>90</sup> which sets out a pathway towards what is required for the full and effective implementation of the Convention in Australia, guided by the Convention’s General Measures of Implementation. It would build on current plans and reforms and with appropriate leadership, coordination, monitoring and resources offers a response to the Committee’s call for a comprehensive national policy and strategy for children and to address the Committee’s ongoing recommendations.

**QUESTION: Why has Australia not developed a comprehensive National Children’s Plan, despite significant gaps in current arrangements?**

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<sup>90</sup> Australian Child Rights Taskforce, *Children’s Plan: Blueprint for Action*, available at: <https://www.54reasons.org.au/childrens-plan-blueprint> (accessed 29 November 2025).

## Coordination

116. The Committee has recommended in previous reporting cycles that Australia provide to an appropriate body a clear mandate, sufficient authority, and resources to coordinate all activities to implement the Convention at cross-sectoral, federal, state, territory, and local levels.
117. Australia has made no significant progress towards this recommendation. No appropriate body or other mechanism exists to coordinate implementation of the Convention.
118. There is no Cabinet-level Minister for Children with responsibility for coordinating activities related to implementation of the Convention. Instead, responsibilities are distributed across multiple Ministers with no effective coordination. The **National Office of Child Safety** has been transferred out of the **Department of Prime Minister and Cabinet** with no apparent ongoing monitoring and coordination powers and functions across Government and jurisdictions.

**QUESTION: Why has Australia not appointed a Cabinet-level Minister for Children with comprehensive responsibility for children from birth to age 18?**

**QUESTION: What steps has the Australian Government taken to ensure that the views of children and young people are considered in all decision making that affects them?**

## Allocation of resources

119. The Committee has recommended on previous reporting cycles that Australia allocate adequate budget resources for the implementation, monitoring and evaluation of all policies, programmes, and legislative measures for children and the realisation of their rights.
120. Australia has made no significant progress towards this recommendation. Implementation of policies, programmes and legislative measures for children is inadequately resourced, not systematically monitored and evaluated, and not systematically directed at realising rights.

## Data collection

121. The Committee has recommended in previous reporting cycles that Australia ensure that data collected on children's rights covers all areas of the Convention, in particular relating to violence, alternative care, natural disasters and children in conflict with the law, and is disaggregated by age, sex, disability, geographic location, ethnic or national origin, and socioeconomic background, and identifies those in situations of vulnerability.
122. Australia has made no significant progress with this recommendation. Significant data gaps remain.
123. There remains no overarching framework or nationally agreed set of indicators that support monitoring and reporting on the implementation of the Convention in Australia. There is no national body tasked with the coordination and collection of the data required for reporting and no assistance is provided to the **National Children's Commissioner** or civil society to support the application of available data sets to the task of reporting to the Committee.
124. Key indicators that are not currently collected or available through national consistent data sets of measures or indicators include:
  - Attendance in education settings that would support monitoring on the universal provision of appropriate school or alternative education.
  - Participation and wellbeing measures for children in school and childcare settings.
  - Consistent data on the reasons for removal of children from family and placement in care.
  - Records of instances and experiences of abuse and violence of children across settings and institutions (that build on the evidence in the **Australian Child Maltreatment Study**).
  - Data of experiences of poverty for children that supports measures to address disadvantage.

**QUESTION: What plan does the Australian Government have to improve the collection and availability of data to inform policy and programs across sectors and jurisdictions and to support national monitoring?**

**QUESTION: What funding is provided for data collection on outcomes for children?**

## Independent monitoring

125. The Committee has recommended in previous reporting cycles that Australia ensure that the **National Children’s Commissioner** (the Commissioner) has adequate and sufficient human, technical and financial resources to implement and monitor the application of the Convention.
126. Australia has made no significant progress towards this recommendation. The Commissioner does not have adequate resources to perform its role. During the establishment of the office in 2012-2013, it was recommended by Parliamentary Review Committee that its funding be reviewed once it was operational.<sup>91</sup> This has not occurred.

**QUESTION: Why has the National Children’s Commissioner’s funding not been reviewed since its establishment?**

**QUESTION: Why is the National Children’s Commissioner not adequately resourced to perform its functions under the Convention?**

**QUESTION: What is the total ongoing annual funding provided directly to the National Children’s Commissioner, excluding time-limited funding for specific projects?**

127. There are already a range of national plans and strategies to guide reform activities that are often consistent with many of the recommendations of the Committee and could support over time the more effective implementation of the Convention in Australia. These include:
- **The National Framework for Protecting Australia’s Children (2021-2031)**
  - **The National Plan (to End Violence against Women and Children (2022-2032)**
  - The recommendations of the **Royal Commission into Institutional Responses to Child Sexual Abuse** including the implementation of Child Safe standards
  - The recommendations of the **Royal Commission into Violence, Abuse, Neglect and Exploitation of People with Disability**<sup>92</sup>
  - **Closing the Gap** targets that relate to First Nations children and their communities.
128. Monitoring of these plans is variable and often uncoordinated including across the plans and across jurisdictions. A properly resourced comprehensive National Plan for Children (as discussed above) should include the coordination of monitoring to guide timely implementation and evaluation.

**QUESTION: What is the Australian Government’s strategy for monitoring outcomes for children and for the coordinated monitoring of plans and strategies for children?**

**QUESTION: What is the funding provided for monitoring of outcomes for children?**

## Dissemination, awareness-raising, and training

129. The Committee has recommended in previous reporting cycles that Australia strengthen awareness-raising on the Convention, include mandatory modules on human rights and the Convention in the school curriculum and in training for all professionals working with or for children.
130. Australia has made no significant progress in addressing this recommendation. There remains no commitment to human rights education in curriculum or committed resources to a consistent national approach to education on human rights for children nor in training for professionals working with children. The Parliamentary Joint Committee on Human Rights recently recommended significant and ongoing funding for human rights education.<sup>93</sup>

**QUESTION: What steps are being taken to embed human rights and child rights education in Australia’s national school curriculum and in training for all professionals working with children? What resources have been committed to human rights and child rights education at a national level?**

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<sup>91</sup> Standing Committee on Social Policy and Legal Affairs, *Report on the National Children’s Commissioner Bill 2012*, available at: [https://www.aph.gov.au/parliamentary\\_business/committees/house\\_of\\_representatives\\_committees?url=spla/bill%20childrens%20commission/report/chilcommissioner.htm](https://www.aph.gov.au/parliamentary_business/committees/house_of_representatives_committees?url=spla/bill%20childrens%20commission/report/chilcommissioner.htm);

<sup>92</sup> Royal Commission into Violence, Abuse, Neglect and Exploitation of People with Disability, *Final Report*, 2023, available at: <https://disability.royalcommission.gov.au/publications/final-report>.

<sup>93</sup> Parliament of Australia, *Inquiry into Australia’s Human Rights Framework*, 2024, available at: [https://www.aph.gov.au/Parliamentary\\_Business/Committees/Joint/Human\\_Rights/HumanRightsFramework/Report/List\\_of\\_recommendations](https://www.aph.gov.au/Parliamentary_Business/Committees/Joint/Human_Rights/HumanRightsFramework/Report/List_of_recommendations).