Commissioner Natalie Lewis
Office of the Aboriginal and Torres Strait Islander Children's Commissioner

Policy Submission

# Submission to the Review of Australian Disability Discrimination Act 1992

28 October 2025

QUEENSLAND Family & Child Commission

OFFICE OF THE ABORIGINAL AND TORRES STRAIT ISLANDER CHILDREN'S COMMISSIONER

Queensland Government

## ACKNOWLEDGEMENT OF COUNTRY

The Office of the Aboriginal and Torres Strait Islander Children's Commissioner acknowledge Aboriginal and Torres Strait Islander peoples as the Traditional Custodians across the lands, seas and skies where we walk, live and work.

We recognise Aboriginal and Torres Strait Islander people as two unique peoples, with their own rich and distinct cultures, strengths and knowledge. We celebrate the diversity of Aboriginal and Torres Strait Islander cultures across Queensland and pay our respects to Elders past, present and emerging.

We acknowledge the important role played by Aboriginal and Torres Strait Islander communities and recognise their right to self-determination, and the need for community-led approaches to support healing and strengthen resilience.

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## 1. Executive summary

This submission positions the current review as an opportunity to modernise the Australia's Disability Discrimination Act 1992 (Cth) (the DDA) into a genuinely rights-based and proactive framework. The aim is not incremental or technical amendment, but comprehensive legislative reform that establishes clear duties, measurable outcomes, and coherent oversight across systems that shape the lives of children, families, and communities.

A contemporary *Disability Discrimination Act* must establish:

- a clear human rights purpose grounded in substantive equality;
- positive, proactive duties to prevent discrimination and promote inclusion;
- child-sensitive and culturally safe processes that reflect lived realities; and
- systemic oversight mechanisms to monitor compliance and drive continuous improvement.

This submission positions reform of the DDA as a cornerstone of Australia's broader compliance with international human rights obligations. A reformed Act should not only prevent discrimination but also establish a proactive, child- and disability-rights-based system for monitoring equality outcomes. The recommendations outlined here align with the United Nations Convention on the Rights of the Child (UNCRC), the United Nations Convention on the Rights of Persons with Disabilities (UNCRPD) and the United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP) as well as contemporary UNICEF and the Office of the United Nations High Commissioner for Human Rights (OHCHR) guidance on General Measures of Implementation[1]. Only through such reform can the DDA evolve into a proactive, rights-based instrument, one capable of preventing harm, ensuring accountability, and delivering tangible equality for all Australians, especially children with disability. For children and families, this reform is about more than law. It is about ensuring that dignity, safety, and inclusion are embedded in every decision that affects their lives.

## 2. Introduction

The DDA was internationally significant at its inception, setting a strong foundation for equality before the law and shaping three decades of progress in the recognition of the rights of people with disability. More than thirty years on, however, Australia's social, legal and human rights landscape has evolved. The DDA's largely reactive, complaints-based and individualised structure now offers limited capacity to address the complex and systemic forms of discrimination that children and people with disability continue to experience[2].

Comprehensive reform is now required to transform the Act into a proactive, preventive and intersectional legislative instrument that embeds *positive duties* on public authorities and service providers; mandates *inclusive education and accessibility standards*; incorporates *cultural safety and self-determination* as integral to equality; and explicitly extends coverage to the *justice, policing and corrections systems*.

[1] UNICEF, *Implementation Handbook for the Convention on the Rights of the Child (3rd ed.)*, UNICEF, September 2007; OHCHR, *Human Rights Indicators: A Guide for Measurement and Implementation*, Office of the United Nations High Commissioner for Human Rights, 2012
[2] Australian Human Rights Commission, "Disability Discrimination Act Review", Australian Human Rights Commission, 2025, https://humanrights.gov.au/our-work/disability-rights/disability-discrimination-act-review; Australian Human Rights Commission, *"The Commission's Model for a Human Rights Act for Australia"* (Speech, 31 October 2023) ("Australia remains one of the few liberal democracies without a federal Human Rights Act; the absence of such is described as the 'missing foundational piece' in our legal architecture").

The absence of a Federal Human Rights Act remains a critical missing element in Australia's legislative framework[3]. Without a national human rights instrument, equality laws such as the DDA operate in isolation, lacking the interpretive coherence and systemic accountability necessary to ensure consistent protection across jurisdictions. Modernisation of the DDA, alongside enactment of a Federal Human Rights Act would establish the legislative infrastructure required to give full domestic effect to Australia's obligations under the UNCRC, the UNCRPD and the UNDRIP.

## 3. Recommendations

1. **Establish a positive duty to promote equality and prevent discrimination:**

   1.1 Introduce a legally enforceable positive duty requiring public authorities and service providers to take active, proportionate steps to prevent discrimination and promote inclusion.

   1.2 Require official public reporting and disaggregated data (disability; Indigeneity; gender; and care experience) to track progress and transparency.

   1.3 The Commonwealth should guarantee adequate, predictable and independent resourcing for the Australian Human Rights Commission (AHRC) commensurate with its expanded mandate under a reformed DDA in accordance with UN Paris Principles[4] (UN GA Res 48/134) (1993).

2. **Mandate inclusive education standards:**

   2.1 Replace "reasonable adjustments" with "requisite adjustments" or adjustments, consistent with UNCRPD Article 24**.**

   2.2 Amend the DDA and Disability Standards for Education to prohibit the suspension or exclusion of a student with disability unless reasonable supports and adjustments have first been identified, implemented, and reviewed in consultation with the student and their family.

   2.3 Prohibit suspension or exclusion where reasonable supports have not been provided.

   2.4 Amend the DDA and Disability Standards for Education to require schools to maintain documented records of consultation with children and their families before any disciplinary decision is made. Failure to demonstrate meaningful consultation should constitute non-compliance with the Act.

3. **Guarantee child sensitive access to justice:**

   3.1 Require all justice and complaints processes to implement child-sensitive procedures (advocates, communication specialists, simplified language, support persons, breaks, visual aids).

   3.2 Expressly prohibit the use of solitary confinement, prolonged isolation and other restrictive practices against children with disability recognising such measures as discriminatory treatment under federal law**.**

   3.3 Establish a legislative duty on all jurisdictions to facilitate coordinated data collection and sharing between education, justice, and child-protection agencies. Implementation should occur through intergovernmental agreements and Commonwealth funding arrangements to ensure nationally consistent, privacy-compliant monitoring of exclusion, diversion, and outcomes for children with disability.

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[3] Australian Human Rights Commission, *"The Commission's Model for a Human Rights Act for Australia"* (Speech, 31 October 2023) ("Australia remains one of the few liberal democracies without a federal Human Rights Act; the absence of such is described as the 'missing foundational piece' in our legal architecture").
*United Nations General Assembly* (1993), *Principles relating to the Status of National Institutions (The Paris Principles)*, GA Res 48/134, adopted 20 December 1993. The principles set out the minimum standards required for National Human Rights Institutions (NHRIs) to be considered credible and effective, including independence, pluralism, a broad mandate, adequate resourcing, and functional autonomy.
[4] United Nations General Assembly, *Resolution 48/134 – National Institutions for the Promotion and Protection of Human Rights*, 48th Sess., UN GA Res 48/134, 20 Dec. 1993, Annex: Principles relating to the Status of National Institutions (Paris Principles).

3.4 Extend limitation periods for complaints involving children, permit representative and third-party complaints on their behalf, and prohibit any form of reprisal against those who raise or support a complaint.

3.5 Require formal Memoranda of Understanding between the Australian Human Rights Commission (AHRC), state and territory Children's Commissioners, and youth justice oversight bodies to enable coordinated referral, joint investigation, and information sharing, consistent with privacy and child-protection legislation.[5]

**4. Embed statutory duties for diversion and adjustment prior to prosecution:**

4.1 Amend the DDA to require that, before any criminal charge or custodial placement of a child with disability, authorities document the assessment and implementation of reasonable adjustments and community-based supports. Failure to demonstrate such consideration should constitute non-compliance with the Act and be treated as evidence of discriminatory practice.

4.2 Amend the DDA and related justice frameworks to establish diversion as the default response for children with disability, consistent with the principles set out in the UNCRC's General Comment No. 24[6] (2019) on children's rights in the child justice system.

**5. Include policing and justice as a distinct provision:**

5.1 Amend the DDA to explicitly extend its coverage to police, courts, corrections, and detention settings through the establishment of a Justice and Policing Standard. This Standard should impose positive duties on justice agencies to identify and accommodate disability, ensure procedural fairness, and prevent discriminatory practices across all stages of the justice process.

5.2 Establish a positive duty under the DDA requiring police, courts, corrections, and detention agencies to identify and accommodate disability from the first point of contact. This duty should include mandatory screening, referral to support services, provision of procedural accommodations, and monitoring to ensure compliance and accountability across all stages of the justice process.

5.3 Amend the DDA to specify that failure to provide procedural accommodations or diversion options for a person with disability constitutes discrimination. This should include circumstances where disability-related needs were known or reasonably identifiable, and where appropriate adjustments or community-based alternatives were not implemented prior to prosecution or detention.

**6. Recognise cultural safety and intersectionality:**

6.1 Amend DDA or associated regulations to authorise the Auditor General (ANAO), and State and Territory Auditors-General where relevant, to conduct performance audits every 3–5 years on agencies' compliance with cultural safety obligations established under the DDA and intergovernmental agreements.[7]

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[5] This recommendation is intended as an *operational complement* to, rather than a duplication or parallel process of, the National Preventive Mechanism (NPM) established under the Optional Protocol to the Convention Against Torture (OPCAT). While the NPM focuses on the prevention of ill-treatment in places of detention through independent inspection, Memoranda of Understanding between the AHRC, Children's Commissioners, and youth justice oversight bodies would strengthen *coordination and referral pathways* across jurisdictions, ensuring that systemic issues identified through complaints, investigations, or monitoring are addressed collaboratively and within existing statutory mandates.

[6] Committee on the Rights of the Child, *General Comment No. 24 (2019) on children's rights in the child justice system*, UN Doc CRC/C/GC/24 (18 September 2019).

[7] Performance audits conducted by the Auditor-General (ANAO) are currently limited to Commonwealth entities under the *Auditor-General Act 1997 (Cth).* State and Territory Auditors-General have equivalent jurisdictional powers under their own legislation. Extending such audits to assess compliance with cultural safety obligations would therefore require both Commonwealth legislative amendment and intergovernmental cooperation. This could be achieved through a negotiated intergovernmental agreement recognising mutual audit objectives, data-sharing protocols, and consistent cultural safety indicators across jurisdictions to respect the principles of Australian federalism while ensuring national consistency in oversight.

6.2 Ensure implementation of the DDA reflects the principles of self-determination, free, prior and informed consent, and Indigenous data sovereignty, requiring partnership and shared governance with Aboriginal and Torres Strait Islander peoples and organisations in the design, monitoring, and evaluation of policies and data systems.

6.3 Amend the DDA to include a statutory definition of intersectional discrimination[8] as discrimination arising from the combined effect of two or more protected attributes. Empower the AHRC to accept multi-ground and systemic complaints, and to report on intersectional patterns of discrimination across sectors.

**7. Introduce a Federal Human Rights Act:**

7.1 Enact a Federal Human Rights Act or a Consolidated Equality Act to provide the core legislative architecture for consistent rights protection, policy coherence, and accountability across all jurisdictions. The Act should give domestic effect to Australia's international human rights obligations, impose positive duties on public authorities to act compatibly with human rights, and ensure accessible remedies for systemic and individual rights breaches.

7.2 A Federal Human Rights Act (or Consolidated Equality Act) should also embed recognition of the distinct status and rights of Aboriginal and Torres Strait Islander peoples, consistent with the UNDRIP.[9] Implementation should ensure shared governance with First Nations representatives in the interpretation, monitoring, and review of rights protections.

## 4. Guiding principles for reform

Reform of the DDA must be underpinned by a clear set of guiding principles that reflect contemporary human rights, child rights, and First Nations rights standards. These principles ensure that the Act functions not only as a legal mechanism for redress but as a proactive framework for inclusion, accountability, and equity, consistent with Australia's obligations under the UNCRC**,** the UNCRPD, and the UNDRIP**.**

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*1. Best Interests of the Child*

Reform must give effect to the *best interests of the child* as a primary consideration[10] in all administrative, legislative, and service-level decisions (UNCRC Art. 3; CRPD Art. 7). This requires proactive assessment of how policies, practices, and decisions affect children's safety, development, identity, and long-term outcomes. Institutions should be required to demonstrate how the best interests principle was applied, including consultation with children and families as standard practice.

[8] Committee on the Rights of Persons with Disabilities, *General Comment No. 6 (2018) on Equality and Non-Discrimination*: "Intersectional discrimination occurs when a person experiences discrimination on the basis of several grounds operating and interacting with each other at the same time in such a way that they are inseparable." *(UN Doc CRPD/C/GC/6, 26 April 2018, para 19)*.
[9] Office of the United Nations High Commissioner for Human Rights (OHCHR), *United Nations Declaration on the Rights of Indigenous Peoples* (13 September 2007) A/RES/61/295, https://www.ohchr.org/en/indigenous-peoples/un-declaration-rights-indigenous-peoples [accessed 20 October 2025].
[10] Committee on the Rights of the Child, *General Comment No. 14 (2013) on the right of the child to have his or her best interests taken as a primary consideration (art. 3, para. 1)*, UN Doc CRC/C/GC/14 (29 May 2013).

2. *Prevention*

The DDA should operate as a preventive framework that anticipates and mitigates discrimination before harm occurs. A positive duty on public authorities and service systems should ensure that equality and accessibility are embedded into organisational design, planning, and delivery. Prevention rather than post-hoc complaint resolution should become the central organising logic of the Act (see Section 3).

3. *Systemic and integrated*

The DDA should function as part of a coherent national human rights architecture, aligned with other Commonwealth equality statutes and supported by the introduction of a Federal Human Rights Act. Coordination between the Australian Human Rights Commission, state and territory oversight bodies, and government agencies is essential to enable systemic monitoring, rather than reliance on individual complaints.

4. *Cultural safety*

Reform must embed cultural safety as a non-negotiable standard of equality. For Aboriginal and Torres Strait Islander children and people with disability, this means recognising the centrality of culture, identity, and connection to community as determinants of well-being. Cultural safety requires institutions to work in partnership with First Nations organisations, respect cultural authority, and uphold the right to self-determination and free, prior and informed consent (UNDRIP Arts. 3, 18, 21).

5. *Participation*

Children and people with disability are rights-holders. Reform should mandate genuine participation in decision-making processes that affect them, supported by accessible information, communication aids, and advocacy. Embedding participation gives operational effect to UNCRC Article 12 and UNCRPD Article 7(3), ensuring that inclusion is achieved through dialogue, not merely through compliance.

6. *Data-driven*

Visibility underpins accountability. A contemporary DDA should require disaggregated data collection**,** public reporting**,** and independent evaluation to identify inequities, monitor compliance, and measure progress.

7. *Intersectionality*

The DDA must recognise that discrimination often operates along intersecting lines of identity and disadvantage, including disability, gender, Indigeneity, age, social and economic status, and care experience. The DDA should permit multi-ground and systemic complaints, require intersectional analysis in impact assessments, and ensure that reforms are designed to address cumulative disadvantage.

Together, these principles constitute a core architecture for reform, ensuring that the DDA evolves from a remedial instrument to a proactive, rights-based framework capable of preventing discrimination, strengthening accountability, and realising substantive equality for all children and people with disability.

## 5. Establishing a positive duty to promote equality and prevent discrimination

**(References Part 2 of issues paper and questions 12-15)**

Reflecting the legislative design of its time, the DDA establishes a reactive, complaints-driven model of enforcement, triggered only by individual initiation after an alleged discriminatory act has occurred. The Act's regulatory framework is retrospective and case-specific, providing redress through conciliation or litigation rather than imposing proactive obligations on institutions. As a result, the DDA functions as a mechanism for remedying individual breaches rather than preventing systemic discrimination or promoting inclusion by design.

Consequently, the DDA functions primarily as a remedial instrument of redress rather than a preventive or systemic mechanism of regulation. It lacks the structural levers necessary to identify, mitigate, or eliminate systemic and anticipatable barriers, such as exclusionary education practices, inaccessible built and digital environments, or discriminatory law-enforcement processes that entrench inequality across service systems[11]. For children and families, the absence of preventive duties results in intervention only after significant and often irreversible harm has occurred, including educational exclusion, family separation, and avoidable contact with the justice system[12].

Australia currently has no legislated mechanism to monitor systemic discrimination. Oversight remains fragmented, voluntary, and reactive, relying on individuals to raise complaints once harm has already occurred[13]. This means that discrimination is addressed only after it has been experienced. That is, when a child has already been excluded from school, a family has already been denied support, or a young person with disability has already been criminalised for behaviour linked to unmet need.

Without a positive duty or monitoring framework, governments and institutions are not required to assess or demonstrate compliance with equality obligations. Data collection is inconsistent, and there is no single body charged with identifying patterns of exclusion or ensuring remedial action. As a result, systemic discrimination is rendered invisible: it is not tracked, reported, or prevented.

For children and families, this has profound consequences. It means that:

- Early warning signs are missed: disproportionate rates of suspension, exclusion, out-of-home care, or justice involvement are seen as isolated cases rather than systemic indicators.
- Responsibility shifts to individuals: parents, children and young people carry the emotional and financial burden of pursuing redress through complex complaints systems.
- Institutions avoid learning: without transparent reporting or independent scrutiny, discriminatory practices can persist for decades, replicated across schools, hospitals, courts, and service systems.[14]
- Cultural safety and participation are weakened. When data about Aboriginal and Torres Strait Islander children with disability is incomplete or misinterpreted, systemic bias is obscured, and community-led solutions are marginalised.

Embedding a positive duty to prevent discrimination, supported by enforceable monitoring, disaggregated data, and public accountability, would shift this burden from children and families to the institutions that hold the power to prevent harm. It would:

- require public authorities to proactively assess the equality impact of their policies, programs, and decisions on children and families with disability.
- mandate public reporting of outcomes, enabling visibility and accountability.
- enable independent oversight bodies, such as the Australian Human Rights Commission, to track trends, issue compliance notices, and recommend systemic reforms.

[11] Australian Human Rights Commission, *"Disability Discrimination Act Review – Why we need reform"*, Australian Human Rights Commission, 1 August 2025 https://humanrights.gov.au/our-work/disability-rights/disability-discrimination-act-review
[12] Children and Young People with Disability Australia (CYDA), *"Nothing Has Changed": New Report Finds No Progress for Students with Disability, Two Years After Royal Commission* (18 August 2025) https://cyda.org.au/nothing-has-changed-new-report-finds-no-progress-for-students-with-disability-two-years-after-royal-commission/
[13] Royal Commission into Violence, Abuse, Neglect and Exploitation of People with Disability, *Final Report — Volume 11: Independent Oversight and Complaints Mechanisms*, 29 September 2023, Chapter 1: "The current oversight framework in Australia is fragmented, reactive and focused on individual redress rather than systemic prevention".
[14] Australian Institute of Family Studies & Australian Human Rights Commission, *Improving the safety and wellbeing of vulnerable children: A consolidation of systemic recommendations* (Media Release, 13 June 2024) https://aifs.gov.au/media/report-reveals-systemic-barriers-supporting-vulnerable-children

- create a clear feedback loop between local practice and national policy, ensuring that lessons from individual complaints inform broader change[15].

For Aboriginal and Torres Strait Islander children and families, this would also give practical effect to the rights of self-determination, participation, and free, prior and informed consent under UNDRIP. It would require governments to partner with communities to identify and remove structural barriers, not just respond to individual breaches.

Ultimately, establishing systemic monitoring would transform equality from aspiration to obligation. It would ensure that fairness is no longer dependent on who can complain, but on how well systems perform their duty to include, protect, and empower every child.

For such a duty to be meaningful, it must be supported by resourcing and enforcement powers. Without adequate funding, monitoring capacity, and compliance mechanisms for the Australian Human Rights Commission or other oversight bodies, positive duties risk becoming symbolic rather than transformative. Implementation should include specific budget appropriations, statutory audit powers, and clear consequences for non-compliance to ensure the duty operates as a genuine accountability mechanism, rather than an aspirational standard.

## 6. Mandate inclusive education standards

**(Response to questions 16, 19, and 23)**

As outlined in the Issues Paper, discrimination in education remains pervasive for children with disability and their families. In Queensland, 2024 data show that 50 percent of all suspensions and exclusions (student disciplinary absences, or SDAs) involved children with disability. Interim 2025 figures suggest the proportion is rising. In 2024, 14.5 percent of state school students with disability received an SDA, compared with 7.5 percent of all enrolled students[16]. Where disability intersects with other forms of disadvantage, such as Aboriginal and Torres Strait Islander identity or placement in out-of-home care, the rates are even higher. For instance, approximately 30 percent of First Nations children in out-of-home care with disability were suspended or excluded.[17]

In September 2025, my office published *Include Me, Don't Exclude Me: The Experiences of Children and Young People Suspended or Excluded from Queensland State Schools*[18]. The study involved interviews with 33 children, young people, and parents, analysed through a child-rights framework supported by quantitative data obtained from the Department of Education.

The report found that the legislative intent of the *Education (General Provisions) Act 2006 (Qld)*, to ensure universal access to quality education is not being realised through current SDA processes. For the families we spoke with, rights *to* education and rights *within* education were routinely undermined by limited participation in decision-making, insufficient early support, and the absence of genuine alternatives to removal from the classroom. Excluding children who are already struggling is counter-productive: it compounds disadvantage, undermines well-being, and in some cases propels children towards the youth justice system.

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[15] NDIS Quality and Safeguards Commission, *Human Rights Guidance Paper* (March 2024), p 7: "The Convention on the Rights of Persons with Disabilities … requires State Parties to take proactive steps to realise rights rather than wait for breaches to occur."; Australian Human Rights Commission, *"What is disability discrimination?"* (2025) – notes that the DDA remains focused on individual complaint-based redress rather than structural prevention.

[16] Queensland Advocacy for Inclusion (QAI), *A Right to Learn: Economic cost of suspensions for Queensland students with disability (findings summary)* (2024)

[17] Office of the Aboriginal and Torres Strait Islander Children's Commissioner, *Include me, don't exclude me* (2025), *Include me, don't exclude me: The experiences of children and young people who have been suspended or excluded from Queensland state schools* (2025), available from **https://www.qfcc.qld.gov.au/include-me-dont-exclude-me**.

[18] Office of the Aboriginal and Torres Strait Islander Children's Commissioner, *Include me, don't exclude me.*

> *"Like I don't think you should be suspended for like wagging. Like I reckon like the kids got to be wagging for a reason like I was wagging because I didn't understand the schoolwork and I just didn't want to be in class because I just felt like stupid" (student, Include me, p.17).*
>
> *"…. if the transitional plan was taken a little bit more seriously, a lot of things could have been avoided...until, I guess, letting it just blow up and it turning into what it did, and then him feeling more and more isolated and different...to the fact that every time now he steps into the classroom, you know, he felt unheard and unlistened to…." (parent, Include me, p.15).*

This pattern reflects what is increasingly recognised as a school-to-justice pipeline[19], a pathway through which disciplinary exclusion and inadequate support contribute to criminalisation. In Queensland, children with disability, particularly Aboriginal and Torres Strait Islander children, are disproportionately represented among those suspended, excluded, and subsequently in contact with police. From a rights perspective, this constitutes a structural breach of both the right to education (UNCRC Art. 28; UNCRPD Art. 24) and the right to equality before the law (ICCPR Art. 14).

Consistent with UNICEF's and the UNCRPDs' guidance, disciplinary responses must be educative, proportionate, and restorative, embedding life-skills and rights learning rather than exclusion.[20] To close the school-to-justice pipeline and give effect to these rights, the DDA and the Disability Standards for Education should be strengthened to:

- prohibit suspension or exclusion where reasonable adjustments have not been implemented and verified through consultation with the child and family.
- require schools to document and report the implementation of adjustments prior to any exclusion, with failure to do so constituting non-compliance with the DDA.
- mandate cross-system data sharing linking education exclusion data with youth justice outcomes, enabling governments to track whether inclusive education reforms are reducing police contact for children with disability.
- establish joint accountability frameworks between education, justice, and human services agencies to monitor early intervention and diversion outcomes.[21]

Embedding enforceable education duties would transform the DDA from a reactive instrument into a proactive safeguard, ensuring that inclusion is the baseline, not the exception, and that no child is punished for the system's failure to provide appropriate support.

Accordingly, I support the proposal to replace "reasonable adjustments" with "requisite adjustments" or "adjustments" in the legislation (Question 16), particularly for schools and educational facilities. This change would better align with Article 24 of the UNCRPD and UNICEF's guidance on removing discretionary thresholds that perpetuate inequality.

## 7. Children and access to justice

### 7.1 Child sensitive access to justice

Access to justice is a foundational right under Article 12 and 40 of the UNCRC and Article 13 of the UNCRPD. It is not limited to court access, it encompasses the right to understand, participate in, and obtain remedies from any process that determines a child's rights or obligations. In Queensland, children

[19] Archie Thomas, Mati Keynes & Beth Marsden, "Disrupting the school-to-prison pipeline: why we need to rethink school discipline", UTS Media, 12 March 2024

[20] United Nations Committee on the Rights of Persons with Disabilities, *General Comment No. 6 (2018) on Equality and Non-Discrimination*, UN Doc CRPD/C/GC/6 (26 April 2018) — especially paras 9–12 and 22–23 which emphasise that states must adopt measures that transform the underlying structures of discrimination rather than relying on remedial action alone; United Nations Children's Fund, *Protecting children from violence in school*, UNICEF, August 2021, https://www.unicef.org/protection/violence-against-children-in-school [accessed 20 Oct 2025].

[21] Committee on the Rights of the Child, *General Comment No. 24 (2019) on children's rights in the child justice system*, UN Doc CRC/C/GC/24 (18 September 2019), paras 66-68 (on prevention, data collection and early intervention).

with disability face significant barriers to justice at every stage including complaints, investigation, diversion, prosecution, and redress. Current processes remain adult-centric, procedurally complex, and often retraumatizing. Many children, particularly Aboriginal and Torres Strait Islander children with disability, experience cumulative disadvantage that effectively denies them equal protection under the law[22].

The DDA should be amended to guarantee child-sensitive access to justice by requiring all justice and complaints systems to implement rights-based, accessible procedures. This should include:

- mandated child-sensitive procedures, such as use of registered intermediaries or communication specialists, simplified language, visual aids, flexible scheduling, breaks, and the presence of a support person.
- extended limitation periods for complaints involving children, recognising developmental and trauma-related delays in disclosure.
- protection against reprisals for children or carers who raise concerns about discrimination or mistreatment.
- referral protocols between the Australian Human Rights Commission (AHRC), state-based youth justice and children's commissioners, and relevant complaints bodies, to ensure no child "falls through the cracks".[23]

These measures would align the DDA with UNICEF's guidance on child-sensitive justice systems[24] and ensure that children's rights to remedy are realised in practice, not just principle.

### 7.2 Legislating mandatory diversion and adjustment obligations before charge

Queensland remains one of the jurisdictions where children as young as 10 can be criminally prosecuted. For many children with disability, particularly those with cognitive impairment, foetal alcohol spectrum disorder, or psychosocial disability, early justice contact is avoidable and directly linked to inadequate support within schools and local communities.[25]

A rights-based approach requires that disability-related behaviour be met with adjustment, not punishment**.** Consistent with UNCRPD Article 13 (Access to Justice) and Article 14 (Liberty and Security)**,** the DDA should:

- require documented consideration of adjustments and community-based supports before any criminal charge or custodial placement for a child with disability
- treat prosecution or detention as prima facie discriminatory where disability-related needs were unaddressed or where diversion options were available but not implemented
- mandate that diversion be the default for children with disability, with statutory guidance ensuring that disability-informed decision-making and supports are in place before any police charge is laid.

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[22] Queensland Aboriginal & Torres Strait Islander Child Protection Peak (QATSICPP), *Youth Justice Evidence Review – Queensland* (May 2022) p 3 ("Aboriginal and Torres Strait Islander children and young people are significantly over-represented in the youth justice system … [they] are among the most vulnerable young people in Australia").
[23] Office of the United Nations High Commissioner for Human Rights (OHCHR), *International Principles and Guidelines on Access to Justice for Persons with Disabilities*, Geneva, 2020.
[24] United Nations Children's Fund (UNICEF), *Reimagine Justice for Children: An Agenda for Justice for Children* (New York: UNICEF, 2021); United Nations Children's Fund (UNICEF), *Child Rights and the Justice System*, https://knowledge.unicef.org/child-rights/child-rights-and-justice-system
[25] Australian Institute of Health and Welfare (AIHW) (2020) *Youth justice and disability: The intersection of disability and youth justice supervision*. Canberra: AIHW; Royal Commission into Violence, Abuse, Neglect and Exploitation of People with Disability (2023) *Final Report, Volume 9 – Criminal Justice and Safeguards*. Canberra: Australian Government; Australian Human Rights Commission (2020) *Age of Criminal Responsibility in Australia: Discussion Paper*. Sydney: AHRC.

This would bring the DDA into alignment with UNICEF's and the UNCRPD's recommendations that States, "replace punitive approaches with restorative and community-based interventions" and ensure that criminal responsibility reflects developmental and cognitive maturity.

In the Queensland context, these reforms would operationalise the *Human Rights Act 2019 (Qld)*, particularly sections 33 and 37, which protect the rights to a fair hearing and to special protection for children, and align with the emerging reform directions of the *Commission of Inquiry into the Queensland Police Service responses to domestic and family violence.*[26]

### 7.3 Prohibition of solitary confinement and other restrictive practices as discriminatory treatment under the DDA

Children with disability are disproportionately subjected to solitary confinement, separation and other restrictive practices in detention environments, often because of unmet disability-related support needs rather than behavioural risk. These practices constitute cruel, inhuman or degrading treatment under Article 37(a) of the UNCRC and Article 15 of the UNCRPD and are incompatible with Australia's preventive obligations under the Optional Protocol to the Convention Against Torture (OPCAT).[27]

UNICEF has repeatedly affirmed that solitary confinement of children, particularly those with disability, may amount to torture or cruel, inhuman or degrading treatment, and that all children deprived of liberty must be treated with dignity and respect, free from discrimination and in conditions that prioritise rehabilitation and reintegration.[28] UNICEF's 2025 *Advocacy Brief on the Deprivation of Liberty of Children in the Administration of Justice*[29] further highlights that children with disabilities are overrepresented in detention and face an elevated risk of violence, neglect and prolonged isolation due to systemic failure to provide reasonable accommodations and appropriate therapeutic supports.

The DDA should therefore expressly prohibit the use of solitary confinement**,** prolonged isolation or other restrictive practices of children, recognising such measures as discriminatory treatment under federal law.

### 7.4 Federal and state responsibilities and implementation pathways

While the administration of youth justice and detention facilities is a state and territory responsibility, the Commonwealth Government retains both the constitutional authority and the international obligation to ensure that Australia's equality and human rights frameworks provide consistent protection across all jurisdictions.[30]

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[26] *Commission of Inquiry into Queensland Police Service responses to domestic and family violence*, announced 10 May 2022 and chaired by Judge Deborah Richards, examined the systemic capacity and culture of the Queensland Police Service to respond to domestic and family violence. It delivered its report, *A Call for Change*, to government on 14 November 2022. Available from https://www.qpsdfvinquiry.qld.gov.au/about/report.aspx

[27] *United Nations Committee on the Rights of the Child* (2019), *General Comment No. 24 on Children's Rights in the Child Justice System*, CRC/C/GC/24, para 95 — the Committee affirms that "solitary confinement of children is prohibited" and constitutes cruel, inhuman or degrading treatment contrary to Article 37(a) of the *Convention on the Rights of the Child*; ² *United Nations Committee on the Rights of Persons with Disabilities* (2015), *Concluding Observations on the Initial Report of Australia*, CRPD/C/AUS/CO/1, paras 35–36 — the Committee expresses concern about the use of restrictive practices and isolation against persons with disabilities in detention and urges Australia to prohibit such practices;

[28] ¹ *UNICEF* (2025), *Advocacy Brief: Deprivation of Liberty of Children in the Administration of Justice*, New York: UNICEF, pp. 1–3 — affirms that "solitary confinement of children, regardless of duration, constitutes cruel, inhuman or degrading treatment or punishment," and emphasises that all children deprived of liberty must be treated with dignity and respect, free from discrimination, and in conditions that support rehabilitation and reintegration; *UNICEF Australia* (2024), *Five Ways Australian Governments Can Stop the Abuse of Children in Detention*, Sydney: UNICEF Australia — states that "prolonged solitary confinement and the use of force against children may amount to torture" and calls for the immediate prohibition of isolation and other harmful practices in youth detention; *United Nations Committee on the Rights of the Child* (2019), *General Comment No. 24 on Children's Rights in the Child Justice System*, CRC/C/GC/24, para 95 — affirms that "the use of solitary confinement against children is prohibited" under Article 37(a) of the *Convention on the Rights of the Child*.

[29] *UNICEF* (2025), *Advocacy Brief: Deprivation of Liberty of Children in the Administration of Justice*, New York: UNICEF, p. 2 — UNICEF highlights that children with disabilities are overrepresented in detention and face heightened risks of violence, neglect, and isolation due to systemic failure to provide accommodations.

[30] Parliamentary Education Office. *How does the Constitution divide powers of the Government and how were the State responsibilities derived?*, 2024, Parliamentary Education Office, p. 2 — states that areas not listed in Section 51 of the Constitution are generally the responsibility of State governments; Senate Legal and Constitutional Affairs References Committee *Inquiry into Australia's youth justice and incarceration system. Interim Report – Chapter 5: Role of the Australian Government*, Parliament of Australia, 2025, para 5.7 — notes that

Under the external affairs power (s 51(xxix) of the Constitution), the Commonwealth is entitled to legislate to give full effect to Australia's obligations under the UNCRC, the UNCRPD, and the OPCAT. These treaties impose positive duties to prevent cruel, inhuman or degrading treatment, to accommodate disability, and to ensure that children deprived of liberty are treated with dignity and humanity.[31] The use of solitary confinement and other restrictive practices on children with disability falls squarely within the scope of these obligations.

This approach is constitutionally consistent with the High Court's reasoning in *Commonwealth v Tasmania* (1983) (the "Tasmanian Dams Case"), which confirmed that the external affairs power enables the Commonwealth to implement international treaties even in areas of traditional state competence.

The DDA should be amended to prohibit the use of solitary confinement, prolonged isolation, and other restrictive practices based on disability, recognising such measures as discriminatory treatment under federal law. Implementation of these reforms will necessarily depend on a cooperative intergovernmental framework, supported through National Partnership or Intergovernmental Agreements and coordinated reporting under OPCAT, to ensure consistent practice across jurisdictions.

However, the amended DDA must also function as a critical national safeguard, providing a direct right of complaint to the AHRC for individuals subjected to discriminatory restrictive practices. This ensures that, even where cooperative implementation is delayed or contested at the state or territory level, children with disability retain an enforceable federal remedy.[32] In doing so, the DDA would operate both as a coordinating mechanism and as a protective backstop, guaranteeing that Australia's compliance with its international human rights obligations is not dependent on jurisdictional consent.

## 8. Including policing and justice as a new provision in the DDA

**(Response to question 31)**

In response to Question 31, I support the inclusion of policing and the justice system within the scope of the DDA as a distinct provision. Doing so would operationalise Australia's obligations under Article 13 of the UNCRPD and Articles 2, 37 and 40 of the UNCRC, which require States to guarantee equal and effective access to justice for all persons, including children with disability.

The introduction of a positive duty applying to police, courts and correctional services would create an enforceable expectation that these agencies take *active, preventive measures* to identify and accommodate disability, promote diversion, and eliminate discriminatory practices. Such a duty could include requirements for disability screening, referral to support services, and the use of communication specialists or intermediaries during all points of contact.

As recognised in the Issues Paper,[33] people with disability are over-represented across the justice continuum. Where disability intersects with Aboriginal and Torres Strait Islander identity, the risk of criminalisation, misidentification as perpetrators, and prolonged detention is even greater. In Queensland, it is estimated that 70 per cent of children in detention have a disability,[34] yet there is no systematic mechanism to divert them to disability or health supports. This reflects a breach of

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although states and territories have primary responsibility for their child justice systems, the Commonwealth must provide national leadership to ensure compliance with international human rights obligations.

[31] *Parliament of Australia, Senate Legal and Constitutional Affairs Committee, "Trick or Treaty? Commonwealth Power to Make and Implement Treaties" (1995) Ch 5, paras 5.3-5.11.* Australian Parliament House; *Australian Human Rights Commission, "Human Rights Explained: Australia and Human Rights Treaties" (Fact Sheet 7), para 1.*

[32] Commonwealth Ombudsman. *Australian National Preventive Mechanism (NPM)* – Monitoring places of detention under OPCAT, website resource, last updated 12 September 2025 — outlines that Australia's NPM is coordinated across Commonwealth, states and territories, but notes that jurisdictional participation remains incomplete, underscoring the necessity of independent federal safeguards. Commonwealth Ombudsman+1; Australian Human Rights Commission. *Implementing OPCAT in Australia: Road-Map to National Compliance* (2020), pp. 9-11 — emphasises the need for coordinated state/territory reporting under the Optional Protocol to the Convention against Torture (OPCAT) and the establishment of the multi-body National Preventive Mechanism (NPM) across jurisdictions.

[33] Attorney-General's Department, *Disability Discrimination Act Review – Issues Paper* (1 August 2025) **https://consultations.ag.gov.au/rights-and-protections/dda-issues-paper/user_uploads/dda-review-issues-paper.pdf**

[34] Department of Youth Justice, QFCC S35 request 2025, unpublished

both Article 24 of the UNCRPD (education) and Article 19 (community inclusion), which require early and sustained support to prevent institutionalisation and criminalisation.

Children with intellectual and cognitive disabilities should not be within the youth justice system at all. Their over-representation arises from school disengagement, early behavioural regulation through exclusion, and the absence of integrated disability and family supports.[35] While amending the DDA to include policing will not by itself resolve these service gaps, it would establish the legal infrastructure for accountability, ensuring that failure to make reasonable adjustments, provide diversion, or refer to support constitutes unlawful discrimination.

From a UNICEF and treaty-body perspective, this amendment would give domestic effect to:

- UNCRC General Comment No. 24 (2019), which calls for the minimum age of criminal responsibility to be raised and for States to *"replace punitive responses with restorative, rights-based and disability-sensitive approaches."*
- UNCRPD General Comment No. 1 (2014), which emphasises that denial of legal capacity or failure to provide procedural accommodation amounts to discrimination.

Accordingly, the DDA should:

1. explicitly cover the functions of police, courts, corrections and detention under a new "justice and policing" part.
2. impose a positive duty to identify and accommodate disability at first contact, including mandatory screening, referral and diversion protocols.
3. define failure to provide procedural accommodation or diversion as a form of discrimination.
4. mandate training, policy review and reporting obligations for justice agencies to demonstrate compliance.

Such reforms would align the DDA with international human-rights standards, strengthen prevention of unnecessary criminalisation, and ensure that children with disability, particularly First Nations children, are treated not as offenders, but as rights-holders entitled to care, support and inclusion.

## 9. Cultural safety and intersectionality

### 9.1 Cultural safety

Reform of the DDA must embed cultural safety as a non-negotiable standard of equality. For Aboriginal and Torres Strait Islander peoples with disability, equality cannot be separated from culture, identity, and connection to community. Discrimination often manifests through culturally unsafe systems that fail to recognise cultural authority or the collective nature of wellbeing[36].

Embedding cultural safety within the DDA's non-discrimination framework would:

- require that all standards, programs and policies developed under the Act be co-designed with Aboriginal and Torres Strait Islander organisations, ensuring alignment with community priorities and accountability to cultural authority;
- mandate that decision-makers and service providers demonstrate active compliance with cultural safety obligations, including governance by Aboriginal and Torres Strait Islander-led bodies;

[35] Royal Commission into Violence, Abuse, Neglect and Exploitation of People with Disability, *Final Report – Volume 8: Criminal Justice and People with Disability* (2023) ("The evidence shows that young people with cognitive impairment, neurodevelopmental disorders and intellectual disability are vastly over-represented in youth justice settings, often due to early disengagement, exclusionary school practices and inadequate supports."

[36] Lowitja Institute, *Cultural Safety in Disability Services: Towards a Shared Understanding* (Melbourne: Lowitja Institute, 2022); United Nations Permanent Forum on Indigenous Issues, *Indigenous Persons with Disabilities: Access to Rights and Inclusion* (UNPFII Report, 2018)

- treat cultural safety breaches as failures of equality, not matters of discretion, consistent with UNDRIP Articles 3, 18 and 21.

This approach aligns with UNDRIP which affirms the right of Indigenous peoples to self-determination, participation in decision-making, and maintenance of distinct institutions. It also responds to the findings of numerous Australian inquiries, including the *Closing the Gap* reviews[37], that systemic racism and cultural unsafety perpetuate disadvantage for Aboriginal and Torres Strait Islander children and families.

The DDA should expressly require that implementation and enforcement processes reflect the principles of self-determination and free, prior and informed consent (FPIC). In practice, this means:

- establishing shared governance arrangements between the Australian Human Rights Commission and Aboriginal and Torres Strait Islander peak organisations for the design, monitoring, and review of DDA Standards;
- ensuring participation of Aboriginal and Torres Strait Islander people with disability in all stages of law and policy development, not merely consultation at the implementation stage;
- building statutory recognition of community-controlled oversight, allowing First Nations bodies to monitor cultural safety compliance and recommend enforcement actions.[38]

Embedding FPIC within the DDA's framework would align with Articles 18 and 19 of UNDRIP and Article 4(3) of the UNCRPD, which together require State Parties to closely consult and actively involve Indigenous peoples, including those with disabilities, in the development and implementation of laws and policies affecting them.

### 9.2 Indigenous data sovereignty

Cultural safety also depends on the visibility and accuracy of data. Current national datasets often undercount Aboriginal and Torres Strait Islander people with disability or misclassify their experiences, obscuring systemic discrimination.

The DDA should therefore:

- require disaggregated, culturally validated data collection across disability, Indigeneity, gender, and age (as previously referenced)
- recognise Indigenous data sovereignty as a guiding principle for data governance, ensuring that Aboriginal and Torres Strait Islander peoples control the collection, access, interpretation, and use of data about their communities;
- establish partnerships with Indigenous-controlled data custodians (e.g., Maiam nayri Wingara[39], AIATSIS) to co-design indicators and methodologies.

Such measures would align with UNDRIP Articles 23 and 31 and Australia's obligations under the UNCRPD Article 31 and UNCRC Articles 4 and 44 to collect and disaggregate data for monitoring equality outcomes.

### 9.3 Gendered dimensions of disability discrimination

The current DDA does not adequately recognise or address gendered dimensions of disability discrimination, nor the intersectional disadvantage experienced by girls and young women with disability. This is a critical omission. International human rights bodies, including the UNCRPD and UNICEF, have

[37] Productivity Commission, *Review of the National Agreement on Closing the Gap – Draft Report* (Canberra: Productivity Commission, 2024), pp. 8–12; Joint Council on Closing the Gap, *Closing the Gap Annual Report 2023* (Canberra: Coalition of Peaks and Commonwealth of Australia, 2023).
[38] United Nations General Assembly, *United Nations Declaration on the Rights of Indigenous Peoples* (UNDRIP), A/RES/61/295 (2007), Articles 3, 18 and 21 — which affirm Indigenous peoples' rights to self-determination, participation in decision-making, and free, prior and informed consent in matters affecting them; Davis, M. (2020). *The Long Road to Voice, Treaty, Truth: Reflections on Self-Determination for First Nations Peoples*. *Australian Law Journal*, 94(10), 738–752 — articulates the need for statutory recognition of Indigenous governance and FPIC as foundational to rights-based reform.
[39] Maiam nayri Wingara Indigenous Data Sovereignty Collective, *Indigenous Data Sovereignty Communique* (2018).

consistently highlighted that women and girls with disability face *distinct and compounded forms of discrimination*, arising from the interaction of gender, age, disability, and, in Australia, Aboriginal and Torres Strait Islander identity.[40]

The UNCRPD Committee's General Comment No. 6[41] (2018, para 59) affirms that States must "take measures to eliminate multiple and intersectional discrimination, including discrimination based on sex, age, and disability," and adopt gender-responsive approaches across all areas of law and policy.

UNICEF's guidance on Adolescent Girls with Disabilities[42] (2021) similarly stresses that gender and disability interact to limit access to education, health, justice, and protection, and that child rights frameworks must include *gender-sensitive data collection, participation mechanisms, and accountability systems*.

## 10. National Human Rights Act as a General Measure of Implementation

Under Articles 4 and 41 of the Convention on the Rights of the Child, States Parties must adopt all appropriate legislative, administrative and other measures to give effect to the rights recognised in the Convention. The UNCRC has consistently emphasised that this includes the enactment of comprehensive human-rights legislation, preferably a Children's Rights Act or a general Human Rights Act binding all public authorities.

In UN General Comment No. 5[43] (2003), the UNCRC Committee identifies the following expectations for national implementation:

- States should ensure that all domestic law is fully compatible with the Convention and that children's rights are directly applicable and enforceable in national courts.
- A comprehensive legislative framework is a *"foundation stone for effective implementation"*, not simply an aspiration.
- The Committee notes that incorporation through a Human Rights Act or Bill of Rights provides a clear statement of obligations, enhances the status of children's rights within the legal system, and ensures that courts, administrators and legislatures must take the Convention into account.
- It also stresses the need for independent monitoring, remedies, and accountability mechanisms, which a Human Rights Act can enshrine through duties on public authorities and rights of individual complaint.

UNICEF's own guidance, particularly the *Implementation Handbook for the Convention on the Rights of the Child*[44] *(2014)* and *Child Rights Mainstreaming Guidance*[45] *(2022)* echoes these principles, arguing that:

[40] Committee on the Rights of Persons with Disabilities, *General Comment No. 6 (2018) on Equality and Non-Discrimination*, UN Doc CRPD/C/GC/6 (26 April 2018), paras 58–60 — recognising that women and girls with disabilities experience multiple and intersectional discrimination on the basis of gender and disability, and requiring States Parties to adopt gender-responsive measures in all areas of law and policy; Committee on the Rights of Persons with Disabilities, *General Comment No. 3 (2016) on Women and Girls with Disabilities*, UN Doc CRPD/C/GC/3 (25 November 2016) — which provides specific guidance on addressing the compounded discrimination experienced by women and girls with disabilities.
[41] Committee on the Rights of Persons with Disabilities, *General Comment No. 6 (2018) on Equality and Non-Discrimination*, UN Doc CRPD/C/GC/6 (26 April 2018) [para 59], https://digitallibrary.un.org/record/1626976(accessed 20 October 2025).
[42] UNICEF, *Accessible and Inclusive Digital Solutions for Girls with Disabilities: A Literature Review and Recommendations*, UNICEF/UN0547484 (December 2022)
[43] Committee on the Rights of the Child, *General Comment No. 5 (2003) on General Measures of Implementation of the Convention on the Rights of the Child (Arts. 4, 42 and 44(6))* UN Doc. CRC/GC/2003/5 (27 Nov 2003)
[44] UNICEF, *Implementation Handbook for the Convention on the Rights of the Child* (3rd ed, United Nations Children's Fund, 2014).
[45] United Nations, *Guidance Note of the Secretary-General on Child Rights Mainstreaming* (31 July 2023) UN Doc A/77/XXX (draft circulated 2022)

> *Comprehensive human-rights legislation provides the connective tissue between international obligations and domestic practice. It establishes the framework within which anti-discrimination, child-protection, education and justice laws must operate.*

UNICEF and the OHCHR further note that general measures should include:

- legislative incorporation of the UNCRC and other core treaties;
- cross-government coordination mechanisms ensuring consistency of interpretation;
- child-rights impact assessment and budgeting obligations;
- accessible remedies and standing for children; and
- regular public reporting and parliamentary scrutiny.[46]

From a child-rights perspective, a Human Rights Act would form part of the *core architecture* for implementing the UNCRC and the UNCRPD in Australia. It would provide a:

- legislative anchor linking sectoral laws like the DDA, Family Law Act, and Education Acts within a coherent rights-based framework;
- positive duty on all public authorities to act compatibly with rights, preventing discrimination and exclusion before they occur; and
- systemic remedy mechanism for structural rights breaches affecting groups of children[47] (not just individual complainants).

In short, UNICEF and the UNCRC Committee view the absence of comprehensive human-rights legislation as a structural weakness in a State's implementation system. Incorporating such an Act would strengthen both the preventive and remedial functions of equality law, turning Australia's patchwork of anti-discrimination statutes into a unified, proactive model of rights protection.

## 11. About the Office of the Aboriginal and Torres Strait Islander Children's Commissioner, Queensland Family and Child Commission

Under the *Queensland Family and Child Commission Act 2014* the Aboriginal and Torres Strait Islander Children's Commissioner has functional and operational independence in the exercise of their powers and functions. Our vision is that:

> *Aboriginal and Torres Strait Islander children grow up strong in their identity, culture, and community, free from systemic racism and discrimination. They are safe, nurtured, and thriving in their families, with systems designed to support, not separate. They exercise their rights, participate in decision making, and contribute to solutions that are aligned to their identities and aspirations. The child protection and youth justice systems are defined by early intervention, Aboriginal and Torres Strait Islander family-led solutions, and culturally safe care. The Queensland Government strengthens accountability by integrating child rights into policy, legislation and service delivery.*

[46] United Nations Children's Fund (UNICEF), "Implementing and monitoring the Convention on the Rights of the Child", UNICEF, https://www.unicef.org/child-rights-convention/implementing-monitoring [accessed 20 Oct 2025].
[47] Australian Human Rights Commission, *Revitalising Australia's Commitment to Human Rights* (Report, December 2023), Recommendation 3: "Australia should enact a National Human Rights Act"; Parliamentary Joint Committee on Human Rights, *Inquiry into Australia's Human Rights Framework: List of recommendations* (2023), Recommendation 1: "The Government should establish a Human Rights Act including a positive duty on public authorities to consider human rights when exercising their functions."