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Human Rights Act a Gamechanger for SA Children and Young People

South Australia's leaders of the five statutory oversight and advocacy bodies for children and young people have jointly welcomed the SA Parliament's Social Development Committee report recommending the introduction of a Human Rights Act for South Australia.

The report tabled in Parliament on Tuesday 29 April by the Social Development Committee, was the result of a 16-month inquiry into the effectiveness of current laws and mechanisms for protecting human rights in South Australia.

The five oversight and advocacy bodies established under the *Children and Young People (Oversight and Advocacy Bodies) Act 2016*, also collectively support the report's recommendation to establish a dedicated Human Rights Commissioner with responsibilities for complaints, conciliation, education, and independent advice.

The group consists of:

- Acting Commissioner for Children and Young People, Mimi Crowe
- Commissioner for Aboriginal Children and Young People, Dale Agius
- Guardian for Children and Young People, Shona Reid
- Chair, Child Death & Serious Injury Review Committee, Jane Abbey and
- Presiding Member, Child Development Council, Adjunct Professor Victoria Whittington

A Human Rights Act would bring South Australia into line with ACT, Queensland and Victoria, helping to improve the realisation of fundamental rights throughout the state by ensuring that laws and policies are developed in a way that is compatible with human rights principles.

Children and young people are often overlooked in social policy and the decisions about their own lives, particularly around the impacts of racism, poverty, child justice and child protection. A Human Rights Act is fundamental to promoting children's rights and ensuring their voices are heard.

A Human Rights Act will ensure all SA Acts containing implied rights or government department rules and procedures in administering legislation will come into alignment with human rights protections expressly stated and legally enforceable in the same way they are in the State's *Equal Opportunity Act 1984* and *Racial Vilification Act 1996*.

The group also supports the dialogue model proposed by the Committee to preserve parliamentary sovereignty while also requiring Parliament, public authorities and the judiciary to consider how proposed legislation or policy will impact human rights at the earliest stages of development, well before laws are implemented or administered.

Like the Human Rights Act for SA Campaign group, the group of oversight and advocacy bodies looks forward to introduction of the draft Human Rights Bill and commencement of a YourSAy consultation.

Quote attributable to Acting Commissioner for Children and Young People, Mimi Crowe

A Human Rights Act would be a gamechanger for South Australia's children. Our *Missing Out* 2025 report identified that too many children are growing up in poverty, unheard and impacted by systemic discrimination. The creation of a Human Rights Act in South Australia was a key recommendation of the report. This is our chance to move from good intentions to real accountability, with children at the centre.

Quote attributable to Commissioner for Aboriginal Children and Young People, Dale Agius

Having a Human Rights Act will allow the rights of our Aboriginal children and young people to be upheld. Our Aboriginal children and young people deserve to be seen and heard with a right to connection to family, country, community and culture, no matter what their situation may be. I hope the act will ensure that the rights of Aboriginal children and young people are at the forefront of decision-making and that legislation and policy would reflect and adhere to the voices and experiences of Aboriginal children and young people.

Quote attributable to Guardian for Children and Young People, Shona Reid

The measure of our society is not how we treat those with power, but how we treat those who are forgotten. A human rights act would force us to take this test – and wouldn't it be great to pass it? Children in state care and youth detention are not voiceless, they are simply unheard. A Human Rights Act is a tool they need to make their voices count where it matters most. The longer we delay these laws, the greater risk there is for serious violations that cause lifelong damage and prevents children from unlocking their full potential.

Quotes attributable to Presiding Member, Child Development Council, Victoria Whittington

The establishment of a Human Rights Act in South Australia would be a significant step forward in recognising the importance of human rights in the lives of children and young people. It would not only serve as a protective measure for the rights of birth to 18-year-olds but also contribute to building a more inclusive, just, and compassionate society for all. By explicitly recognising and codifying these rights, South Australia would be making a strong step towards ensuring that the best interests of young South Australians are prioritised in policy development, decision-making processes, and the overall governance of our state.

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