**New legislation for Commissioner**

18/7/2016

The Commissioner for Children, Mark Morrissey has welcomed the commencement of the *Commissioner for Children and Young People Act 2016*.

“The new Act clarifies and strengthens the functions of the role,” Mr Morrissey said.

“This Act makes it very clear that the Commissioner’s role is independent and is responsible for promoting the rights and wellbeing of children and young people in Tasmania,” Mr Morrissey said.

“I welcome these legislative changes which will allow me to continue to focus on working towards obtaining the best outcomes for Tasmania’s children and young people.”

The key points of the Act include:

* It changes the name of the role to the Commissioner for Children and Young People and emphasises that the Commissioner is an independent voice for all Tasmanians aged under 18 years.
* It actively promotes the right of children to participate in decisions that affect them, and for their views to be taken into account
  + The legislation includes specific functions around promoting children’s participation.
* It retains and provides greater clarity around the individual advocacy role for young detainees under the *Youth Justice Act 1997*
  + The advocacy role for those young people in custody is important. The legislation will provide greater guidance on the way this role is to be fulfilled.
* It firmly places the Commissioner’s role within a child rights framework.
  + The key principles in the Act acknowledge the importance of the provisions of the UN Convention on the Rights of the Child (e.g. children’s best interests, right to be heard, right to live free from harm, and the family’s fundamental role in safeguarding and promoting children’s well-being).
* It strengthens the Commissioner’s ability to obtain information.
  + The Commissioner will continue to work collaboratively across government and the community sector;
  + The Commissioner’s power to access information and data has been clarified.
* It provides a greater oversight role for the health and wellbeing of all Tasmanian children and young people.
  + Includes a monitoring function of children’s wellbeing.
* Includes an ‘own motion’ power of inquiry
  + This means the Commissioner will be able to investigate a wide range of practices, policies, and services which impact on children or young people without needing to receive a specific request from the Minister.
  + The ‘own-motion’ power of inquiry significantly strengthens the independence of the Commissioner’s role.
* It provides discretion for the Commissioner to decide how inquiries are conducted
  + The Commissioner may hold public hearings or call for submissions but could also review matters privately.
* It retains the ability to investigate matters relating to individual children or young people if requested to do so by the Minister.

The Commissioner for Children and Young People Act 2016 can be found [here](http://www.thelaw.tas.gov.au/tocview/index.w3p;cond=all;doc_id=2%2B%2B2016%2BAT@EN%2BSESSIONAL;histon=;pdfauthverid=;prompt=;rec=;rtfauthverid=;term=;webauthverid=).

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