



07 December 2016

Dear Commissioner Harris and Commissioner Cilento

I am writing in relation to your draft report on ways to improve the availability and use of public and private sector data.

The legislation that governs my position – the Australian Human Rights Commission Act – requires me to:

- promote awareness of the human rights of children in Australia
- undertake research, or educational or other programs, to promote respect for, and the enjoyment of human rights by children
- examine existing and proposed Commonwealth laws on whether they recognise and protect the human rights of children
- and, submit a report to the Parliament through the Attorney-General each year about children's rights.

Since commencing in my position as National Children's Commissioner, I have made recommendations about the availability and use of data in each of my reports. I attach links to my reports from 2013 to 2016:

<https://www.humanrights.gov.au/our-work/childrens-rights/publications/childrens-rights-report-2013>

<http://www.humanrights.gov.au/our-work/childrens-rights/publications/childrens-rights-report-2014>

<http://www.humanrights.gov.au/our-work/childrens-rights/publications/childrens-rights-report-2015>

<https://www.humanrights.gov.au/our-work/childrens-rights/publications/childrens-rights-report-2016>

My recommendations in relation to the **Convention on the Rights of the Child (2013) include:**

- That the Australian Government establishes relevant data holdings and analytics covering all the key domains of children's rights outlined in the Convention on the Rights of the Child, including comparable data across jurisdictions, which the National Children's Commissioner can use to monitor the enjoyment and exercise of human rights by children in Australia.

My recommendations in relation to **intentional self-harm, with or without suicidal intent (2014) include:**

- Strengthen and develop surveillance of intentional self-harm, with or without suicidal intent, through:
The Australian Institute Health and Welfare including a section using disaggregated data about hospitalisations for intentional self-harm involving children and young people aged 0-17 years in its regular series on hospitalisations for injury and poisoning in Australia.
- Strengthen and develop surveillance of intentional self-harm, with or without suicidal intent, through:
The Australian and New Zealand Child Death Review and Prevention Group continuing its work in relation to the development of a national child death database, in conjunction with the Australian Institute of Health and Welfare, and providing an annual progress report.
- Collect national data on children and young people who die due to intentional self-harm through:
The use of the standardised National Police Form, in all jurisdictions, by 2015. This should include an electronic transfer to the National Coronial Information System. A plan to monitor the outcomes of all jurisdictions using the standardised National Police Form should be developed, and the possibility of incorporating a range of demographic, psychosocial and psychiatric information specific to children and young people should be investigated.
- Collect national data on children and young people who die due to intentional self-harm through:
The Standing Council on Law, Crime and Community Safety putting the issue of standardisation of coronial legislation and/or coronial systems on its agenda. Standardisation should require that where all state and territory coroners find a death under investigation to be caused by an action of the deceased, the coroner must make a further finding of intent, based on the evidence, to clarify whether the deceased intended to take the action which caused his or her death; the deceased lacked capacity to recognise that his or her action would cause his or her death but death was a reasonably foreseeable consequence of the action; or it is not clear from the evidence whether the deceased intended to cause his or her death.

My recommendations in relation to **family and domestic violence (2015) include:**

- The Annual Progress Reports of the National Plan to Reduce Violence against Women and their Children should detail how all jurisdictions are working towards implementing the Australian Bureau of Statistics National Data Collection and Reporting Framework.

- Data about a child's experience as a victim of family and domestic violence should be recorded as a separate entry in the Australian Bureau of Statistics National Data Collection and Reporting Framework, and not just part of an adult entry.
- The Annual Progress Reports of the National Plan to Reduce Violence against Women and their Children should detail how the Australian Bureau of Statistics Personal Safety Survey is working towards surveying adequate sampling sizes across vulnerable groups.
- The Annual Progress Reports of the National Plan to Reduce Violence against Women and their Children should detail how the Australian Bureau of Statistics Personal Safety Survey is working towards surveying adequate sampling sizes across vulnerable groups.
- The Australian Bureau of Statistics Personal Safety Survey should extend its collection of information from men and women aged 18 years and over about their experiences of abuse from the ages of 0-15 years to the ages of 0-17 years.
- The Australian Bureau of Statistics prioritise working with state and territory jurisdictions to achieve national consistency in the coding of offender relationships to child victims.
- Options for data collection on screening for family and domestic violence during pregnancy through the National Perinatal Data Collection are progressed by the Australian Institute of Health and Welfare.

My recommendations in relation to the **Optional Protocol to the Convention against Torture (OPCAT) in the context of children and young people detained in youth justice centres or adult facilities in (2016) include:**

- That the Australian Institute of Health and Welfare (AIHW) and the Australasian Juvenile Justice Administrators (AJJA) work together in 2017 to develop a reporting framework to meet OPCAT requirements over time.
- That the Australian Institute of Health and Welfare (AIHW) and the Australasian Juvenile Justice Administrators (AJJA) work together in 2017 to generate additional publically available data on characteristics of detainees, their treatment and conditions.
- That the Productivity Commission, the Australian Institute of Health and Welfare (AIHW) and the Australasian Juvenile Justice Administrators (AJJA) work together in 2017 to progress the collection of 'outcome' based data for children and young people in the youth justice system.

Yours sincerely

Megan Mitchell
National Children's Commissioner