



Tasmanian Council of Social Service Inc.

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# Submission to the Parliamentary Joint Sessional Committee inquiring into the Recommendations of Final Report of the Commission of Inquiry

*February 2025*



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## About TasCOSS

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TasCOSS' vision is for one Tasmania, free of poverty and inequality where everyone has the same opportunity. Our mission is two-fold: to act as the peak body for the community services industry in Tasmania; and to challenge and change the systems, attitudes and behaviours that create poverty, inequality and exclusion.

Our membership includes individuals and organisations active in the provision of community services to Tasmanians on low incomes or living in vulnerable circumstances. TasCOSS represents the interests of our members and their service users to government, regulators, the media and the public. Through our advocacy and policy development, we draw attention to the causes of poverty and disadvantage, and promote the adoption of effective solutions to address these issues.

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# Introduction

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TasCOSS welcomes the opportunity to participate in the Parliamentary Joint Sessional Committee - Recommendations of Final Report of the Commission of Inquiry ('the Inquiry').

The Tasmanian Government has committed to fully implementing all recommendations from the Commission of Inquiry into the Tasmanian Government's Responses to Child Sexual Abuse in Institutional Settings ('the COI').

We welcome this Inquiry as an opportunity to reflect on and acknowledge progress already made as part of the Tasmanian Government's project to implement the recommendations ('the Implementation Project'), a comprehensive program of system-wide reform to improve the way agencies respond to and protect Tasmanian children and young people from child sexual abuse. The Inquiry is also an opportunity to highlight what we believe to be key issues impacting the effectiveness of the Implementation Project to date.

Our submission is informed by our experience working alongside the Keeping Children Safe Reform Unit within DPAC as part of the Implementation Project – a brief overview of our involvement in this project will be provided below, as well as our project principles, which are guiding our work. This submission is not intended to provide a comprehensive overview of the view of Tasmanian community organisations in relation to the Implementation Project, but rather an opportunity to share our observations – formed by participation in the Implementation Project, as well as regular engagement with community organisations across the state – in relation to how the Implementation Project is not only delivering on the implementation of recommendations, but also promoting and protecting the safety and wellbeing of Tasmanian children.

## **TasCOSS' role in the Implementation Project**

The Tasmanian Government has engaged TasCOSS to work alongside other Tasmanian community organisations on the implementation of the recommendations from the COI. The work we have undertaken as a part of this project has included the following:

- Development of a set of internal project principles to guide TasCOSS' involvement in the reform implementation project;
- Development of a consultation strategy designed to guide the Department's engagement with the community services industry;
- Development and implementation of resources, training and other forms of assistance as needed to support community organisations to enact policy and practice changes in support of COI recommendations and other work related to child safety and wellbeing;<sup>1</sup>

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<sup>1</sup> Activities have included developing a Peer Learning Network to facilitate information-sharing and promote good practice in relation to the implementation of the Child and Youth Safe Organisational Framework (CYSO) and online policy conversations relating to key legislative and policy reform.

- Development and publication of formal written submissions relating to legislative, policy and other reform;<sup>2</sup>
- Regular engagement with existing and new networks within the community services industry; and
- Regular participation in meetings and workshops with key stakeholders.

### TasCOSS' Project Principles

The initial phase of our involvement in the Implementation Project involved developing a set of project principles to guide TasCOSS' approach to all proposed reform relating to the Implementation Project. Our project principles were developed by reviewing existing research and literature on child safety and wellbeing, including Tasmanian and national frameworks, and are guided by TasCOSS' values (integrity, compassion, influence) and the potential impact of reform on Tasmanians experiencing hardship and/or disadvantage.<sup>3</sup>

Our project principles are:

#### *Keeping children safe requires a focus on the prevention of harm*

- The harm and abuse of children is a preventable public health issue.
- We must invest in protecting children, families and communities from abuse, rather than responding to acts of harm.
- Reform must acknowledge and address the many (and often intersecting) forms of harm which may be experienced by children and young people.
- All Tasmanians should be supported to learn how to better protect and support the safety and wellbeing of children – this includes more comprehensive prevention education for children and also the broader community.
- Children should be empowered to feel strong and safe.
- Children's rights should be upheld, protected and promoted by communities, organisations and institutions.
- There are communities who face elevated or additional safety risks - leaders and organisations who already know and work alongside these communities are best placed to design and lead early intervention and prevention initiatives.

#### *Keeping children safe requires strong, well-connected communities*

- Promoting and maintaining the safety and wellbeing of children requires a whole of community response.
- Children and families are safest when they can access a range of supports in the community.

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<sup>2</sup> Submissions to date have included responses to the various iterations of the Child Sexual Abuse Strategy and Action Plan (now known as 'Change for Children'), submissions in relation to state legislative reform (including the Commission for Children and Young People Bill and the Child Safety Reform Implementation Bill), and submissions to other related inquiries (for example, the Federal Senate Inquiry into Australia's Youth Justice and Incarceration System).

<sup>3</sup> Commonwealth of Australia, *National Strategy to Prevent and Respond to Child Sexual Abuse (2021-30)*, Department of the Prime Minister and Cabinet (2021); Commonwealth of Australia, 'Safe and Supported: Aboriginal and Torres Strait Islander First Action Plan 2023-2026' Department of Social Services (2023); Tasmanian Government, 'It Takes a Tasmanian Village: Child and Youth Wellbeing Strategy, Department of Prime Minister and Cabinet (2021).

- Strategies and reforms should focus on how we can better support families and groups to provide community-based care for children and young people.
- Strategies and reforms must include consideration of how to reduce the institutionalisation of families or children where possible (for example, within the justice system or out of home care).
- Tasmanian Aboriginal children, young people and families are best supported by strong, empowered Aboriginal communities.
- Initiatives which promote the safety and rights of all Tasmanians, and actively encourage diverse and inclusive organisations and communities, will also promote the safety and wellbeing of children.

*Keeping children safe requires well-supported community organisations*

- The community services industry already plays a vital role in promoting and protecting the safety and wellbeing of children. Workers and organisations within this industry should be supported to continue and expand their work.
- Strong networks require a well-resourced and well-supported community services industry to provide a wide range of accessible and effective support.
- Reforms should draw on the expertise and experience of workers within the industry.
- Organisations working to support children and families who experienced elevated risk of harm (such as those working with Aboriginal families, LGBTQIA+ families or families living with disability) must be supported to continue their specialist work and advocacy, and the entire industry should be supported to draw on their expertise to ensure policies and practices are not resulting in further marginalisation.

*Keeping children safe requires transparent and accountable institutions*

- Tasmanians must have trust in the institutions that are intended to protect and assist the most vulnerable.
- Government agencies and institutions should work together to respond to issues relating to child safety and wellbeing, in ways that are transparent and consistent with best practice.
- Tasmanians must be given more information about how institutions operate and how institutional decision-making takes place, as well as greater opportunities to meaningfully participate in decision making in areas that impact them.
- Reform must be consistent with national strategies, recommendations and priorities, including the National Strategy to Prevent and Respond to Child Sexual Abuse ('the National Strategy') and best practice from other jurisdictions.
- Reforms must be subject to rigorous independent evaluation processes that involve the public and whose outcomes are publicly available.

This submission is structured to provide the Committee with a general overview of TasCOSS' feedback in relation to how the Implementation Project is supporting these principles.

# The Implementation Project so far

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## A focus on the prevention of harm

In TasCOSS' submissions relating to the Implementation Project to date, we have highlighted the importance of prevention and early intervention in promoting and protecting child safety and wellbeing. We have highlighted the importance of a public health approach, recognising child sexual abuse as a preventable issue which can be addressed by focusing on the underlying factors contributing to sexual abuse (both those who experience and perpetrate abuse), as well as the importance of recognising and promoting the rights and dignity of children and young people.

TasCOSS acknowledges some prevention-related recommendations are in the process of being implemented – for example, Recommendation 19.1 (the child sexual abuse strategy and action plan), which at the time of writing is in final draft stage and has involved several stages of public and targeted consultation. We also acknowledge the additional work undertaken by the Government in progressing the implementation of this recommendation.

Other recommendations relating to prevention are also being progressed – for example, through our work on the Youth Justice Community Engagement Group, TasCOSS has provided a submission and in-person feedback relating to the draft Diversionary Services Framework, part of recommendation 12.13<sup>4</sup> which we believe could have a significant impact on children who are involved in, or at risk of involvement in, the criminal legal system (noting also that reducing the involvement of children in this system was highlighted as a key objective for the COI). However, we note this recommendation has not been fully implemented as it has not involved (to date) examination of police discretion (a factor which plays a key role in determining the nature and extent of children's involvement in the legal system),<sup>5</sup> or legislative reform to create a presumption in favour of pre-court diversion, a change which could have a significant and immediate impact on children at risk.

TasCOSS recommends a renewed focus on prevention-related recommendations and accompanying legislative and policy reform and suggest recommendations likely to prevent children from institutional and other harm are prioritised as a matter of urgency. These include (but are not limited to):

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<sup>4</sup> 1. The Tasmanian Government, in reviewing current diversion processes and developing a Diversionary Services Framework, should:

- a. examine the exercise of police discretion to determine whether opportunities for cautioning and community conferencing are being maximised, particularly for Aboriginal children and young people, and children and young people without a strong family support network
- b. commission research to examine the effectiveness of formal cautions imposed with undertakings and the sanctions imposed by community conferences, to ensure they are proportionate to the alleged offending and not unnecessarily onerous
- c. introduce legislation to widen the range of alleged offences in respect of which diversion may be pursued and create a presumption in favour of pre-court diversion for children and young people.

2. The Tasmanian Government should begin statewide delivery of new diversion programs under the Diversionary Services Framework by 2025.

<sup>5</sup> For an examination of police discretion in relation to children and young people, see Parliament of Victoria, Legislative Council – Legal and Social Issues Committee, Inquiry into Victoria's criminal justice system – Final Report (2022), pp221-218.

- Recommendation 6.1 - relating to the development and implementation of a mandatory child sexual abuse prevention curriculum;<sup>6</sup>
- Recommendation 16.17 - relating to preventative programs for adults who have abused or are at risk of abusing children;<sup>7</sup>
- Recommendation 12.11 - relating to raising the minimum age of criminal responsibility;<sup>8</sup> and
- Recommendation 18.1 - relating to the availability of Australian Government prevention strategies.<sup>9</sup>

### Strong, well-connected communities

TasCOSS has highlighted the importance of well-connected communities in promoting and protecting the safety of children. We believe all Tasmanians should be able to access a wide range of community-based supports to meet their physical, psychological and social needs – this includes specialist support for communities who may be at risk of experiencing harm (both within the community and in institutions). This requires fully resourced community organisations who are funded to meet agreed and evidence-based outcomes.

#### *Partnerships with the community services industry*

Community organisations working directly with children and families hold essential knowledge about the strengths, needs, challenges and opportunities in communities, making them key partners in shaping responsive and effective child-centered policies. Research consistently shows that when communities are engaged in co-designing solutions, risks are identified earlier, statutory interventions decrease, and

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<sup>6</sup> 1. The Department for Education, Children and Young People should introduce and fund a mandatory child sexual abuse prevention curriculum as part of the mandatory respectful behaviours curriculum from early learning programs to Year 12, across all types of government schools (including specialist schools).

2. This mandatory prevention curriculum should draw on expert evidence of best practice and successful approaches adopted in other states and territories, including South Australia's mandatory curriculum.

3. The Department should develop a plan for sustained implementation of the mandatory prevention curriculum. The plan should:

- a. set out the goals and objectives of implementing the mandatory prevention curriculum
- b. define the roles and responsibilities of key participants
- c. include criteria for evaluating the curriculum.

4. The Department should evaluate the effectiveness of the mandatory prevention curriculum five years after its implementation.

<sup>7</sup> The Tasmanian Government should ensure preventive programs for adults who are at risk of abusing, or have abused, children are available beyond the custodial setting. These programs should be:

- a. properly funded
- b. align with the practice guidelines issued by the Association for the Treatment and Prevention of Sexual Abusers
- c. include a monitoring and evaluation process.

<sup>8</sup> The Tasmanian Government should:

- a. introduce legislation to increase the minimum age of criminal responsibility to 14 years, without exception
- b. develop and provide a range of community-based health, welfare and disability programs and services that are tailored to meet the needs of children and young people under the age of 14 years who are engaging in antisocial behaviour, and to address the factors contributing to that behaviour
- c. work towards increasing the minimum age of detention (including remand) to 16 years by developing alternatives to detention for children aged 14 and 15 years who are found guilty of serious violent offences and who may be a danger to themselves or the community.

<sup>9</sup> The Tasmanian Government should continue to advocate for Tasmania to receive the full benefit of Australian Government prevention strategies, including under the National Strategy to Prevent and Respond to Child Sexual Abuse 2021–2030.

protective factors are strengthened.<sup>10, 11</sup> Community organisations should be resourced (through investment in infrastructure, capability building and funding) to actively participate in and contribute to government-led research into alternative models, strategies and plans to support the safety and wellbeing of children and families.

#### *Intersectional approach to working with children and families*

Children and families experience complex and intersecting challenges that require responsive, flexible and integrated policy and service delivery approaches – standardised, one-size fits all approaches are rarely appropriate. This is particularly important for families who have elevated risk of institutional involvement – for example, families with disability or Aboriginal families who experience an increased risk of involvement in both criminal justice and child safety systems.<sup>12</sup>

Research demonstrates that children and families with intersecting needs are often required to navigate multiple service systems but may not receive appropriate support unless they enter through the "correct" service pathway. For example, children with disability who engage with housing, youth justice, or child protection services may not have their disability-related needs met unless they are specifically referred to disability services.<sup>13</sup> This fragmentation can lead to significant service gaps and barriers to accessing appropriate care, the consequences of which are significant. For example, in the context of family violence, children and their protective parent can be forced to remain in unsafe housing as there are few accessible and safe alternatives that meet the needs of the child (Robinson et al., 2022).<sup>14</sup> Intersectional and integrated approaches also promote early intervention and support families to stay together and receive assistance as needed in community.<sup>15</sup>

To address this fragmentation and to promote access to appropriate and inclusive supports, the COI emphasised the need for the Tasmanian Government to embed intersectional and integrated approaches to policy and service design, implementation, and delivery – including through recommendations 9.15, 9.17, 9.22, 12.17, 19.1, 21.6 and 21.7. The implementation of these recommendations requires meaningful partnership and collaboration with specialist and mainstream organisations that have established and strong relationships with Aboriginal communities, people with disability, LGBTQIA+ communities, and culturally and linguistically diverse (CALD) communities. Such partnerships are essential

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<sup>10</sup> Gerrard, J. et al., [Co-design in healthcare with and for First Nations Peoples of the land now known as Australia: a narrative review](https://doi.org/10.1186/s12939-024-02358-2) (2025), International Journal Equity in Health, Vol. 24, No. 2, doi: <https://doi.org/10.1186/s12939-024-02358-2>

<sup>11</sup> DS Consultancy and Think Human for the South Australian Department of Human Services, [Co-designing the Child and Family Support SystemL Final qualitative report](#) (2020).

<sup>12</sup> For example, see Libesman, T et al, Royal Commission into Violence, Abuse, Neglect and Exploitation of People with Disability, *Parents with Disability and their Experiences of Child Protection Systems* (2023); Tasmania Legal Aid, *Children First: Children in the Child Safety and Youth Justice System* (2021); Victorian Aboriginal Legal Service, *Submission to the Inquiry into Victoria's Criminal Justice System* (2021).

<sup>13</sup> Gillfeather-Spetere, S., & Watson, A., ANROWS, [In Their Own Right: Actions to improve children and young people's safety from domestic, family and sexual violence](#) (2024), p. 67.

<sup>14</sup> Ibid.

<sup>15</sup> Examples found in Sculthorpe, H, Tasmanian Aboriginal Centre, *luwutina mana-mapali krakani waranta ('Keeping Our Children With Us'): Report to Government and the Aboriginal Community about Changes Needed to the Child Protection System in Tasmania* (2014); Hinton, T, Anglicare Tasmania Social Action and Research Centre, *Breaking the Cycle: Supporting Tasmanian Parents to Prevent Recurrent Child Removals* (September 2018); Fidler, L, Anglicare Tasmania Social Action and Research Centre, *In Limbo: Exploring Income and Housing Barriers for Reunifying Tasmanian Families* (September 2018).

to promote cross-sector collaboration, integrated service models, and workforce capacity-building to strengthen the system's ability to respond effectively to the diverse and complex needs of children and families, ensuring they receive appropriate, accessible, and coordinated support. This is consistent with previous recommendations, seeking more detailed information about how entities/agencies/systems will be supported to work collaboratively and in partnership, including partnerships between Government and community organisations, to share knowledge, skills and promote best practice across the service system.

#### *Recognition of and actions to address key underlying factors*

TasCOSS has previously highlighted the need for coordinated policy measures to address the underlying issues which may result in children and families being at an elevated risk of experiencing child sexual abuse.<sup>16</sup> These issues include (but are not limited to) the following:

- Poverty and financial insecurity, which has a significant impact on the health and wellbeing of Tasmanian families (including children),<sup>17</sup> and continues to be a significant issue of concern.<sup>18</sup> Poverty places enormous pressure on families, which can affect their ability to ensure the wellbeing of their children.<sup>19</sup>
- Precarious/unstable housing and homelessness, a risk factor for child sexual abuse.<sup>20</sup>
- Family and gendered violence, which is often co-occurring with child sexual abuse.<sup>21</sup>
- Inability to access health services, which has significant implications for child safety.<sup>22</sup>

TasCOSS has also continued to advocate for the use of coordinated policy tools, such as the 'Child Rights Impact Assessment Tool' (discussed further below), to ensure that policy and legislative development systematically considers the potential impact on children and their rights. To promote coordinated policy approaches to addressing child sexual abuse, we have also previously recommended establishing a whole-

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<sup>16</sup> TasCOSS, Submission to the Department of Premier and Cabinet, 'TasCOSS Input to the Child Sexual Abuse Strategy and Action Plan' (April 2024).

<sup>17</sup> For example, see Hinton, T, Anglicare Tasmania Social Action and Research Centre, *Breaking the Cycle: Supporting Tasmanian Parents to Prevent Recurrent Child Removals*, pp. 121-122 (September 2018); Fidler, L, Anglicare Tasmania Social Action and Research Centre, *In Limbo: Exploring Income and Housing Barriers for Reunifying Tasmanian Families*, pp. 49-68 (September 2018).

<sup>18</sup> These issues were highlighted in our recent budget priorities statement, see TasCOSS, *Supporting Tasmanians in a Worsening Cost of Living Crisis, 2024/25 TasCOSS Budget Priorities Statement (2023)*; National Association for the Prevention of Child Abuse and Neglect (NAPCAN), *Submission to Inquiry into the Extent and Nature of Poverty in Australia to the Senate Community Affairs References Committee*, pp. 6-8 (February 2023).

<sup>19</sup> National Association for the Prevention of Child Abuse and Neglect (NAPCAN), *Submission to Inquiry into the Extent and Nature of Poverty in Australia to the Senate Community Affairs References Committee*, pp. 6-8 (February 2023).

<sup>20</sup> Australian Government, Australian Institute of Health and Welfare, *Australia's Youth: Homelessness and Overcrowding* (June 2021); Shelter Tasmania, *Submission to the National Strategy to Prevent Child Sexual Abuse: Final Consultation Paper*, p. 2 (May 2021).

<sup>21</sup> Gracia, E, Martin-Fernandez, M & Marisol, L, *Acceptability of Family Violence: Underlying Ties Between Intimate Partner Violence and Child Abuse*, *Journal of Interpersonal Violence*, no. 35, pp. 3217–36 (2020); also recognised in Commonwealth of Australia, Department of the Prime Minister and Cabinet, *National Strategy to Prevent and Respond to Child Sexual Abuse (2021–30)*, p. 64 (2021), which states that, '[s]exual abuse rarely occurs in isolation. It often happens alongside other forms of child maltreatment... [which] includes physical, sexual and emotional abuse, neglect [and] exposure to domestic and family violence.'

<sup>22</sup> Royal Australian College of General Practitioners, *Abuse and Violence: Working with our Patients in General Practice*, p. 125 (April 2022).

of-government policy framework aimed at reducing adverse childhood experiences and addressing underlying risk factors to develop a more targeted approach toward improving the safety and wellbeing of children.

*Tasmanian Aboriginal communities and organisations are resourced to provide culturally safe, community-led services to Aboriginal children, young people and families*

Aboriginal and Torres Strait Islander people are best placed to respond to the needs of their children, young people and communities in culturally safe and supportive ways that promote healing and prevent further harm.

*'While governments have acknowledged the successes of Aboriginal and Torres Strait Islander-controlled service delivery, transfer of power and shared decision-making to First Nations-led services is slow, ad hoc and fails to address the changes necessary to genuinely transform the system and its outcomes.'*<sup>23</sup>

Aboriginal and Torres Strait Islander children continue to be overrepresented in both the youth justice and out of home care systems (identified as areas of risk for children and young people).<sup>24</sup> Recent reports have outlined best practice in supporting Aboriginal communities across the country in responding to and preventing the sexual abuse of First Nations' children. They highlight the importance of developing culturally and trauma-informed responses, working alongside Aboriginal communities and community-controlled organisations, as well as the need for greater awareness in all services of how to respond to disclosures in ways that are culturally safe.<sup>25</sup> Consistent with COI recommendation 21.7 and with feedback provided by the Tasmanian Aboriginal community, flexible funding should be provided to enable Aboriginal organisations to work in culturally safe and responsive ways with their community.

Many of the commitments made by the Tasmanian Government in relation to the findings and recommendations of the COI require a deep level of understanding, trust and collaboration between Government and community organisations, as well as adequate resourcing and support for community organisations to assume additional responsibilities for Tasmanian children. For example, the COI Recommendation 9.15 - to fully implement all elements of the Aboriginal and Torres Strait Islander Child Placement Principle - includes partnership with Aboriginal communities in decision making about out of home care and child safety processes, models of transfer of child safety decision making authority to recognised Aboriginal organisations, and investment to fully resource recognised Aboriginal

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<sup>23</sup> Gillfeather-Spetere, S., & Watson, A., ANROWS, [In Their Own Right: Actions to improve children and young people's safety from domestic, family and sexual violence](#) (2024), p. 39.

<sup>24</sup> Productivity Commission, Closing the Gap, Table CtG12A.1, [Out of home care state and territory and Australia by Indigenous status](#); Table CtG11A.1 [Youth detention state and territory and Australia by Indigenous status](#); Report on Government Services 2025, 16 Child protection services, Table 16A.9 [Disproportionality ratios for Aboriginal and Torres Strait Islander children aged 0-17 years](#); Report on Government Services 2025, 17 Youth justice services, 17.5A [Young people in detention by Indigenous status](#).

<sup>25</sup> Yamurrah and SNAICC, 'Believe Inquire Respond to Disclosures (Bird)' (2023), accessed at [https://www.snaicc.org.au/wp-content/uploads/2024/06/240605-BIRD-Research-Report\\_5\\_June.pdf](https://www.snaicc.org.au/wp-content/uploads/2024/06/240605-BIRD-Research-Report_5_June.pdf).

organisations.<sup>26</sup> Examples from other Australian jurisdictions<sup>27</sup> demonstrate actions that governments have taken to effectively partner with Aboriginal communities and organisations to ensure they have the resourcing to assume responsibilities in a way that is culturally safe, consistent with the principle of self-determination and supportive of the needs of community organisations.

### Well-supported community organisations

Tasmanian community organisations are largely responsible for providing the support that allows Tasmanian children (as well as their families and communities) to thrive. Ensuring these organisations are able to continue providing high-quality, effective services is therefore a crucial part of ensuring the success of the Implementation Project. There are also several recommendations which will require extensive collaboration and partnership with community organisations and stakeholders.<sup>28</sup>

Despite the crucial role played by community organisations in relation to child safety and wellbeing, Tasmanian community organisations continue to be underfunded and undervalued. This has an impact on both the organisations (and the Tasmanians working within them), as well as the communities who rely on these organisations for essential services and care.

We have heard from community organisations across the state about key issues impacting their work – these include challenges relating to increased demand and complexity (as a response to increased community need in a time of economic precarity, as well as increased monitoring and compliance obligations arising from the implementation of schemes such as CYSO), supporting good practice (including opportunities for cross-sector collaboration), and how to safeguard the sustainability of organisations (noting the pressure of ongoing funding uncertainty as well as difficulties relating to workforce, including attracting and retaining skilled workers).

Additionally, we have heard that some community organisations have responded to increased compliance requirements and penalties for non-compliance, without proportional resourcing and tailored support, by withdrawing essential services for children due to concerns about their ability to effectively manage risks within the context of the reforms. This does not reflect an absence of willingness or existing child safe capability within organisations, but rather speaks to the practical implications of resourcing constraints. Rather than strengthening service capacity to safeguard children, the implementation of the reforms seems to have, in some cases, created additional service gaps and heightened risks for children and families.

The implementation of key recommendations will require strategies to address these issues in relation to specific areas of work – for example, Recommendation 9.10 requires the development of a workforce strategy for the child and family welfare sector (which currently includes both statutory agencies and

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<sup>26</sup> Recommendation 9.15 of the *Commission of Inquiry into the Tasmanian Government's Responses to Child Sexual Abuse* (Report, August 2023), Volume 1: Recommendations, pp97-98.

<sup>27</sup> State of Victoria, Department of Health and Human Services, *Wungurilwil Gapgapduir: Aboriginal Children and Families Agreement* (April 2018), p15.

<sup>28</sup> For example, Recommendation 9.2 (discussed further below).

community organisations),<sup>29</sup> and which we strongly believe should be developed in partnership with key agencies (including the Centre for Excellence in Child and Family Welfare as the peak body). However, we also recommend urgent consideration of issues raised by TasCOSS and other organisations in relation to action needed to ensure a strong and sustainable community services industry – suggested actions include standard five-year funding contracts across the child and family support sector, a transparent and appropriate indexation formula for all community service organisations, the development and implementation of an outcomes-based funding framework and the development of initiatives designed to promote industry sustainability.<sup>30</sup>

Given the heightened risks to children and the service gaps established by the withdrawal of services to children by some organisations, there is also a need for commensurate resourcing and tailored support to strengthen organisational capacity to adapt to the child safe reforms.

Through TasCOSS' involvement in the Implementation Project, we have also highlighted the potential impact of meaningful collaboration between Government and community organisations, noting in particular that many of the recommendations will require strong partnerships for successful implementation. For example, the implementation of Recommendation 9.2<sup>31</sup> (and other recommendations relating to the out-of-home care sector) will not only require 'involvement' from community organisations, but genuine partnership, which we believe would involve the following:

- Development and maintenance of strong relationships, underpinned by trust, transparency and consistency,<sup>32</sup>

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<sup>29</sup> The Department for Education, Children and Young People should develop a workforce strategy for the child and family welfare sector to pursue the following objectives:

- a. an increase in staff numbers and retention
- b. workplace conditions that make the sector a more attractive employer, particularly in the Department
- c. a reduction in unplanned staff vacancies, particularly in the Department
- d. promoting staff wellbeing, at the individual and system levels, including by addressing the causes and effects of trauma and vicarious trauma
- e. a workforce equipped with the knowledge and skills to respond effectively to the needs of children and families.

<sup>30</sup> For more information, see TasCOSS, 'A sustainable industry for all Tasmanians: TasCOSS 2025/2026 Budget Priorities Statement' (2024).

<sup>31</sup> 1. The Department for Education, Children and Young People should outsource the provision of all forms of out of home care to the non-government sector.

2. The Department should maintain and improve its role in:

- a. the budgeting and purchasing of out of home care services from the nongovernment sector
- b. establishing and leading the strategic plan and policy framework for out of home care
- c. monitoring the quality of out of home care
- d. providing case management and leadership in out of home care
- e. ensuring carers and staff receive adequate education and skill development
- f. responding to complaints and safety and wellbeing concerns about children in out of home care
- g. cross-sector (government and non-government) data collection, ICT infrastructure and public reporting
- h. carer registration and monitoring.

3. The outsourcing of the provision of out of home care should be achieved through an orderly, staged and trauma-informed transition process and commissioning strategy.

4. The Department should establish a minimum out of home care dataset and a plan for two-way data sharing between the Department and non-government out of home care providers.

<sup>32</sup> Australian Government (Department of Social Services), 'Leading practice in community and philanthropy partnerships: Lessons from Community and Philanthropy Partnerships Week 2015-2017', (online, 2018) <https://frrr.org.au/wp-content/uploads/2020/12/CPPW-Insights-FINAL.pdf>; Australian Communities Foundation, *Guiding principles for building collaborative partnerships between government and philanthropy: Report and case studies* (March 2012) 12.

- A common and collaborative mindset, where partners are equal and accountable to each other and share a common vision;<sup>33</sup>
- Strategies for sharing risk and ensuring community organisations are supported to engage in their work in a way that does not compromise their commitment to community;<sup>34</sup> and
- Shared and clear expectations in relation to communication, roles and responsibilities.

### Transparent and accountable institutions

The COI outlined ongoing, significant and sustained issues across a number of Tasmanian institutions, and the need for comprehensive change to culture and process. The Tasmanian Government has committed to rebuilding trust in all institutions and systems intended to protect children and respond to abuse.

To promote public awareness and understanding of key issues relating to child safety and wellbeing, as well as progress on the Implementation Project, we believe the Tasmanian Government must strengthen existing processes and mechanisms for engagement and involvement in reform. This includes improvement and expansion of feedback and consultation processes, as well as the development and implementation of participation and evaluation frameworks. As outlined above, community organisations should also be sufficiently resourced to ensure they can meaningfully engage, collaborate and partner with Government as part of continuous monitoring, evaluation and reform.

#### *Changes to consultation*

TasCOSS has previously highlighted the need for significant changes to public consultation to ensure meaningful participation from community. TasCOSS has heard from a number of community organisations across the state about current barriers to engaging in Government consultation processes, and we have previously highlighted the following issues:

- A need to recognise and reduce the work involved for community organisations – this could be achieved through increasing the time allowed for feedback (noting that many consultations on legislative amendments require responses within 2-3 weeks), and providing more information generally to community members and organisations in relation to timeframes for proposed consultation so that organisations can plan for effective engagement;
- Consultation must be broad, inclusive and accessible – we have recommended offering multiple modalities for providing feedback (such as surveys, in person sessions and written submissions), and ensuring all materials provided are accessible and accompanied by fact sheets; and
- Ensuring information about consultation is provided in a transparent and timely way – many organisations highlighted the need for Government to ‘close the loop’ in relation to participation and feedback, noting that very limited information is often provided post-consultation on how feedback was assessed/evaluated.<sup>35</sup>

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<sup>33</sup> Australian Government (Department of Social Services), ‘Leading practice in community and philanthropy partnerships: Lessons from Community and Philanthropy Partnerships Week 2015-2017’, (online, 2018) <<https://frrr.org.au/wp-content/uploads/2020/12/CPPW-Insights-FINAL.pdf>>, 10

<sup>34</sup> See for example, Victorian Government, [Child Information Sharing Scheme](#); Victorian Government, Victorian Managed Insurance Authority, [Risk advisory](#).

<sup>35</sup> TasCOSS, ‘TasCOSS Consultation Strategy: Commission of Inquiry Reform Implementation Project’ (April 2024)

TasCOSS is pleased to note there have been some recent changes to consultation – for example, consultation on the recent Commission for Children and Young People Bill gave stakeholders 12 weeks to review materials, a timeframe which allowed TasCOSS to develop and host a policy conversation discussing the Bill, as well as targeted engagement with a number of member organisations, allowing for more meaningful participation from a number of community groups. The consultation also included the distribution of child-friendly materials and fact sheets explaining key provisions of the Bill. TasCOSS greatly supports the development of standard, inclusive practices for all consultation.

We have also recommended the development of a centralised website or portal where community members and organisations could access up-to-date information about reforms, including current and upcoming consultation (across all departments responsible for the implementation of COI recommendations). The website could also include links to relevant research being used by the Government in developing policy, which could further support community awareness and understanding of issues relating to child safety and wellbeing. This website could act as a means of providing accessible information in relation to Government timeframes and processes and is likely to have a broader reach across different areas of the community than the current consultation model. We have previously recommended consideration of websites from other jurisdictions:

- the ACT Government Open Government website, which is designed to promote transparency and civic engagement and includes a range of resources, such as Government reports, Cabinet decisions and links to engagement programs for members of the public;<sup>36</sup> and
- the South Australian YourSAy website, which is an online platform for public engagement on specific issues and lists current consultation projects with links for the public to access information about proposed reforms (including documents such as issues papers, key dates and timeframes for the project, and frequently asked questions).<sup>37</sup>

#### *Reform implementation monitor*

TasCOSS is strongly supportive of the role of the Implementation Monitor, which will provide an important role as independent reviewer and assessor of the Implementation Project. In our submission relating to the legislation establishing the Implementation Monitor, we also recommended this body establish a series of ‘guiding principles’ (or something similar) as a way of comprehensively assessing how the Government’s reform agenda is consistent not only with the recommendations from the COI, but also broader principles relating to child safety and wellbeing.

We have previously recommended the development of a ‘statement of compatibility’<sup>38</sup> to be used by the Implementation Monitor to assess and report on how Government is performing in relation to the underlying objectives/findings of the COI, to ensure all policy and legislative change remains consistent with the stated objectives of the reform project. The Statement of Compatibility should also be provided as part of the consultation materials relating to consultation on proposed legislative and policy reform,

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<sup>36</sup> Australian Capital Territory Government, [Open Access Information](#).

<sup>37</sup> South Australian Government, [Your Say](#).

<sup>38</sup> Examples of similar documents/processes can be found in jurisdictions with human rights instruments - for example, in the ACT, all bills must be accompanied by a [Statements of Compatibility](#), which includes an assessment of how the proposed legislation will be compatible with and/or support human rights.

thus ensuring that all reforms – not only those that relate directly to COI recommendations – are consistent and support the objectives of the Implementation Project.

An example of how such a tool would be useful is the current consultation on the Police Offences Amendment (Knives and Other Weapons) Bill 2025, which proposes to introduce expanded powers and processes relating to searches with electronic devices (known as ‘wanding’). TasCOSS believes these changes are more likely to impact children and young people as they allow for expanded powers for police searches in various locations frequented by children (such as schools, TAFEs and vocational training facilities).<sup>39</sup> Although this reform does not relate directly to a recommendation from the COI, it is nonetheless relevant to the Implementation Project, as evidence from other jurisdictions demonstrates similar processes have resulted in increased detection of non-violent offences (primarily drug possession offences).<sup>40</sup> If this is true for Tasmania, then it may result in more children and young people entering the legal or detention systems. We are concerned this will impact the Implementation Project, which is focused on reducing (rather than increasing) the number of children and young people entering the youth detention system.<sup>41</sup> If the draft Bill were accompanied by a Statement of Compatibility outlining the potential impact of the Bill on child safety and wellbeing, we believe this would ensure community members and organisations are aware of potential tensions between the proposed legislative provisions and the Government’s reform agenda in relation to the COI – it would also help to ensure policy and legislative reform is being developed and prioritised in a way that is consistent with the aims of the Implementation Project and the Government’s stated commitment to fully implement all recommendations.

Ideally, the development of this tool could include consultation with community members and organisations, including victim survivors of child sexual abuse, children and young people. The Government could look to the ‘Child Rights Impact Assessment’ framework as another example of a tool which is intended to ensure all legislative and policy development is consistent with, promotes and protects the rights of children and young people.<sup>42</sup> The use of child-rights assessment frameworks and tools has been highlighted by the National Children’s Commissioner as one mechanism which can ensure policymakers and Government representatives actively consider the impact of decision-making on children, as they provided ‘an opportunity for decision-makers, across all jurisdictions, to assess and monitor the impacts of policy and legislation on children’s rights and wellbeing, not only in emergency situations, but in all government decisions that affect children and their families every day’.<sup>43</sup>

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<sup>39</sup> TasCOSS Submission (February 2025) to the Tasmanian Government, Department of Police, Fire and Emergency Management, [Police Offences Amendment \(Knives and Other Weapons\) Bill 2025](#).

<sup>40</sup> Griffith Criminology Institute, Griffith University, Review of the Queensland Police Service Wanding Trial (August 2022)

<sup>41</sup> Many recommendations relate to the objective of reducing the number of children in youth detention – this is explored at Commission of Inquiry into the Tasmanian Government’s Responses to Child Sexual Abuse (Report, August 2023), Volume 5 (Book 3): Chapter 12 — The way forward: Children in youth detention, pp76-110.

<sup>42</sup> See Australian Human Rights Commission (2003), *Safeguarding Children: Using a child rights impact assessment to improve our laws and policies* – a copy of the standalone tool can be found at: [https://humanrights.gov.au/sites/default/files/document/publication/cria\\_2023\\_-\\_standalone\\_assessment\\_tool\\_-\\_18\\_aug\\_2023\\_1.pdf](https://humanrights.gov.au/sites/default/files/document/publication/cria_2023_-_standalone_assessment_tool_-_18_aug_2023_1.pdf).

<sup>43</sup> Australian Human Rights Commission (2024), ‘*Help way earlier!*’: How Australia can transform child justice to improve safety and wellbeing.

## Opportunities for Change

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TasCOSS makes the following recommendations in response to the issues identified through the Implementation Project and in the COI Final Report:

- TasCOSS strongly supports the prioritisation of recommendations which relate to our identified project objectives (prevention, strengthened 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.
- TasCOSS urges the Tasmanian Government to commit to significant change to support the sustainability of the community services industry, noting the key role played by community organisations in protecting and promoting the safety and wellbeing of Tasmanian children and their families. We also note the additional resourcing and support needed by community organisations to fully implement all recommendations, which include significant changes to policy and practice within the sector.
- TasCOSS recommends the Tasmanian Government makes improvements to its consultation processes to enhance meaningful participation from community members and organisations – we have previously recommended the following:
  - o All consultations should be accompanied by plain English resources (and child-friendly materials where appropriate);
  - o Consultations should include a diverse range of stakeholders – in relation to consultations involving children and young people, this includes ensuring targeted consultation/engagement groups are reflective of the broad range of children’s needs and views in the community, but also inclusive of groups who may be marginalised in mainstream participation processes (such as children with lived experience of incarceration or involvement in the criminal legal or out-of-home care systems);
  - o The Tasmanian Government should engage in targeted consultations with organisations representing diverse groups, and with members of these groups, including (but not limited to) people with disability and their families/carers, Aboriginal communities and organisations, people from culturally and linguistically diverse backgrounds, and people from LGBTQIA+ communities.
  - o Consultation processes should provide opportunities for people to make submissions via different media (such as video and audio submissions) and through different modalities (such as one-off focus groups or consultation engagement sessions, rather than written submissions); and
  - o All consultations should be followed up with transparent, publicly available responses about how information gathered has been assessed and used.
- A ‘whole of government’ approach to legislative and policy development, which should be coordinated to ensure all reform is supporting the stated objectives of the Implementation

Project. Many of the recommendations require work across agencies and departments to ensure the harmonisation of reforms (for example, as outlined above, the need for legislative amendments to the principles outlined in the Youth Justice Act and work with Tasmania Police on charging practices is needed to fully implement the recommendation in relation to the Diversionary Strategy). This requires coordination between government agencies and departments.

- TasCOSS believes there is a clear need for legislative and policy reform which goes beyond the recommendations of the COI in order to achieve the stated objectives of the Implementation Project. Several recommendations are drafted in a way that acknowledge the need to address broader issues than institutional abuse,<sup>44</sup> and further (and ongoing) reform will be needed in order to effectively address the underlying objectives outlined by the COI in its final report (such as reducing the numbers of children in out-of-home care and youth detention). We therefore recommend consideration of the following:
  - o Reforms addressing the underlying drivers of children’s involvement in systems such as out-of-home care and youth detention
    - This includes consideration of factors identified in recent research as increasing the risk of involvement in the criminal legal system and the need for wide-ranging reform to address the ‘social determinants of justice’;<sup>45</sup>
    - It also includes reforms aimed at addressing ongoing structural disadvantage experienced by certain communities - for example, reforms aimed at addressing the disproportionate rates of First Nations people and people with disability in the criminal legal system<sup>46</sup>
  - o Consideration of opportunities for collaboration between the state and federal governments on key issues<sup>47</sup> – in relation to the legal and detention systems, this has been identified as a key opportunity for reform in a recent report from the National Children’s Commissioner,<sup>48</sup> which included a number of suggested reforms aimed at

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<sup>44</sup> For example, Recommendation 19.1 (1): The Tasmanian Government should develop a whole of government child sexual abuse reform strategy for preventing, identifying and responding to child sexual abuse, *including* child sexual abuse in institutions and harmful sexual behaviours (emphasis added) – this indicates that child sexual abuse in institutions is not to be the sole focus of the strategy.

<sup>45</sup> McCausland, R. and Baldry, E. (2023) “Who does Australia Lock Up? The Social Determinants of Justice”, *International Journal for Crime, Justice and Social Democracy*, 12(3), pp. 37-53. <https://doi.org/10.5204/ijcsd.2504>.

<sup>46</sup> For examples see Royal Commission into Violence, Abuse, Neglect and Exploitation of People with Disability, ‘Criminal justice and people with disability’ (2023) p3; Royal Commission into Violence, Abuse, Neglect and Exploitation of People with Disability, Research Report: Police responses to people with disability (2021), p3-7; Australian Law Reform Commission, *Pathways to Justice—Inquiry into the Incarceration Rate of Aboriginal and Torres Strait Islander Peoples*, Final Report No 133 (2017) pp354-355; Centre for Innovative Justice and Jesuit Social Services (2018), *Recognition, Respect and Support: Enabling justice for people with an Acquired Brain Injury*.

<sup>47</sup> One such opportunity is the current Federal Senate inquiry into Australia’s youth justice and incarceration system ([Australia’s youth justice and incarceration system – Parliament of Australia](#)) – for TasCOSS’ response, see TasCOSS, Submission to Federal Senate, ‘Australia’s Youth Justice and Incarceration System’ (October 2024).

<sup>48</sup> Australian Human Rights Commission (2024), *‘Help way earlier!’: How Australia can transform child justice to improve safety and wellbeing*.

- enabling reform at a national level to promote consistency between jurisdictions (as well as consistency with our obligations at international law).<sup>49</sup>
- The introduction of a Tasmanian Human Rights Act, fully embedding the rights of children under the Convention on the Rights of the Child, to protect and promote the safety and wellbeing of Tasmanian children. Examples from other jurisdictions show how human rights instruments have protected children in situations of vulnerability,<sup>50</sup> and have also supported awareness of human rights and a shift in public attitudes and beliefs (as well as strengthening accountability).<sup>51</sup>
  - The development of a policy assessment tool, similar to a ‘statement of compatibility’ and modelled on the Child Rights Impact Assessment tool, to be developed and used by the Reform Implementation Monitor in assessing and reporting on how proposed policy and legislative change could impact the Implementation Project and alignment with the COI recommendations and related reform.
- TasCOSS remains extremely concerned for the safety and wellbeing of children currently detained at Ashley Youth Detention Centre (‘AYDC’). The latest data shows an increase in the number of children detained at the centre,<sup>52</sup> and recent reports highlight the ongoing lack of therapeutic supports available to children at the facility,<sup>53</sup> and ongoing concerns about the impact of practices such as lockdowns.<sup>54</sup> We continue to advocate for the urgent transfer of all children currently detained at AYDC into community-based care, and the prioritisation of Recommendation 12.1.<sup>55</sup>

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<sup>49</sup> Australian Human Rights Commission (2024), *‘Help way earlier!’: How Australia can transform child justice to improve safety and wellbeing*, pp26-31.

<sup>50</sup> *Human Rights Law Centre and Certain Children v Minister for Families and Children* [2017] VSC 251 – summarised in Human Rights Law Centre, ‘Charters of Rights Make Our Lives Better: Here are 101 cases that show how’ (June 2022), p55.

<sup>51</sup> *Ibid.*

<sup>52</sup> The Productivity Commission, Report of Government Services 2025, 17 Youth justice services, Table 17A.3, [Young people in detention](#) data demonstrates that the average daily number of young people increased between 2022-23 and 2023-24.

<sup>53</sup> Office of the Custodial Inspector Tasmania (2024), ‘Inspection of Youth Custodial Services in Tasmania: Youth Health Care Inspection Report 2023,’ 18 July, p. 8.

<sup>54</sup> *Ibid.*, pp. 25-30.

<sup>55</sup> *The Tasmanian Government should close Ashley Youth Detention Centre as soon as possible.*

