

14th February 2025

To: coir@parliament.tas.gov.au

Dear Inquiry Secretary,

Submission to Commission of Inquiry Scrutiny Committee – implementation of Final Report recommendations

I am pleased to provide this submission from Save the Children and 54 reasons. Save the Children is a global organisation that exists to uphold children's rights. 54 reasons is our Australian delivery identity – our name refers to the 54 articles in the United Nations Convention on the Rights of the Child (CRC). We have worked in Tasmania for many years, with rights-based services spanning early years, school-age wellbeing and engagement support, family support and restoration, and youth justice early intervention, bail, throughcare and post-detention support, including intensive case management services.

This submission responds to the Committee's call for submissions about the implementation of the 191 recommendations in the Commission of Inquiry's Final Report. First, we comment on implementation of the recommendations relating to bail support, throughcare and related services. Second, we share our perspective on the draft *Change for Children* Strategy and Action Plan.

1. Recommendations relating to bail support, throughcare and related services

The Commission of Inquiry's Final Report recommends that the Government maximise opportunities for children and young people to be admitted to bail and minimise the number of children and young people on remand. As part of this, the Final Report recommends that the Government "examine the effectiveness of the existing bail support program with a view to expanding its capacity and funding additional bail support programs".¹

The Final Report notes that Save the Children (54 reasons) provides the statewide 'Supporting Young People on Bail' program and refers to the Tasmanian Aboriginal Legal Service's supportiveness of the program. The Final Report states: "the Government should examine the effectiveness of this program, consider the appropriateness of its eligibility criteria, and determine whether it needs increased funding, so more children and young people can be assisted with more intensive support, or whether additional bail support programs should be established".²

The Government is currently reviewing the bail support program. As the provider of the program, we are engaging with the review team and supporting the review's inquiries in every way we can. We do not wish to preempt the review, but to assist this Committee's current inquiry, we provide the following general observations about the statewide **bail support** program:

- The statewide bail support service delivered by 54 reasons is a mature and well-evidenced program that plays an essential role in reducing rates of detention and reoffending.³

¹ Recommendation 12.14.

² Final Report, pp 94-8.

³ Data about reduced returns to court and reduced returns to detention for young people who participate in the program is regularly reported to the Department for Education, Children and Young People.

- There is significant unmet demand for the service across the state, and the program is readily scalable to expand its capacity to meet this demand, subject to adequate funding being available.
- The Commission of Inquiry's Final Report raises a question, in passing, about whether the service is available for children and young people with child protection involvement. We confirm that the services does work with children and young people with child protection involvement.
- The Final Report also recommends that the Government "establish and fully resource a statewide 24-hour bail system for children and young people".⁴ We understand the Government is in the process of establishing this 24-hour system. There would be value in ensuring appropriate referrals and other connections between the new 24-hour system and the existing (or any expanded) statewide bail support service and other relevant services.

The Final Report also recommends the establishment of an integrated **throughcare** service for children and young people in detention **including post-release wraparound services**.⁵ To assist the Committee, we make these general points about the implementation of this recommendation:

- In our experience, adequately resourced throughcare support that is integrated with support for children and young people to transition from detention and post-release services is critical. It should be available to all young people who are exiting detention. However, this support is not currently consistently available.
- 54 reasons' existing Reboot program includes a *Supporting Young People on Bail* stream (the statewide bail support service described above) and a *Transition from Detention* stream. The Reboot program is also designed to provide integrated throughcare support, and our teams are experienced in working within Ashley Youth Detention Centre. The program would be well placed to provide support that integrates across bail support, throughcare, and post-release services, resulting in more consistent, integrated and effective support and intervention.

The Final Report makes a number of other recommendations aimed at reducing the number of children and young people in detention, including through **earlier intervention and diversion**.⁶ Again, 54 reasons has significant experience supporting children and young people at these earlier stages, including through our intensive case management model, and we are aware of substantial existing service gaps in this part of the system. One particular gap that exists at all points of intervention is a lack of adequately resourced services that work with caregivers to support them to play an active and positive role in meeting their child's needs through a whole-of-family model.

Lastly, we highlight that children and young people are too often spending a disproportionate amount of time in legal 'limbo' as they await their matter to be processed through court. Through our bail support program, we work with children and young people on a daily basis who are waiting extended periods for the outcome of their court matter or sentencing. We have consistently recommended that community conferencing is used more widely by police as a first resort

⁴ Recommendation 12.14.

⁵ Recommendation 12.24.

⁶ Especially recommendations 12.11 to 12.15.

diversionary option. We therefore welcome the Final Report's recommendations relating to these matters,⁷ and look forward to further details of their implementation.

2. Draft *Change for Children* Strategy and Action Plan

Change for Children is a central component of the Government's implementation of the Final Report's recommendations. Its development is itself a key recommendation of the Final Report.⁸ For these reasons, we provide below our overarching comments on the draft *Change for Children* Strategy and Action Plan. These comments substantially reflect our September 2024 submission to the Government's public consultation about the draft Strategy and Action Plan,⁹ updated to reflect more recent developments.

We welcome the draft *Change for Children* Strategy and Action Plan. We particularly support the Strategy's commitment "to build and strengthen a system that upholds children's rights, and values the expertise of victim-survivors" and its recognition that: "A truly child-centred system has children and children's rights at its heart, and the expertise of victim-survivors is engaged and respected across all parts of the system."¹⁰ We also welcome the Strategy's explicit focus on accountability.

To achieve the Strategy's objectives relating to children's rights and accountability, we suggest the draft Strategy could be strengthened as follows:

- a. **Be clearer that the Strategy commits the Tasmanian Government to upholding all rights of children as enshrined in the CRC, and using all levers available to government to do so.**

The draft Strategy refers to children's rights in a number of places. This is important and welcome.

For example, the draft Strategy states that the *National Principles for Child Safe Organisations*, as legislated in Tasmania's *Child and Youth Safe Standards*, give effect to the rights of children by translating them into organisational standards and practices, and guide the Strategy and Action Plan itself. We agree this is essential. Full implementation of the *Child and Youth Safe Standards* across all Tasmanian Government agencies and community organisation partners is a foundational part of upholding children's rights in Tasmania.

However, implementing the *Child and Youth Safe Standards* should not be misinterpreted as being the only dimension of the Tasmanian Government's obligation to uphold children's rights. Government has a broader responsibility – and accountability – that:

- Includes addressing and establishing the underlying conditions and drivers, root causes, and structures that determine whether children's rights are upheld (rather than being limited to a focus on the point of potential or actual harm), and
- Encompasses all dimensions of children's rights – sometimes articulated as including children's rights to protection from harm, participation in decisions affecting them, and provision of services and supports (rather than being limited, as the draft Strategy at times appears to assume, to children's right to safety).

⁷ Recommendations 12.13 and 12.15.

⁸ Commission of Inquiry Final Report, recommendation 19.1.

⁹ Available at <https://www.savethechildren.org.au/getmedia/128eebf1-9177-48cc-a414-ac0b58095bca/54-reasons-submission-change-for-children.pdf.aspx>.

¹⁰ Draft Strategy and Action Plan, pages 3 and 25.

We recommend that the *Change for Children* Strategy be explicit about the Government's broader responsibility to ensure children's rights are upheld across all aspects of their lives, as outlined above. This comprehensive rights-based approach should be reflected in arrangements for oversight and implementation of the priorities and actions in the Strategy and Action Plan.

b. Ensure that relevant systems are fully rights respecting and comply with international human rights standards and requirements.

The Strategy and Action Plan is an opportunity for the Government to be clear in setting out its intent to respect, protect and fulfil human rights, and to set out a comprehensive roadmap for action that is directly guided by human rights principles. For example, our [Putting children first](#) report outlines what a rights-based roadmap for youth justice would include.¹¹

c. Further strengthen the emphasis on enabling children and young people to be heard and taken seriously within organisations and institutions.

Meaningful investment in enabling children's participation in decisions that affect them is a foundational requirement for achieving the aims of *Change for Children* and genuinely implementing the recommendations of the Final Report.

This should include a focus on ensuring that organisations and institutions prioritise establishing the systems and processes, and building the culture and capabilities, to enable children and young people to be heard and taken seriously in all relevant contexts. Importantly, children and young people's right to participate includes both:

- a right to raise concerns and provide feedback about matters directly relating to their own individual safety and wellbeing, through accessible, appropriate and safe channels, and
- a right to participate meaningfully in broader organisational decision-making at all levels, including the most senior and whole-of-organisation levels.

d. Increase the emphasis on improving the collection, sharing and use of data.

Effective use of data is an essential enabler for the Strategy's success. A particular focus should be improving how data is used to identify children at most risk early on and target effective services for them and their families. Another focus should be improving the use of children's own views and feedback – however they share this – as a source of data, in its own right and in combination with other types of data.

e. Commit to ensuring that the legislation, resourcing and other arrangements for the new Commission for Children and Young People complies with the Paris Principles.¹²

The Paris Principles, as authoritatively elaborated by its supporting General Observations, establish minimum standards that human rights institutions should meet. They provide the

¹¹ Save the Children and 54 reasons, 2023, *Putting children first: A rights respecting approach to youth justice in Australia*.

¹² United Nations General Assembly Resolution A/RES/48/134. See <https://ganhri.org/paris-principles/>.

best available guide for design of the new Commission, particularly in the context of the draft Strategy's appropriate emphasis on human rights and accountability.

We were not in a position to review in detail the consultation draft of the Commission for Children and Young People Bill 2024 released last year. However, we support the recommendations made by the existing Commissioner for Children and Young People's submission about the consultation draft Bill.¹³ In particular, we support the Commissioner's recommendations that:¹⁴

- The 'principles' clause of the legislation establishing the new Commission should be explicitly based in the CRC¹⁵
- Children's participation in the establishment, implementation and ongoing operations of the new Commission should be prioritised, and included in the legislation where relevant¹⁶
- The legislation should explicitly recognise, and substantively embed, the right to self-determination of Aboriginal peoples
- The new Commission should be adequately resourced, noting that this will be essential to implementing the Commission of Inquiry's recommendations in its Final Report.¹⁷

Thank you for the opportunity to provide this submission. Please don't hesitate to contact me if we can provide any further information.

Kind regards,

Claudia Lennon

Claudia Lennon

Director – NSW and Tasmania

Acting National Executive Director

54 reasons



¹³ Available at <https://childcomm.tas.gov.au/wp-content/uploads/2024/12/2024-12-19-CCYP-submission-on-new-Commission-for-Children-and-Young-People.pdf> ('existing Commissioner's submission').

¹⁴ We have paraphrased the existing Commissioner's recommendations below. Please refer to the full submission for more detail.

¹⁵ Pages 13-18 of the existing Commissioner's submission.

¹⁶ Pages 18-23 of the existing Commissioner's submission.

¹⁷ Pages 33-34 of the existing Commissioner's submission.