

TASMANIA

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**CHILD SAFETY REFORM IMPLEMENTATION  
MONITOR BILL 2024**

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# **CHILD SAFETY REFORM IMPLEMENTATION MONITOR BILL 2024**

*(Brought in by the Minister for Justice, the Honourable Guy  
Barnett)*

## **A BILL FOR**

**An Act to establish an independent monitor to monitor and report to Parliament on the implementation of the recommendations of the Commission of Inquiry into the Tasmanian Government's Responses to Child Sexual Abuse in Institutional Settings, any recommendations of the Royal Commission into Institutional Responses to Child Sexual Abuse that have been accepted by the State but not yet implemented, and certain other relevant recommendations and for related purposes**

Be it enacted by Her Excellency the Governor of Tasmania, by and with the advice and consent of the Legislative Council and House of Assembly, in Parliament assembled, as follows:

## **PART 1 – PRELIMINARY**

### **1. Short title**

This Act may be cited as the *Child Safety Reform Implementation Monitor Act 2024*.

### **2. Commencement**

The provisions of this Act commence on a day or days to be proclaimed, but if not all of the provisions of this Act have commenced before 6

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months after the day on which it receives the Royal Assent the uncommenced provisions of this Act commence at the end of that 6-month period.

### 3. Interpretation

(1) In this Act –

***Agency*** means an organisation, body or entity listed in column 1 of the table in Schedule 1;

***Agency Head***, in relation to an Agency, means the person or office holder specified in column 2 of the table in Schedule 1 in respect of that Agency;

***annual report*** means an annual report of the Implementation Monitor submitted under section 21;

***child*** means a person who has not attained the age of 18 years;

***Commission of Inquiry*** means the Commission of Inquiry into the Tasmanian Government's Responses to Child Sexual Abuse in Institutional Settings established, by order of the Governor made under section 4 of the *Commissions of Inquiry Act 1995*, on 15 March 2021;

***compliance notice*** means a notice issued to an Agency Head under section 19(1);

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***institution*** includes a body, entity, organisation and a group of persons, whether or not incorporated, but does not include an individual or a family;

***monitored recommendation*** means –

- (a) a recommendation made in a relevant reform report; or
- (b) a recommendation referred to in section 12(1)(b);

***implementation action*** means a measure or action taken by an Agency, in response to, or to implement, a monitored recommendation;

***Implementation Framework*** means the framework published by the Implementation Monitor under section 14;

***Implementation Monitor*** means the person appointed to the office of Child Safety Reform Implementation Monitor established by section 5;

***relevant reform report*** means a report, or other written response, by a commission, inquiry or review specified in section 12(1)(a);

***Secretary*** means the Secretary of the Department;

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***young person*** means a child who has attained the age of 15 years but who has not attained the age of 18 years.

- (2) For the purposes of this Act, a resolution, or matter, is taken to be approved by a House of Parliament if a copy of the resolution has been laid on the table of the House and –
- (a) a motion to approve the resolution or matter has been passed in that House; or
  - (b) at the expiration of 5 sitting-days after the resolution or matter was laid on the table of the House –
    - (i) no notice has been given of a motion to disallow it; or
    - (ii) if such a notice has been given, the notice has been withdrawn or the motion has been negated; or
  - (c) if a notice of a motion has been given to disallow the resolution, or matter, and more than 5 sitting-days have passed –
    - (i) the notice of motion has been withdrawn; or
    - (ii) the motion has been negated.

**4. Act binds Crown**

This Act binds the Crown in right of Tasmania and, so far as the legislative power of Parliament permits, in all its other capacities.

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**PART 2 – CHILD SAFETY REFORM  
IMPLEMENTATION MONITOR**

**5. Establishment of office of Child Safety Reform  
Implementation Monitor**

The office of Child Safety Reform  
Implementation Monitor is established.

**6. Child Safety Reform Implementation Monitor  
appointed**

- (1) The Governor is to appoint a person, on the recommendation of the Minister, to the office of Child Safety Reform Implementation Monitor.
- (2) The Minister may only recommend a person to be appointed, under subsection (1), to the office of Implementation Monitor if the Minister is satisfied that the person –
  - (a) has sufficient relevant experience, or qualifications, relating to one or more of the following areas:
    - (i) child safety including, but not limited to, responses relating to child sexual abuse;
    - (ii) services provided to young persons; and
  - (b) has sufficient relevant knowledge of, or experience in –

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(i) the principles of senior management in the public sector or public administration; and

(ii) understanding, and implementing, major reforms within the public sector or a similar setting; and

(iii) implementing procedures and approaches which have the primary purpose of avoiding, as far as possible, further harm or trauma to individuals –

to perform the functions and exercise the powers of the Implementation Monitor; and

(c) is not –

(i) a person; or

(ii) the spouse, partner, significant other, parent, child or sibling, of any kind, of a person –

who is either named, or who holds an office that is named, in relation to a monitored recommendation or a finding in a relevant reform report; and

(d) holds the prescribed registration, and has completed satisfactorily the prescribed checks, to ensure that the person is a suitable person to perform the functions

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and exercise the powers of the  
Implementation Monitor.

- (3) Subsection (2)(c) does not apply to a person if the recommendation of the person to be Implementation Monitor has been approved by both Houses of Parliament.
- (4) If a person appointed to the office of the Implementation Monitor becomes aware that subsection (2)(c) or (d) no longer applies to the person while the person is so appointed, the person must notify the Minister as soon as practicable after becoming aware of that fact.
- (5) The appointment of a person to the office of Implementation Monitor is to be notified in the *Gazette* as soon as practicable after the appointment occurs.
- (6) Schedule 2 applies in respect of the Child Safety Reform Implementation Monitor and the Implementation Monitor's appointment.

**7. Acting Child Safety Reform Implementation Monitor may be appointed**

- (1) The Implementation Monitor may appoint a person to act as the Implementation Monitor, for a period not exceeding 60 days, if –
  - (a) the Implementation Monitor –
    - (i) is absent from the office for that period, other than as a result of a suspension under Schedule 2; or

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- (ii) is unable to perform the functions and exercise the powers of the office, during that period, for any other reason; and
  - (b) in the opinion of the Implementation Monitor, the person meets the requirements of section 6(2).
- (2) The Governor may appoint a person, on the recommendation of the Minister, to act as the Implementation Monitor if –
  - (a) for any period –
    - (i) the office of the Implementation Monitor is vacant including, but not limited to, a suspension under Schedule 2; or
    - (ii) the Implementation Monitor is absent from the office for that period; or
    - (iii) the Implementation Monitor is unable to perform the functions and exercise the powers of the office, during that period, for any other reason; and
  - (b) the Governor is satisfied that the person meets the requirements of section 6(2); and
  - (c) another person has not been validly appointed, under subsection (1), to act as

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the Implementation Monitor for that period.

- (3) The appointment of a person, under this section, to act as the Implementation Monitor –
- (a) is to be notified in the *Gazette* as soon as practicable after the appointment occurs; and
  - (b) may be revoked, by the person who made the appointment, only if –
    - (i) the Implementation Monitor is to return to that office before the end of the period for which the person has been appointed to act in that office; or
    - (ii) a new person has been appointed to the office of Implementation Monitor in accordance with this Act; or
    - (iii) had the person been appointed to the office of Implementation Monitor, the person would be able to be suspended or removed under Schedule 2 from that office.
- (4) For the avoidance of doubt, a person appointed to act as the Implementation Monitor under this section is taken, for the purposes of this Act and any other Act, to be the Implementation Monitor while so acting.

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**8. Independence of Implementation Monitor**

- (1) The Implementation Monitor –
  - (a) is not subject to the general direction or control of any Minister in respect of the performance of the functions, or the exercise of the powers, of the Implementation Monitor under this Act; and
  - (b) without limiting the generality of paragraph (a), has complete discretion in respect of the content of each report prepared by the Implementation Monitor under this Act; and
  - (c) is not subject to the *State Service Act 2000*, when performing the functions or exercising the powers of the Implementation Monitor under this Act.
- (2) Nothing in subsection (1) prevents the Minister from requesting the Implementation Monitor to provide written or oral advice on any matter relating to an implementation action or a monitored recommendation.
- (3) If the Implementation Monitor receives a request from the Minister under subsection (2), the Implementation Monitor must, in the next report of the Implementation Monitor under Part 5 –
  - (a) address the request; or
  - (b) if the Implementation Monitor is not able to address the request, publish the

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request and the reasons why the request is unable to be addressed.

**9. Staff and facilities**

- (1) The Implementation Monitor may arrange with a Secretary of a department for one or more of the following to be made available to the Implementation Monitor to assist the Implementation Monitor in the performance of the functions, and the exercise of the powers, of the office:
  - (a) the services of one or more State Service officers, State Service employees or other persons employed or engaged by that department;
  - (b) facilities and goods of that department or such other facilities and goods as may be reasonably required.
- (2) State Service officers, State Service employees or other persons made available to the Implementation Monitor under subsection (1) may serve the Implementation Monitor, in any capacity, in conjunction with their existing State Service employment.

**10. Delegation**

The Implementation Monitor may delegate any of the functions or powers of the Implementation Monitor under this Act, other than this power of delegation, to a person assisting the

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Implementation Monitor in the performance of those functions, and the exercise of those powers.

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## **PART 3 – ROLE OF IMPLEMENTATION MONITOR**

### **11. Objectives of Implementation Monitor**

The objectives of the Implementation Monitor are –

- (a) to ensure accountability and, as far as possible, transparency in the implementation of the monitored recommendations; and
- (b) in reviewing the implementation of the monitored recommendations, to consult with, and engage with, relevant stakeholders in respect of the monitored recommendations including, but not limited to –
  - (i) children and young people; and
  - (ii) persons who have been affected directly by sexual abuse, or other abuse, as a child in an institution operated by, or on behalf of, the State; and
- (c) to evaluate, and report on, the impact and effectiveness of implementation actions including, but not limited to, their impact and effectiveness in the following areas:
  - (i) the prevention of the sexual abuse, or other abuse, of children in institutions operated by, or on behalf of, the State;

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- (ii) institutional responses to the sexual abuse, or other abuse, of children in institutions operated by, or on behalf of, the State;
- (iii) the support of children who may experience such abuse.

**12. Functions and powers of Implementation Monitor**

- (1) The functions of the Implementation Monitor are –
  - (a) to monitor the implementation of the recommendations contained in the relevant reform reports of each of the following:
    - (i) the Commission of Inquiry;
    - (ii) the Independent Inquiry into the Tasmanian Department of Education’s Responses to Child Sexual Abuse, in respect of which a final report was released on 7 June 2021;
    - (iii) the review of child safety and governance in the Launceston General Hospital and Human Resources, in respect of which the Independent Report from the Co-Chairs for the Child Safe Governance Review of the Launceston General Hospital and Human Resources was submitted,

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on 9 December 2022, to the Secretary of the Department of Health;

- (iv) such other commission, inquiry or review, or such part of a commission, inquiry or review, that –
  - (A) relates to child safety and wellbeing in institutions operated by, or on behalf of, the State; and
  - (B) is referred to the Implementation Monitor in accordance with section 13; and
- (b) to monitor the implementation of the recommendations contained in the Royal Commission into Institutional Responses to Child Sexual Abuse, presented to the Governor-General on 15 December 2017, that –
  - (i) were accepted by the Tasmanian Government in the response tabled in Parliament in June 2018; and
  - (ii) in the opinion of the Implementation Monitor, have yet to be implemented on the day on which this section commences; and

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- (c) to evaluate the effectiveness of implementation actions including, but not limited to, the impact of those actions on the safety and wellbeing of children who may be impacted by child sexual abuse; and
  - (d) to report to the Tasmanian Parliament on the Implementation Monitor’s findings while –
    - (i) monitoring the implementation of the monitored recommendations; or
    - (ii) evaluating the effectiveness of the measures and actions implemented in response to those recommendations.
- (2) In addition to the functions specified in subsection (1), the Implementation Monitor has the following functions:
- (a) to develop and publish an Implementation Framework under section 14;
  - (b) to consult and engage with each of the following in respect of an implementation action or a monitored recommendation, if relevant to the action or recommendation:
    - (i) a relevant Agency;

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- (ii) the Youth Advisory Council established by the Premier, as announced on 4 October 2019, or a subcommittee of that Council that is established for the purpose;
  - (iii) an advisory group established within a relevant Agency to respond to, or implement, one or more monitored recommendations;
  - (iv) an advisory group or advisory network established by the Government in respect of one or more monitored recommendations;
  - (v) a person, body or organisation prescribed for the purposes of this section;
  - (vi) such other person, body or organisation that the Implementation Monitor considers relevant to the action or recommendation;
- (c) to produce written reports on the findings and conclusions of the Implementation Monitor following the performance of the Implementation Monitor's functions;
- (d) such other functions as may be conferred on the Implementation Monitor under this Act or any other Act.

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- (3) The Implementation Monitor must, in performing the functions of the Implementation Monitor –
- (a) have regard to –
    - (i) each relevant reform report; and
    - (ii) the Implementation Framework; and
    - (iii) the monitored recommendations; and
  - (b) if the Implementation Monitor considers it necessary to produce an accurate assessment of how an implementation action is being carried out, or has been carried out –
    - (i) require demonstrations of, or participate in, the processes or systems of an Agency; or
    - (ii) obtain documents from an Agency; and
  - (c) establish appropriate consultation arrangements with an Agency Head, and any person, body or organisation referred to in subsection (2)(b), that the Implementation Monitor considers has an interest in the carrying out of an implementation action to –
    - (i) facilitate the effective monitoring and review of progress in the

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carrying out of an  
implementation action; and

- (ii) obtain the information necessary to perform the monitoring and assessment functions of the Implementation Monitor.

- (4) The Implementation Monitor has all the powers necessary to perform the functions of the Implementation Monitor.

**13. Referral of new matters to Implementation Monitor**

- (1) A commission, an inquiry or a review, or a specified part of such a commission, an inquiry or a review, that relates to child safety and wellbeing may be referred to the Implementation Monitor by –
  - (a) the Minister; or
  - (b) a resolution approved by both Houses of Parliament.
- (2) If a referral is made to the Implementation Monitor under subsection (1), the Secretary is to ensure that notice of the referral, that specifies the commission, inquiry or review, or a specified part of such a commission, an inquiry or a review that has been so referred to the Implementation Monitor, is published in the *Gazette*.

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**14. Implementation Framework**

- (1) The Implementation Monitor is to develop, and publish, a framework to be used by the Implementation Monitor in the performance of the functions, and the exercise of the powers, of that office.
- (2) The framework developed under subsection (1) is to include each of the following:
  - (a) the key indicators to be used by the Implementation Monitor in evaluations and assessments under this Act;
  - (b) the reporting requirements for Agencies reporting to the Implementation Monitor;
  - (c) the data collection, or data publication, requirements for Agencies;
  - (d) the minimum intervals at which the Implementation Monitor intends to make evaluations and assessments under this Act;
  - (e) such other matters as the Implementation Monitor considers appropriate.
- (3) The first Implementation Framework to be published by the Implementation Monitor under subsection (1) is to be published no later than 12 months after the first Implementation Monitor is appointed under this Act.
- (4) Before publishing an Implementation Framework that is developed, amended or

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substituted under this section, the Implementation Monitor –

- (a) must consult, in respect of the proposed framework, with each Agency; and
  - (b) may consult, in respect of the proposed framework, with any other person, or organisation, that the Implementation Monitor considers reasonable.
- (5) An Implementation Framework developed, amended or substituted under this section –
- (a) is to be published on a website operated by, or on behalf of, the Implementation Monitor in a manner that makes it freely available to members of the public; and
  - (b) may be published by the Implementation Monitor in any other manner that the Implementation Monitor considers reasonable.
- (6) An Implementation Framework published under subsection (5)(a) –
- (a) remains in force until revoked, or substituted, by the Implementation Monitor; and
  - (b) must remain published in accordance with subsection (5)(a) while it is in force.
- (7) An Implementation Framework developed, amended or substituted under this section may apply differently according to matters,

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limitations or restrictions, whether as to time, circumstance or otherwise, as is specified in the framework.

- (8) For the avoidance of doubt, the fact that an Implementation Framework has not been published by the Implementation Monitor under this section does not prevent, or restrict, the Implementation Monitor in the performance of the functions, and the exercise of the powers, of that office.

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**PART 4 – POWERS OF IMPLEMENTATION  
MONITOR**

**15. Power to request information**

- (1) The Implementation Monitor may, by written notice to an Agency Head, require the relevant Agency to give to the Implementation Monitor any document, or information, that –
  - (a) in the opinion of the Implementation Monitor, is in the possession or control of the Agency; and
  - (b) the Implementation Monitor reasonably believes is necessary for the performance of the functions, or for the exercise of the powers, of the Implementation Monitor.
- (2) An Agency Head given a written notice under subsection (1) must –
  - (a) ensure that the Agency complies with the notice –
    - (i) within 21 days after receiving the notice or such further period as agreed between the Agency and the Implementation Monitor; or
    - (ii) if the Implementation Monitor believes that it is urgent for the information to be provided, such shorter period as is specified in the notice; and

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- (b) in complying with the notice, ensure that the Implementation Monitor is given –
  - (i) such documents and information as are specified in the notice; or
  - (ii) evidence that proves, to the satisfaction of the Implementation Monitor, that the Agency is unable to provide the documents and information to the Implementation Monitor.

**16. Certain information unable to be requested by Implementation Monitor**

- (1) In performing the functions or exercising the powers of the Implementation Monitor, the Implementation Monitor does not have the authority to require a relevant Agency to give to the Implementation Monitor –
  - (a) information, or a document, that is subject to a lawful claim or right of privilege; or
  - (b) information that –
    - (i) relates to the physical, mental or psychological health of a specific individual; and
    - (ii) has been communicated to a medical practitioner, paramedic, registered nurse or enrolled nurse

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for the purposes of treatment of  
the individual; or

- (c) information that may incriminate a person in respect of an offence or crime.
- (2) For the avoidance of doubt, if the Implementation Monitor receives information to which subsection (1) applies, nothing in this Act prevents the Implementation Monitor from disclosing that information if the disclosure –
  - (a) is to an entity including, but not limited to, an entity prescribed for the purposes of this subsection; and
  - (b) is for the purpose of that entity investigating a matter, or concern, within the information.

**17. Power of entry and inspection**

- (1) Subject to subsection (2), the Implementation Monitor may do one or more of the following if the Implementation Monitor considers it necessary for the purposes of performing the functions or exercising the powers of the Implementation Monitor:
  - (a) enter and inspect any land, premises, building or structure owned, or operated by, an Agency (a *relevant location*) –
    - (i) during ordinary business hours for the relevant location; or

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- (ii) at such other times as are agreed between the Implementation Monitor and the relevant Agency Head;
- (b) inspect any document, thing, activity or other matter at a relevant location;
- (c) take photographs, or film or otherwise record, a relevant location;
- (d) make a copy, or extract, of a document or other thing at a relevant location;
- (e) talk to any person, who has attained the age of 16 years, who is present at a relevant location;
- (f) require a person in authority at a relevant location, to open or unlock any area, room, item or thing (including electronic items or things), other than a person's personal items or things at the location;
- (g) observe the operation of a system, procedure, process or thing –
  - (i) that occurs, or is occurring, at a relevant location; or
  - (ii) in respect of an item or thing at, or that relates to, a relevant location;
- (h) require a demonstration of the operation of a system, procedure, process or thing referred to in paragraph (g);

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- (i) authorise another person to take an action in accordance with this subsection.
- (2) The Implementation Monitor must give an Agency written notice of –
  - (a) the intention of the Implementation Monitor to –
    - (i) enter a relevant location; or
    - (ii) observe, or require a demonstration of, a system, procedure, process or thing under subsection (1)(g) or (h) respectively; or
  - (b) the intention of the Implementation Monitor to authorise another person, under subsection (1)(i), to enter a relevant location, or observe or require a demonstration, and the name or official title of the person so authorised.
- (3) If the Implementation Monitor intends to enter a relevant location, or authorise another person to enter a relevant location, the Implementation Monitor is to ensure that the notice under subsection (2) is provided within a reasonable period before entry is to occur, unless –
  - (a) the Implementation Monitor believes, on reasonable grounds, that giving a reasonable period of notice would defeat the purpose for entering the relevant location; or

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- (b) entry to the relevant location is made at the request of, or with the consent of, the occupier of the relevant location.

**18. Duty to cooperate**

An Agency must comply with any reasonable request, or requirement, made by the Implementation Monitor for the purposes of performing the functions, or exercising the powers, of the Implementation Monitor.

**19. Compliance notices**

- (1) If an Agency fails to comply with a reasonable request, or requirement, made by the Implementation Monitor, the Implementation Monitor may issue, to the Agency Head of the Agency, a notice that –
  - (a) specifies the request or requirement made by the Implementation Monitor; and
  - (b) specifies the time period within which the Agency must comply with the request or requirement; and
  - (c) includes a statement that failure to comply with the notice, without explanation to the satisfaction of the Implementation Monitor, will result in the non-compliance being reported in the annual report of the Implementation Monitor in accordance with section 21.

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- (2) If an Agency Head receives a notice under subsection (1), the Agency Head –
  - (a) is to ensure that the Agency complies with the notice; or
  - (b) if compliance with the notice is not possible, is to provide details to the satisfaction of the Implementation Monitor that compliance with the notice is not possible.

**20. Constraints of access to information not to apply**

- (1) An obligation to maintain secrecy or any other restriction on the disclosure of a document or information by an Agency, imposed by or under an Act or rule of law, does not apply to –
  - (a) the disclosure of documents or information required by the Implementation Monitor under section 15; or
  - (b) documents or information obtained by the Implementation Monitor under section 17.
- (2) The Implementation Monitor, or any other person who has access to documents or information of the Implementation Monitor as part of the person’s employment or duties with the Implementation Monitor, must not disclose the documents or information obtained in accordance with this Act, except –

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- (a) as may be required for the purposes of the administration, or operation, of this Act; or
- (b) as may be required in connection with any lawful requirement under this Act, or any other Act, to disclose the information; or
- (c) as may be required in connection with any proceedings under this Act, or any other Act, in respect of an offence; or
- (d) in the prescribed circumstances.

Penalty: Fine not exceeding 50 penalty units.

- (3) Despite subsection (2) or any other law to the contrary, the Implementation Monitor may include in a report, by the Implementation Monitor under this Act, any information obtained in the course of the performance of the functions of the Implementation Monitor, other than the following information:
  - (a) information that is unable to be requested by the Implementation Monitor by virtue of section 16;
  - (b) information that is not to be disclosed under section 25(2);
  - (c) other prescribed information.

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**PART 5 – REPORTING**

**21. Annual reports**

- (1) The Implementation Monitor is to submit a report to the Minister and the Secretary, by 30 September in each calendar year, that relates to the 12-month period ending on 30 June in that calendar year.
- (2) A report submitted under subsection (1) is to include or specify each of the following in respect of the period to which the report relates:
  - (a) any progress made in implementing each monitored recommendation and each Agency that has taken one or more implementation actions in respect of each recommendation;
  - (b) any progress made by an Agency in completing an implementation action;
  - (c) information on –
    - (i) the compliance by an Agency with the timelines specified in the relevant reform reports and the Implementation Framework; and
    - (ii) any method or process developed by an Agency, in carrying out an implementation action, that the Implementation Monitor considers best practice;

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- (d) any corrective action that the Implementation Monitor considers necessary to address a concern of the Implementation Monitor in relation to –
    - (i) an Agency carrying out an implementation action; or
    - (ii) the implementation of monitored recommendations generally;
  - (e) any compliance notices given by the Implementation Monitor, including the following details:
    - (i) the Agency to whom the notice was given;
    - (ii) whether the notice was complied with or whether the Implementation Monitor is satisfied that the Agency is unable to comply with the notice;
  - (f) such other matters as the Implementation Monitor considers relevant in respect of –
    - (i) the functions and powers of that office; and
    - (ii) the operation of this Act.
- (3) A report submitted under subsection (1) is to be –

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- (a) published by the Implementation Monitor in accordance with section 24; and
  - (b) laid on the table of each House of Parliament, by the Minister, within the first 10 sitting-days of the House after the Minister receives the report.
- (4) The first report of the Implementation Monitor submitted under this section is to relate to such part of the period, referred to in subsection (1), for which this section was in force.

**22. Periodic reports**

- (1) In this section –
- relevant interval* includes –
- (a) the 5-year period commencing on 26 September 2023; and
  - (b) the 10-year period commencing on 26 September 2023; and
  - (c) such other interval, or period, as is prescribed for the purposes of this definition.
- (2) In addition to the annual report of the Implementation Monitor under section 21, the Implementation Monitor is to prepare a report within 12 months after the end of each relevant interval that –

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- (a) clearly identifies the monitored recommendations that, in the opinion of the Implementation Monitor, have been implemented within the relevant interval; and
  - (b) includes other details on the effectiveness of the implementation actions that have been taken during the relevant interval; and
  - (c) includes information on whether the Implementation Monitor considers that the office of Implementation Monitor is still required.
- (3) A report under this section may be made as part of an annual report submitted under section 21 if the information is clearly identified as a report for the purposes of this section.
- (4) If a report under this section is prepared separately from an annual report submitted under section 21, the Implementation Monitor is to submit the report to the Minister, and the Secretary, as soon as practicable after the report is prepared.
- (5) A report submitted to the Minister, and Secretary, under subsection (4) is to be –
- (a) published by the Implementation Monitor in accordance with section 24; and
  - (b) laid on the table of each House of Parliament, by the Minister, within the

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first 10 sitting-days of the House after the Minister receives the report.

### **23. Other reports**

- (1) The Implementation Monitor may, at any time, prepare a report on one or more matters specified in section 21(2).
- (2) If a report is prepared under this section, the Implementation Monitor is to submit the report to the Minister, and the Secretary, as soon as practicable after the report is prepared.
- (3) A report submitted to the Minister, and the Secretary, under subsection (2) is to be –
  - (a) published by the Implementation Monitor in accordance with section 24; and
  - (b) laid on the table of each House of Parliament, by the Minister, within the first 10 sitting-days of the House after the Minister receives the report.

### **24. Publication of reports**

- (1) Subject to subsection (2), the Implementation Monitor must publish a report prepared under this Part –
  - (a) on a website operated by, or on behalf of, the Implementation Monitor in such a manner as to ensure that the report is freely available to the public; and

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- (b) in such other manner as the Implementation Monitor considers reasonable in the circumstances.
- (2) The Implementation Monitor must publish a report under subsection (1) as soon as practicable after –
  - (a) the Minister has tabled the report in each House of Parliament as required under this Part; or
  - (b) if the Minister does not, or is unable to, table the report in each House of Parliament within 30 days after the Minister has received the report, the expiry of that 30-day period.

**25. Report not to identify individuals**

- (1) In this section –
  - identifying information*, in relation to an individual, includes –
    - (a) the name, address, school, place of employment and any other reference or allusion that identifies, or is likely to lead to the identification of, the person; and
    - (b) a picture or image of the person.
- (2) The Implementation Monitor is to ensure that a report prepared under this Part does not identify an individual, and does not include identifying

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information that may reasonably lead to the identification of an individual, except where –

- (a) the identity of the individual, or the information, is already in the public domain; or
- (b) the individual has already been publicly identified, and widely recognised; or
- (c) the individual has consented to being identified or to the disclosure of the information –

in the same context as is used in the report.

- (3) A report under this Act may not include information that identifies an individual, or contains information that may reasonably lead to the identification of an individual, other than in accordance with subsection (2).

**26. Agency Head to be notified in certain circumstances**

- (1) If, in a report prepared under this Part, the Implementation Monitor intends to name an Agency in respect of a corrective action or a compliance notice, the Implementation Monitor must –
  - (a) notify the relevant Agency Head of the intention to name the Agency and the context in which the Agency is to be named; and
  - (b) provide the Agency Head with a reasonable period to respond to the

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matter before the preparation of the report; and

(c) if requested by the relevant Agency Head, consult with the relevant Agency Head.

(2) The Implementation Monitor may publish, in a report prepared under this Part, a response of an Agency Head to a notice under subsection (1) if the Implementation Monitor is satisfied that –

(a) the publication of the response is in the public interest; and

(b) the response does not contain –

(i) information that is unable to be requested by the Implementation Monitor by virtue of section 16; or

(ii) information that is not to be disclosed under section 25(2).

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**PART 6 – MISCELLANEOUS**

**27. Obligation of Agencies**

- (1) An Agency is to ensure that its members, officers, employees and agents are all made aware of –
  - (a) this Act and the obligations that may apply, under this Act, to the members, officers, employees and agents; and
  - (b) any processes and procedures that are in place within the Agency in respect of –
    - (i) this Act; and
    - (ii) each relevant monitored recommendation; and
    - (iii) any other prescribed matter.
- (2) An Agency is to take all reasonable steps to ensure that its members, officers, employees and agents comply with this Act and the obligations that may apply under this Act.

**28. Protection from liability**

- (1) The Implementation Monitor and any other person acting for or on behalf of the Implementation Monitor have, in exercising any power or performing any function under this Act in good faith, the same immunity as a judge of the Supreme Court.

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- (2) A person incurs no criminal, or civil, liability for an act or omission done or omitted to be done, in good faith –
  - (a) while exercising a power, or performing a function, under this Act; or
  - (b) while complying with a requirement or request made, or purportedly made, under this Act; or
  - (c) as part of proceedings under this Act.
- (3) For the avoidance of doubt, a reference to an action, claim or demand under this section includes a professional or ethical sanction or other disciplinary proceeding.

**29. Regulations**

- (1) The Governor may make regulations for the purposes of this Act.
- (2) The regulations may –
  - (a) authorise any matter to be from time to time determined, approved, applied or regulated by any person or body specified in the regulations; and
  - (b) be made subject to conditions so as to apply differently according to matters, limitations or restrictions, whether as to time, circumstance or otherwise, specified in the regulations.
- (3) The regulations may –

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- (a) provide that a contravention of, or a failure to comply with, the regulations is an offence; and
  - (b) in respect of such an offence, provide for the imposition of a fine not exceeding 250 penalty units and, in the case of a continuing offence, a further fine not exceeding 20 penalty units for each day during which the offence continues.
- (4) The regulations may adopt or incorporate the whole, or any part of, any standard, code, guideline, program, scheme or plan as amended from time to time, with or without modification, issued, made or published by any person or entity (including the Crown) before or after the regulations take effect.

**30. Administration of Act**

Until provision is made in relation to this Act by order under section 4 of the *Administrative Arrangements Act 1990* –

- (a) the administration of this Act is assigned to the Minister for Justice; and
- (b) the department responsible to that Minister in relation to the administration of this Act is the Department of Justice.

**31. Expiry of Act**

- (1) This Act expires on –

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- (a) the prescribed expiry day; or
  - (b) if no day is so prescribed before 31 July 2034, that day.
- (2) A day (the *proposed expiry day*) may only be prescribed, under subsection (1)(a), as the expiry day if each House of Parliament has approved the proposed expiry day before it is so prescribed.

**32. Consequential amendments**

The legislation specified in Schedule 3 is amended as specified in that Schedule.

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**SCHEDULE 1 – RELEVANT AGENCIES AND HEADS  
OF AGENCIES**

Section 3

	<b>Agency</b>	<b>Head of Agency</b>
1.	A State Service Agency	The Head of Agency, under the <i>State Service Act 2000</i> , for the State Service Agency
2.	The Integrity Commission within the meaning of the <i>Integrity Commission Act 2009</i>	The chief executive officer within the meaning of the <i>Integrity Commission Act 2009</i>
3.	The office of the Commissioner for Children and Young People appointed under the <i>Commissioner for Children and Young People Act 2016</i>	The Commissioner within the meaning of the <i>Commissioner for Children and Young People Act 2016</i>
4.	The office of the Ombudsman within the meaning of the <i>Ombudsman Act 1978</i>	The Ombudsman within the meaning of the <i>Ombudsman Act 1978</i>
5.	The office of the Director of Public Prosecutions within the meaning of the <i>Director of Public Prosecutions Act 1973</i>	The Director of Public Prosecutions established under the <i>Director of Public Prosecutions Act 1973</i>

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	<b>Agency</b>	<b>Head of Agency</b>
6.	The Teachers Registration Board of Tasmania continued under the <i>Teachers Registration Act 2000</i>	The Registrar within the meaning of the <i>Teachers Registration Act 2000</i>
7.	The office of the Independent Regulator appointed under the <i>Child and Youth Safe Organisations Act 2023</i>	The Regulator within the meaning of the <i>Child and Youth Safe Organisations Act 2023</i>
8.	The Archives Office of Tasmania within the meaning of the <i>Archives Act 1983</i>	The person appointed State Archivist under the <i>Archives Act 1983</i>
9.	An entity, organisation or body prescribed for the purposes of the definition of Agency	The person, or office holder, prescribed as the Head of Agency for the entity, organisation or body so prescribed

**SCHEDULE 2 – IMPLEMENTATION MONITOR**

Section 6

**1. Term of office**

The Implementation Monitor –

- (a) is appointed for the term specified in the instrument of appointment for the Implementation Monitor, being a term not exceeding 5 years; and
- (b) may be reappointed for one or more further terms not exceeding 5 years each.

**2. Remuneration and conditions of appointment**

(1) The Implementation Monitor –

- (a) is entitled to such remuneration and allowances as are specified in the instrument of appointment for the Implementation Monitor; and
- (b) is taken to be an employee for the purposes of the *Long Service Leave (State Employees) Act 1994*; and
- (c) holds office on such other terms and conditions specified in the instrument of appointment.

(2) The remuneration and allowances specified in the instrument of appointment for the Implementation Monitor may not be reduced

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without the written agreement of the Implementation Monitor.

- (3) Any remuneration and allowance payable to the Implementation Monitor under this Act is to be paid out of the Public Account.
- (4) The Public Account is appropriated to the extent necessary for the purpose of subclause (3).
- (5) The Implementation Monitor is an employee for the purposes of the *Public Sector Superannuation Reform Act 2016*.

**3. Vacation or suspension of office**

- (1) A person appointed as Implementation Monitor vacates that office if the person –
  - (a) dies; or
  - (b) resigns, by written notice to the Governor; or
  - (c) is removed from that office under this clause.
- (2) The Governor may suspend, or remove, the Implementation Monitor from that office if the Governor is satisfied that the Implementation Monitor –
  - (a) is incapable of properly performing the functions and exercising the powers of that office; or

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- (b) is incompetent in the performance of the functions, or the exercise of the powers, of that office; or
- (c) no longer meets the requirements of section 6(2) or would no longer satisfactorily complete the checks prescribed under that subsection; or
- (d) has nominated for election for the Parliament of the Commonwealth, a State or a Territory; or
- (e) has become bankrupt, applied to take the benefit of any law for the relief of bankrupt or insolvent debtors, compounds with the Implementation Monitor's creditors or makes an assignment of the Implementation Monitor's remuneration or estate for their benefit; or
- (f) has neglected to perform the functions, or exercise the powers, of that office; or
- (g) is charged with or convicted of, in Tasmania or elsewhere –
  - (i) a crime; or
  - (ii) an offence punishable by imprisonment for a term of 12 months, or longer, or a fine of 300 penalty units or more; or
- (h) has engaged in conduct, or has been found guilty of conduct or an attempt to

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engage in conduct, of such a nature that the Governor considers that the Implementation Monitor is unsuitable to continue to hold the office.

- (3) In addition to the power of the Governor to suspend or remove the Implementation Monitor under subclause (2), the Minister may suspend the Implementation Monitor if –
  - (a) the Minister is satisfied that the Implementation Monitor has met the requirements of subclause (2)(g) or (h); and
  - (b) each House of Parliament has approved the suspension of the Implementation Monitor in respect of the matter.
- (4) If a person has been suspended, or removed, from the office of Implementation Monitor under this clause, the Minister must cause a statement setting out the grounds for the suspension, or removal, to be laid before each House of Parliament during the first 7 sitting-days of that House following the suspension or such longer period allowed by resolution of the House of Parliament before which it is laid.
- (5) For the avoidance of doubt, the Implementation Monitor cannot be suspended, or removed, from that office otherwise than in accordance with this clause.

**4. Defect does not invalidate appointment**

An appointment of a person to the office of Implementation Monitor is not invalid solely on the basis of a defect or irregularity in relation to that appointment.

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**SCHEDULE 3 – CONSEQUENTIAL AMENDMENTS**

Section 32

***Archives Act 1983***

1. Section 15(3) is amended by inserting after paragraph (a) the following paragraph:
  - (ab) if the State record is a record held by the Implementation Monitor, within the meaning of the *Child Safety Reform Implementation Monitor Act 2024*, inform the State Archivist that the record contains information or matter, the disclosure or divulging of which is prohibited by a provision of this Act; or

***Corrections Act 1997***

1. Section 8(3) is amended by inserting after paragraph (c) the following paragraph:
  - (ca) disclosing or communicating confidential information to the Implementation Monitor, within the meaning of the *Child Safety Reform Implementation Monitor Act 2024*, in accordance with that Act; or

***Right to Information Act 2009***

1. Section 5(1) is amended by inserting after the definition of *external party* the following definition:

***Implementation Monitor*** means –

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- (a) the Implementation Monitor within the meaning of the *Child Safety Reform Implementation Monitor Act 2024*; or
  - (b) a person appointed under that Act to act as the Implementation Monitor;
2. Section 6(1) is amended by inserting after paragraph (o) the following paragraph:
- (oa) the Implementation Monitor;

***Youth Justice Act 1997***

1. Section 167A(1) is amended by omitting “Inspector” and substituting “Inspector, the Implementation Monitor, within the meaning of the *Child Safety Reform Implementation Monitor Act 2024*,”.