



Ms Sandra Lambert AM  
Chair  
ACT Remuneration Tribunal  
Via email to: [remtrib@act.gov.au](mailto:remtrib@act.gov.au)

Dear Ms Lambert,

As requested, below are some examples that might be of assistance to the Tribunal's exploration of potentially comparable positions in other jurisdictions. Please note, however, that none of the positions below are directly comparable to any of our roles due to the breadth of functions and responsibilities that are held by Commissioners both independently and collectively.

### **Children and Young People Commissioner**

All the children's commissioner and advocate roles in other jurisdictions have the responsibility to engage directly with children and young people, and to use their views to inform decision-making, policy development and systems reform.

The roles corresponding to that of the ACT Children and Young People Commissioner (CYPC) are as follows:

- QLD – Principal Commissioner, Queensland Family and Child Commission (alongside a supporting Commissioner role and the Public Guardian, which is a separate entity)
- NSW – Advocate for Children and Young People (alongside the Children's Guardian, which is a separate entity)
- VIC – Principal Commissioner for Children and Young People (alongside a Commissioner for Aboriginal Children and Young people)
- TAS – Commissioner for Children and Young People
- SA – Commissioner for Children and Young People (alongside a Commissioner for Aboriginal Children and Young People and the Guardian for Children and Young People, both of which are separate entities)
- WA – Commissioner for Children and Young People
- NT – Children's Commissioner

### **Public Advocate**

There is no position equivalent to the ACT Public Advocate role primarily because the ACT Public Advocate has functions in respect of children, young people, and adults (whereas the jurisdictions for children and young people versus adults are separated elsewhere – the exception being the Qld Public Guardian), the extent to which the ACT Public Advocate can intervene in individual matters, and the breadth of compliance monitoring and oversight responsibilities/functions that are held by the ACT Public Advocate.

#### **Public Advocate (Victoria)**

- holds advocacy functions in respect of adults with disability (both individual and systemic)
- similar requirement to encourage development of programs, services, facilities, etc
- able to inspect premises, talk to consumers, make enquiries about treatment and care, etc
- also holds guardianship functions

### **Public Guardian (Queensland)**

- holds individual advocacy and intervention function for children and young people under care and protection (including youth justice)
- doesn't have the same breadth of oversight functions
- functions for adults differ to those held by the ACT Public Advocate (and primarily relate to guardianship)
- systemic advocacy for adults is the responsibility of the Qld Public Advocate (a separate position)

### **Guardian for Children and Young People, and Training Centre Visitor (South Australia)**

- holds advocacy functions for children and young people in care (Guardian)
- holds advocacy and inspection functions for the youth justice centre (Training Centre Visitor)
- both individual and systemic advocacy

### **Commissioner for Children and Young People (Victoria)**

- holds monitoring functions in respect of residential care and youth justice facilities
- advocacy is primarily systemic – minimal intervention and individual advocacy functions

In addition to the roles relating to children's functions (as listed under the CYPC section, the roles relating to adults in other jurisdictions are as follows – most of these primarily involve guardianship functions, albeit with systems advocacy inherent in the role and functions of these positions:

- QLD – Public Guardian and Public Advocate (two separate statutory roles)
- NSW – Public Guardian
- VIC – Public Advocate
- TAS – Public Guardian
- SA – Public Advocate
- WA – Public Advocate
- NT – Public Guardian

### **Discrimination, Health Services, Disability & Community Services Commissioner**

The DHSDCSC has responsibility for complaint handling across multiple jurisdictions which in other states and territory are handled by multiple organisations. The DHSDCSC also does policy and legal work, training and community engagement across these jurisdictions which would be undertaken by those separate organisations in other jurisdictions.

Most other states and territories do not have comparable jurisdictions. For example, no equivalent Commissions have jurisdiction regarding occupancy disputes, older persons complaints, retirement village complaints, nor Charter of rights for victims of crime. Only NSW has an equivalent jurisdiction for vulnerable persons complaints and only one other has sexuality and gender identity conversion practice complaints, none have an equivalent children's services complaints jurisdiction.

In the ACT, the DHSDCSC currently receives around 1,100 complaints per annum across the multiple jurisdictions. While we are a small jurisdiction population-wise, the consolidation of functions has increased the volume of work as described in the earlier submission. By way of comparison, while the NSW Anti-Discrimination Board received around 1,100 complaints in 2020-2021, NSW has a population of 8.2 million people.

Equivalent responsibilities in other states are spread across multiple organisations and roles, noting (as above) that no other Commission has the breadth of complaint jurisdictions the DHSDCSC has. These are listed on the next page.

## **Tasmania**

- Equal Opportunity Tasmania - 190 complaints
- Health Complaints Commissioner - 440 complaints

## **New South Wales**

- Anti-Discrimination Commission
- Health Services Commission
- Age and Disability Commission

## **South Australia**

- Equal Opportunity Commission
- Health & Disability Complaints Commission
- Adult safeguarding team (like our vulnerable persons jurisdiction) in SA Health

## **Western Australia**

- Health and Disability Complaints Commission
- Western Australia Equal Opportunity Commission

## **Northern Territory**

- Anti-Discrimination Commission
- Health and Disability Complaints Commission

## **Victoria**

- Equal Opportunity and Human Rights Commission
- Health Services Complaints Commission
- Mental Health Complaints Commission

## **Victims of Crime Commissioner**

There are Victims of Crime Commissioners in three other jurisdictions: South Australia, Victoria, and Western Australia. A brief summary of each role is outlined below. Notably, no other Victims Commissioner delivers frontline services, and all are responsible for teams of 12 or less (in comparison to the ACT Victims of Crime Commissioner's 45 person team).

### **South Australia**

- The South Australian Victims Commissioner is an independent statutory office holder, with 5 staff. The office monitors legislation, identifies gaps in service delivery and offers training to improve services for victims. The Commissioner's remuneration does not appear on the public record.

### **Victoria**

- The Victorian Commissioner is a part-time independent statutory office holder (3 days/week). The Commissioner receives complaints under the Victims Charter, prepares policy submissions and carries out inquiries into issues affecting victim. The Commissioner can provide referrals but does not provide direct support to victims of crime. In 2020-21, the Commissioner's Annual Report indicated she has 12 staff. The Commissioner's remuneration does not appear on the public record.

## Western Australia

- The Commissioner for Victims of Crime is not an independent statutory office holder. As a public servant, the Commissioner is responsible for the 'Office of Victims of Crime' within the Department of Justice. We understand the Commissioner has an office team of less than 10. The Commissioner develops and implements victim-focused policies and advocates for good practice in the treatment of victims of crime across WA Government agencies. The Commissioner has no frontline service responsibilities. The role was most recently [advertised](#) at a remuneration level of \$153,689 – \$165,015 in May 2020.

## Closing comments

Should you require any further information, please contact the relevant Commissioner either via email or by phone on 02 6205 2222.

Yours sincerely,



Dr Helen Watchirs  
President and Human  
Rights Commissioner



Jodie Griffiths-Cook  
Public Advocate and  
Children and Young  
People Commissioner



Karen Toohey  
Discrimination, Health  
Services, and Disability  
and Community Services  
Commissioner



Heidi Yates  
Victims of Crime  
Commissioner