

Your Ref:
Our Ref:

20 March 2026

Disability and Reform Team
Department of Premier and Cabinet
GPO Box 123, Hobart, TAS 7001
By email to: disability@dpac.tas.gov.au

Dear Disability and Reform Team,

RE: Towards a Tasmanian Disability Inclusion Plan discussion paper

Thank you for the opportunity to provide comment on the *Towards a Tasmanian Disability Inclusion Plan* discussion paper (the discussion paper). I am also grateful for the short extension of time granted to enable me to provide this feedback.

I strongly support work being undertaken to improve disability inclusion in our state. The discussion paper and proposed disability inclusion plan provide wonderful opportunities to further co-ordinate action driven by the lived experience of Tasmanians with disability, and I commend the government for its commitment to creating a more inclusive Tasmania.

The discussion paper asks a range of important questions of the Tasmanian community. While non-exhaustive, this submission responds to several of these questions, focusing on areas that overlap with matters relating to children and young people generally.

My overarching feedback for your consideration is that children and young people can and must be centred in the disability inclusion plan that arises from your consultation.

While the discussion paper does refer to children and young people, these references are scarce and limited to; examples that demonstrate already identified areas for improvement, discussion of matters heard through consultation, generally through parents acting as concerned intermediaries for children and young people with disability; or to outline provisions of the *Disability Rights, Safeguarding and Inclusion Act 2024*.



Professor John Tobin describes the ‘double jeopardy’ faced by children with disability who can be negatively impacted by practices that disregard their lived experiences by virtue of their age *as well as* people with disability.¹ An effective disability inclusion plan will acknowledge this intersectionality, by addressing children and young people as rights holders, and as a specific priority group that requires and deserves tailored policies, programs and services.

A great example of meaningfully including the experiences and needs of children and young people can be found in South Australia’s *State Disability Inclusion Plan*², which focuses strongly on upholding the dignity of children and young people, promoting self-reliance, and enabling participation in family, cultural and social life.

I also consider it helpful to briefly set out important context for this submission by describing the current role of the Commissioner for Children and Young People, and to provide further brief comparative insights from other jurisdictions.

Role of the Commissioner for Children and Young People

The role of the Commissioner includes providing independent, child-centred advice on reform relevant to Tasmanian children and young people, and to assist in ensuring Tasmania satisfies its national and international child rights obligations. The Commissioner’s functions include:

- advocating for all Tasmanian children and young people in the state generally;
- researching, investigating and influencing policy development in areas relating to children and young people generally; and
- promoting, monitoring and reviewing the wellbeing of children and young people generally.³

In performing these functions, the Commissioner is required to:

- adhere to the principle that the wellbeing and best interests of children and young people is paramount;
- observe any relevant provisions of the United Nations Convention on the Rights of the Child (UNCRC);⁴ and
- give special regard to the needs of children and young people who are vulnerable or disadvantaged.

¹ Tobin, John (ed.), *The UN Convention on the Rights of the Child: A Commentary* (Oxford University Press, 1st ed, 2019) 858

² Government of South Australia, *State Disability Inclusion Plan 2025-2029* (Web page, 2024) <<https://inclusive.sa.gov.au/our-work/state-disability-inclusion-plan>>

³ *Commissioner for Children and Young People Act 2016* (Tas) <<https://www.legislation.tas.gov.au/view/whole/html/inforce/current/act-2016-002>>

⁴ United Nations, *United Nations Convention on the Rights of the Child* (Web page) <<https://www.ohchr.org/en/instruments-mechanisms/instruments/convention-rights-child>>



As such, the work of the Office of the Commissioner for Children and Young People is fundamentally grounded in children's human rights, taking into account the rights of children under the UNCRC and protections under other binding human rights instruments including the Convention on the Rights of Persons with Disability (UNCRPD).⁵

Particularly relevant to disability inclusion for children are the obligations under the UNCRC to:

- uphold the right to non-discrimination (Article 2), ensuring children with disability are protected from direct and indirect discrimination;
- ensure that children's best interests are a primary consideration in all decisions affecting them (Article 3);
- ensure each child's right to life, survival and development to the maximum extent possible (Article 6);
- ensure children can express their views freely in all matters affecting them, with appropriate communication supports (Article 12);
- protect children from all forms of physical or mental violence, injury or abuse, neglect or negligent treatment, maltreatment or exploitation (Article 19); and
- protect and promote the right of children with disability to live a full and decent life, with dignity, independence and community participation (Article 23).

Please also note, the Committee on the Rights of the Child has said:

*'Measures taken for the implementation of the rights contained in the Convention regarding children with disabilities, for example in the areas of education and health, should explicitly aim at the maximum inclusion of those children in society... it is necessary that States parties develop and effectively implement a comprehensive policy by means of a plan of action which not only aims at the full enjoyment of the rights enshrined in the Convention without discrimination but which also ensures that a child with disability and her or his parents and/or others caring for the child do receive the special care and assistance they are entitled to under the Convention.'*⁶

⁵ United Nations, *Convention on the Rights of Persons with Disabilities* (Web page) <<https://www.ohchr.org/en/instruments-mechanisms/instruments/convention-rights-persons-disabilities>>

⁶ United Nations Committee on the Rights of the Child, *General Comment No. 9 (2006), The rights of children with disabilities* <<https://digitallibrary.un.org/record/593891>>



Insights from other jurisdictions

Most Australian jurisdictions have disability inclusion plans or equivalents in place, detailing strong, future-focused actions and initiatives underpinning the development of more inclusive communities. As well as the previously mentioned South Australian *State Disability Inclusion Plan*, plans in the Australian Capital Territory⁷, New South Wales⁸, Queensland⁹, Victoria¹⁰ and Western Australia¹¹ all have a strong focus on the educational experiences of children and young people, including; improving education environments to be more inclusive, improving transition experiences such as starting and finishing school and moving between primary and high schools, and improving the knowledge and capacity of educators and other school staff to work with young people with disability and their families in inclusive ways. In this way, these plans reflect and uphold the rights of all children to safe, available, accessible and meaningful education.¹²

Other areas of focus in these plans include:

- physical and social inclusion, including ensuring playgrounds and recreational facilities are accessible for all;
- families and carers, including improving access to respite care and building family capacity to navigate complex systems; and
- safety and protection, including additional considerations for children in out-of-home care and the youth justice system, including youth detention.

I trust these existing disability action plans will help inform and strengthen the development of Tasmania's own disability inclusion plan.

With this context set, my feedback is focussed on responses to specific questions raised in the discussion paper, being:

- Question 2.12 – What else could the criminal justice system be doing to improve how it responds to people with disability?
- Question 2.13 – What needs to change so that people with disability can participate as much as possible in decisions that affect their lives? and
- Question 4.1 – How else can we ensure that the human rights of people with disability are promoted, upheld and protected?

⁷ Government of the Australian Capital Territory, *Disability Strategy* (Web page) <<https://www.act.gov.au/open/disability-strategy>>

⁸ Government of New South Wales, *NSW Disability Inclusion Plan* (Web page) <<https://dcj.nsw.gov.au/community-inclusion/disability-and-inclusion/nsw-disability-inclusion-plan.html>>

⁹ Government of Queensland, *Queensland's Disability Plan* (Web page) <<https://www.families.qld.gov.au/campaign/queenslands-disability-plan>>

¹⁰ Government of Victoria, *Inclusive Victoria: State Disability Plan (2022-2026)* (Web page) <<https://www.vic.gov.au/state-disability-plan>>

¹¹ Government of Western Australia, *State Disability Strategy 2020-2030* (Web page) <<https://www.wa.gov.au/government/document-collections/state-disability-strategy-2020-2030>>

¹² See Article 28 and Article 29 of the UNCRC. UNICEF, *United Nations Convention on the Rights of the Child* (Web page) <<https://www.unicef.org.au/united-nations-convention-on-the-rights-of-the-child>>



Child rights and participation

Considering first question 4.1, the discussion paper asks, “how else can we ensure that the human rights of people with disability are promoted, upheld and protected?”

Human rights belong to each of us, equally. While children and young people have the same human rights as adults do, they also have specific rights that reflect their unique needs as children. The UNCRC articulates these rights, which signatory nations, including Australia, recognise must be upheld for children and young people to realise their full potential. As such, Australian governments have a duty ‘to take measures to address the factors that impede, reduce or deny the ability of children with disabilities to engage and participate in life in ways that children without disabilities are able to’.¹³

No matter where they live and what they do, all Tasmanians, including children and young people deserve to be treated with dignity and respect, and they must have confidence that the Tasmanian Government, its agencies, and the whole Tasmanian community, understand, uphold and safeguard children’s human rights. This is the ethos that underpins *Making Rights Real* – this office’s rights-based approach to monitoring and evaluating children’s wellbeing, which I commend to you as a useful resource.¹⁴

Rightly, the discussion paper mentions both human rights and the UNCRPD, however there is no explicit statement that recognises children and young people’s inalienable rights as expressed under the UNCRC. Ensuring reference to both the UNCRPD and the UNCRC in the disability inclusion plan that is being developed is fundamentally important.

Realising children’s rights and prioritising their best interests includes ensuring their views and experiences are heard, and their opinions about the matters that affect them are given serious consideration. It involves ensuring non-discrimination and respect for the inherent dignity of children and young people, and guaranteeing their access to equitable, inclusive, and quality services and environments, so that they can develop fully and reach their potential.

To support your ongoing work of considering how to ground a future Tasmanian disability action plan in child rights, and how to meaningfully engage with children and young people as you go about this work, I draw your attention to the following resources.

Child rights impact assessment

The UN Committee on the Rights of the Child has recommended child rights impact assessment (CRIA) as an approach to understanding how a decision will impact on the rights and wellbeing of children, whether any group of children will be most affected and how, what is known from children themselves about a particular issue, and how to mitigate harm and

¹³ Tobin, John (ed.), *The UN Convention on the Rights of the Child: A Commentary* (Oxford University Press, 1st ed, 2019) 871

¹⁴ Commissioner for Children and Young People (Tas), *Making Rights Real – A child rights-based approach to monitoring and evaluating the wellbeing of children and young people* (2025)
<<https://childcomm.tas.gov.au/resource/making-rights-real>>



maximise benefit for children’s wellbeing.¹⁵ Many countries have developed CRIA tools.¹⁶ In 2025, the Australian Human Rights Commission, with support from UNICEF, released *Safeguarding Children: A child rights impact assessment tool*.¹⁷

This tool, presented as an 18-question checklist, aims to assist governments, organisations, and services to evaluate how proposed laws, policies and projects affect children’s rights and wellbeing as defined by the UNCRC.¹⁸

Utilising a CRIA tool to support the creation of Tasmania’s disability inclusion plan would increase confidence amongst children and young people, and the broader Tasmanian community, that children’s rights have been appropriately considered in its development and implementation. It would also contribute to the state’s obligation under the UNCRC to ‘make the principles and provisions of the Convention widely known, by appropriate and active means, to adults and children alike.’¹⁹

Communicate with us, not at us!

During 2024, the Commissioner for Children and Young People worked with a Consultative Council of children and young people which named itself the Voices for Tasmanian Youth (VTY).²⁰ The VTY comprised 19 children and young people aged 10 to 18, representing diverse identities, backgrounds, and experiences from communities across Tasmania. Its primary purpose was to ensure that children and young people participated in, and had their voices heard during the development of, the Tasmanian Government’s draft Child Sexual Abuse Reform Strategy, *Change for Children* and its first 10-year action plan.

One of the VTY’s many outputs was ‘*Communicate with us, not at us!*’ – a checklist for more effective communication with children and young people.²¹

¹⁵ Together Scotland, *Using child rights impact assessments*, (Briefing, 2025).

¹⁶ Together Scotland (ibid) cites several examples: Children’s Commissioner for Wales – CRIA template (5 Principles) https://www.childcomwales.org.uk/wp-content/uploads/2020/08/CRIA-template_ENG.docx; Scottish Government – CRWIA templates (policy and legislation) <https://www.gov.scot/publications/child-rights-wellbeing-impact-assessment-external-guidance-templates/documents/>; and, UNICEF UK – Child Friendly Cities CRIA template and guidance (local government) <https://www.unicef.org.uk/child-friendly-cities/home/cria/>

¹⁷ Australian Human Rights Commission, *Safeguarding Children: Safeguarding children: A child rights impact assessment tool* (Web page, March 2025) <<https://humanrights.gov.au/resource-hub/by-resource-type/reports/children-and-youth-rights/safeguarding-children>>

¹⁸ Ibid

¹⁹ UNICEF, *United Nations Convention on the Rights of the Child* (Web page) <<https://www.unicef.org.au/united-nations-convention-on-the-rights-of-the-child>> Article 42

²⁰ Commissioner for Children and Young People (Tas), *The Voices for Tasmanian Youth* (Web page, 2025) <<https://childcomm.tas.gov.au/young-people/the-voices-for-tasmanian-youth/>>

²¹ Commissioner for Children and Young People (Tas), *Communicate with us, not at us!* (2025) <<https://childcomm-tas.gov.au/assets.ionatahosting.net/uploads/2025/02/VTY-Communicate-with-us-not-at-us.pdf>>



Now included as a resource in the Tasmanian Government's Communication Toolkit²², this checklist includes key messages about:

- listening to the views of children and young people
- considering their rights
- being honest
- keeping messaging clear, and
- being mindful of the lived experience of children and young people.

I encourage you to consider how this resource, created by children and young people, might guide your ongoing consultation, as well as the development of supplementary communications materials related to the disability inclusion plan.

Youth justice insights

In question 2.12, the discussion paper asks, “what else could the criminal justice system be doing to improve how it responds to people with disability?”

While the following observations relate largely to youth detention, we know that youth detention is only a very small part of the youth justice continuum, and that only a small number of children and young people, relative to our population size, come into contact with this continuum due to their behaviour. However, it is my expectation and sincere hope this number will reduce as the government takes further action in line with the recommendations of the *Commission of Inquiry into the Tasmanian Government's Responses to Child Sexual Abuse in Institutional Settings*²³ and works to meet its rights-based commitments under the *Youth Justice Blueprint 2024-2034: Keeping children and young people out of the youth justice system*²⁴ (the Blueprint).

In December 2025 the Australian Human Rights Commission released a report titled '*Left alone: A review of solitary confinement and similar practices in Australia's youth justice systems*²⁵ (AHRC report) which speaks to the overrepresentation of children with disability in the youth justice system. The AHRC report notes that criminalisation of children and young people often stems from disability related behaviours and is driven by 'a combination of negative attitudes, cumulative disadvantage, inadequate early intervention and disability supports...'²⁶ The AHRC report discusses an overreliance on the criminal justice system to

²² Government of Tasmania, *Inclusive and respectful language* (Web page)

<<https://www.tas.gov.au/communications/accessibility-and-inclusivity/inclusive-respectful-language>>

²³ *Commission of Inquiry into the Tasmanian Government's Responses to Child Sexual Abuse (Report, August 2023)* <<https://www.commissionofinquiry.tas.gov.au/home>>

²⁴ State of Tasmania, *Youth Justice Blueprint 2024-2034: Keeping children and young people out of the youth justice system* (Webpage, 2023)

< <https://publicdocumentcentre.education.tas.gov.au/library/Shared%20Documents/Youth-Justice-Blueprint.pdf>>

²⁵ Australian Human Rights Commission, '*Left Alone: A Review of Solitary Confinement and Similar Practices in Australia's Youth Justice Systems* (Report, 2025)

<https://humanrights.gov.au/data/assets/pdf_file/0034/78748/2511-REPORT_Solitary_ACC_FINAL2.pdf>

²⁶ Ibid (page 16)



manage behaviours rather than utilising support services in the community by way of prevention and early intervention.

Further, the *Royal Commission into Violence, Abuse, Neglect and Exploitation of People with Disability* (the Royal Commission) found that people experiencing multiple forms of disadvantage are much more likely to be charged with, and convicted of, criminal offences.²⁷ The Royal Commission also found that people with disability are more vulnerable to violence, abuse, neglect and exploitation within custodial environments, including youth detention.²⁸

These findings demonstrate the ongoing need for education, disability, health, housing and child safety services to work in concert to provide early intervention and intensive community-based engagement supports for children and young people, and their families.

Recommendations made by the Royal Commission include: prohibiting the use of solitary confinement in youth detention²⁹, ensuring screening and assessment for disability in youth detention³⁰, ensuring appropriate and ongoing training and support relating to the needs and experiences of children with disability for youth detention staff³¹, improving police responses to people with disability³², and developing and funding court based diversion programs for people with disability.³³

These observations and recommendations are as relevant in Tasmania as they are in any other Australian jurisdiction.

As you may be aware, since 2022 this office has been resourced to employ an Advocate for Young People in Detention (the Advocate), bolstering on-the-ground independent advocacy for individual children and young people at AYDC, while enhancing the Commissioner's systemic oversight of the rights and wellbeing of children and young people in custody. The Advocate is generally onsite at AYDC 2-3 days per week and is available by phone to listen to and assist with any concerns or issues that children or young people may be experiencing.

Through the Advocate's work, and through my own engagement with children and young people at AYDC, I am aware that many experience barriers to accessing disability-related supports and services while in detention and in the community, as well as access to justice. Concerningly, highly detrimental isolation practices continue to be used at high frequency for operational safety and security reasons.

²⁷ *Royal Commission into Violence, Abuse, Neglect and Exploitation of People with Disability* (Final Report, September 2023) Vol. 8, 83-87

²⁸ Ibid

²⁹ *Royal Commission into Violence, Abuse, Neglect and Exploitation of People with Disability* (Final Report, September 2023), Recommendation 8.3

³⁰ Ibid, Recommendations 8.4 and 8.15

³¹ Ibid, Recommendation 8.5

³² Ibid, Recommendation 8.20

³³ Ibid, Recommendation 8.21



On the matter of isolation practices, while the Tasmanian Government has made strong, rights-based commitments to youth justice reforms, it is yet to legislatively prohibit solitary confinement in youth justice custodial settings. I refer you to the AHRC report for comprehensive information about the detrimental impact of solitary confinement on children and young people.³⁴

While there is no doubt that children with disability are overrepresented in the youth justice system, describing the precise number of young people with disability being held in custody is complicated by current intake processes failing to capture this information in full. It would assist greatly to better capture this information upon intake to help ensure all young people with disability can be supported while in custody and in their return to community. As the discussion paper notes, a review of the policy and procedure for the admission of young people to AYDC is currently being undertaken. I welcome this much needed review and trust that improvements will be made to the way admissions data is recorded.

It is my observation that many children and young people with complex disability and mental health needs entering AYDC have not had their needs effectively met in the community before coming into contact with the youth justice system. Further, anecdotal evidence indicates that remand at AYDC is at times used *in place of* absent community accommodation and care supports. The use of remand as de facto supported accommodation and care is starkly contrary to Tasmania's obligations, under the UNCRC, to use detention as a last resort only and for the minimum amount of time possible, and underlines the great need for further bail law and bail system reform.

Some young people with experience of the youth justice system have complex trauma arising from child-maltreatment and contact with Child Safety Services and the out-of-home-care system. The Royal Commission's final report describes this pathway as 'care criminalisation' - unnecessary exposure to the youth justice system as a result of contact with the child protection system.³⁵

Importantly, the 'care criminalisation' pathway is disrupted when children, young people, families and carers have access to the right supports, early on. It is established that early diagnosis and support for disability can assist with children and young people becoming and remaining engaged in education and community, supporting families to be safe and nurturing.³⁶

It is also important to note that AYDC is not the only place where children and young people, including those with disability, are detained by the state. I draw your attention to my recent report "*Lonely and scary and traumatising*": *Young people's experiences of adult custodial facilities*, which details the experiences of children and young people held in adult custodial

³⁴ Australian Human Rights Commission, '*Left Alone*': *A Review of Solitary Confinement and Similar Practices in Australia's Youth Justice Systems* (Report, 2025) <https://humanrights.gov.au/data/assets/pdf_file/0034/78748/2511-REPORT_Solitary_ACC_FINAL2.pdf>

³⁵ *Royal Commission into Violence, Abuse, Neglect and Exploitation of People with Disability* (Final Report, September 2023) Vol. 3, 73

³⁶ Australian Institute of Family Studies, *Supporting Disability Inclusion for Children and Families* (Web Page, 26 February 2025) <<https://aifs.gov.au/resources/short-articles/supporting-disability-inclusion-children-and-families>>



facilities including reception prison watch-houses, police watch-houses, police cells and court cells.³⁷ As this report makes clear, these “children are often held in cells next to adults and are often placed under the care of correctional officers with limited training to support and respond to the needs of children and young people”.³⁸ This is the experience of children and young people generally, in these settings. Remembering Professor Tobin’s ‘double jeopardy’ commentary, the experience of adult custodial settings can only be more pronounced for children and young people with disability.

While the Blueprint outlines a future state in which children and young people have ready access to a “greater range of early intervention support services to address risk and increase protective factors”³⁹, I am yet to see consistent reduction in the number of children and young people coming into contact with the youth justice system. The disability inclusion plan provides a clear opportunity for the Tasmanian Government to ensure a co-ordinated approach to upholding the rights of young people with disability, particularly those with experience of or at risk of coming into contact with the youth justice system. It is also an opportunity to support the delivery of existing commitments made under the Blueprint regarding how the youth justice system should better respond to, and support, children and young people with disability.⁴⁰

Out-of-home care insights

In questions 2.13, the discussion paper asks, “what needs to change so that people with disability can participate as much as possible in decisions that affect their lives?”

A key omission of the discussion paper is consideration of children with disability with experience of Tasmania’s out-of-home care system.

Monitoring Report No. 3 - Key data on Tasmania’s out-of-home care system, 2019-2024, published recently by this office, cites Australian Institute of Health and Welfare (AIHW) data which notes on 30 June 2024, approximately one in every 5 children (21%) in care in Tasmania were recorded as having a disability.⁴¹ However, it is likely the proportion of children in care in Tasmania with a disability is greater than the reported 21 per cent, as 42.4 per cent of children in care had a disability status recorded as ‘not stated’. In the 5 years between 2020-2024, the proportion of children with an unknown disability status increased by 11.6 per cent.

³⁷ Commissioner for Children and Young People (Tas). “Lonely and scary and traumatising”: Young people’s experiences of adult custodial facilities (Report, 2026) <<https://childcomm.tas.gov.au/uploads/2026/03/Lonely-Scary-Traumatising-Voices-Report.pdf>>

³⁸ Ibid 7

³⁹ Government of Tasmania, *Youth Justice Blueprint 2024-2034 – Keeping children and young people out of the youth justice system* (December 2023) <<https://publicdocumentcentre.education.tas.gov.au/library/Shared%20Documents/Youth-Justice-Blueprint.pdf>> 6

⁴⁰ Ibid, 22-23, 25, 28

⁴¹ Commissioner for Children and Young People (Tas) *Monitoring Report No. 3: Key data on Tasmania’s out-of-home care system, 2019-2024*, (Report, 2026) <<https://childcomm-tas-gov-au.assets.ionatahosting.net/uploads/2026/02/Data-Monitoring-Report-No-3-2019-2024.pdf>> 18



In 2023, former Commissioner for Children and Young People McLean's own-motion investigation, *A Place at the Table*⁴², found significant impacts were caused by changes made to the case management approach by the Child Safety Service in Tasmania. During 2022, the Child Safety Service shifted from assigning children and young people in care with a dedicated Child Safety Officer, moving instead to a Care Team model, principally to achieve efficiencies and to manage workforce pressures. This change impacted the rights of many children with disability, including their right to receive healthcare when needed, with approximately one in four children in out-of-home care allocated to team based case management having a recorded disability.⁴³ Because of this change, children and young people in care reported experiencing increased healthcare delays resulting in delayed diagnoses, worsening of behavioural symptoms, and delayed access to disability supports.

It remains the case that many children and young people in care do not have a dedicated Child Safety Officer, and this office continues to monitor how the Department for Education, Children and Young People is working to address the harmful impacts of this operational change. For the most recent update from this office on this matter, please see *A Place at the Table: Following up on Changes to Case Management in Care*.⁴⁴

The plan must recognise and respond to the experiences, needs and rights of children and young people with disability in care.

Further engagement and advocacy related insights

Through the engagement and advocacy activities of this office, I am able to present views indicative of children and young people generally with relevance to disability inclusion.

Letting Them Have a Say

In 2024, the Office of the Commissioner for Children and Young People facilitated a postcard-based activity to inform feedback on draft legislation to establish the new Commission for Children and Young People. Close to 700 children and young people from across Tasmania expressed their thoughts, hopes and ideas about the proposed new Commission, as well as their aspirations for Tasmania's future more generally. These views have been shared through the 2025 report, *Letting Them Have a Say*.⁴⁵

The postcard invited children and young people to respond to the question: *Imagine it's your job to stand up for children and young people like you in Tasmania. What do you need to know and do to make sure they have a good life?*

⁴² Commissioner for Children and Young People (Tas), *A Place at the Table: An investigation into a change to the case management of children and young people in care in Tasmania* (Report, 2023) <<https://childcomm-tas.gov.au/assets/ionatahosting.net/uploads/2023/11/Investigation-Report.pdf>>

⁴³ Ibid, P67; table SF1.

⁴⁴ Commissioner for Children and Young People (Tas), *A Place at the Table: Following up on Changes to Case Management in Care* (Report, 2026) <<https://childcomm.tas.gov.au/resource/a-place-at-the-table-following-up-on-changes-to-case-management-in-care>>

⁴⁵ Commissioner for Children and Young People (Tas), *"Letting them have a say" - Children and young people's views on the proposed new Commission for Children and Young People* (Report, 2025) <https://childcomm.tas.gov.au/wp-content/uploads/2025/03/25-03-13_Letting-Them-Have-A-Say.pdf>



In response to this prompt, children and young people shared clear messages of inclusion, access, equal opportunity, participation, safety and support, which map directly to disability inclusion goals.

A repeated sentiment was that every child and young person should have the same opportunities and experiences in support of their right to non-discrimination (Article 2):

‘Children and young people emphasised that to make sure people like them have a good life, the new Commission would need to know about and do things to create a more equal and inclusive society. This included the need for stronger systemic supports for children and young people and greater opportunities for them to actively participate in decisions that affect their lives.’⁴⁶

Further, throughout the responses received, children and young people described a need for stronger systemic supports including more accessible services to be made available through schools as well as in the community, particularly for children and young people living with disability:

“Give the kids who have disabilities free wheelchairs and free disability equipment so they can do stuff and it will help them.” (Child, 11 years)⁴⁷

“Have more disability friendly facilities.” (Young person, 13 years)⁴⁸

“I think the park(s) deserve to be upgraded and made more suitable for those with disabilities.” (Young person, 14 years)⁴⁹

These sentiments reflect the right of children and young people with disability to “enjoy a full and decent life, in conditions which ensure dignity, promote self-reliance and facilitate the child’s active participation in the community” (Article 23).⁵⁰

Public enquiries about educational matters

The Office of the Commissioner for Children and Young People receives enquiries from members of the public, often from parents and carers of children and young people, seeking support and advocacy about issues they are experiencing.

Reviewing recent public enquiry data for themes of relevance, I note this office has been contacted by parents and carers of young people with disability raising concerns about access to education, and inadequate supports for their children while attending school. I often hear that solutions offered to families are not acceptable to them, they feel their concerns are not heard, and they describe inadequate processes including exclusionary practices being used to respond to disability-related issues.

⁴⁶ Ibid 15

⁴⁷ Ibid 16

⁴⁸ Ibid

⁴⁹ Ibid

⁵⁰ UNICEF, *United Nations Convention on the Rights of the Child* (Web page) <<https://www.unicef.org.au/united-nations-convention-on-the-rights-of-the-child>>



These enquiries reflect the findings of the Royal Commission that educational systems are not fully supporting children and young people with disability to participate in school, or to feel included and safe when they do.

I have written about these issues more fulsomely previously, and I direct you to both my response to the *Tasmanian Parliamentary Inquiry into Discrimination and Bullying in Tasmanian Schools in August 2024*⁵¹, as well as a more recent response to the Review of Disability Standards for Education Discussion Paper.⁵²

I also note the importance of data collection and availability to understand educational inclusion for children with disability. This extends also to understanding the experience of intersectionality – for example, there is currently no published data that tells us how many Aboriginal students with disability experience suspension, exclusion, or expulsion. I include this as an example of the type of information that should be made available to help understand the impact of the government's work to improve inclusion for all children with disability.

Conclusion

Thank you for providing this opportunity to provide comment on this vitally important and necessary plan, and for your ongoing work to ensure it considers Tasmania's children and young people as particular rights-holders worthy of its consideration.

My office welcomes future conversations and opportunities to review and provide feedback on materials as you continue with the drafting of this important plan.

Yours sincerely,

Isabelle Crompton

Interim Commissioner for Children and Young People

cc: *The Hon Jo Palmer MLC, Minister for Children and Youth, Minister for Disability Services*
cc: *Ginna Webster, Secretary, Department for Education, Children and Youth*
cc: *Ross Smith, Assistant Secretary, Department for Education, Children and Youth*
cc: *Katherine Morgan-Wicks, Secretary, Department of Premier and Cabinet*

⁵¹ Commissioner for Children and Young People (Tas), *Re: Inquiry into Discrimination and Bullying in Tasmanian Schools* (20 August 2024) <https://www.parliament.tas.gov.au/data/assets/pdf_file/0035/84599/278.-Commissioner-for-Children-and-Young-People_Redacted.pdf>

⁵² Commissioner for Children and Young People (Tas), *2025 Review of the Disability Standards for Education – Discussion Paper* (21 November 2025) <<https://childcomm.tas.gov.au/resource/2025-review-of-the-disability-standards-for-education-discussion-paper>>