



Your Ref:
Our Ref: 961

27 September 2024

The Honourable Jeremy Rockliff MP
Premier of Tasmania
Salamanca Place
HOBART TAS 7000
By email: jeremy.rockliff@dpac.tas.gov.au
changeforchildren@dpac.tas.gov.au

Dear Premier,

Re: *Change for Children and Collaborating for Change* Consultation Draft

I am grateful for the opportunity to provide feedback on the Consultation Draft, *Change for Children*, the new Tasmanian Child Sexual Abuse Reform Strategy incorporating the draft Action Plan, *Collaborating for Change* developed by the Tasmanian Government in response to Recommendation 19.1 of “*Who was looking after me? Prioritising the safety of Tasmanian children*”, the Final Report of the Commission of Inquiry into the Tasmanian Government’s Responses to Child Sexual Abuse in Institutional Settings ¹ (“*Who was looking after me?*”, August 2023).

I acknowledge the profound importance of this work and the efforts of the staff within the Department of Premier and Cabinet (DPAC) in producing the draft strategy and action plan within such a short timeframe.

The Tasmanian Government, in its response to the Commission of Inquiry into the Tasmanian Government’s Responses to Child Sexual Abuse in Institutional Settings (Commission of Inquiry), committed to:

- Implement the Commission’s 191 recommendations in full in a manner that empowers children and young people to have influence, and which allows [Government] to continue to hear their voices and learn from those who have previously suffered harm in our institutions.
- Rebuild trust in our government institutions through our actions, giving meaning to the report, and all of those who contributed to it, by implementing real change.
- Work with children, young people and victim-survivors, to develop a detailed Child Sexual Abuse Reform Strategy and Action Plan which is intended to outline the desired system that Tasmania seeks to achieve to respond to child sexual abuse. This will encompass both [the Government’s] Response to the Commission’s recommendations and broader initiatives, reforms and recommendations².

I commend the Tasmanian Government for agreeing to implement the 191 recommendations in full and I note that implementation has begun across many areas. There is a daunting amount of work

¹ *Commission of Inquiry into the Tasmanian Government’s Responses to Child Sexual Abuse (August 2023)*, https://www.commissionofinquiry.tas.gov.au/_data/assets/file/0011/724439/COI_Full-Report.pdf

² *Keeping Children Safe and Rebuilding Trust*, The Tasmanian Government’s Response to the Report of the Commission of Inquiry into the Tasmanian Government’s Responses to Child Sexual Abuse in Institutional Settings, Crown in the Right of the State of Tasmania, (December 2023)

ahead but as a State we must do all we can to make change and to forge a new path for children and young people, for victim-survivors, and for our collective future.

In June this year, Commissioner McLean provided written contributions in two parts to inform the development of the draft strategy. In providing feedback on the draft strategy, I have considered the extent to which *Change for Children* has responded to those contributions and to the Commission of Inquiry's Final Report, "*Who was looking after me?*".

The Tasmanian Government has before it the most serious and important of leadership opportunities on behalf of young Tasmanians. It is time to not only commit to, but to act to keep Tasmania's children and young people safe from harm and, to prevent and respond appropriately to child sexual abuse and harmful sexual behaviours where they occur.

While effecting such significant change takes time, you will recall that a previous submission from this Office included a paper which summarised the voices of children and young people from the last decade on child safety and how to better prevent and protect Tasmanian children and young people from all forms of violence, including child sexual abuse.³

Children and young people, and the Tasmanian community, have waited long enough for action. Things must change and this change must be positive, real, measured and sustained.

I truly hope that in the months and years to come there will be no doubt in the minds of Tasmania's children and young people that they are looked after, and that the Tasmanian Government, leaders and those working in institutional settings, and the Tasmanian community itself, are accountable for upholding the rights of children and young people, including their safety.

I would also like to acknowledge the important and deeply informative work of the 19 young people who have formed *The Voices for Tasmanian Youth*, a Consultative Council established under section 13 of the *Commissioner for Children and Young People Act 2016*. The commitment, insight, passion and optimism that these young people have demonstrated, and the plain hard work that they have undertaken in crafting *Speaking Out for Tomorrow*, and in reviewing the long and at times complex documents, *Change for Children* and *Collaborating for Change*, to inform this submission, is truly remarkable. I thank them all for their contributions.

My feedback on *Change for Children* is comprised of three parts:

1. A summary of the role of the Commissioner for Children and Young People.
2. My feedback and recommendations on *Change for Children* and *Collaborating for Change*
3. A summary of the role and work of The Voices for Tasmanian Youth (VTY) and their independent feedback on *Change for Children* and *Collaborating for Change*.

Part 1

Role of the Commissioner for Children and Young People

The Commissioner for Children and Young People is an independent statutory office established under Tasmania's *Commissioner for Children and Young People Act 2016* (the CCYP Act). The CCYP Act commenced on 1 July 2016. Prior to the commencement of the CCYP Act, the role of Commissioner for Children was governed by Division 1 of Part 9 of the *Children, Young Persons and Their Families Act 1997* (Tas) (the CYPTF Act). The first Commissioner for Children was appointed in October 2000.

³ 'A decade of children's voices on child safety' report, 6 June 2024, childcomm.tas.gov.au/resource/a-decade-of-childrens-voices-on-child-safety-report

The CCYP Act introduced a range of changes including refocusing the Commissioner's role on the wellbeing and best interests of children and young people generally, including an express requirement for any person performing a function or exercising a power under the CCYP Act to observe any relevant provisions of the United Nations Convention on the Rights of the Child. I note in particular the function to assist in ensuring the State satisfies its national and international obligations in respect of children and young people generally.

The Commissioner's powers were also expanded to include an own motion investigative function of a systemic nature, in addition to conducting inquiries where requested by the Minister. The functions and powers and the principles to which I must have regard as Acting Commissioner are set out in that Act.

Functions, Powers and Principles

Section 8(1) of the CCYP Act outlines the general functions of the Commissioner as follows:

- a) advocating for all children and young people in the State generally.
- b) acting as advocate for a detainee under the *Youth Justice Act 1997*.
- c) researching, investigating and influencing policy development into matters relating to children and young people generally.
- d) promoting, monitoring and reviewing the wellbeing of children and young people generally.
- e) promoting and empowering the participation of children and young people in the making of decisions, or the expressing of opinions on matters, that may affect their lives.
- f) assisting in ensuring the State satisfies its national and international obligations in respect of children and young people generally.
- g) encouraging and promoting the establishment by organisations of appropriate and accessible mechanisms for the participation of children and young people in matters that may affect them, and
- h) such other functions as are prescribed.

Section 11 of the CCYP Act outlines the general powers of the Commissioner and section 12 outlines the powers of the Commissioner to compel information.

Section 3(1) requires that the performance of functions and the exercise of powers under the CCYP Act must be done in accordance with the principle that the wellbeing and best interests of children are paramount, and relevant provisions of the United Nations Convention on the Rights of the Child are observed.

Subject to section 3(1), the CCYP Act is to be administered according to the following principles (s. 3(2)):

- a) children are entitled to live in a caring and nurturing environment and to be protected from harm and exploitation.
- b) the interests and needs of children and young people who are disadvantaged or vulnerable for any reason should be given special regard and serious consideration.
- c) the contributions made by children to the community should be recognised for their value and merit.
- d) the views of children on all matters affecting them should be given serious consideration and taken into account.
- e) parents, families and communities have the primary role in safeguarding and promoting the wellbeing of children and should be supported in carrying out their role.

As Acting Commissioner, and supported by the Office of the Commissioner, I continue to focus on ensuring Tasmanian children and young people can and are supported to participate in decisions

being made about the systems and processes designed to promote and protect their rights. This includes having their voices heard in the design and implementation of key reform initiatives, such as the Tasmanian Government's Child Sexual Abuse Reform Strategy, and the establishment of the new Commission for Children and Young People.⁴

I also continue to focus on:

- a) providing independent, child-centred and impartial advice and comment on the broad operational, policy and legislative reform agenda being pursued by the Tasmanian Government to implement the Commission of Inquiry's recommendations.
- b) Developing of a new rights-based framework for monitoring and evaluating children and young people's enjoyment of their rights, to better promote, protect and realise children's rights. Partnering with children and young people, and working constructively with Government and other stakeholders, this approach will further contribute to make rights real for children and young people, the community, and the Tasmanian Government through rights-based and data driven advocacy.
- c) providing independent advocacy for individual children in youth justice detention, as well as continuing to advocate generally for reforms of the youth justice and out-of-home care systems in Tasmania.

Consistent with the statutory functions of Commissioner, my comments below focus on matters that are particularly relevant to promoting and protecting the rights, wellbeing and best interests of children and young people.

Part 2

Change for Children and Collaborating for Change - Feedback and Recommendations

As a general comment, and one echoed by young people involved in the VTY and other stakeholders, the connection between the strategy and the action plan should be made more explicit prior to finalisation. What we really need to see is the 'how' of implementation which is essential to achieving the cultural change that is so desperately needed in Tasmania across government and community sector organisations and the broader Tasmanian community.

A VTY member assertively illustrated this sentiment when they said:

"I think that [there] should be a strong message from us, is this document... [it] isn't a strategy... there's no strategy in this ... and what they call their action plan, I've looked through school's action plans and stuff. Action plans are meant to also show how they intend to do it ... and I can't trust this document if it's not gonna tell me what they're gonna do... 'cause otherwise, it's a lot of luck..."

"It's just expanding on the [CoI] recommendations without saying how they're going to achieve this" - VTY Member

This young person, speaking for many, has identified a significant opportunity to create a stronger link between the commitments and vision statements in the draft strategy, and the actions to be taken to achieve them.

I acknowledge and appreciate the sensitivity with which the consultation drafts have been written and designed, and the symbols of hope and healing that have been incorporated. Young people

⁴ In response to the Commission of Inquiry, the Tasmanian Government is currently engaging in public consultation to inform the establishment of a new Commission for Children and Young People (Rec 18.6 and others). For further information, see <https://www.justice.tas.gov.au/community-consultation/consultations/commission-for-children-and-young-people-bill-2024>

have told me they like the graphics on page 11 of *Change for Children*.⁵ They said the images powerfully captured the kinds of changes they would like to see. They particularly appreciated the following elements:

“I did not have to repeatedly share my story to get help, I was responded to quickly and with care, I am believed when I share my experiences.”

One young person suggested the addition of text to reflect that abuse is not the fault of the child or young person, and that they will be treated with respect “and empathy”.

Some members of the VTY group felt that the graphics were unappealing and did not make a young person want to pick up the document. However, another young person said...

“If I were to say something good about it, my positives would be the graphics”.

Another young person said that the part of the draft they were most happy about was the closing of the Ashley Youth Detention Centre. They also said they were pleased that there were “many different watch dogs that [the Government] has created” to help address the sexual abuse of children and young people.

Another young person told me that they now think... *“the Government has actually finally started listening to victim survivors...and understanding that they do in fact know more than a person in a government office knows about their own experience”*. They went on to say, *“...I think the Government uses language that makes their documents inherently confusing, but some parts of this document prove to me that they don’t always do that...they can make a more accessible document if they try.”*

I support and acknowledge the importance of the dedication to victim-survivors, whistleblowers, and advocates, and those who have lost their lives. We must never lose sight of the most tragic outcomes of child sexual abuse and the incredible resilience of children and young people and those who care for them in the face of such adversity.

A VTY member gave this feedback:

“I think it was really beautiful that in the dedication they said, ‘in their memory and for all the victims, we commit to real change,’ which shows that they are actually serious.”

I also acknowledge the commitment of the Tasmanian Government to achieving change, the articulation of the enduring statement of intent and the commitment to Tasmanian Aboriginal people to ‘talk with good spirit’.

I was concerned, however, by the failure to produce ‘easy read’ resources relating to *Change for Children* to facilitate early and meaningful engagement with children and young people in the development of the draft strategy and action plan and in the public consultation process. I remain unclear of the purpose of the documents for children and young people now published on the Keeping Children Safe website.⁶

Under the United Nations Convention on the Rights of the Child (UNCRC), children and young people have the right to genuine participation in matters that affect them (Article 12) and the right to receive information that is accessible to them (Article 13). The challenges evidently experienced in preparing child- and young person-friendly documents associated with these momentous reforms does not inspire confidence in children and young people that their rights are known, understood,

⁵ On page 11 of the draft *Change for Children*, diagrams show the Government’s aspirations about the experiences of a child or young person, and a victim-survivor in *A changed future*.

⁶ Three ‘easy read’ documents were added to the Change for Children website during the consultation period. These documents seek to communicate the overarching aims of the reforms arising from the Commission of Inquiry; however, they do not appear to be intended to engage children and young people in the strategy consultation process.

and being upheld. To enable children and young people to exercise their right to participate, the Government should do everything needed to make sure that versions of important policy documents are accessible enough to allow this.⁷

Despite the introduction of the collateral resources on the Keeping Children Safe website, young people continue to say that the language and structure of the consultation draft makes it difficult to understand and provide comment on.

“... and it's like all very wishy-washy, like it's a little bit vague.” – VTY Member

This is disappointing, especially noting their considerable work in developing their campaign for change, *Speaking out for a Safer Tomorrow*, and the contributions they want to make to the Government's reforms. I urge the Tasmanian Government to engage children and young people early in the development of any communication plan to inform and provide visibility of the reform work. Similarly, the voices of children and young people should be considered and taken seriously in related future government policies in this area.

Finally, I would like suggest the following specific amendments to the text:

1. Update the draft vision to read - *Tasmanian children and young people **have their rights upheld**. They have what they need to grow and thrive, they are safe, respected and **supported** in institutions, homes, families, communities and all places where they live, learn, play, **work** and heal (existing), **and they are empowered to speak out**.*
2. On p.12, add: 'I understand and demonstrate how I uphold the rights of children' as an additional indicator of a changed future for a staff member in a community organisation or a government agency.
3. *Change for Children* is described as 'an evolving strategy and will be built on over time...' (p.4). It would be helpful to include the process for updating the strategy.

The time is now for a child-rights-based approach to reform

No matter where they live and what they do, all Tasmanian 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 understands, upholds and safeguards their human rights.

Human rights belong to each of us equally. While children and young people have the same human rights as we do, they also have specific rights that reflect their special needs. The UNCRC articulates these rights, which must be upheld for children and young people to realise their full potential.

“Who was looking after me?”, the Final Report of the Commission of Inquiry, made it abundantly clear that the rights of children and young people have often been disrespected and violated in this State. In 2024, Tasmanian children sit anxiously waiting for change; they are looking to you and to all Tasmanian leaders to demonstrate that you understand their rights, and that you will do everything within your power to uphold and protect these rights. Achieving the cultural change across Tasmanian government agencies, institutions and community settings that is so desperately needed will not happen without a determined commitment to ensure that public policies that affect children and young people have been deliberately assessed to align with the UNCRC.

As adults, and as a society, we value, promote and protect our human rights. We must apply the same commitment to Tasmania's children and young people. As a community, we must consciously and deliberately remind ourselves why children's rights are equally important. We know that children start their lives as dependent infants and grow towards independence, but when their needs are

⁷ See for example: Lundy, L, (2022), How to Write a Child-Friendly Document, <https://resourcecentre.savethechildren.net/document/how-to-write-a-child-friendly-document/>

unable to be met by the adults in their lives, the State has a duty of care to provide alternatives that are in the best interests of the child.⁸

We know that children are, for the most part, excluded from the political process and despite most government policies affecting children to some extent, their ability to influence the very policies that shape their lives is limited.⁹ The future of our State and the wellbeing of society rests with our next generation. The healthy development of children and young people, especially in the early years, is critical, and their participation in the decisions that affect them, essential.

Pleasingly, *Change for Children* mentions children's rights and commits to upholding children's rights as a foundation for change. However, at times the draft conflates children's rights with safety. Achieving a truly child-centred system will only be realised if the rights of children are known, respected and universally upheld. In this sense, while meeting the new Child and Youth Safe Standards is a critical component of achieving a child-safe service system, upholding the rights of children extends to all facets of a child's life.

While child safety is clearly an important priority, a child-rights-based approach to the Tasmanian Government reform program emanating from the Commission of Inquiry and to all future government policy, is imperative. This way, as is articulated in the UNCRC, the focus will necessarily be upon the fundamental wellbeing and development of the whole child, as an individual rights-holder, as a family member, and as a community member.

I emphasise once again the rights contained in the UNCRC, which can be grouped into three broad categories:

1. **The Right to Provision:** these are the rights to services, skills and resources needed to ensure children's survival and development to their full potential, such as health care (Article 24), the right to play and the right to education (Article 28).
2. **The Right to Protection:** these are the rights that ensure children are protected from acts of exploitation or abuse, in the main by adults or institutions, that threaten their dignity, their survival or their development; for example, protection from abuse and neglect (Article 19) and protection and care in the best interest of the child (Article 3).
3. **The Right to Participation:** these are the rights that provide children with how they can engage in processes of change that will realise their rights and prepare them for an active part in society, such as a voice in matters that affect the child (Article 12) and freedom of expression and the right to information (Article 13).¹⁰

I urge the Tasmanian Government to commit to taking a children's rights-based approach to all 191 recommendations for reform and to all future government policy making.

*A children's rights-based approach to policy development and implementation entails a conscious and deliberate effort to identify the extent to which policies align with the UNCRC and the use of a process that in itself is rights respecting.*¹¹

Articulating this commitment with the Foreword for *Change for Children* and establishing a process to ensure all government policies align with the UNCRC will commit all of us to a future in which children's rights are promoted and protected. I recommend that DPAC, as the agency responsible for whole of government advice, commission the development of a whole of government and non-government professional development and training package that incorporates mandatory training on

⁸ UNICEF, *Child rights and why they matter*, <https://www.unicef.org/child-rights-convention/child-rights-why-they-matter>, accessed 1 September 2024

⁹ Ibid

¹⁰ Friedmann, L & Covell, K. (2012). *Children's Rights Education*. www.childrensrightseducation.com, <https://childrensrightseducation.com/childrens-rights.html>

¹¹ Laura Lundy and Lesley McEvoy, 'Childhood, the United Nations Convention on the Rights of the Child and Research: What Constitutes a "Rights-Based" Approach?' in *Law and Childhood: Current Legal Issues*, ed. Michael Freeman (Oxford: Oxford University Press, 2012), 14: 75–91.

the United Nations Convention on the Rights of the Child. This work should be undertaken in consultation with the Office of the Commissioner and the new Commission for Children and Young People, once it is established.

Build Child Rights Impact Assessments into all policy development and monitoring

Impact assessment is not a new concept for policy makers and legislators, with health, social and environmental impact assessments common tools used across government agencies. Impact assessment tools have also been developed to 'help governments and service providers assess how children's rights and wellbeing will be affected by new laws and policies.'¹²

The Australian Human Rights Commission, with support from UNICEF, has developed *Safeguarding Children: A child rights impact assessment tool*.¹³ In the words of Australia's National Children's Rights Commissioner, Anne Hollonds:

'This tool provides human rights-based principles to guide decisions about laws and policies affecting children and young people, who are typically 'invisible' and not heard. This will be helpful across all policy areas, including youth justice and child protection, which are failing to properly support children and young people'.¹⁴

Implementing child rights impact assessment will increase confidence amongst children and young people and the broader Tasmanian community that children's rights are firmly at the centre of the reforms and of the strategy and action plan.

Agency heads could, for example, have the opportunity to demonstrate the use of CRIAs to measure direct and indirect impacts as part of their reporting to the Secretaries Board.

*A CRIA is used to systematically assess the impact on children of laws, policies, budgetary allocations, or administrative decisions as measured against the CRC and domestic human rights/child wellbeing frameworks.*¹⁵

*For CRIAs to be effective, there needs to be a clear mandate for their use with sustained political commitment; children's rights training for assessors who also have access to expert advice; tools to guide and shape the process; access to relevant data sets; and a clear expectation of involving children.*¹⁶

I recommend that the Tasmanian Government fully implement a CRIA tool to assess the impact of the strategy and actions and guide decision making.

Children and young people's participation – a fundamental human right

Increasing participation of children and young people, victim-survivors and service providers in decisions that affect them, including policy design and delivery, was a key tenet of the Commission of Inquiry's Final Report, *Who was looking after me?*¹⁷

¹² Australian Human Rights Commission, 2023, *Safeguarding Children: A Child Rights Impact Assessment Tool*, <https://humanrights.gov.au/our-work/childrens-rights/publications/safeguarding-children>. Other jurisdictions have also developed CRIA tools.

¹³ Australian Human Rights Commission, 2023, *Safeguarding Children: Using a child rights impact assessment to improve our laws and policies*

¹⁴ Ibid

¹⁵ Ibid

¹⁶ Payne, Lisa 'Child Rights Impact Assessment as a Policy Improvement Tool' (2019) 23(3) *The International Journal of Human Rights* 408, 415-19

¹⁷ *Commission of Inquiry into the Tasmanian Government's Responses to Child Sexual Abuse (August 2023)*, https://www.commissionofinquiry.tas.gov.au/__data/assets/file/0011/724439/COI_Full-Report.pdf

The Commission of Inquiry noted that children and young people's perspectives should be more formally built into Tasmanian Government policy development and decision making.¹⁸ They wrote in detail about the need to actively encourage the engagement and participation of children and young people and highlighted several approaches in use across some Australian jurisdictions. They also noted that empowering children and young people through meaningful engagement and participation aligns with Principle 2 of the National Principles for Child Safe Organisations¹⁹ and Standard 2 of the Child and Youth Safe Standards²⁰, which outline an expectation that organisations ensure children and young people participate in decisions affecting them.

I endorse the Commission's findings that empowering the engagement and participation of children and young people not only shows children and young people that they are important, but also leads to better policies and decisions. This approach is far more likely to improve their safety and wellbeing, and critically, contributes to the development of an organisational culture that embodies consultation and collaboration, and is therefore more likely to meet the needs of children and young people.

Organisations and systems will only be truly child-centred when they prioritise the voices of children and young people and work to meet or advocate for their best interests.²¹ Building a shared and common understanding of rights-based approaches includes opportunities for children and young people to influence decisions that will impact their lives. Therefore, for a policy to be children's rights-based, or indeed, child-centred, children and young people should be involved in its development.²² However, 'participation is not always routine nor is it always meaningful'.²³

I note the following recommendations from "*Who was looking after me?*":

Recommendation 9.6 The Department for Education, Children and Young People should, in consultation with the Commission for Children and Young People (Recommendation 18.6), develop an empowerment and participation strategy for children and young people in out of home care. This strategy should have regard to best practice principles for children's participation in organisations at the individual and systemic levels.

Recommendation 12.8 The Department for Education, Children and Young People should, in consultation with the new Commission for Children and Young People (Recommendation 18.6), develop an empowerment and participation strategy for children and young people in detention, having regard to best practice principles for children's participation in organisations.

While this Office looks forward to working with the Department for Education, Children and Young People (DECYP) as it develops these strategies, I also recommend that DPAC, as the agency with the mandate and the responsibility to lead whole of government actions, work to develop, implement and evaluate a whole of government engagement and participation strategy, in co-production with children and young people.

I recommend that work be grounded in the Lundy Model of Participation (based on the four key elements of space, voice, audience and influence) to enable meaningful participation of children and young people in matters that affect them.²⁴ The Victorian Commission for Children and Young People and the New South Wales Office of the Children's Guardian have developed an

¹⁸ Ibid, Volume 1, p.13

¹⁹ Australian Human Rights Commission, National Principles for Child Safe Organisations (2018)

²⁰ Tasmanian Department of Justice, Child and Youth Safe Standards, <https://oir.tas.gov.au/about/child-and-youth-safe-standards#:~:text=Standard%20%3A%20Children%20and%20young,decisions%20and%20are%20taken%20seriousl,> January 2024.

²¹ <https://professionals.childhood.org.au/prosody/2015/04/child-centred/>

²² Byrne, B., & Lundy, L. (2019). *Children's rights-based childhood policy: a six-P framework*. The International Journal of Human Rights, 23(3), 357–373. <https://doi.org/10.1080/13642987.2018.1558977>

²³ Ibid

²⁴ Queens University, Belfast, *Enabling the meaningful participation of Children and Young People Globally: The Lundy Model* <https://www.qub.ac.uk/Research/case-studies/childrens-participation-lundy-model.html>

empowerment and participation strategy which serves as a useful starting point for Tasmania.²⁵ See also the comprehensive and practical work of the Irish Government to develop a national framework for children and young people's meaningful participation in decision making.²⁶

A public health approach to the prevention of child sexual abuse and harmful sexual behaviours

Child sexual abuse is a public health problem impacting individuals across the lifespan, therefore a public health approach to management is important.²⁷

The Australian Child Maltreatment Study (ACMS) has provided critical research to inform a renewed approach to policy development to reduce child maltreatment and to mitigate its long-term effects. The ACMS recognises in its recommendations the importance of accelerating a public health approach, with a focus on primary prevention and secondary prevention, and 'more investment in universal prevention at the population level and to targeted interventions to subpopulations at high risk.'²⁸ Given that the ACMS data collection project has concluded and that Tasmanian information on the incidence and prevalence of child sexual abuse should continuously inform the evolving strategy and its evaluation, I recommend the Tasmanian Government consider further opportunities for ensuring a sustainable research program to monitor the prevalence and health outcomes of child maltreatment.

Tasmanian children's commissioners have long advocated for the adoption of a public health approach to the prevention of child sexual abuse and harmful sexual behaviours. I am concerned that this has not been adequately or fully recognised in the draft strategy and action plan, with the only mention of public health being in relation to rehabilitation (p.26). Taking a public health approach provides, in my view, far greater scope for prevention, action and for change.

In brief, a public health approach provides a framework that applies across the service continuum from primary intervention or universal services delivered proportionate to need, to secondary intervention services that target children and families in need, through to tertiary intervention services that target children and families where abuse or neglect has already occurred, and quaternary services which evaluate the effectiveness of tertiary interventions.

The Commission of Inquiry's Final Report discussed at length the merits of a public health approach to the prevention of child sexual abuse and made particular comment about the need to 'realign the legislation to a public health approach to youth justice and to be reflective of contemporary youth justice practice'.²⁹

Unlike the draft strategy and action plan, *The National Strategy to Prevent and Respond to Child Sexual Abuse*³⁰ is based on a public health approach, and other key stakeholders, such as TasCOSS, gave evidence to the Commission of Inquiry of the importance of a public health approach to address child sexual abuse.³¹

²⁵ Office of the Children's Guardian, *Empowerment and Participation, a handbook for organisations working with children and young people*, https://ocg.nsw.gov.au/sites/default/files/2021-12/g_CSS_EmpowermentandParticipation.pdf.

²⁶ See the website of Hub na nÓg (a national centre of excellence based in Ireland's Department of Children, Equality, Disability, Integration and Youth), <https://hubnanog.ie/participation-framework/>

²⁷ Vosz, M., McPherson, L., Tucci, J. *et al.* It Is Time to Focus on Prevention: A Scoping Review of Practices Associated with Prevention of Child Sexual Abuse and Australian Policy Implications. *Int. Journal on Child Malt.* 6, 79–107 (2023). <https://doi.org/10.1007/s42448-022-00143-t>

²⁸ Haslam D, Mathews B, Pacella R, Scott JG, Finkelhor D, Higgins DJ, Meinck F, Erskine HE, Thomas HJ, Lawrence D, Malacova E. (2023). The prevalence and impact of child maltreatment in Australia: Findings from the Australian Child Maltreatment Study: Brief Report. Australian Child Maltreatment Study, Queensland University of Technology.

²⁹ *Commission of Inquiry into the Tasmanian Government's Responses to Child Sexual Abuse (August 2023)*, https://www.commissionofinquiry.tas.gov.au/_data/assets/file/0011/724439/COI_Full-Report.pdf, Volume 5 Book 3 Chapter 12, p.81

³⁰ National Office for Child Safety, *National Strategy to Prevent and Respond to Child Sexual Abuse*, <https://www.childsafety.gov.au/resources/national-strategy-prevent-and-respond-child-sexual-abuse-2021-2030>

³¹ *Ibid* Volume 8: Chapter 18, p13

I echo the views of previous Commissioners, the national strategy and experts in the field, including the Royal Commission into Institutional Responses to Child Sexual Abuse, that have recommended the adoption of a public health approach focused on primary and secondary prevention of child sexual abuse, by investing in education, awareness raising and supporting organisations to be child safe. The benefits of this approach will be individual, social and economic, as prioritising and investing in the safety and wellbeing of children and young people early safeguards today's children as well as their future wellbeing and prosperity.

These recommendations are outlined in the witness statement provided by Commissioner McLean to the Commission of Inquiry³² and are also reflected in the VTY feedback, which is outlined in Part 3 of this submission. In this context, it is worth noting that as far back as 2019, Commissioner McLean provided comment on the *Consultation Paper: Developing a program to prevent harmful sexual behaviours for children and young people* (released by the [then] Department of Communities Tasmania), which advocated for a public health approach as an overarching framework for preventing and responding to harmful sexual behaviours.³³ Additionally, it was said that a strategic and well-implemented multi-agency approach at all levels of the community was integral to a public health approach, which in turn needed to ensure that therapeutic interventions and responses are both proportionate and appropriate.

Further, as outlined in the Commission of Inquiry's Final Report, understanding harmful sexual behaviours and how to address these behaviours effectively is a growing area of focus in the professional literature, with most frameworks considering the behaviours as occurring along a continuum for a combination of reasons.

I recommend, therefore, that the draft strategy be strengthened to include an action which commits the Tasmanian Government to:

- adopt an explicit and evidence-based public health approach to the prevention of child sexual abuse and its impacts across the lifespan.
- adopt an explicit and evidence-based public health approach as an overarching framework for preventing and responding to harmful sexual behaviours.

Further, as part of implementation of a public health approach, I recommend the development of a community education campaign that raises community awareness about child sexual abuse and addresses and tracks community knowledge and attitudes to help prevent child abuse and protect children.

Consistent with a public health approach and universal prevention, I also fully support a communications and marketing strategy to promote more heavily and actively the *Tell Someone* website across the Tasmanian community including for children and young people. I saying this, I note the importance of ensuring that timely and appropriate advice and help is readily available to those who choose to 'tell someone'.

Evaluation and Monitoring Change for Children and *Collaborating for Change* both stress the need for and importance of achieving 'real change'. Notwithstanding Commissioner McLean's submission to the Secretary, DPAC of 9 April 2024, on the Child Safety Reform Implementation Monitor Bill

³² Witness Statement of Leanne McLean to the Commission of Inquiry into the Tasmanian Government's Responses to Child Sexual Abuse in Institutional Settings, 12 April 2022, https://www.commissionofinquiry.tas.gov.au/_data/assets/pdf_file/0003/659352/Statement-of-Leanne-McLean,-Commissioner-for-Children-and-Young-People,-12-April-2022.pdf

³³ Commissioner for Children and Young People Tasmania, Submission to the Department of Communities Tasmania on the *Consultation Paper: Developing a program to prevent harmful sexual behaviours for children and young people* (December 2019), <https://childcomm.tas.gov.au/wp-content/uploads/2022/07/2019-12-24-CCYP-Response-Harmful-Sexual-Behaviours.pdf>

2024³⁴, I make additional comments which I feel are most relevant to the draft strategy and action plan.

I am pleased that the Tasmanian Government has developed the Keeping Children Safe website to provide quarterly updates on the progress of all 191 recommendations of the Commission's Final Report. I acknowledge the importance of this increased transparency.

Monitoring and measuring change is outlined on page 30 of *Change for Children*. It highlights that an Independent Child Safety Reform Implementation Monitor (Implementation Monitor), once appointed, will develop an evaluation framework, undertake analysis, publicly report on whether outcomes are being realised, and how reforms are being implemented.

The Office of the Commissioner is currently focused on developing of an enhanced rights-based framework for monitoring and evaluation children and young people's enjoyment of their rights, to better promote, protect and realise their rights. Working with children and young people, and constructively with Government, this approach will further contribute to making rights real for children and young people in Tasmania, the community and the Tasmanian Government through rights-based and data driven advocacy. It will be important to consider how this rights-based framework will assist the work of others in increasing understanding of progress, against the actions in the draft strategy and action plan and beyond, to improve the wellbeing of Tasmanian children.

It will be important for there to be consideration of how the rights-based framework for monitoring indicators of children's wellbeing generally, and specifically those in the Tasmanian out-of-home care and youth justice systems, will inform and/or align with the Evaluation Framework of *Change for Children* and *Collaborating for Change*.

Part 3

Feedback on Change for Children from The Voices for Tasmanian Youth (VTY)

I recognise your engagement and the engagement of DPAC with the 19 young people who have worked diligently and creatively as members of *The Voices for Tasmanian Youth* (VTY), a Consultative Council established under section 13 of the *Commissioner for Children and Young People Act 2016*. The VTY have been eager to contribute to the development of the draft strategy and action plan.

The VTY have been working with the Office of the Commissioner to prepare feedback in response to the *Change for Children* and the first two-year action plan, *Collaborating for Change*.

The VTY has developed a series of mini reports that provide key feedback and thoughts about how well the draft responds to the five key messages in their *Speaking Out for a Safer Tomorrow: Our Messages for Change* report, which was presented to you in July 2024, and after the draft *Change for Children* was released. A VTY report, which will complement this submission, will be provided to Government in early October.

I would like to share with you how delighted VTY members were to receive positive feedback on their written report, *Speaking Out for a Safer Tomorrow: Our Messages for Change*; *Mountain of Voices*; their child friendly messages for change; and their social media takeover. They were also proud to share their work, advice, and recommendations directly with you as Premier, the Honourable Roger Jaensch MP, Minister for Children and Youth, Ms Kathrine Morgan-Wicks, Secretary of DPAC, and Mr Peter Woolcott AC.

³⁴ Commissioner for Children and Young People Tasmania, Submission to the Department of Premier and Cabinet on the Child Safety Reform Implementation Monitor Bill 2024 Consultation Draft (April 2024), <https://childcomm.tas.gov.au/wp-content/uploads/2024/06/2024-04-09-FINAL-Letter-re-Implementation-Monitor-Bill-2024-CCYP-to-DPAC.pdf>

While I have appreciated your engagement and the engagement of your Department with children and young people through the Office of the Commissioner in the development of *Change for Children*, I remain concerned about the limited opportunities that children and young people have before them to meaningfully contribute to and shape the policies that will impact their lives today, tomorrow, and in years to come.

While their ability to influence *Change for Children* has been somewhat limited, the VTY has nonetheless worked methodically and in good faith through the draft strategy and action plan and have crafted important feedback for you and your Department.

Overarching comments from VTY and navigating the draft documents.

The VTY understand that there is a lot of work ahead for the Tasmanian Government and they, like many of us, remain hopeful and optimistic that positive change will be realised. However, they have also shared that they were looking to the draft strategy and action plan to understand what the Tasmanian Government is planning to do, what new actions have been included, and what would be prioritised. They were also eager to know how children and young people would be involved in all parts of the strategy and action plan and how change would be measured.

DPAC released three 'easy read' documents, well after the release of the consultation drafts, *Change for Children* and *Collaborating for Change*. Unfortunately, despite the release of the 'easy read' documents, this did not afford children and young people an opportunity to participate effectively in the consultation process, as is their right, because the documents provide scant information about *Change for Children* or the reform more broadly. The documents do not mention sexual abuse, and so young people were not sure what the documents were about. The VTY provide more detailed feedback on these documents as part of their forthcoming report.

"Part of helping children and young people feel safe is communicating clearly with them about actions the Government is taking to make them safer" – VTY Member

Notwithstanding the release of the three 'easy read' documents related to *Change for Children*, several VTY members chose to consider the lengthy strategy and action plan documents, which they found, even with a high level of support of the Office of the Commissioner, 'overly complex, confusing and difficult to navigate'. For some this meant they 'gave up reading', despite their strong interest in this work. This was disappointing to hear, with the flow-on effect being that children and young people were initially limited in their ability to provide valuable feedback due to the complexity of the documents. I share their views, and this serves as a good reminder that releasing accessible documents for children and young people should not be considered as an optional extra.

"What does that actually mean?" – VTY Member

VTY members have shared with me that they are pleased to know that the Ashley Youth Detention Centre will be closing, however, they are disappointed that it is taking so long for this to occur.

Likewise, VTY members have raised their concerns that on the one hand, the Tasmanian Government has indicated that introducing legislation to increase the minimum age of criminal responsibility from 10 to 14 years is a nation-leading priority, yet the action will not in fact, be completed until 2029. I share their disappointment and concerns on this matter. For further context, see the comprehensive Memorandum of Advice on the Age of Criminal Responsibility in Tasmania³⁵ provided by Commissioner McLean to the Tasmanian Government in July last year.

Some young people were impressed by the aims and aspirations of the document and particularly valued the use of inclusive language as well as the recognition of past failings.

³⁵ Commissioner for Children and Young People Tasmania, <https://childcomm.tas.gov.au/wp-content/uploads/2023/07/2023-07-14-FINAL-for-public-release-CCYP-Memorandum-of-Advice-re-Age-of-Criminal-Responsibility-.pdf>, 14 July 2023

Other young people told us it seems like the Government is trying to make things better for children and young people, but they could not be sure because they found the documents difficult to understand.

Young people consistently valued the use of diagrams as a way of making complex material easier to understand.

Some young people reported being unsure whether there was anything 'new' in the draft.

I have included some high-level feedback below from the VTY on the extent to which *Change for Children* reflects the key messages and recommendations reflected in their written report, *Speaking out for a Safer Tomorrow*.

The **five key messages** for change from *Speaking out for a Safer Tomorrow* are:

Message 1: *Update communication and education about sexual abuse for better awareness and prevention.*

- Young people appreciated references to improving communication and education about sexual abuse in *Change for Children* and *Collaborating for Change*. They also valued receiving correspondence from the Tasmanian Government's Reform Lead confirming that there will be more consultation with young people about this.
- Young people reiterated their advice that education about consent, sex and sexual abuse needs to go beyond specific school classes, so that schools foster a culture of open conversation about safe and respectful relationships.
- They noted that education about relationships and sex should include information about a diverse range of intimate relationships.
- They also emphasised the need for adults to better understand the critical role of technology in young people's lives – meaningful conversations about sexual safety must include online environments.

"... we need more education in things like online dating, harassment online, like...exact specifics rather than just an overview of the issue" - VTY Member

Message 2: *Young people have valuable insights that can improve conversations and decision-making.* (This message encourages the Government to think about a future where young people feel genuinely heard and respected in conversations about sexual abuse.)

Listening to children and young people

- Some young people thought that the draft strategy and action plan appear to show a good understanding of why the voices of children and young people are important.
- Young people were pleased to see references to support services.
- Young people appreciated inclusion of the 'experience of a child or young person' visual [on paged 11].
- Young people observed that the draft includes some content from their *Speaking Out* report about the importance of listening to the voices of children and young people.
- Some young people said that Message Two was reflected well in the draft. However, others said they found it difficult to know to what degree the Government had listened to their advice about Message Two because they found the draft difficult to understand and navigate.
- One young person thought that terms like 'victim-survivor' should be defined early in the document.

The child and community voice priority area

- Young people were pleased to see inclusion of the child and community voice priority area.
- They thought that the child and community voice priority area reflected quite a lot of their higher-level advice to the Government, but they wanted to see more specific information about how the Government will act on its commitments.
- Young people talked about the need for the Government to create and strengthen a range of mechanisms for all children and young people to access advocacy and ways to be heard, including but not limited to school student representative councils and surveys.
- They also suggested that the Government needs to ensure it is engaging with a diverse range and larger number of children and young people.

“I would suggest... they engage with a more varied group of young people and in some other ways.” - VTY Member

Understanding ‘the how’

- Young people appreciated references in the draft to ongoing collaboration and listening to children and young people, including through the VTY Consultative Council.
- They had a lot of questions about how this would occur over the life of the strategy, and all its action plans.
- Young people would like the strategy and action plan to show how the specific actions they recommended in *Speaking Out* will be responded to.

Message 3: *Feeling safe in institutions improves attendance and engagement.* (This message focuses on the need for schools and other institutions to feel safe, welcoming and inclusive).

Feeling and being safe can be different things, and they both matter

- Young people appreciated that the Government recognises that institutions have not always been places where they feel safe or happy to be. For some young people, feeling unsafe or unhappy in institutional settings remains their day-to-day experience.
- Young people said that they are happy the Government is making changes to improve the safety of children and young people in institutions. However, they told us that they really wanted to hear more from the Government about specific actions being taken.
- One example shared by a young person was about the lack of privacy they experience in school bathrooms, where doors may not lock, or people look over the top of stalls. They told us that because of this they try to avoid bathroom visits by restricting the amount of water they drink during the day.
- Young people thought that making specific changes that improve their day-to-day experiences would be a positive step in helping children and young people feel safer. They said that these sorts of actions would have positive and long-term impacts on children and young people’s wellbeing.

“...easy things they could have mentioned in this [draft] could be like...we’re gonna make sure that children feel safe playing outside in open areas...as we will have teachers standing at access points...” – VTY Member

Message 4: *Improve reporting systems to make them safer and more accessible.* (This message is about building a system where children and young people have ready access to someone independent to talk to about concerns and abuse. Children and young people envisage a system in which they are confident about how to report concerns, and when they do so, they are kept informed about how their report is being responded to.)

Talking about reporting

- Young people told us that reporting abuse is complicated, scary, and confusing. They told us that it doesn't always feel okay to report to teachers or principals as they might be a workmate or friend of the person who has made them feel worried or who has abused them. Young people told us that because of this they may not report abuse that happens in schools.
- Young people were happy to learn about the new school Safeguarding Leads, but as they said in their first report, *Speaking Out*, they would still like to see students having access to an independent person in schools who is there for them.

"... [Safeguarding Leads are] actually quite important because mandatory reporting laws are really confusing" – VTY Member

- Young people continued to tell us that when they do report, they want to be involved and receive updates on what is going on. They understood that any updates they receive might need to protect the privacy of other people, but they felt that there should be a way to give them high-level updates about how the process is going.
- One young person also suggested that children and young people's reporting experiences and their satisfaction with the process should be independently evaluated to support continuous improvement.

The rights of children and young people

- Young people consistently told us that they really wanted more specific details about how actions are going to happen and when. One young person suggested that the images on page 11 could be expanded to show examples of the actions that will be taken.

"...you need to have, like, an example... 'cause otherwise you're just saying words" – VTY member

- Another young person expressed that the planned actions "seem really impactful", but they stressed the need for more immediate actions. They suggested finding ways to raise awareness, and that "even having a free dress day at schools each year to spread awareness of sexual assault may help".

"... we need more support now, children and[sic] still being abused every day now" – VTY Member

Message 5: *A greater focus on prevention and rehabilitation will improve safety.* (This message focuses on the development of a clear and proactive approach to supporting children and young people and their families to prevent violence. It also encourages a strong focus on responding to those who do offend in ways that are not about punishment but are instead about rehabilitation).

A clear focus on prevention is critical

- Generally, young people felt that this message was reflected quite well in the draft strategy. They were happy to see that some support services have received extra funding to support and respond to people who needed help.

One young person said they were happy that this action has happened relatively quickly, and they felt that this demonstrated the Government is serious about making change.

- One young person said a *changed future*, as referred to on page 5 of the draft, reflected the aim and intention of Message Five, "I like the changed future one...yeah. Like I feel like that is what we're talking about".

"... priority number one should always be prevention." – VYT Member

A stronger focus on prevention

- Young people were pleased to see a focus on a therapeutic approach to young offenders. However, they were concerned that the draft did not present a strong enough focus on supporting young people more, so that they do not offend in the first place.
“... [a therapeutic response] is good once they start doing [abuse]. Yeah, but it doesn’t really do anything before they [abuse others]” – VTY Member

Concluding remarks

In finalising and implementing *Change for Children*, it is important to remember that a child or young person’s right to participate, and be heard, across all aspects of our systems, is fundamental to their safety. It is clear to me that our systems are not yet appropriately arranged, or resourced, to fully uphold the rights of children and young people in Tasmania.

Listening to and acting upon things that young people and children tell us is fundamental to upholding their rights. It is also fundamental to tackling complex problems that affect our entire community. What impacts upon childhood has long reaching impacts into adulthood.

Now, more than ever, the Tasmanian Government must act to ensure that the processes and practices of Government and government agencies, non-government organisations, and the broader Tasmanian community are resourced and supported to uphold the rights of children and young people, regardless of the settings in which they live, work and reside.

I acknowledge the significant work that has been undertaken and completed since the release of the Commission of Inquiry’s Final Report. I trust that these comments and the related contributions of this Office constructively inspire innovative and sustained reform to create a safer future where all Tasmanian children and young people have their rights upheld and are supported to live their best lives.

Yours sincerely



Isabelle Crompton

Acting Commissioner for Children and Young People

cc: *The Hon Roger Jaensch MP, Minister for Children and Youth
Secretary, Department of Premier and Cabinet
Reform Lead, Department of Premier and Cabinet
Peter Woolcott AO, Independent Reviewer, Woolcott Review*