

## **DRAFT SECOND READING SPEECH**

### **HON GUY BARNETT MP**

#### *Child Safety Reform Implementation Monitor Bill 2024*

\*check Hansard for delivery\*

Madam Speaker, I move that the Bill now be read a second time.

In March 2021, our Government established the Commission of Inquiry into the Tasmanian Government's Responses to Child Sexual Abuse in Institutional Settings.

We took this action so that we learn from the past and to better protect Tasmania's children and young people into the future.

The Commission of Inquiry has heard the voices of victim-survivors, their families, carers, and supporters. The Government is committed that this Inquiry will result in meaningful change and that sustainable systematic improvements will help prevent child sexual abuse in institutions and improve institutional responses to such abuse.

I would like to thank all those who contributed to the Commission, including the victim survivors and their families who have courageously engaged with the Commission and shared their lived experience of abuse. We acknowledge the hurt you have experienced and the ongoing impact of those experiences on your lives, and the lives of those who love you. We also acknowledge your strength and resilience, and those who have supported and cared for you on your journey. We will continue to listen, to learn and to act.

The Commission of Inquiry has made 191 recommendations, that were the result of two years of examining 95,000 documents where the Commission held more than 120 sessions, conducted hearings over nine weeks, and engaged widely with the Tasmanian community. The Commission has challenged us to make significant changes in the way we do things in our reforms to confront child sexual abuse. The cost of not doing so is great – and we will make sure we take whatever steps necessary to ensure our children and young people are safe and protected, now and in the future. This is the Tasmanian Governments commitment to victim survivors, and their supporters.

The Tasmanian Government has committed to implementing all the recommendations of the Commission of Inquiry into the Tasmanian Governments response to child sexual abuse in institutional settings.

This process has enabled us to understand the systemic failings in the prevention of child sexual abuse in institutional settings and to identify opportunities for lasting reform. The

recommendations represent an extensive reform agenda for Tasmania—the way to achieve a future where children and young people feel safe in government institutions, as they and their families have a right to expect.

Madam Speaker, the Government has articulated a six-year reform agenda that prioritises our recommendations into three stages of reform. Including a short-term agenda that will be completed in 2024, a medium-term agenda by July 2026, and a long-term wave of reform to be completed by July 2029. This body of work must be considered, coordinated and trauma informed. We are taking a phased approach to balance the need for urgent reform while acknowledging other reforms should and will take careful planning and require long-term investment. Importantly, 83% of the recommendations will be implemented in the first three years.

Madam Speaker, it is imperative that these recommendations from the Commission of Inquiry have the appropriate oversight and accountability. For this reason, the Tasmanian Government will introduce legislation to establish an independent Child Safety Reform Implementation Monitor as part of our first phase in responding to the Commission of Inquiry. The Commission of Inquiry's final report recommended that this legislation be in place by the end of June 2024.

Madam Speaker, the significance of this Bill cannot be understated. The Monitor will be responsible for holding the Government to account by monitoring and reporting progress of the commission's recommendations.

The Bill proposed is similar to and largely based on the Family Violence Implementation Monitor established in Victoria 2016 to oversee implementation of recommendations from the Royal Commission into Family Violence. The Commission of Inquiry heard from former Family Violence Implementation Monitors during the hearings. They heard that the Family Violence Reform Monitor was effective in holding the Victorian Government to account and ensuring transparency in government actions. The Commission formed the view that Tasmania needs to establish a similar role to monitor and report on the reform work resulting from the Commission. This Bill has been developed to reflect the intention of the Commission by drawing, where appropriate, on the legislation to establish the Victorian Monitor.

The Commission heard that the independence of Victoria's Family Violence Reform Implementation Monitor was essential to the role's success. It is critical that the legislation establishing the role of our own Implementation Monitor gives the Implementation Monitor independence, and the ability to report free from interference.

Madam Speaker, this independence is necessary to ensure integrity when assessing and reporting on the recommendations of the Commission of Inquiry. The Bill ensures that a person appointed as Monitor will not be subject to the general direction or control of any Minister in respect to their performance of functions, or their exercise of the powers.

Furthermore, the Bill protects the independence of the Monitor by ensuring that appointment of the Monitor is for a fixed term that cannot be prematurely terminated except in extraordinary circumstances.

The Monitor has a broad role in relation to the monitoring of recommendations. Specifically, it will be the role of the Monitor not only to report on the recommendations of the Commission of Inquiry, but also any recommendation of the Royal Commission into Institutional Responses to Child Sexual Abuse. The Monitor will focus on the recommendations of the royal commission that were accepted by the Government and have yet to be implemented.

Additionally, the Monitor will be responsible for recommendations of the Independent Inquiry into the Tasmanian Department of Education's Responses to Child Sexual Abuse. And the Child Safe Governance Review of the Launceston General Hospital and Human Resources.

It will be the Monitor's role to ensure all these recommendations result in sustained and systematic improvements towards preventing child sexual abuse in institutions.

There is also scope in the Bill for the Minister or Parliament to refer future reports to the Monitor. We don't expect this referral power to be used often, as the Monitor should be focussed on the outcomes we need from the existing reviews. However, we considered it important to provide the option for the Monitor to oversee recommendations from any future relevant reports, should the Minister or Parliament agree, to afford the same levels of accountability and transparency to that work.

The role of the Monitor is essential in providing independent oversight to ensure recommendations for reform are implemented effectively and create meaningful systemic change, both in process and in culture, over time.

The Monitor's role in providing annual reports is essential to maintain momentum for reform, embedding accountability for change and ensuring progress is transparent.

Periodic reports every 5 years is essential in mitigating and avoiding unintended consequences of reforms, and continuously improving and adapting reform efforts.

The implementation of the recommendations will embed the voices of victim-survivors and others with lived experience. That is why we must make room for learning, and for continually adapting the response to make sure that we are delivering better outcomes for children in our institutions and across our community.

This is consistent with recommendation 19.1 of the Commission of Inquiry which requires that the reform strategy and action plan be regularly reviewed and updated.

The objectives of the implementation Monitor will be to ensure accountability and as far as possible transparency in the implementation of the recommendations. It will be their role to engage with relevant stakeholders including, but not limited to children and young people, and persons who have been directly affected by sexual abuse or other abuse in institutions operated by, or on behalf of the state. Therefore, it will be imperative that the Monitor has sufficient relevant experience, and or qualifications relating to child safety including responses relating to child sexual abuse and youth services.

The Commission of Inquiry recommended an evaluation framework and baseline data requirements be established within the first year of the Monitor being appointed to support the Monitor in making independent evaluations of reform implementation over time.

This Bill provides that the Monitor is to develop and publish a monitoring and evaluation framework to guide its work. The objective of this provision is to provide transparency to all parties – including agencies - regarding how the Monitor evaluates the implementation and resulting impact of reform recommendations.

Madam Speaker, the Implementation Monitor is to deliver a report by 30 September each calendar year. The report is to include any progress made in implementing each recommendation and each agency that has taken one or more actions in respect of each recommendation.

The Monitor will also develop periodic reports at five- and ten-year intervals. These reports focus on the effectiveness of reform recommendations in achieving positive change over time, consistent with the Monitor's objective.

These reports are more than a box-ticking exercise – by drawing upon the framework developed by the Monitor and assessing effectiveness over time, we will have a clear picture of how we are progressing on our commitments and be able to be held to account for any shortcomings.

We want the Monitor to have the right powers and functions to ensure our commitment to adopting the Commission's recommendations is actively assessed and robustly evaluated so the community can have confidence that real progress is being made.

In addition to submitting these reports, the Monitor will have the power to provide notice to any head of Agency in requesting any document or information that the Monitor reasonably believes is necessary.

However, the Monitor will not be able to request certain information. This includes information, or documents, that is subject to a lawful claim or right of privilege, information that relates to the physical, mental or psychological health of a specific individual, information that has been communicated to a medical practitioner, paramedic, registered nurse or enrolled nurse for the purposes of treatment, and information that may incriminate a person in respect of an offence or crime.

The Monitor will also have the authority regarding the power of entry and inspection when the Monitor deems it appropriate to enter a site.

The Bill is robust enough to ensure the Monitor has all the required functions and powers to do their job. It also balances operational and implementation concerns, as well as privacy considerations.

Madam Speaker, I would like to reiterate, the Monitor will play a vital role in the reporting and implementation of the above-mentioned Inquiries and reviews. Specifically, this will add integrity and efficiency in implementing all 191 recommendations of the Commission of Inquiry into child sexual abuse in institutional settings.

The Monitor will be one of the drivers of change for our institutions and although the challenge is immense. The Monitor will utilise our strong and local connections within communities to act quickly.

This Bill is a significant step in implementing the recommendations from the Commission of Inquiry. The Tasmanian Government will ensure we continue our journey to make meaningful changes to improve our systems and services to keep children and young people safe.

Madam Speaker, I commend the Bill to the House.