

# **PUBLIC**

## **THE PARLIAMENTARY JOINT SESSIONAL COMMITTEE MET IN COMMITTEE ROOM 2, PARLIAMENT HOUSE, HOBART ON FRIDAY 28 FEBRUARY 2025**

### **RECOMMENDATIONS OF FINAL REPORT OF THE COMMISSION OF INQUIRY**

**The committee met at 9 a.m.**

**CHAIR** (Ms Forrest) - Welcome to both of you representing TasCOSS (Tasmanian Council of Social Services) for our public hearing into the commission of inquiry's recommendations and the government's response and implementation of those recommendations. As you're aware, this is a public hearing. Everything you say is covered by parliamentary privilege while you're before the committee and that may not extend beyond the committee hearing. If there's anything of a confidential nature you wish to share with the committee, you could make that request. The committee would prefer that to be in a separate session at the end of the evidence to make it easier to manage. If you have any other questions about that, please feel free to ask.

I will note too that because of the sensitive nature of some of the content that we're dealing with, that for anyone watching to remember that there are services that can assist. These are listed on our website; on the front page of our committee website. I will just repeat some of those for those who may be listening, who may be triggered and need support.

There's a statewide sexual assault support line, 24-hour support from local specialist counsellors provided by Sexual Assault Support Service (SASS) and Laurel House on 1800 697 877 or 1800 MY SUPPORT; Lifeline, 24-hour crisis support on 13 11 14, Tasmania Lifeline from 8.00 a.m. to 8.00 p.m. every day on 1800 98 44 34; and 13YARN, 24-hour crisis support for Aboriginal and Torres Strait Islander people on 13 92 76. There's also Relationships Australia Tasmania, weekdays from 9.00 a.m. to 5.00 p.m. on 1300 364 277. That information is also available on our website if people need to refer.

Thank you for appearing before the committee today. We look forward to hearing what you have to add to your submission. We also note that this submission is really helpful to inform the committee. We invite you to take the statutory declaration, introduce yourselves and then speak further to your submission.

**Ms PICONE** - Can I just ask who's on the screen? Is it Miriam on the screen?

**CHAIR** - Miriam Beswick online. You might not have met Miriam?

**Ms PICONE** - Yes, we've met Miriam.

**CHAIR** - Cecily Rosol is also online.

**Ms ADRIENNE ELIZABETH PICONE**, CEO, AND **Ms MEG ELOISE TAIT**, TASMANIAN COUNCIL OF SOCIAL SERVICES, WERE CALLED, MADE THE STATUTORY DECLARATION, AND WERE EXAMINED.

**CHAIR** - I'll leave it to you, Adrienne, to make some opening comments.

**Ms PICONE** - Our submission and evidence is shaped by our involvement as change lead organisation within the Reform Implementation Project. TasCOSS, alongside other community organisations and peak bodies, has been engaged by DPAC (Department of Premier and Cabinet) to support the Reform Implementation Project. Our involvement in the project to date has included regular meetings with DPAC and advocacy on policy and legislative reform, work to inform and support community organisations with the implementation of reform at a community level. For example, policy conversations on key legislative reform work and development of information and skill sharing networks, but also engagement in community and targeted consultations including development of Change for Children which is a strategy, as we all know, to prevent, identify and respond to child sexual abuse.

To support our work in the project, we've also developed a set of internal resources to guide our feedback and involvement, and our general position in relation to the commission of inquiry recommendations.

The Reform Implementation Project is guided by our project principles, which we developed by reviewing existing research and literature on child safety and wellbeing, as well as Tasmanian and national frameworks, together with TasCOSS' values of integrity, compassion and influence, and the potential impact of reform on Tasmanians experiencing disadvantage and the community organisations supporting them.

The project principles - and this is what our submission was based on - are that keeping children safe requires a focus on the prevention of harm. It requires strong, well-connected communities. It requires well-supported community organisations. Keeping children safe requires transparent and accountable institutions. The recommendations we've made in our written submission relate to these four principles, which we see as crucial to promoting and maintaining child safety and wellbeing. We strongly support the prioritisation of recommendations which relate to our identified project objectives of prevention, strengthening communities, support for community organisations and government transparency, as well as any additional legislative or policy reform which may be needed to support the implementation of these recommendations.

Consistent with our submission to the 2025-26 Tasmanian State Budget, we urge the Tasmanian government to commit to significant change to support the sustainability of community services to ensure that our vital work in protecting and promoting the safety and wellbeing of Tasmanian children and their families can continue, and to support community organisations with the additional resourcing and support needed to implement the significant changes to policy and practice outlined in the recommendations.

We've also recommended changes to support greater and more meaningful engagement from communities and community organisations in commission of inquiry related reform. We believe there is a demonstrated need for changes to existing consultation processes to ensure Tasmanians are supported to understand and contribute to policy and legislative change. We also believe there is a need for dedicated and publicly available resources, with detailed information about current and upcoming reforms. Throughout the project, we've emphasised the need for a coordinated whole-of-government approach to legislative and policy development to ensure reform across entities and departments is consistent with the recommendations and objectives of the implementation project.

To assist with the process of analysing whether reforms are aligned with or support the commission of inquiry findings and recommendations, we've recommended the development of a standalone impact assessment tool. We believe the use of such a tool would assist entities in their task of meaningfully considering and analysing the potential impact of reforms on child rights, safety and wellbeing, and promote public understanding of potential consequences, as well as ensure all reforms which require work across multiple agencies and departments are consistent with the government's objectives and commitments.

TasCOSS also believes there is an urgent need for legislative and policy reform which goes beyond the recommendations of the commission of inquiry in order to achieve the stated objectives of the implementation project. We acknowledge the government's work in establishing the Office of the Implementation Monitor. We look forward to supporting their work in providing expert and independent advice and recommendations relating to the implementation project, as well as other reforms, to address the underlying issues impacting both institutional involvement and child safety and wellbeing, both within and outside institutions.

Finally, TasCOSS continues to remain extremely concerned for the safety and wellbeing of children currently detained at the Ashley Youth Detention Centre. The latest data shows an increase in the number of children detained at the centre. Recent reports also highlight the ongoing lack of therapeutic supports available to detained children and the continuation of harmful practises such as lockdown. We will continue to advocate for the urgent transfer of all children currently detained at Ashley into community-based care, and the prioritisation of all recommendations aimed at preventing the involvement of children in the criminal, legal and detention centres.

**CHAIR** – Thanks, Adrienne. I might just go first, if I can, to the transparency and the accountable institutions to start with. I do that because we've had some evidence yesterday - I don't know if you were able to watch? No. Also, we've had a discussion with Robert Benjamin, the implementation monitor. His point was that his intention is to not necessarily have every recommendation delivered as written on the page, but the principle of it adopted.

To go to that, you talk about the development of a centralised website or a portal where community members and organisations can access up-to-date information, and you gave a couple of examples of other jurisdictions that have something along those lines. Have you put this to the government before? This is what we heard from other witnesses, that the victim/survivors that they've been dealing with are finding it frustrating to think that if there is work being done - which I don't doubt there is - it's not very visible to them. How do you see that working, and have you already suggested that to government?

**Ms TAIT** - Yes, we've put that to government multiple times. It's been a key recommendation in every submission that we've made so far relating to the commission of inquiry, which includes the work that we're doing with DPAC, but also other legislative and policy reform that we've been working on since the time that we started working on the project. We have advocated for the government to use this project and this work as a bit of an example of how best practice could work in this jurisdiction. We are hearing from DPAC and other agencies that there's a huge volume of work that's happening behind the scenes, and we want to support the government with what they're doing. We think that that work would be greatly

enhanced by a more public-facing approach to that internal practice that's happening within government.

We appreciate that this is a really significant policy shift but we think that this would actually be of enormous benefit, not only to the community but also to government, to try and implement the cultural change that they've committed to as part of the commission of inquiry. We've suggested, for example, the Keeping Children Safe reform team is the team that we work with most closely. We've suggested that they develop their own website, perhaps, as a bit of an example. You'll see from the examples that we've provided in the written submissions that this goes far beyond the commission of inquiry. Ideally this is something that will be used in relation to all legislative and policy reform that's happening that could impact Tasmanians.

**Ms PICONE** - Do you want to give an example of the ACT example?

**Ms TAIT** - Yes, so the ACT example and the South Australian example as well - this is a one-stop website where you can access ministerial diaries if you're interested, which is something that I know this government has also been considering. You can access community consultations. It's a lot easier - at the moment, to be perfectly frank with the committee, I find it very difficult to know what reform is happening because it's happening across a number of different websites.

**CHAIR** - You have to go to individual websites and find it on those websites.

**Ms TAIT** - Yes, and it's not always intuitive -

**CHAIR** - Which one it would be.

**Ms TAIT** - Which agency or department is in charge of reform. Having a centralised place where people can access information about what consultations are happening and how the consultation is occurring would be really beneficial. Having standardised processes for consultations - for example, different departments tend to have different timeframes allowed for public submissions, different modalities that are available. Some departments allow for online surveys or in-person participation, whereas other departments require a written submission, often within very tight timeframes, on quite complex legislative reform that many of our community members are simply not able to dedicate the time or resources to really understand or meaningfully engage with.

We've also asked for a longer timeframes and child-friendly participation models, as well as the development of a participation and consultation strategy. We developed our own TasCOSS consultation strategy as part of the initial work that we did developing project principles, and we've also provided that to the government, the Keeping Children Safe reform team, as an example of what we would say is best practice.

Finally, something that we hear a lot from organisations, particularly those who are working with vulnerable populations, is that it's very difficult for people who freely give of their time and share quite vulnerable information to then not have much of an idea about how information is used or weighed and evaluated in determining how the government is prioritising or implementing reforms. We would really urge the government to consider ways to meaningfully close that feedback loop with communities, whether that's a consultation analysis document that could be prepared and publicly available in relation to all community

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consultations, perhaps with targeted feedback sessions for populations who might be particularly vulnerable, for example a consultation on family violence would require targeted strategies to engage meaningfully with victim/survivors.

**CHAIR** - What's the response been to your suggestions?

**Ms TAIT** - I think that there's agreement that there needs to be some changes to consultation. There's also acknowledgement from our end, again, that this is a really significant piece of work, so it might take some time. But I have to say that we're not party to the heads of agency discussions, we just work with our one team in DPAC. I can say that based on the way that reform is currently happening within the Keeping Children Safe reform unit, there seems to be a genuine intent to change the way that consultation happens. We really support that and want to continue engaging with the government on that work, and really hope that that could be used as an example for how all consultation could happen across government.

**CHAIR** - I guess there is a balance between not diverting resources on delivering on the recommendations and doing something that would be really good to have. That's a balance, I suppose, for the team themselves and for the government.

**Ms TAIT** - It is a balance, but I think that that work is already happening. I'm confident that the government is analysing existing research consultations. That has already happened. We're hearing from DPAC that they are engaging in that work. What is missing is us being able to see and understand how that work is happening. It's about that information sharing and a more collaborative approach.

**Ms PICONE** - It's more than just us too, if I could just add to that. As we know with the commission of inquiry, there was such broad community engagement. It's one thing for the community to see the government sign up to all those 191 recommendations, but it's actually then about the doing. I think the broader community needs to have that confidence that things are progressing.

**CHAIR** - That's what we're hearing.

**Ms O'CONNOR** - That is what we're hearing. I've got a related question. It's about the level of engagement by government with the sector. Whether it's through TasCOSS or directly to those organisations, they're dealing with new safeguarding legislation, child-safe organisations they're required to be. What's your intelligence on the level of engagement with the sector, and understanding of these changes and their changed obligations?

**Ms PICONE** - As we know, the government established some change lead organisations, of which TasCOSS is one, and a couple of other peak bodies, as well as some organisations that you've probably heard from as part of this inquiry. We're certainly hearing - and I think for us this is a key issue as an organisation like TasCOSS, in an environment where organisations are already reeling from not just a cost-of-living crisis, but a cost-of-doing-business crisis.

In an environment where you have inadequate indexation, the resourcing that's been available to organisations to implement reforms like CYSOF (Child and Youth Safe Organisation Framework) and other compliance measures - well, there's been no additional resources, and that is a significant concern for us. This is a significant piece of work -

**Ms O'CONNOR** - Huge.

**Ms PICONE** - Huge. I would say that there are varying degrees of adoption across the sector. What we have heard from some organisations - we have a case study if you'd like to hear it - but what we've heard is that there is the potential for some organisations to actually stop delivering services to children and young people because they just can't accept the risk.

**CHAIR** - A case study would be helpful to have.

**Ms O'CONNOR** - It certainly would. What you've just described to us sounds at some level like not only a service risk to kids but a safeguarding risk to children.

**Ms TAIT** - Absolutely.

**Ms O'CONNOR** - If those organisations don't have their plans in place or are unaware of their obligations, there's a safeguarding risk as well, isn't there?

**Ms PICONE** - Yes, or don't have the resources to adopt. We know some organisations that have actually brought in some expertise, but not all organisations will be able to afford to do that.

**Ms TAIT** - I would say it's generally not consistent with the feedback that we're getting that organisations are not aware of responsibilities. Our feedback would be that organisations are very aware and really struggling to cope with implementing what they see as the legislative requirements in a way that's meaningful, because it does require a really significant shift again in cultural change of how organisations work meaningfully with children and young people. If it's okay with the committee, I will read it out.

**Ms O'CONNOR** - Do you have a case study there? That would be terrific.

**CHAIR** - That would be great to read out.

**Ms TAIT** -

Child sexual abuse has been removed from our public liability insurance and is now available as separate additional cover. While this additional cover is not required in our grant deeds, our board members were concerned about the considerable risk that if any allegation was made, the cost associated with any legal process would need to come out of our own funds. This led to three board members nearly resigning.

Consequentially, we stopped children under the age of 18 from accessing the centre. We have been subsidising the cost of our occasional childcare for the last few years. Taking into consideration the cost of insurance, we are now paying more to put on this service than the government is.

CYSOF requirements have come at a significant cost. We have put board members through training. Staff and volunteers need to undertake DECYP and read Aboriginal cultural safety information. While we believe this is

important work, the cost in staff time and administrative expenses is estimated around \$15,000 since CYSOF came into legislation.

Community organisations like Neighbourhood Houses were not included in the commission of inquiry, which focused on institutional abuse. We know we all need to work together to be safer for children, but we're often refuges for those escaping abuse, not for it taking place.

That was a case study provided by a particular neighbourhood house, and many thanks to Neighbourhood Houses Tasmania for providing us with that case study.

Additionally, we've heard from several other community-based organisations that the cost of complying CYSOF, in addition to other compliance work they need to do, is problematic. There is no additional funding to cover the hours necessary for staff training and policy drafting and re-drafting. This work takes staff away from actually supporting children and families who access these services.

There's a sense of confusion around what constitutes compliance and fear of getting it wrong. Ceasing service provision for children and young people has been discussed as the most effective way of mitigating the financial and reputational risk of harm being done.

**Ms O'CONNOR** - Can I just check there, is that case study confirming that there's a Neighbourhood House in Tasmania that has had to make a decision not to allow young people under the age of 18 into the Neighbourhood House?

**Ms TAIT** - Yes.

**Ms O'CONNOR** - That's breathtaking.

**Ms TAIT** - And just to say, in terms of what we have read in relation to evidence, what we've heard from community organisations across the state, what we have seen reflected in the existing Tasmanian framework, such as *It Takes a Tasmanian Village*, what the evidence suggests is that the most effective thing to prevent child sexual abuse and other harms happening to children and families is to keep families in community well-connected and supported.

These are the organisations that are place-based, that are on the ground, working with often our most vulnerable children and families. For those organisations to not have capacity or the support that they believe that they need to be able to engage with children anymore is extremely concerning to us and should be concerning to the Tasmanian government.

**Ms WEBB** - Can I follow up on that? Of course, if this issue was put to the government about funding that's needed and support resources that are needed, they would point to the additional funding and the quantum of funding that's going towards the implementation of recommendations from the commission of inquiry. It's positive that the quantum of funding that is allocated has been allocated, so we're not taking away from that, but listing out those things wouldn't be an answer to the question of what are these organisations to do?

Have there been any conversations with government about a structured approach to identifying resourcing need to properly do this implementation project? Has that conversation

begun or been held anywhere? Is it one that you're attempting to have with the government and in what reception are you getting, if you are?

**Ms TAIT** - I think that this is happening, these conversations are happening, but perhaps in particular areas. I know that it will be a consideration for the Uplifting Care reforms. My understanding is you've already heard from the Centre for Excellence in Child and Family Welfare. Certainly, their work is highlighting the need for there to be wide-scale change, including changes to financial models in terms of risk management, which we think would be a really crucial piece of work.

It's something that we also raised as an issue of consideration when we were speaking to the government about the alternatives of community-based care for children on bail, for example, how the government could have a shared risk management or compliance approach with community organisations so that that financial and risk burden could be shared between government and community organisations.

**Ms WEBB** - Yes, I have no doubt that you and the other advocates from the sector are making these arguments and putting forward the evidence base for them and the solid suggestions. My question was more related to, from the government side, what indication is there that there's an interest in taking a structured and planned approach to the addressing resourcing questions and needs? Has that been evident and if so, how is that progressing?

**Ms PICONE** - I think it really comes down to what does implementation mean? It's not just about legislative reform, it's about actually resourcing the organisations that will actually be part of that prevention and early intervention kind of support, and actually keeping people's children safe. I was just reflecting earlier on, maybe 10 or more years ago, there was some HACC (Home and Community Care) reform that happened across the sector, which was some significant reform, and all organisations that were involved in the HACC funding were provided with resources to update their websites and update their policies and make sure that they had the resources that they need.

There's a precedent there that, to me, seems like an appropriate response, and to recognise that this is a partnership. Government are not going to be able to solve all these problems by themselves. They need to be working in partnership with community services to make sure that we don't have this situation happen again.

**Ms O'CONNOR** - What level of resourcing - TasCOSS has put in a budget submission and some of it will be on behalf of the sector, and then there are other sector organisations that we know who have also put in budget submissions and are really, really struggling. Has there been any sort of broad work done on what level of resourcing is required to give full effect to the recommendations and the obligations on the sector?

**Ms PICONE** - Yes, I think there's broad agreement across the sector, as you say, Cassy, and particularly from the peak organisations about what sort of resourcing the sector needs in that sort of business as usual kind of approach. But clearly this is not business as usual, is it? This is something that's really most unusual, and I think that we need a different approach to ensuring that organisations have got the resources and support that they need to be able to respond.



**Ms O'CONNOR** - Isn't that a body of work though that would need to be done potentially with government to go, 'Okay, this is the sector that has to deliver on the recommendations around from prevention through to picking up the pieces at the end? We need to have an honest discussion about resourcing if you're serious about giving effect to these recommendations and creating the community and cultural change that we know is needed?'

**Ms PICONE** - Yes, and working with.

**Ms TAIT** - I think an important piece, too, relates to the prioritisation of reforms. I think implementing legislative change without putting in place the cultural change or the resourcing needed to effect cultural change is not going to - the evidence would suggest that legislation alone is largely ineffective in creating wide systemic change in relation to a number of issues. Even relating to legislative and policy change, to use the legal system as an example, we're seeing, for instance, changes made to the *Bail Act* which do include some commission of inquiry recommendations but actually go far beyond what was recommended in ways that might create perverse outcomes for children and young people, in our submission.

To implement legislative change without adhering to firstly the recommendations that relate to the need to update the principles of youth justice would seem to be putting the cart before the horse, if I could put it that way. Obviously, anything that we do in the space of youth justice should be informed by those new principles which the commission of inquiry said we needed. If we're not engaging in that piece of work as a first step, I think that what we're doing is going to be largely meaningless and potentially counterintuitive or harmful.

I understand the reasoning perhaps for the government. We think that the government is trying to show that they are doing the work, that the commission of inquiry -

**Ms O'CONNOR** - Of course. It's a huge amount of work and goodwill.

**Ms PICONE** - Yes, huge and complex.

**Ms O'CONNOR** - Absolutely.

**Ms WEBB** - Can I pick up on that sequencing matter? Because I think this is really key. I'm interested to know, so the core of my question is going to be about what opportunity is there for you and others involved in this as leads to discuss and suggest changes to sequencing that we see that have been laid out.

One of the areas that I'm particularly alerted to, for example, because of other evidence we've heard is the out-of-home care reforms. We have a 2026 deadline on shift to the NGO sector and we've got a 2029 deadline on a strategic plan for the out-of-home care sector, a workforce strategy, and particular training requirements coming in. They're three years later than the shift to the sector.

**Ms TAIT** - Yes.

**Ms WEBB** - This, in my mind, is absolutely astounding, to think that we would shift this whole service to the NGO sector without a strategic plan, without a workforce plan and without training already in place and underway to ensure that the capacity is there. Is that a concern for

you too about sequencing? How have you been able to speak into that space to try to make change?

**Ms TAIT** - Yes, it's a concern for us. I think those exact examples you used were also used in written submissions that we have made to the Keeping Children Safe unit at DPAC. I think we're not alone in making those recommendations. My understanding is that the government would like to adhere to the timeframes that it has set out in its response to the Commission of Inquiry. What we have asked for consistently is for that to be a more iterative process and for there to be community input into how those changes can be made meaningfully rather than adhering to a simple timeline.

At the moment, I don't think we can say that there has been genuine consideration of the concerns that have been raised by community organisations in relation to the time frames. It could be that there is a very good reason for that, which is difficult to know because -

**CHAIR** - The lack of transparency.

**Ms TAIT** - a lot of that work is happening around agencies and departments that we don't have any regular contact with. Certainly the people within DPAC who we are working with want to hear our concerns.

**Ms WEBB** - Do you think that there's an opportunity then - to some extent the tranches as they're laid out by the recommendations relate back to what was in the commission of inquiry report and how things were identified there regarding priority and laying them out. Maybe the government is putting fidelity to the initial inquiry report ahead of actual, practical, what makes sense and what will deliver the best outcome.

To help them shift in that, is the implementation monitor now a good avenue for it? Especially given who has been appointed to that role - one of the commissioners. Have you then potentially been interacting with or planning to interact with the implementation monitor to feed these discussions through to him because it's potentially his influence and view, if it's shared, that might be able to help the government make the shift?

**Ms TAIT** - Yes, we would agree with that. We're meeting with the reform implementation monitor next week. We're hoping to be able to work really collaboratively with his office. My understanding - again, we haven't had the opportunity to hear the evidence that was presented yesterday, but certainly when we're talking to other community-based organisations, our understanding of Robert Benjamin's position is that the reform that's needed goes beyond the commission of inquiry work in order for it to be meaningful. We're really heartened to hear that that's going to be the approach and we would do everything within our power to work collaboratively with him.

The other policy reform that we're suggesting would hopefully feed into that work, and we would hope any changes to accountability or transparency processes within DPAC or other government departments could be developed in partnership with the implementation monitor. If for no other reason than that we have an independent expert who is totally across the commission of inquiry recommendations, it's an amazing opportunity for us to develop something that could potentially be nation-leading in the way that these reforms are implemented.

**CHAIR** - Can I go to another area? You've talked about or recommended the development of a statement of compatibility, which sounds to me - the way you've described it - it makes absolute sense. This is something that's been raised previously with the government and has been in relation to the commission of inquiry or more broadly. It applies regardless of what the - broader than the commission of inquiry. Is this also something you might raise with Robert Benjamin when you see him?

**Ms TAIT** - Yes, this is something that we've raised in various formats. As you would know, TasCOSS has long been advocating for the implementation of a human rights act in Tasmania and the concept of a statement of compatibility comes from jurisdictions where those instruments are in place. It's a legislative requirement for jurisdictions such as the ACT, alongside any proposed legislative reform to be accompanied by a statement of compatibility, which is a public awareness raising tool as well as a process for government to meaningfully consider human rights implications. Obviously, we also have examples from other jurisdictions where those statements of compatibility aren't necessarily successful in creating outcomes which are adhering to human rights. At least there's a level of transparency and accountability about how government is weighing and evaluating human rights in relation to particular groups with other obligations.

We have also advocated with the Tasmanian government more broadly, but also with the Keeping Children Safe reform unit, for the use of tools such as the Child Rights Impact Assessment tool, which is a tool that was developed by the Australian Human Rights Commission and endorsed by the National Children's Commissioner. Going back to the point about CYSOF, what we're really trying to create is a culture of safety in all Tasmanian organisations - the institutions that have been acknowledged by the commission of inquiry as not fulfilling those obligations and the community organisations that always have and will continue to support the children and families who are impacted by those failures.

We think that the Child Rights Impact Assessment tool is a really fantastic example of what could be used. It might be of benefit, however, for a specific tool to be developed for the commission of inquiry project, with more specific consideration of what the underlying principles of the commission of inquiry were and how those could be meaningfully adhered to. Noting that there will be tension with how different priority groups experience the legislative and policy responses from the government about how to make the change that's needed, if there is to be a tool, we would recommend that it's developed by an independent expert such as the implementation monitor, ideally in collaboration with community organisations or the Commissioner for Children and Young People, who obviously has a vast wealth of experience working with Tasmanian children and young people.

**CHAIR** - I think it sits more with the Commissioner for Children and Young People because the implementation monitor's role is quite large. He is also tasked with measuring outcomes, which is really important. It is good that's there. For this sort of tool, which can then be applied - I note you gave the example of the Police Offences Amendment (Knives and Other Weapons) Bill and I thought that was an interesting description of how the flow-on effect might not be picked up without such a tool - I'm just wondering, do you think it better sits with the Commissioner for Children and Young People, just in the development of it? I mean it would be across the whole sectors.

**Ms TAIT** - I think both would be relevant because we wouldn't want anything that's developed to be inconsistent with the way the reform implementation monitor is going to

consider how legislation and other work is consistent or not consistent with the commission of inquiry recommendations. The benefit, I think, of this tool would again be that it's forward-facing. We understand that the reform implementation monitor, the monitoring and reporting, it's not going to be foreshadowing reform. There's a need for that transparency to happen both before reforms - and I should say as well, we're aware that the government does consider various things when legislation and policy changes are being implemented.

**CHAIR** - Not very transparently though.

**Ms TAIT** - Well - and this is part of the process, perhaps this is again a tool that could be of assistance to the government. We don't want this to be something that's a burden on government or seem to be just another checkbox. However, again, because reform is happening in a way that's very difficult for the government and other agencies to manage, we think it's something that could be helpful. I agree that it is something that has to be meaningful for the experiences of children and young people in this state, so the Commissioner for Children and Young People is obviously an entity which we would say would have to be involved.

**Ms WEBB** - I'm interested to talk about AYDC. You mentioned in your opening statement you still have grave concerns about the fact that it's open and there are still kids there, and in fact still reasonable numbers of kids there, unfortunately, and many of them on remand rather than -

**Ms LOVELL** - The majority actually.

**Ms WEBB** - Yes, the vast majority. You mentioned that you would still like to see that they are put in other circumstances right now rather than in detention in that centre and that there would be community-based options. Where are discussions up to with the government from, for example, the sector who can offer community-based options for kids who are currently there? Has that progressed at all? What are the blockages to that actually occurring?

**Ms PICONE** - There has been a long-standing conversation that's been happening in this and something that we have been advocating for some time, because we really do believe that there is that capacity and capability across community organisations. They're the ones that work with these children before they get to Ashley and after they leave Ashley. So there has been some progress that has been happening and I guess conversations have been happening. Unfortunately it's not really translating to numbers. What we know is that over the last year those numbers have continued - and they go up and down, but they're not going down in the ways that they should be going down. I would probably say it's still a conversation in progress.

**Ms WEBB** - Is there any indication that provided with a viable model for community-based care for children currently there, that the government would take up that option and progress it? To clarify that, the context for me is that I still hear the government say, 'Well, we've got no other options about where to put them'.

**Ms O'CONNOR** - Constantly.

**Ms WEBB** - I think that that's wrong. I think, as you say, the community sector works with these children when they're in special packages in out-of-home care or in all sorts of other circumstances where they're in the community before and after they're in Ashley. I presume a

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viable option is being presented to government and at the moment the government is refusing to take that option.

**Ms PICONE** - It also comes down a bit again to resourcing. Just because an organisation may have the capability, they may not necessarily have the capacity. It may be that they'll need to adapt some of their services or their ways of working. I would say that - yes.

**Ms WEBB** - I wonder how it compares to the cost of Ashley.

**Ms LOVELL** - Has that kind of plan been put to the government with that level of detail around additional resourcing and the extra support organisations would need?

**Ms PICONE** - There is a group that's been set up that is working towards establishing solutions to providing alternatives to children in Ashley, but I think it's probably progressing slower than we would certainly want it to.

**Ms LOVELL** - Was that group set up by the sector or by the government?

**Ms PICONE** - By the government, yes, but working with sector organisations.

**Ms O'CONNOR** - What's the latest information the government's provided to that group about progress on the closure of Ashley and development of the alternative?

**Ms TAIT** - We're a part of the youth justice community engagement group, but we're not a part of the taskforce. As part of our role in the community engagement group, we were involved with some preliminary discussions about the model of care and some workshops that happened across the sector. Since being involved in that initial workshop that Adrienne spoke to about the community-based alternatives to bail, we haven't received a response. However, it could be because we're not part of the youth justice taskforce. Perhaps -

**Ms O'CONNOR** - Who is on the taskforce?

**Ms TAIT** - I can't actually remember all of the members of the taskforce, but community organisations.

**Ms O'CONNOR** - It's not an internal government -

**Ms PICONE** - No, community organisations that work in this.

**Ms TAIT** - That's right, so it would probably be best to direct those inquiries to a community-based organisation that's a member of the taskforce, but again, as far as we're aware that project is still in train. It's not something that has resulted in -

**Ms WEBB** - Moving very slowly. I presume that the community sector organisations, TasCOSS included, would stand ready to present a model and the relevant costings that would be associated with that model now.

**Ms TAIT** - Yes.

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**Ms WEBB** - The government presumably has not asked for that or at least is not willing to look at that at this point in time - only within slow-moving processes they've already got in train?

**Ms O'CONNOR** - Too many jobs at Ashley, Meg, that's what they're more concerned about.

**CHAIR** - I'll take that as a comment.

**Ms O'CONNOR** - Yes, well, I think it's a fact. Politics.

**Ms WEBB** - I'm also interested because some of your member organisations would be currently delivering services at Ashley and involved in that environment. Is there anything you can report to us in relation to the situation that's there at the moment and the level of concern or risk that is currently being found there?

**Ms TAIT** - The comment that we included in our submission was based on the report from the Custodial Inspector, which confirmed that restrictive practices such as lockdowns are continuing and that's consistent with the information that we've received. We have also heard anecdotally from community organisations that they are having difficulties in accessing Ashley, although there are other community organisations that have been able to provide services to children. Whether that's relating to staffing shortages or other concerns that were also highlighted in the Custodial Inspector report, we don't know, but there are therapeutic services who are telling us that they want to attend Ashley to provide services and they're not able to do so.

**Ms WEBB** - That's concerning, isn't it?

I'm interested too then in terms of the out-of-home care space and that there are significant matters relating to that space in the recommendations. We've just talked earlier about the sequencing problems potentially there. Are there any other aspects in that space that TasCOSS in talking to members and the sector are aware of that are of particular urgency that we should turn our attention to in terms of implementation? Either because it's being implemented but there are concerns raised or it's not being implemented yet and that's becoming more of a concern.

**Ms TAIT** - We would say, obviously, the committee has heard from the Centre for Excellence and we would be really wanting to be working collaboratively with them and understand that they are doing an amazing job engaging with community services. We haven't had the opportunity to hear how they've responded and wouldn't want to undermine anything that they that they have said. We know that a lot of what the centre is asking for is really consistent with what we've been asking for; for example, the development of learning and development packages to support workers. We have been working collaboratively with the centre since they started working in Tasmania and look forward to continuing that collaboration.

We would also ask the committee to consider the implications for Aboriginal community organisations and Aboriginal communities, particularly in relation to their commitment to fully implement the Aboriginal child placement principle and how those organisations are being resourced to meaningfully engage with the reforms that are happening, and to ensure that

reforms that are happening in the out-of-home care space are, again, also consistent with reforms that are happening in other areas, such as the development of the Aboriginal justice strategy.

Of course, we would say that these reforms are not reforms that can happen alone. We know that the vast number of children who are involved in the criminal legal system are children who have care experience or who are in out-of-home care or residential care. For these reforms to be happening in ways that - I can understand on the one hand why that is happening, but there needs to be thoughtful consideration about how these reforms can happen in ways that are complementary, particularly, I would say, in relation to priority groups in both of those institutional environments.

**Ms WEBB** - I would suggest that that's an excellent conversation to also have with the implementation monitor, whose input and thought into that space may be well-regarded in that sense.

**CHAIR** - Can I just ask something on the broader question there, particularly with some of the Aboriginal considerations about the communities: do you think there's an important place here for the federal government responding to some of the funding needs and that sort of thing in this space as well? I mean, Tasmania's budget is not unlimited, it's under a lot of pressure already. How do you see that working?

**Ms TAIT** - Definitely, I think that that's really important. In this and other areas, for example, we have advocated for the recommendation relating to Tasmania receiving the benefit of the full package of strategies under the prevention strategies relating to the national plan, for instance. We see that as crucial. There are Tasmanian organisations; we're really lucky to have experts within Tasmania who are part of national committees. For example, Wendy Moore, the Tasmanian Aboriginal Centre representative on SNAICC, is very well-placed to speak to how, at a national level, those bodies are being developed and implemented and resourced.

We would really ask the Tasmanian government to embrace consistency where possible with that reform that's happening in a national level. Yes, we would support additional funding from the federal government; we would see that as crucial, as well as more active engagement in relation to issues which have, perhaps traditionally, been the responsibility of states, which could benefit perhaps from some involvement from the federal government.

**CHAIR** - Some of these areas of health and education have national partnerships, payments. Child safety is a matter for the whole country, so I'm not sure where that's at. I wonder whether that's something that should be progressed more fully.

**Ms O'CONNOR** - Historically, there have been national partnerships on child safety. I wonder what's happening now.

**CHAIR** - I know. That's what I'm saying; that's my point, yes. Maybe that's something that could be evaluated again, particularly with the federal election coming up.

Look, we are out of time. Is there anything that you wish to say but haven't said yet, or really wanted to emphasise before we wrap up?

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**Ms PICONE** - No, I think what we really wanted to do is emphasise our principles and really speak to our submissions. I feel like we've done that, unless you want to add anything?

**Ms TAIT** - No, unless there's any point that we raised that you would seek some further clarification on, or further questions?

**CHAIR** - No, the submission and the evidence you've provided has been really helpful for the committee. By all means, feel free to provide further follow-up to the committee if you wish to, particularly after your meeting with the implementation monitor. We know a lot of the organisations we're hearing from are meeting or planning to meet with him. He's got a very full schedule as I understand it, so if there's anything that you wanted to feed back to the committee in relation to that, we welcome that. You can write to the committee on that if you wish.

**Ms WEBB** - I had one tiny - just to check with them one thing.

**CHAIR** - You're turning into Sue Napier. That's what she used to do all the time. Anyway, yes.

**Ms WEBB** - It's not mentioned in your submission. We haven't spoken about it, but I'm wondering about the Office of the Independent Regulator and whether you have views on how that's going in terms of the implementation of that space? Perhaps, knowing we're pressed for time now, if it's something you've got some things to share on, perhaps we could write to you and ask for reflections on that. Would that be alright?

**Ms TAIT** - Yes, and just to say, for the record, that there are resources available through that office and we are trying to facilitate engagement where possible with that office. We have set up, it's like a peer learning network for community organisations around CYSOF, where community organisations can share experiences and resources. That network has had regular engagement with that body and people are reaching out to that entity for information and advice. That is happening, but I can give a more fulsome response in writing if that's preferred.

**CHAIR** - Could you define CYSOF for the benefit of Hansard?

**Ms TAIT** - I'm sorry, the Child and Youth Safe Organisations Framework. Apologies.

**Ms WEBB** - I sent a note to Hansard about that.

**CHAIR** - Thank you both for your time and for the effort you've put into the submission, as well as appearing today. It is really valuable for the work of the committee. Thank you.

**Ms O'CONNOR** - Thank you, and have a good day.

**THE WITNESSES WITHDREW.**

**The committee adjourned at 9.51 a.m.**