

FACT SHEET

Commission for Children and Young People Bill 2025

The purpose of the Bill is to establish a Commission for Children and Young People (the Commission), as recommended by the Commission of Inquiry (COI).

The Bill establishes the following roles in the Commission:

- Commissioner for Children and Young People;
- Commissioner for Aboriginal Children and Young People; and
- Child Advocate.

The Independent Regulator and Deputy Regulator under the *Child and Youth Safe Organisations Act 2023* will also form part of the Commission.

The provisions commence by proclamation and will be commenced in stages. Consistent with the Government response to the Commission of Inquiry, commencement dates will be staged to align with the timeframes outlined in the Tasmanian Government's response to the COI's report, and to reflect the time required to set up the new Commission logistically.

Once all provisions are proclaimed, the person appointed as the Commissioner for Children and Young People will also be the Independent Regulator. This is scheduled to occur after the completion of the current Independent Regulator's term of appointment, and reflects a transition period as was contemplated by the COI.

The Bill provides the functions and powers of the new Commission. This includes advocating, upholding and promoting the rights of children and young people and monitoring the operation of the out-of-home care and youth justice systems.

All Commissioners can perform the functions and use the powers as provided by clauses 8 and 9 of the Bill. Individual Commissioners also have specific functions and powers that only that Commissioner can undertake, unless delegated (see clauses 11, 12, 13 and 14).

Consultation

The Bill has been amended to address feedback as far as possible which was received during the public consultation process. Changes include strengthening the role of relevant United Nations Conventions, clarifying that the Commission undertakes systemic reviews and is not an individual complaint-handling body (while emphasising its advocacy functions), substantial redrafting of Part 5 (Information Management), providing definitions for key terms, removing the provisions for Commissioners to vote on matters, and providing whistle-blower protections for people providing information to the Commission, amongst other changes.

Commissioner for Children and Young People

The Bill provides the Commissioner for Children and Young People with a systemic oversight role. The Commissioner will perform many of the functions and powers of the Commission under clause 8 of the Bill.

The functions of the Commission generally include advice and recommendations to Ministers and organisations, investigating and influencing policy development of Government, conducting inquiries into systemic matters, advocating for children, promoting the wellbeing of children, empowering and upholding the rights of children,

monitoring the care of children in out-of-home care and youth justice, and other important functions specified in the Bill.

Following the transitional period, as intended by the COI, this Commissioner will also be appointed to the separate office of Independent Regulator under the *Child and Youth Safe Organisations Act 2023*. Holding these two statutory offices will expand the Commissioner's role to include oversight of the Child and Youth Safe Organisations Framework, entities' compliance with the Child and Youth Safe Standards, and enforcing the Reportable Conduct Scheme.

Commissioner for Aboriginal Children and Young People

The Commissioner for Aboriginal Children and Young People is an independent Commissioner who will advocate for Aboriginal children and young people and will be a person who is known to be Aboriginal or Torres Strait Islander.

The functions and powers include monitoring and investigating the experiences and treatment of Aboriginal children and young people in out-of-home care and youth detention, promoting the safety and wellbeing of Aboriginal children and Aboriginal young people, and assisting Aboriginal children and young people to make complaints to statutory complaint authorities, such as the Ombudsman.

Child Advocate

The Child Advocate is another independent Commissioner who will establish and administer an independent community visitor scheme and a permanent advisory group relating to out-of-home care.

The Child Advocate will advocate for children and young people, inquire into youth justice services or out-of-home care services if a concern has been raised about the provision of those services and assist and support children and young people to make complaints to a statutory complaint authority, or with consent, to make a complaint on that child or young person's behalf. The Child Advocate will also uphold and promote the rights of children and young people in detention facilities and out-of-home care.

Independent Visitor Scheme

Independent visitors may be appointed by the Child Advocate and the Commissioner for Aboriginal Children and Young People.

Under the independent community visitor scheme, independent persons will visit facility residents in detention facilities and children in out-of-home care. Regulations will prescribe operational details of the scheme. The Child Advocate is to consult with the Commissioner for Aboriginal Children and Young People on how the independent visitor scheme will apply to Aboriginal children and young people.

Inspection of detention facilities

Commissioners will be able to access and inspect detention facilities where a child or young person is detained, to monitor their safety and wellbeing.

Commission Inquiries

The Commission or Commissioners will conduct inquiries into services, policies or practices of an organisation or agency, government or non-government, which provide services that affect children or young people.

The Commission and Commissioners can table reports in Parliament on any matter arising in connection with the performance of functions or exercise of powers, within the jurisdiction of the Commission or a Commissioner.

Joint Standing Committee

The Joint Standing Committee will provide oversight of the Commission and will consist of Members of the Parliament. The Joint Committee's functions and powers include monitoring and reviewing the performance of the functions of the Commission and each Commissioner.

After three years, the Joint Committee will review the Commission and table a report on the review, including any recommended actions to be taken in relation to the Act.

Reviews of the new Act

As well as the Joint Committee's review of the Commission after three years, a statutory review of the Act is set at 5 years after the appointment of the first Commissioner.

Information Management

Commissioners will have specific powers in relation to obtaining and using information. The identity of a child or young person is to be protected if identifying information is disclosed to the Commission. Any person, including Government Departments can provide information to the Commission. The Commission or a Commissioner can request information and will be able to compel information from persons or bodies including Government Departments (but excluding some relevant bodies such as the Integrity Commission and Ombudsman) if required.

The Commission will share information with relevant authorities, if it is appropriate and lawful, and if it is necessary to prevent or reduce a serious threat to health, safety or welfare, or to enable allegations of misconduct or criminal behaviour to be investigated.

Confidentiality provisions apply to protect information.

The Commission will liaise with other relevant statutory authorities and official bodies to prevent duplicative inquiries, where appropriate.

The Bill provides protections from reprisal and liability for persons performing a function or exercising a power under the Act.

Commencement

The provisions in the Bill will commence by proclamation and will commence in two or more phases. This reflects the COI timeframes and enables the necessary transitional and operational matters to support the operation of the Commission to be undertaken.