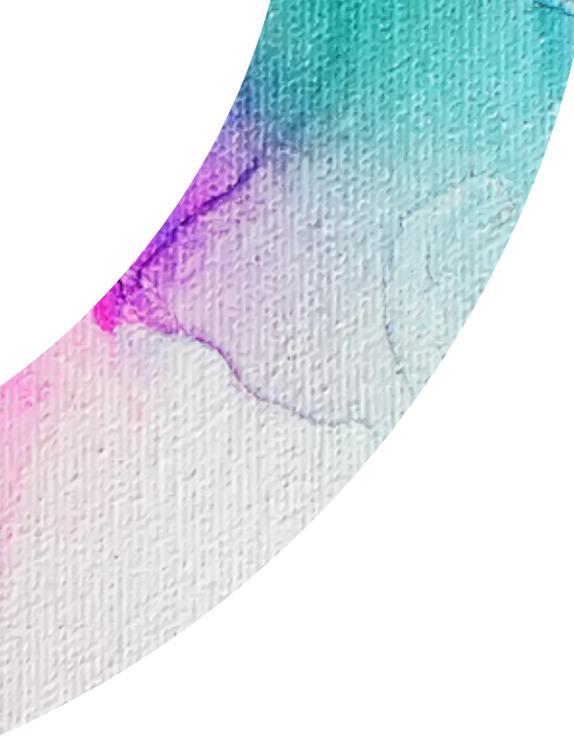




# Keeping Children Safe and Rebuilding Trust

**Government Response**  
to the Report of the Commission  
of Inquiry into the Tasmanian  
Government's Responses to Child  
Sexual Abuse in Institutional Settings





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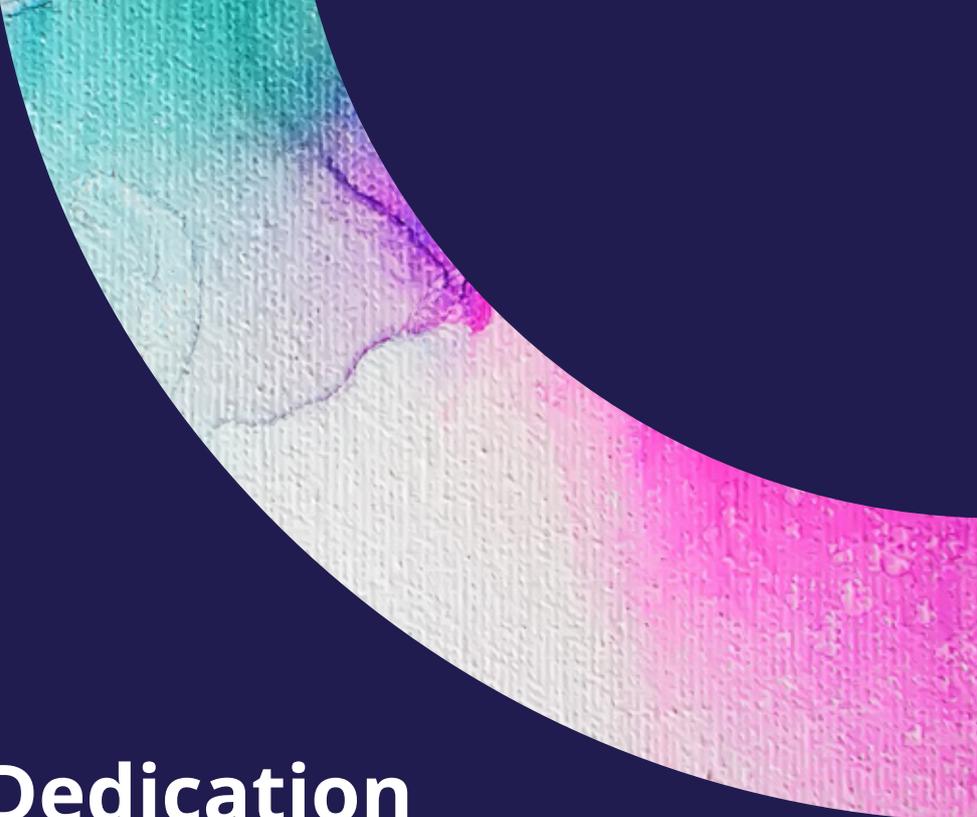


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# Acknowledgement of Country

In recognition of the deep history and culture of this island, we acknowledge and pay our respects to Tasmanian Aboriginal people, the traditional owners of the land. We recognise Tasmanian Aboriginal people's continuing connection to Land, Sea, Waterways, Sky and Culture and pay our respects to Elders, past and present.



# Dedication

To all people affected by child sexual abuse who shared their personal experiences through the Commission of Inquiry, and to all those who spoke out on behalf of others to ensure their voices were heard, we thank you for your strength and courage.

Our State is deeply indebted to you for your bravery in speaking to the Commission so that the abuse and injustice that you have suffered never happens again.

To those who have not shared their stories, we recognise the resilience you show every day as you heal. If you choose to share your story with us in the future, we want you to know we are listening.





# Foreword

This Response to the Commission of Inquiry's Final Report demonstrates that the task ahead of us is significant. Transforming our government institutions, our systems, our culture and rebuilding trust will take time, investment and a commitment to deliver. But the way forward is clear, and it is our highest priority.

We are all indebted to the brave victim-survivors of child sexual abuse, who spoke out on behalf of themselves and others to ensure children and young people's voices were heard, and the injustices and failings of the past were uncovered. We thank them for their strength and courage, and for their dedicated resolve to ensure the abuse and injustices they witnessed never happen again, to protect future generations of Tasmanian children and young people.

Through their voices, we have reflected on some of the most painful times in our State's history and have been faced with the deep failings in our government systems and institutions, which have persisted over many decades.

Now, through our actions, we will give meaning to the Final Report and honour all of those who contributed to it by implementing real change. Demonstrating our commitment through actions will help us rebuild trust in government institutions.

I want Tasmania to become a national leader in enshrining the safety of our children and young people in government institutions.

We have committed to implementing all 191 recommendations and addressing all 75 findings.

We will put the child at the centre of all that we do and will work together to undertake change and ensure our organisations are child safe.

The program of work is substantial and will be carried out over six years, based on the timeframes outlined by the Commission. It is important work which needs to be done thoroughly.

But these are just the first steps, not the last. While we work to implement the responses to the recommendations, we will continue to listen and learn from those who have previously suffered harm in our government institutions to inform the detailed Child Sexual Abuse Reform Strategy and Action Plan, which will be released in July 2024.

The Strategy will be developed in consultation with children, young people and victim-survivors, and will outline the desired system that Tasmania seeks to achieve to respond to child sexual abuse.

We have much work ahead of us. We share a responsibility to deliver the changes necessary to safeguard our children and young people, for now and for generations to come, and we approach this task with commitment, compassion and hope.



**Jeremy Rockliff MP**  
Premier



## Statement of Commitment

The release of the Government's Response to the Commission of Inquiry Final Report is our next step in ensuring children and young people are at the centre of all that we do. We will safeguard our children and young people in government institutions, through working together to compel change and to implement nation leading, child safe approaches where all our children and young people have the opportunity for bright lives and positive futures.

We are committed to implementing all of the recommendations in the timeframes prescribed in this Response. Every effort will be made to deliver the recommendations within the timeframes, noting that there are matters beyond our control. We will work to resolve matters beyond our control as quickly as possible.

We commit to:

- Implement the Commission's recommendations in a manner that empowers children and young people to have influence and which allows us 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 will outline the desired system that Tasmania seeks to achieve to respond to child sexual abuse. This will encompass both this Response to the Commission's recommendations and broader initiatives, reforms and recommendations.

- Work together across government to implement, monitor and maintain our reforms, and share responsibility to deliver the changes necessary to safeguard our children and young people, for now and for generations to come.

The process of transforming our government institutions, our systems and most importantly our culture, will take time, investment and a commitment to deliver.

The way forward is clear. This work is our highest priority.



**Jeremy Rockliff MP**  
Premier



**Michael Ferguson MP**  
Deputy Premier



**Guy Barnett MP**  
Attorney-General



**Nick Duigan MP**  
Minister



**Felix Ellis MP**  
Minister



**Roger Jaensch MP**  
Minister



**Madeleine Ogilvie MP**  
Minister



**Jo Palmer MP**  
Minister



**Nic Street MP**  
Minister



**Jenny Gale**  
Department of Premier and  
Cabinet



**Donna Adams**  
Commissioner  
Department of Police, Fire and  
Emergency Management



**Tim Bullard**  
Department for Education  
Children and Young People



**Fiona Calvert**  
Department of Treasury and  
Finance



**Jason Jacobi**  
Department of Natural  
Resources and Environment  
Tasmania



**Craig Limkin**  
Department of State Growth



**Kathrine Morgan-Wicks**  
Department of Health



**Ginna Webster**  
Department of Justice



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# 1. Executive Summary

Responding to the Commission of Inquiry (the Commission) is more than acquitting the 191 recommendations and addressing the findings. It must answer the Commission's call to action with enduring change, for the benefit of all current and future children and young people who call Tasmania home.

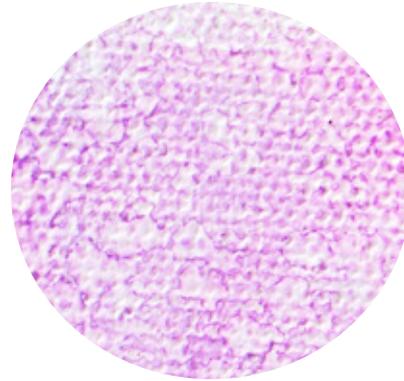
We recognise that the best way to protect children and young people is to prevent child abuse and neglect from happening in the first place. However, prevention is only effective if we can recognise the warning signs of abuse and know how to respond to complaints and concerns about it. This requires changes to laws and policies, community and institutional cultures, and individual beliefs, attitudes, and practices.

We will partner with, and listen to, children, young people, adult victim-survivors, community organisations and the broader community as we develop the transformative strategies, initiatives and services needed.

We will work on this change together so that children and young people are known, safe, well and learning, and ensure that their voices are heard in decisions that affect them.

At the same time, we must also improve our responses for children and young people who are in contact with the child safety and youth justice systems, and ensure they have safe and stable care.

Our vision is that all children and young people are safe from sexual abuse in government institutions and that children, young people, victims, and survivors are loved, nurtured, supported and empowered.



This Response reflects our unwavering commitment to ensure that children and young people feel safe and are safe in all Tasmanian Government settings. We accept that there is more we can do to change our cultures, systems and processes. We will work hard to rebuild trust in our government institutions by implementing all recommendations and our response will continue to evolve and be guided by the lived experience of victim-survivors.

This Response prioritises early action (Phase 1) as recommended by the Commission and creates the governance and accountability to deliver those changes that will take more time (Phase 2 and 3). This response is the first step beyond the Commission, it is not the last. Developing the Child Sexual Abuse Reform Strategy and Action Plan (as per the Commission's Recommendation 19.1) by July 2024 will deliver a coordinated whole-of-government approach to creating, monitoring and improving our response to child sexual abuse. We cannot do this alone and the voice of the Tasmanian community, victim-survivors, supporters, experts, children and young people will be key to developing the Strategy and beyond.

These are all significant reforms, and they will take time. We recognise that financial investment alone is not enough. It also needs leadership. As such, we have already taken significant action to implement important cultural, procedural and program improvements, and are committed to implementing the Commission's recommendations over the next six years, in line with the Commission's timeframes. Together, we can deliver the change that children and young people need to navigate their formative years and thrive as our future generations.



## 2. About the Government Response

The Commission of Inquiry was established in response to deep failures by our government systems and institutions to protect children and young people from child sexual abuse and respond effectively when risks and allegations were brought to light. The Commission handed down its Final Report to the Governor of Tasmania, Her Excellency the Honourable Barbara Baker AC, on 31 August 2023. The Final Report examined allegations and incidents of child sexual abuse that have occurred since 2000 or were reported after 2000 to 2022. It covers a 22 year period. The Final Report was tabled in Parliament and publicly released on 26 September 2023.

### Recommendations

The Commission's Report outlines 191 recommendations to better protect Tasmania's children and young people against child sexual abuse in institutional contexts. We accept all 191 recommendations, and this Response sets out how we will approach the task of implementing the reforms in a strategic and coordinated way. Since the release of the Commission's Report, our agencies have been working together to determine how the recommendations best fit together and how they integrate with the work we are already doing.

The Commission outlined suggested timeframes for all its recommendations (at Table 22.1 of the Final Report). This Response uses the same timing proposed by the Commission and the timeframes for implementing recommendations align with the Commission's timeframes except if indicated otherwise in this document. Where more time is required to effectively deliver a recommendation, the reasons for it are made clear in this Response.



## Findings

In addition to the recommendations, the Commission's Report outlines 75 findings from the information and evidence it gathered. These findings form the foundation and reasons for the recommendations to achieve complex and enduring state-wide reform. We are considering the findings and their intent as we implement the 191 recommendations.

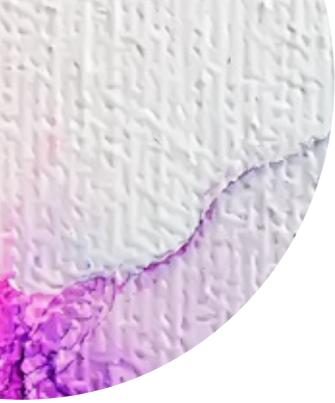
Every finding and every referral to a state authority or body has been reviewed and acted upon:

- Every person identified in the report as a possible perpetrator has been referred to the most appropriate authorities – be it Tasmania Police, the Australian Health Practitioner Regulation Agency, the Teachers Registration Board, or the Working with Vulnerable People Register.
- Every mention of an adverse finding or adverse commentary in relation to a state servant is being assessed by the relevant Head of Agency to see if further investigation under the State Service Code of Conduct and/or referral to a professional regulatory board (as applicable) is warranted, or
- An independent review is being conducted.

Since October 2020, a routine disclosure of state servant suspensions because of allegations of child sexual abuse has been published online. Additionally, in advance of a more comprehensive annual report in 2024 (as per the Commission's Recommendation 20.11), we have begun providing annual information in line with the recommendation, showing the total number of state servants still suspended as of 30 September, by agency. We will also publish information on a regular basis to provide details of the progress of assessments and actions by Heads of Agency in relation to current and former State Service employees relating to matters of concern arising from the Commission of Inquiry Final Report. This information will be published at [https://www.dpac.tas.gov.au/rti/routine\\_disclosure\\_log\\_-\\_departmental\\_information](https://www.dpac.tas.gov.au/rti/routine_disclosure_log_-_departmental_information)

An independent review will be undertaken to consider the actions, and effectiveness of those actions by government agencies and other relevant state authorities, including Tasmania Police, taken in response to the information and concerns raised in the Commission's Final Report about Tasmanian State Service employees and officers. The results of the independent review will be tabled in Parliament and the recommendations made public.

A separate independent assessment will be conducted for matters of concern raised by the Commission of Inquiry in respect of actions taken by relevant Heads of Agency.



## Response Themes

Our Response, Strategy, and Action Plan (as per the Commission's Recommendation 19.1) will be an integrated approach across the entire government and will be guided by six themes:

- **Theme 1: Accountability and integrity**—taking responsibility, acting with honesty
- **Theme 2: Collaboration and integration**—working together and sharing information
- **Theme 3: Participation and empowerment**—believing and involving children and young people
- **Theme 4: Prevention and protection**—keeping children and young people safe
- **Theme 5: Workforce expertise and capability**—building the capability of our people
- **Theme 6: Child safe cultures and awareness-raising**—understanding and creating a safer future

The themes for our Response are based on the five themes of the *National Strategy to Prevent and Respond to Child Sexual Abuse: 2021-2030* (National Strategy). The National Strategy is an initiative of the Australian, state and territory governments, and outlines a national strategic framework for responding to child sexual abuse. It is important that our work to address child sexual abuse within our state aligns with, and complements, the work we are doing at a national level. We have also ensured that the themes are adapted to the Tasmanian context. In Volume 1, Part 4 of its report, the Commission of Inquiry identified key areas of reform which it said are “central to protecting Tasmanian children and young people from abuse and harm in the organisations that care for them”. Our themes also reflect these identified reform areas.

The themes will help government institutions set a collective focus on how they address related recommendations in a consistent and holistic way. This will also enable a coordinated and sustained commitment beyond any term of government.



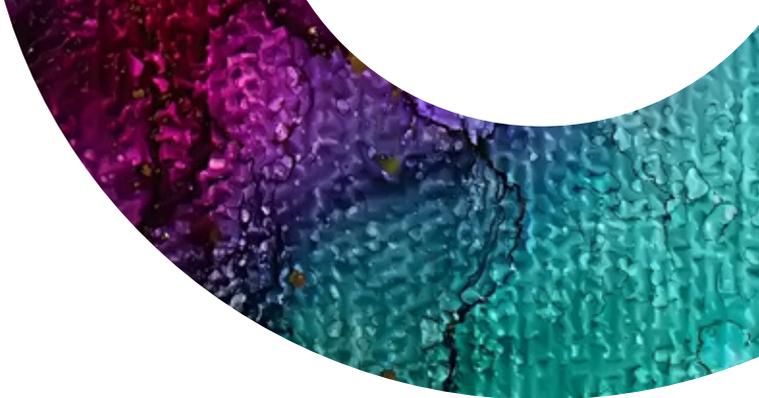


Figure 1: Mapping of Government Response themes

	<b>Accountability and integrity</b>	<b>Collaboration and integration</b>	<b>Participation and empowerment</b>	<b>Prevention and protection</b>	<b>Workforce expertise and capability</b>	<b>Child safe cultures and awareness raising</b>
<b>Commission of Inquiry Reform Areas Volume 1, Section 4 of Final Report</b>	4.1 Creating a new, strengthened regulator to advocate for children and young people's rights and safety  4.8 Monitoring reform	4.2 Introducing a more coordinated and state-wide response to child sexual abuse and harmful sexual behaviours	4.4 Increasing participation of children and young people, victim-survivors and service providers in policy design and delivery	4.4 Introducing stronger mechanisms for institutions to protect children in institutions from adults who pose a risk to them	4.6 Ensuring staff and volunteer working with children have the knowledge and skills they need  4.7 Valuing and strengthening the skills and expertise of those working in the child safety and youth justice systems	4.5 Showing greater care, compassion and investment in protecting and healing marginalised children
<b>Themes from the National Strategy to Prevent and Respond to Child Sexual Abuse</b>	Improving the evidence base	Supporting and empowering victims and survivors	Supporting and empowering victims and survivors	Awareness-raising, education and building child safe cultures  Offender prevention and intervention	Awareness-raising, education and building child safe cultures	Awareness-raising, education and building child safe cultures

## Funding

Since the 2023-24 Budget, our Government has invested \$55.091 million (over and above funding provided to support the Commission) to keep children and young people safe, including urgent actions in response to the Commission's recommendations. This funding has enabled agencies to begin the immediate response to the Commission's recommendations and start implementing the most urgent

recommendations, noting that agencies had already commenced a range of child safeguarding reforms since the Commission commenced in 2020. Already we are seeing major changes in the way services are delivered—these are outlined in further detail below at Section 4. Further funding to address measures identified in this Response will be considered in the 2024-25 Budget and future budgets.



## 3. What we have done

In its report, the Commission of Inquiry noted the “many Tasmanians ... striving to do their best through their work for children and young people ... who live and breathe the values of children and young people’s rights in their service to the community.”<sup>1</sup> The Commission’s Final Report also notes there are many encouraging reforms already completed or underway that will enhance Tasmania’s response to child sexual abuse.<sup>2</sup>

Our Response builds upon significant action that has already been taken to make our state a safer place for our children and young people. Thirty (30) Keeping Children Safe (KCS) actions have already been committed over the course of 2022 to address issues raised during the Commission’s hearings. Significant progress has been made, with 17 actions already complete and work well underway on the remaining actions. Significant progress has also been made to implement and build upon the findings of earlier reviews and inquiries, including the Royal Commission into Institutional Responses to Child Sexual Abuse (Royal Commission), the Independent Child Safe Governance Review of the Launceston General Hospital and Human Resources, the Independent Inquiry into the Tasmanian Department of Education’s Responses to Child Sexual Abuse, the Tasmania Police Outcomes Report on James Griffin and the Independent Review to investigate matters related to Paul Reynolds. Further information on these reviews is provided in the Appendix.

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1 Volume 1: Executive Summary, p27.

2 Volume 1: Executive Summary, p28.

# Theme 1: Accountability and integrity

Our interim response has focused on having strong systems and structures in place that put children and young people at the heart of all we do, with clear lines of accountability. We have embraced Standard 1 of the Child and Youth Safe Organisations framework through embedding into Heads of Agency performance agreements expectations and key performance indicators that improve accountability and ensure child safety and wellbeing is embedded in their organisational leadership, governance and culture, as these elements relate to their Department (KCS Action 4).

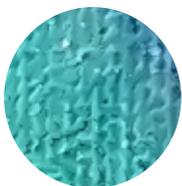
In November 2023, a Senior Executive Forum was held by the Secretaries Board dedicated to discussion on how we will lead the cultural change within the service and to enable senior leaders to explore how each Department will fulfill our commitment to keep children and young people safe.

We have taken steps to improve transparency to make it easier to access and share information. For example, we have undertaken public consultation on ways to improve our Right to Information capability and practice and will continue to engage with the community, including service leaders and organisations, as we move through this project (KCS Action 2).

We have established a central register of employees whose employment has been terminated because of a Code of Conduct investigation for child sexual abuse under Employment Direction 5 (KCS Action 22). We will also establish a central register of former employees who were named in a Finding in the Final Report, whose employment has been terminated because of a Code of Conduct investigation relating to matters examined by the Commission of Inquiry, or for whom a Head of Agency has determined that an investigation will be commenced relating to matters examined by the Commission of Inquiry should the former employee seek re-employment by the Tasmanian State Service.

To ensure we are being as open, transparent and accountable as possible, we are making our progress publicly available across our extensive reform agenda. This includes progress and delivery dates for the KCS interim response actions (KCS Action 30), which can be accessed via the Keeping Children Safe website ([www.keepingchildrensafe.tas.gov.au](http://www.keepingchildrensafe.tas.gov.au)); on the Independent Child Safe Governance Review; and on progress against the recommendations of the Royal Commission.

To strengthen child safety in our hospitals and health settings, an expert advisory panel was established in July 2022 to undertake an extensive, forensic review of child safety and governance, with a specific focus on the handling of serious misconduct such as child sexual abuse. Over half of the 92 expert panel's recommendations have been completed since the Governance Advisory Panel handed down its final report in December 2022, with strong progress being made on the remaining actions (KCS Action 26).



## Theme 2: Collaboration and integration

State Service agencies are already working to develop more collaborative, multidisciplinary approaches to keep children and young people safe. Multidisciplinary approaches are at the heart of initiatives such as the establishment of Arch Centres to support those who have experienced sexual abuse and family violence and the public health approach that underpins our new Youth Justice Blueprint.

### Case study: Arch program

The Arch program has changed the way support is offered to children, young people and adult victim-survivors of sexual harm by providing a safe environment in which they can choose the services they use and the actions they take in response to harm they have experienced.

The Arch program is currently offered through two centres – opened in Hobart in July 2023 and Launceston in August 2023 – and a third is being planned to service the North-West Coast.

Located alongside Tasmania Police in the facilities are the Sexual Assault Support Service (South), Laurel House (North), the Family Violence Counselling and Support Service, Child Safety Services and the Strong Families Safe Kids Advice and Referral Line.

### The Arch experience

Each visitor to the Arch is welcomed by a trained staff member and provided with information about the services available to them. They only need to interact with those services they choose; this includes not engaging with police unless by choice.

All the functional spaces in the facilities are accessible and designed to provide a safe and comfortable environment for adults, children and young people. There are dedicated spaces for therapeutic counselling and support, as well as interview and evidence-gathering facilities that have been specially designed to make recording as discrete as possible for the comfort of victim-survivors.



While services do not overlap from a client perspective, the facilities provide opportunities for staff to collaborate discretely in shared breakout spaces to support clients. This fosters strong relationships between staff as they work together towards improved outcomes for victim-survivors.

## Transforming Tasmania Police's approach

Arch is delivered as part of Tasmania Police's new Family and Sexual Violence Command, which is dedicated to supporting victim-survivors in a way that is trauma-informed and focuses on the needs of each individual.

Within the Command are new Family and Sexual Violence Divisions which include dedicated Family Violence Units and Sex Crimes Units in the North and South, and partially mirrored in the North West.

The Sex Crimes Units bring together specialist sex crime investigators, some of whom work within Arch alongside new Investigation Support Officers.

When the North-West Arch is established, the additional investigators will work from the centre and those already appointed will further enhance the service in the region. The specialist detectives are trained in trauma-informed practice and understand the critical importance of a victim-survivor's first interaction with police.

Also part of the Command is the specialist High-Risk Child Exploitation Unit, which works to monitor, detect and disrupt to protect young people online.

This year's State Budget provided \$3.2 million to establish the new Sex Offenders Disclosure Program and appoint an extra five dedicated investigators to undertake compliance, management, and investigation work in support of the Register.

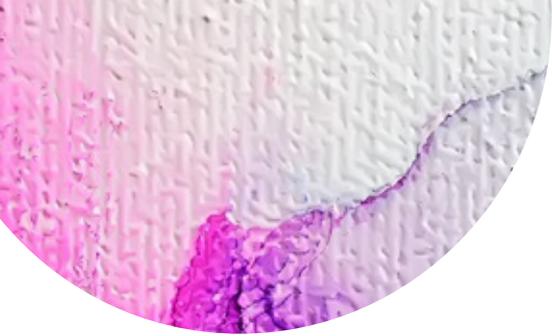
Dedicated Australian Federal Police investigators are also embedded in this unit to work alongside Tasmania Police in the Joint Anti-Child Exploitation Team (JACET).

## Change is happening

By the end of October 2023, 41 adult and 31 child victim-survivors had been clients of Arch state-wide and the majority (70%) had experienced sexual harm within the previous 12 months.

The Arch program will be independently evaluated according to a comprehensive evaluation, review, and monitoring framework.

Anecdotal feedback from clients, service providers within Arch and other key stakeholders indicates that victim-survivors find Arch a calm and safe space. This includes victim-survivors who have had negative past experiences of reporting sexual harm to police, who have come forward again through Arch and described having a much more positive experience on their individual journey of healing.



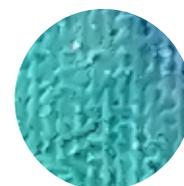
## Case study: Youth Justice reform

By developing a multi-systemic response to youth justice in Tasmania for the next 10 years (the Youth Justice Blueprint 2023-2033) we will strengthen the supports and therapeutic interventions provided to young people to prevent engagement with the youth justice system.

The Blueprint has been designed in consultation with the Tasmanian community. It provides a whole-of-government, whole-of-community plan for a multidisciplinary service response that encourages the involvement of all Tasmanians in supporting children and young people to promote wellbeing and to prevent them from entering the youth justice system. The Blueprint has a focus on prevention, early intervention, and diversion through to services for repeat and high-risk offenders, changing the pathways for children and young people at risk of, or who are engaged in offending behaviours.

We are progressing the closure of Ashley Youth Detention Centre (AYDC) and making the transition to new contemporary therapeutic facilities and model of care. A suitable site has been selected for the new facility, subject to further detailed site assessments which are now underway. Until its closure and the transition to the new facility, we are improving safety, oversight and transparency at AYDC, while making progress towards a therapeutic and child-centred model of care.

Key actions taken include establishment of procedures so young people have a voice in decision making processes, review and enhancement of CCTV capability, refinement of procedures for personal searches to support the use of a new body scanner, therapeutic evaluation and support of young people by the Australian Childhood Foundation, establishment of an incident review committee to review AYDC incidents, recruitment of 23 additional youth justice workers, and extensive training for staff designed to reduce risks surrounding behaviours of concern and workplace violence.



## Theme 3: Participation and empowerment

All government organisations need to recognise the agency of children and young people and the value that they can add to planning and decision making, particularly regarding the services that keep them safe and well. The Commission of Inquiry's Children's Report, *Take Notice, Believe Us and Act!* outlines important research into what Tasmanian children and young people need from organisations, adults and peers to help them feel safe and be safe. The report helped inform the Commission and agencies are already using this report to implement the recommendations.

### **Case study: *Survivors at the Centre: Tasmania's Third Family and Sexual Violence Action Plan 2022-2027***

*Survivors at the Centre* reaffirms our long-term commitment to eliminating family and sexual violence. *Survivors at the Centre* was informed by a sustained and deep community conversation about family and sexual violence.

Victim-survivors are at the heart of our work to stop violence at the start and ensure every Tasmanian lives free from violence. We are establishing Tasmania's first Victim-Survivor Advisory Council (the Council), to provide an ongoing voice to the Government. The Council is being established in a way that is trauma-informed, respectful, reflective of diversity and safe. The official formation of the Council is anticipated to be announced in early 2024. The insights of Council members will inform and shape our priorities and actions relating to family and sexual violence prevention and response, including the implementation of *Survivors at the Centre*.

The Family Safety Secretariat within the Department of Premier and Cabinet coordinates a whole-of-government approach to preventing and responding to family and sexual violence. The Secretariat facilitates collaboration across agencies and works closely with the Department of Justice, Department of Health, Department for Education, Children and Young People and the Department of Police, Fire and Emergency Management to deliver actions under *Survivors at the Centre*. The Secretariat provides policy support to agencies and leads the monitoring of strategic outcomes and key actions under *Survivors at the Centre*.

## Case study: engaging with children and young people

The Department of Health is improving mechanisms to gather feedback from young Tasmanians about their experiences in accessing safe health services. In 2023, we have strengthened ways that the community, including young Tasmanians, can raise safety concerns relating to their experience of health services through:

- A new online form for members of the public to raise child safeguarding concerns about health workers.
- Promotion of existing general complaint mechanisms.
- A new internal reporting option (SRLS) for health workers to raise systemic child safeguarding concerns (within health services), including concerns that relate to young Tasmanian patients' experiences.

Alongside these improved reporting mechanisms, numerous new initiatives were launched by the Child Safety and Wellbeing (CSW) Service to seek children and young people's ideas on how the Department of Health can improve safety.

### New feedback tools

The Department of Health has engaged experts and young Tasmanians to design new feedback tools to assist children and young people to share their ideas about how the Department can strengthen children and young people's experience of safety in health services. These tools, a simple survey and a mini-book (where children and young people can provide feedback via drawing, colouring and writing) were released in August 2023.

## Patient experience surveys

Currently, it is not common practice to seek feedback from patients who are under 18 years on their experience as a patient in Australian health services. Health organisations have historically focused on feedback from children and young people's caregivers acting as proxy. However, children and young people have provided feedback that they would appreciate greater opportunity to share their insights about their experience of Tasmanian health services. There is also a push nationally across health services to strengthen engagement with children and young people.

In 2023, the CSW Service has been working with Child Health Australasia and other jurisdictions to explore ways to measure children and young people's patient experience in a safe, validated, and meaningful way.

### Children and Young People Advisory Group

The Department of Health has established a Children and Young People Advisory Group as another way for the Department to engage with young Tasmanians about how we can improve children and young people's experience of safety and wellbeing in health services.

## Theme 4: Prevention and protection

We recognise prevention as the primary aim of all strategies to address child sexual abuse. The Department for Education, Children and Young People has developed a comprehensive Safeguarding Framework that establishes and describes its overarching approach to safeguarding children and young people, with particular emphasis on the prevention of child sexual abuse. The Framework—which is a public document—provides a clear structure for integrating, implementing and improving the Department’s safeguarding culture, policies and practices.

The Department has also recently launched an important website and a multimedia campaign designed to raise awareness of child sexual abuse and grooming. The “Tell Someone” website was developed in consultation with children and young people, victim-survivors and child safety and abuse prevention professionals. [www.tellsomeone.tas.gov.au](http://www.tellsomeone.tas.gov.au) is where children, young people, and other members of the community can go to get information and advice if they have any concerns about child abuse.



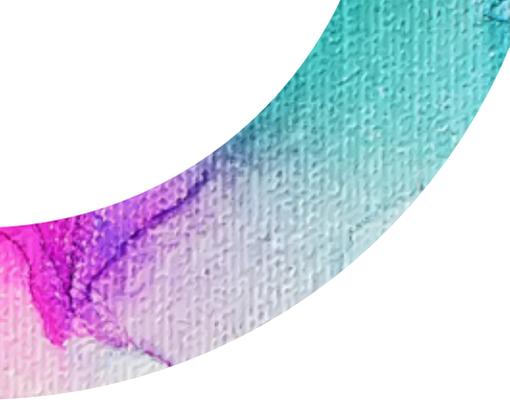
### Case study -Children and young people in out of home care

We are strengthening the quality of out of home care to ensure that children and young people in out of home care are known, safe, well and learning, and receive the holistic support required to meet their needs.

There has been significant work in the last 12 months to strengthen the Department for Education, Children and Young People’s approach to and support for children and young people in out of home care. This includes building improved case practice for children and young people through the launch of Children and Families’ new ‘Feel safe. Are safe. Our Practice Approach’, which is based on a rights-based model of participation for children and young people. ‘Feel safe. Are safe’ has been developed to ensure consistency and quality of practice across a continuum of care for children and young people. Additionally, our approach to Care Teams and Care Team planning has been reviewed and revised to be much more child centred, family friendly and collaborative.

We have started work to better support the out of home care system. This includes developing a campaign to attract and retain foster carers. Phase one of the campaign activities, including social media, will be rolled out during December 2023, and the full media campaign will launch in early 2024. We have consulted with carers to develop ways we can better support and engage with them and will continue working with the foster care community to improve this engagement.

Work is also underway to ensure the care the Department delivers meets the varied needs of children and young people. To date, this has seen the completion of groundwork to support the expansion of care types, including the family-based Care2Thrive pilot program and the delivery of emergency care staffed by non-government organisations in the North-West and South of Tasmania.



## Theme 5: Workforce expertise and capability

The safety and wellbeing of children and young people relies on a capable and engaged workforce.

We have strengthened the capacity of the Tasmanian State Service workforce to identify and respond to child sexual abuse. Mandatory child safety training has been delivered to more than 15,500 people, and Child Safeguarding Officers have been recruited for each region of the state (KCS Action 11). We have begun the rollout of trauma-informed training across the State Service, starting with those in leadership positions (KCS Action 5), and we have made trauma-informed practice professional learning mandatory for investigators and other state servants involved in ED5 investigation processes (KCS Action 20).

As part of our interim response to the Commission of Inquiry, our civil litigation structure and processes were reviewed to ensure our legal professionals use a trauma-informed approach and adopt evidence-based understandings of the nature and impact of child sexual abuse (KCS Action 7). In March 2023 this Government announced the establishment of the new separate State Litigation Office to take over and contemporise the management of the states' civil litigation. This important role will ensure that all litigation matters are progressed in a consistent and timely manner that minimise the potential for adversarial legal process to add to the trauma of vulnerable people.

The State Litigation Office and the State's lawyers will adopt best practice procedures, informed by continuing legal and professional education on the impacts of trauma and child sexual abuse.

### Case Study: Strengthening culture in Health Services

In December 2022, the Department launched its One Health Culture Program Strategy (One Health), designed to drive cultural improvement, supporting staff to work together; learn, collaborate and problem-solve; share risk; and empower and respect each other. Building a positive workplace culture is critical to improving the safety and wellbeing of children and young people in our care, as it reinforces a safety environment, encouraging staff, adults, children and young patients to speak up, to respect one another, and ensure when harm or misconduct occurs it is identified quickly and acted upon.

One Health is rolling out leadership and management training to build the capacity of the Department's leaders and managers and ensure they have the skills and tools required to effectively perform their roles, including their role in safeguarding children and young people, reporting and complaints management. 73 senior leaders have now completed our ASPIRE program, with 138 mid-tier managers having completed our ELEVATE program. In addition, 299 future health leaders have attended our annual Health Leaders 2040 summit (state-wide health system – public and private) to help us create a positive and high-performing health leadership pipeline.



In consultation with staff, agency-wide values drawn from sessions run in late 2022 with teams across the Launceston General Hospital and then later tested with over 500 staff, were introduced for the first-time in August 2023. These values are Compassion, Accountability, Respect and Excellence – with our purpose to CARE for the health and wellbeing of all in Tasmania.

To help embed these values, several initiatives have been launched, including:

- CARE Recognition Program, which is an opportunity for staff to recognise and celebrate a colleague for demonstrating our CARE values.
- CARE in Practice, which is an online implementation guide including workshops and communication strategies, addressing topics such as defining our values, bringing our values to life in local teams, behaviours that support our values, and connecting to the agency's purpose — no matter what our role in Health — we should perform it with compassion, with accountability, with respect whilst striving for excellence.
- CARE Chats, which is a form of 'compassionate candour' where staff are supported to have challenging multi-disciplinary conversations to address safety and behaviour, delivered with compassion.

In collaboration with the Child Safety and Wellbeing Service, work has also begun to establish a set of Child Safe Behaviours for the Department, informed by our CARE Values. This is being done through extensive consultation with our people, as well as through consulting children and young people directly. This will then form the basis of our shared expectations between our people and children and young people accessing our service.

## Theme 6: Child-safe cultures and awareness-raising

To achieve a child-safe future, we must provide a framework for driving deep cultural change within our government institutions. While other measures in our Response help to set the framework for action, these changes must be brought to life by the individuals working within each of our institutions who must share collective responsibility to keep children and young people safe. It is also important to address the organisational systems and processes that exist and at times create a barrier for individuals in trauma-informed and child safe practices. Organisational leadership is critical beyond the responsibilities of individuals.

The Commission's Report noted the establishment of the Child and Youth Safe Organisations Framework in Tasmania as a "key pillar to prevent abuse within Tasmanian organisations." The Framework aims to improve the safety and wellbeing of children and young people by requiring a wide range of institutional settings to take proactive steps to keep children and young people safe and respond effectively when there are concerns about an adult worker's behaviour. This includes, but is not limited to, Government agencies, local councils, Parliament, religious institutions, schools, out-of-home care, justice and detention services. The Framework is designed to drive cultural change to create, maintain and improve child safe practices.

### Establishment of a Child and Youth Safe Organisations Framework

The *Child and Youth Safe Organisations Act 2023* establishes a new, legally mandated framework for Tasmania called the Child and Youth Safe Organisations Framework. The Framework will benefit children and young people in Tasmania by:

- Upholding and respecting their rights, including their right to safety
- Creating new legal responsibilities for organisations that engage with them that are in the child or young person's best interest
- Outlining clear principles that organisations need to put into practice to create a child-centred culture, including how they involve families and carers
- Strengthening independent oversight of how reports about workers' behaviour are investigated
- Enhancing awareness and knowledge of what keeps children and young people safe, as well as risks to their safety
- Making it easier and clearer for organisations and regulators to share information, with a view to keeping children and young people safe
- Establishing the Independent Regulator, who will be able to be contacted by children and young people directly if they have concerns.

The Framework includes legislated Child and Youth Safe Standards, which are 10 principles that create a benchmark that organisations need to meet to promote and uphold the safety and wellbeing of children and young people. In response to stakeholder feedback, Tasmania's Child and Youth Safe Standards mirror the pre-existing National Principles for Child Safe Organisations.



Organisations must enact all 10 Child and Youth Safe Standards in a way that also puts into effect a Universal Principle for Aboriginal Cultural Safety, which says that organisations must provide an environment that ensures that the right to Cultural Safety of Aboriginal or Torres Strait Islander children and young people are respected.

The Framework also introduces a reportable conduct scheme to Tasmania. The Reportable Conduct Scheme requires leaders of specific organisations to notify an independent regulator when concerns are raised about conduct related to child abuse involving a worker who is over 18 years of age and conduct investigations.

Compliance with both elements of the Framework will be overseen by an independent regulator — an impartial officer who is, as the name suggests is independent from the Tasmanian Government and reports to Parliament rather than a Minister.

State institutions are well on the way to becoming Child Safe Organisations.

The Department of Health has been implementing their Child Safety and Wellbeing Framework and this has included:

- A statement of commitment signed by the Department's Health Executive.
- The rollout of child safeguarding mandatory training (on topics such as grooming and professional behaviours) to all staff, including contractors, students and volunteers which has been completed by over 15,500 people. The mandatory training includes an annual refresher program.
- Resources for staff on mandatory reporting.

- Guidance documents and educational resources to support staff to recognise signs of harm to children and young people and contribute to child safety and wellbeing.
- The establishment of the Child Safety and Wellbeing Panel which is an independent advisory panel that supports review of serious child safeguarding events and provides recommendations for service improvements.
- The establishment of a Children and Young People Advisory Group which aims to provide an avenue for the Department to engage with young Tasmanians about how we can improve children and young people's experience of safety and wellbeing in health services.
- Improved reporting arrangements for child safety concerns through the new Statewide Complaints Management Framework and supported by the Statewide Complaints Management Oversight Unit.

A key part of our approach to supporting our services is the recruitment of Child Safeguarding Advisors who are located in each of the hospital regions. The Child Safeguarding Advisors offer support and guidance to staff and volunteers on child safety matters and, along with the broader statewide Child Safety and Wellbeing Service, provide continued education to all staff to equip them with the knowledge and understanding of child safeguarding necessary to perform their roles.



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## 4. The Response

While we have undertaken significant improvements to our systems and processes as we continue to prioritise child and youth safety and wellbeing, this Response recognises that keeping children and young people safe will require widespread and fundamental change to the way we think, act and involve others to keep children and young people safe.

**“a strong commitment among many leaders, state servants, service providers, the community and victim-survivors and their supporters to effect this meaningful change.”<sup>3</sup>**

All 191 recommendations have been accepted and will be implemented. This section provides a snapshot as to how we will focus our efforts under each of the six themes of the response, how our response to key Commission recommendations will help us achieve those aims, and how these responses will improve the safety and wellbeing of our children and young people.



## **Theme 1: Accountability and integrity**

### **Key focus areas**

All public institutions will take responsibility for keeping children and young people within their care safe. This includes developing and being accountable for the implementation of a comprehensive and integrated, whole-of-system strategy and action plan for keeping children and young people safe from child sexual abuse. The delivery of actions and outputs against the strategy and action plan will be the subject of independent monitoring and reporting to Parliament. The actions of State agencies and authorities to prevent, detect and respond to concerns of child sexual abuse should be transparent. Through the implementation of recommendations relevant to this theme, children and young people will be safer in public institutions, and institutions will be more accountable.

### **Outcomes for children and young people**

Increased accountability and integrity across public institutions will improve the safety of children and young people by ensuring that policies, resources and actions are focussed on, and prioritise the safety and wellbeing of children and young people.

## **Theme 2: Collaboration and integration**

### **Key focus areas**

All agencies, authorities and public institutions will work together to keep children and young people safe, including sharing information and integrating actions and supports across programs and services. Systems will be aligned and legislative/cultural barriers for the sharing of information where it is required for keeping children and young people safe will be removed. Responses to concerns about the safety of children and young people will be coordinated across agencies and authorities to ensure that issues do not fall through gaps and that we are accountable for our actions. Through the actions against this theme, children, young people, and their families will experience a more responsive and integrated service system focussed on preventing child sexual abuse and responding to concerns relating to the safety of children and young people.

### **Outcomes for children and young people**

Improved collaboration and integration, emphasising coordinated actions and resources, will ensure that children, young people and their families receive maximum benefit from the actions and resources of government services. It will also ensure that concerns do not fall through the cracks in the system, placing children and young people at risk.

## Theme 3: Participation and empowerment

### Key focus areas

All Government services will recognise the agency of children and young people and the value that they can add to planning and decision making, particularly regarding the services that keep them safe and well. Children, young people and adult victim-survivors will be actively engaged in the development of policies, strategies and actions associated with keeping children and young people safe from sexual abuse, including harmful sexual behaviour.

### Outcomes for children and young people

The contributions of children, young people and adult victim-survivors of child sexual abuse will help improve the services that keep them safe and well, and support them to heal.

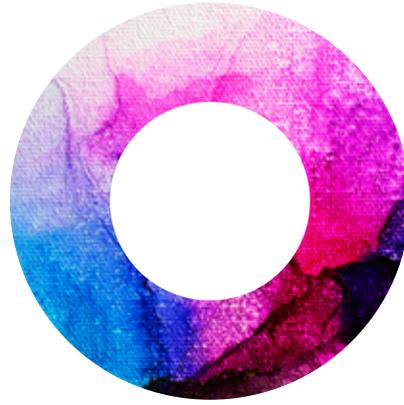
## Theme 4: Prevention and protection

### Key focus areas

We will invest in new and enhanced services to prevent child sexual abuse and to protect children and young people in public institutions and beyond. Actions will also be taken to actively reduce harm for vulnerable children and young people, particularly in the out of home care and youth justice systems. An investment in existing services will ensure that they are trauma-informed and therapeutic, and that services for children and young people in all settings are sensitive to, and adapted to their individual needs.

### Outcomes for children and young people

The delivery of the very broad set of actions to prevent incidents of child sexual abuse and to protect children and young people at risk will significantly reduce harm and increase the wellbeing of young people in Tasmania. The reduction of incidents of child sexual abuse in public institutions recognises the fundamental right of all children and young people to be protected from harm, and to be safe. Where there are incidents, ensure transparency and accountability, a quick and active response and support.



## Theme 5: Workforce Expertise and Capability

### Key focus areas

We will invest in increased capacity and capability across key services, teaching leaders to lead and take responsibility, ensuring that the workforce has the knowledge and skills required to prevent child sexual abuse, detect the early signs of risk and respond well when harm is caused, including through harmful sexual behaviours.

### Outcomes for children and young people

Government employees will be better equipped to prevent child sexual abuse, including by identifying and managing risks for children and young people. The workforce will also be better equipped to work with children, young people and adult victim-survivors in a way that is more trauma-informed, thereby reducing ongoing harm.

## Theme 6: Child Safe Cultures and Awareness Raising

### Key focus areas

We will proactively invest in a cultural improvement program that embeds safety and trauma-informed practice across the State Service. Child safe cultures will be values-based and underpinned by clear expectations regarding behaviour and professional conduct. The government will broadly increase awareness and understanding of the risks and impacts of child sexual abuse, including harmful sexual behaviour, and foster a workplace culture that is empowered to report and otherwise respond to identify risks and incidents.

### Outcomes for children and young people

The risks to children and young people will be reduced through a workplace culture that understands the boundaries of professional conduct and empowers its workforce to identify, report and respond to address risks to the safety of children and young people.

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**More detail on our Response  
can be found in Section 6**

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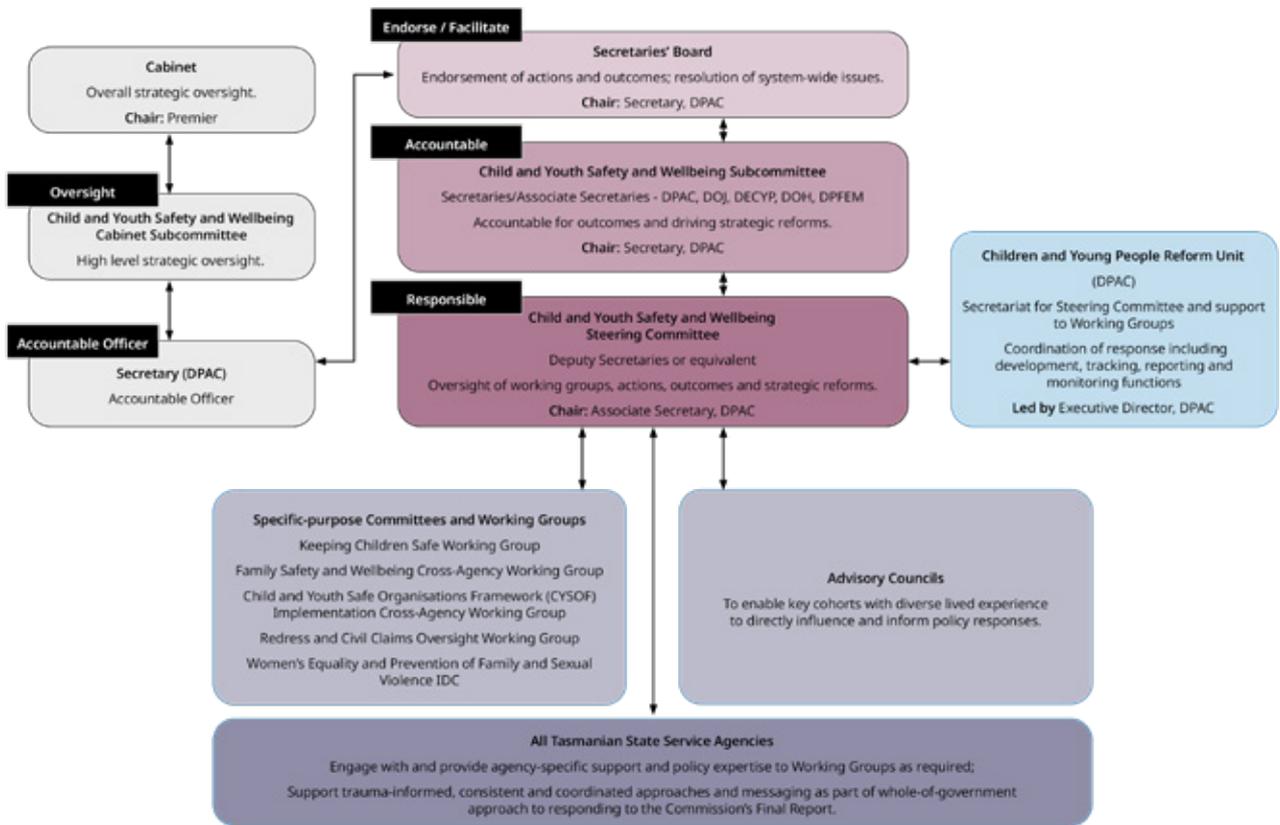
## How we will work

The Commission's Final Report calls for a new approach by the Tasmanian Government and Tasmanian State Service agencies for responding both individually and collectively to reduce risks to children and young people. It recognises that traditional approaches have restricted our agencies from effectively preventing child sexual abuse or responding to incidents when they occur.

In line with the Commission's recommendations, we have refined the existing governance arrangements to ensure a coordinated approach to implementation activities, to enable agencies to develop collaborative responses to complex issues and to share lessons and new approaches. Governance arrangements include dedicated subcommittees of Cabinet, Departmental Secretaries and Deputy Secretaries. The Department of Premier and Cabinet is coordinating the implementation of the Commission's recommendations and will provide whole-of-government policy support, monitoring and coordination functions to achieve implementation of the recommendations to keep children and young people safe.



Figure 2: Commission of Inquiry implementation governance model



Following the release of the Commission's report, the Premier wrote to all Heads of Agency to state his expectation they will work together as leaders of the Tasmanian State Service to rebuild trust, ensure that past mistakes are never repeated, and to fulfil the promise of a safe future for our children and young people.



## Whole-of-government legislative program

The Department of Justice will establish and lead a whole-of-government Legislative Program to implement the recommendations of the Commission of Inquiry that require law reform.

The Legislative Program includes all recommendations that require either the creation of new legislation or amendments to existing legislation (including subordinate legislation). The Legislative Program will be administered by a Steering Committee composed of senior leaders from all relevant agencies.

The Legislative Program is a significant reform in the way that government designs and progresses legislative projects. This process will embed a collaborative structure into our legislative response – from the beginning. The program is designed to bring together the experience, skills, and knowledge of our State Service's experts. Under the collaborative leadership of the Steering Committee, we will engage, listen, and work with victim-survivors, children and young people, Tasmanian Aboriginal people and those with diverse lived experience.

The engagement with these groups will be facilitated by the establishment of three Consultation Networks: a Lived Experience Consultation Network (victim-survivors and people with lived-experience), a Children and Young People's Consultation Network, and Tasmanian Aboriginal Consultation Network.

Portfolio Agencies will be responsible for progressing all policy decisions in projects and for implementation steps following the parliamentary process. The Department of Justice will lead all other stages; including the provision of drafting instructions, targeted and public consultation processes, advice to Government on consultation outcomes, the preparation of Bill Packages, and supporting the Parliamentary process including; the provision of briefings and support to portfolio Ministers. The Department of Justice and the Steering Committee will work closely with the Office of Parliamentary Counsel on the prioritisation of each project, as determined by our Government's legislative agenda.

It is important to remember that whilst these reforms and projects will be led by this Government, the projects and their outcomes ultimately belong to the people of Tasmania. The steps taken by this Government to embed collaboration and multidisciplinary approaches into the legislative development process mirrors the critical role of the Parliament in scrutinising, debating, and improving legislative outcomes for all Tasmanians. As this Government welcomes a new collaborative legislative agenda, we look forward to an approach in which all members of our community and Parliament can meaningfully contribute to, have ownership of, and participate in creating a safer Tasmania for all children and young people.

## How we will engage to keep children and young people safe and rebuild trust

We will undertake meaningful engagement with children and young people that will enable them to collaborate, be empowered and take leadership in policy design. Government institutions will consider best-practice approaches to engagement and consultation, including:

- using inclusive and flexible approaches to ensure we engage children and young people of different ages, backgrounds, cultures, gender identities and geographical locations
- structuring engagement processes so they are safe, accessible and meaningful for children and young people and to facilitate genuine participation in policy processes
- providing adequate time and resources to support meaningful consultation, and
- setting clear goals for consultation, developed in collaboration with children and young people where possible.

We will also engage directly with adult victim-survivors, including through the new advisory group to be established in line with Commission recommendation 19.5, the Premier's Youth Advisory Council and the new peak body for the sexual assault support system (Commission recommendation 21.3). We will also engage with representative bodies including (but not limited to) the Premier's Disability Advisory Group, the Premier's Health and Wellbeing Council, the Premier's Mental Health Council, Minister's Carer Advisory Council, the Tasmanian Government LGBTIQ+ Advisory Panel, Closing the Gap Peak Coalition Partner, peak body for the sexual assault service system and Multicultural Council of Tasmania. We will work with the relevant stakeholders and engage with workforce development and support agencies to ensure workforce and disciplinary procedural changes are co-designed and well supported.

### Monitoring and reporting on our response

We will be open, transparent and accountable as we implement the Commission of Inquiry's recommendations. We have published regular updates on our progress in implementing the Keeping Children Safe interim response actions announced by the Premier in 2022. In August 2023 we launched our new website—[www.keepingchildrensafe.tas.gov.au](http://www.keepingchildrensafe.tas.gov.au)—to provide information to the public about the Commission's Final Report, supports available and actions to protect children and young people in our care. We will continue to track progress and provide updates via this website as we work to implement our Response.



## **Independent Child Sexual Abuse Reform Implementation Monitor**

The Commission's Final Report was clear that independent monitoring and public reporting on implementation of reforms is vital for making real progress on preventing abuse in government settings, improving institutional responses to abuse, and ensuring that victim-survivors receive the support they need.

In line with recommendation 22.1 of the Commission's Report, an independent Child Sexual Abuse Reform Implementation Monitor will be appointed to hold the Government to account for its progress on delivering the Commission's recommendations and broader reforms including our response to the recommendations of the Royal Commission and the Independent Inquiry into the Tasmanian Department of Education's Responses to Child Sexual Abuse. The Monitor will undertake independent evaluations of the effectiveness of the measures and actions taken in response to the recommendations identified, especially the impact on the safety and wellbeing of children and young people in government and government-funded institutions and victim-survivors of child sexual abuse in institutional contexts. The functions and operations of the Monitor will be considered within the context of the broader Tasmanian Child and Youth Safe Organisations Framework.

The Monitor will report to the Tasmanian Parliament and provide independent oversight of the steps we are taking to address child sexual abuse.

Consideration will be given to the information and reporting systems and capability required to enable the Monitor to independently evaluate the delivery of reforms. The Premier has announced the legislation to establish the Monitor will be introduced in the first week of Parliament in 2024.







## 5. Beyond the Government Response

The Final Report also noted that work to implement the Commission's recommendations should occur as part of a broader strategy to:

... integrate the various reform initiatives that are already completed or underway, to ensure a coordinated approach that maximises the benefits of each reform. We want to be clear that implementing our recommendations—while important—should be viewed as another step Tasmania takes in its efforts to keep children and young people safe from abuse.<sup>4</sup>

By 1 July 2024, in line with the Commission's recommendation 19.1, the Government will release a detailed Child Sexual Abuse Reform Strategy and Action Plan. This whole-of-government strategy will set out our roadmap for preventing, identifying and responding to child sexual abuse on a whole-of-system basis. The Strategy will be outcomes-focused: it will describe the system that Tasmania seeks to achieve and how we will work to achieve those outcomes. The Strategy and Action Plan will include all actions that are being undertaken as part of our Response, but will also take into account broader work by the Tasmanian Government to improve systems and processes for responding to child sexual abuse, including outstanding recommendations of the Royal Commission, the

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4 Volume 1: Executive Summary, p30



Independent Inquiry into the Department of Education’s Responses to Child Sexual Abuse, the Department of Health’s Child Safe Governance Review and the Keeping Children Safe Actions. Consultation on the Strategy and Action Plan will commence in early 2024. Further information about this recommendation is contained in Part 7 of the Response.

Figure 3: Relationship between Government Response and Child Sexual Abuse Reform Strategy and Action Plan

**Government Response to Commission of Inquiry’s Final Report**

By 1 December 2023

Response to Commission of Inquiry’s Final Report, accepting all 191 recommendations and outlining timeframes and next steps for reform



**Child Sexual Abuse Reform Strategy and Action Plan (Commission recommendation 19.1)**

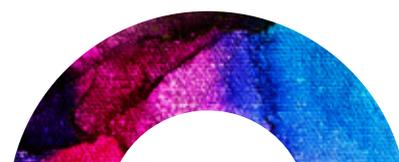
By 1 July 2024

Whole-of-government strategy for preventing, identifying and responding to child sexual abuse.

To describe the future system and how this will be achieved, including role of key initiatives, reforms and recommendations.

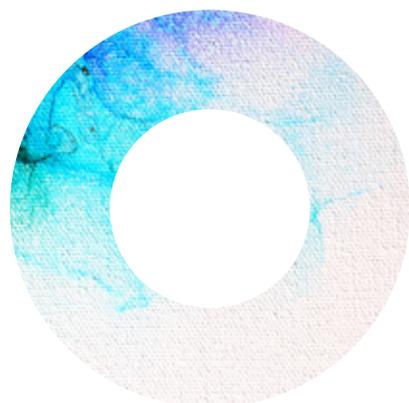
Our Response to the Commission of Inquiry will continue to be developed and refined following the release of this document.

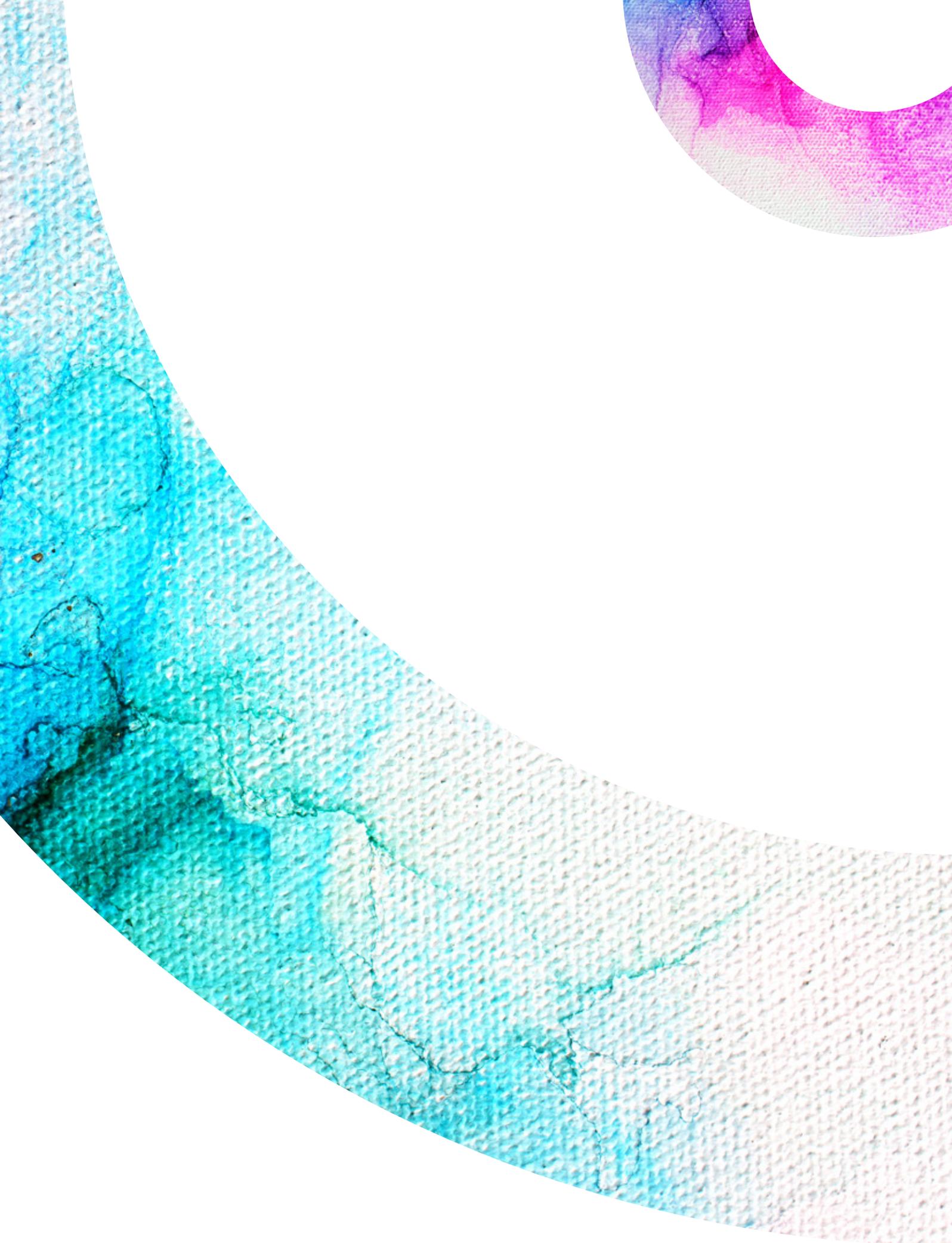
While our Response has prioritised action to address Phase 1 recommended actions, we are working on and will continue to refine our approach to Phase 2 and 3 recommendations, including bringing forward the timelines for these reforms where it is possible to do so.



# Study of Community Attitudes Towards Child Sexual Abuse

To hear the voices of our community and better understand the current and changing patterns of awareness and attitudes towards child sexual abuse over time, and to continue to underpin our work with evidence, we have engaged the National Centre for Action on Child Sexual Abuse to create Tasmanian specific data as part of their Community Attitudes Towards Child Sexual Abuse Study. This national study is a multi-phased mixed method study of over 3,000 Australians and will oversample within Tasmania to allow for the comparison of Tasmanian data with the national statistics. By doing so, we can gain further insight into the unique challenges and opportunities within our state and tailor our responses accordingly. Oversampling (which is currently underway) in Tasmania at both the initial and subsequent time points will allow us to see if our efforts to address child sexual abuse in Tasmania are having the desired effect, supporting our Response across all of the Themes.







## 6. Response to recommendations

### Phase One Recommendations—to be delivered by July 2024

Phase 1 recommendations represent the most immediate actions that can be taken to keep children and young people safe. All Phase 1 recommendations are currently underway and will be delivered by 1 July 2024, with milestones and next steps outlined in further detail below.

The Commission's report identified 52 recommendations to be implemented by 1 July 2024 (Phase 1). Under our Response:

- five of these will be delivered in Phase 2, and
- one of the Commission's Phase 2 recommendations will be delivered in Phase 1.

Accordingly, our Response will deliver a total of 48 recommendations in Phase 1. The reasons for changes in timing for these recommendations, relate to the complexities associated with the recommendations, dependencies on the delivery of other related recommendations, or where work already underway supports earlier completion.



## Children in schools

### Office of Safeguarding

#### Recommendation 6.2

1. The Office of Safeguarding within the Department for Education, Children and Young People should focus primarily on safeguarding children in the education context, with a particular focus on prevention, risk identification, policy development and related workforce development.
2. The Office of Safeguarding should not be involved in critical incident management beyond learning from systemic reviews and trend data.

Theme	Lead Agency	Status	Related COI Recommendations
Prevention and protection Child safe cultures and awareness-raising	Department for Education, Children and Young People	Underway	None

The Government accepts this recommendation and will implement the recommendation by 1 July 2024.

#### Key actions

Since November 2022, there has been a Safeguarding Lead in every Government school. Planning is underway to relocate oversight of the Safeguarding in Schools program to the Schools and Early Years Portfolio within the Department for Children, Education and Young People (DECYP), with delivery commencing in February 2024. The Safeguarding in Schools program will support the wellbeing of all students and foster a culture where it is understood that safeguarding is everyone's responsibility. The schools-focussed team will continue to support the network of Safeguarding Leads, build on the cultural change already underway and continue to raise staff understanding, awareness of and responses to child sexual abuse. It will also concentrate on learning from systemic reviews and trend data, independent from responding to critical incidents.

In addition to the Safeguarding in Schools Unit, DECYP has also recognised there is a need to ensure there is a strategic, whole-of-agency approach to the development of child safe policies and strategies to enable DECYP to operate as an exemplary child safe organisation. This team is needed to ensure that the continued efforts towards safeguarding children and young people are connected and cohesive across all parts of the agency, and that children and young people are at the centre of all decision-making and processes that impact them. Consequently, the current Office of Safeguarding Children and Young People will be renamed Child and Youth Safe Support. This team will take a whole-of-agency approach to safeguarding policies and strategies, as well as implementing the Child and Youth Safe Standards and continuing to build a culture that champions and protects the rights and safety of children and young people.

DECYP is developing an incident review process that will cover all service areas of the Department, including those that respond to allegations or incidents of child sexual abuse.

The outcome of this work will be a more accountable system that puts children at the centre, with a strong focus on safeguarding across our government schools. DECYP is continuing the Safeguarding Leads project as part of a broader undertaking to further develop systems, practices, processes, and professional learning to make our schools safer, to better equip teachers and principals, and to provide more support to children and young people.

**February 2024:** Safeguarding in Schools program delivery embedded within schools.

## Policies, procedures and guidance in education

### Recommendation 6.3

1. The Department for Education, Children and Young People should make its child safeguarding policies publicly available, including policies on mandatory reporting, professional conduct, and responses to allegations and concerns about child sexual abuse.
2. The Department should establish a regular review process for its child safeguarding policies.

Theme	Lead Agency	Status	Related COI Recommendations
Accountability and integrity Child safe cultures and awareness-raising	Department for Education, Children and Young People	Underway	9.28, 21.8

The Government accepts this recommendation and will implement the recommendation by 1 July 2024.

### Key actions

The Office of Safeguarding Children and Young People is assessing education-specific child safeguarding policies to ensure all departmental child-safeguarding policies are aligned with the Child and Youth Safe Standards.

A number of policies are already accessible on the Department for Education, Children and Young People's (DECYP) website *Home - Department for Education, Children and Young People* ([decyp.tas.gov.au](https://decyp.tas.gov.au)), including *Safe. Secure. Supported - Our Safeguarding Framework*, and the Mandatory Reporting Procedure. As further policies are reviewed, they will be published on the website. Each policy will be subject to further review consistent with DECYP's policy review processes. Publication of additional relevant policies will occur before July 2024 and the review process will be ongoing.

Ensuring DECYP's policies are easy to use, accessible and regularly reviewed will not only mean its policies are consistent, up to date and easily visible for the community, it will also strengthen community trust in those underpinning policies, and ensure DECYP is held to account to make sure children are safe in our schools.

**July 2024:** Publication of additional policies.

**Ongoing:** Review of relevant policies.

## Recommendation 6.4

The Department for Education, Children and Young People, in developing a professional conduct policy (Recommendation 20.2), should ensure:

- a. there is a separate professional conduct policy for staff who have contact with children and young people in schools
- b. the professional conduct policy for schools, in addition to the matters set out in Recommendation 20.2, specifies expectations outlined in other relevant school policies and procedures, including those covering online technology and a duty of care owed by staff members
- c. the professional conduct policy for schools spells out expected standards of behaviour for volunteers, relief teachers, contractors and sub-contractors
- d. the Department uses appropriate mechanisms to ensure compliance by volunteers, relief teachers, contractors and sub-contractors with the professional conduct policy for schools.

Theme	Lead Agency	Status	Related COI Recommendations
Prevention and protection Workforce expertise and capability	Department for Education, Children and Young People	Underway	9.19, 12.10, 15.13, 20.2, 20.3, 20.4

The Government accepts this recommendation and will implement the recommendation by 1 July 2024.

### Key actions

Work has commenced on reviewing the existing policy framework to identify areas for improvement that will provide a clear structure and practice to safeguard children and young people from abuse. The Conduct and Behaviour Standards being reviewed currently include provisions relating to duty of care, psychological harm, physical contact, grooming behaviour and sexual conduct, with a particular emphasis on interactions with students.

The Department for Education, Children and Young People (DECYP) will work closely with the Department of Premier and Cabinet to ensure this work aligns with the proposed whole-of-government approach under Recommendation 20.2. A review of current policies and procedures will occur in the first quarter of 2024, followed by consultation with relevant stakeholders and development of final drafts by July 2024.

The protection of children and young people is prioritised through a professional conduct policy for all school staff that is clear and enforceable. It will ensure expectations are transparent, strengthen community trust and champion the rights of children.

**March 2024:** Current policies and procedures reviewed.

**June 2024:** Stakeholder consultation and final drafts completed.

## Teacher registration

### Recommendation 6.14

The Tasmanian Government, Department for Education, Children and Young People and the Teachers Registration Board should continue to advocate at the national level for an automatic mutual recognition scheme that takes into account risks to child safety and imposes measures to address these risks.

Theme	Lead Agency	Status	Related COI Recommendations
Prevention and protection Collaboration and integration	Department for Education, Children and Young People	Underway	6.11, 6.15

The Government accepts this recommendation and will implement the recommendation by 1 July 2024.

#### Key actions

The Department for Education, Children and Young People (DECYP) and the Teachers Registration Board will continue to advocate at a national level for an Automatic Mutual Recognition (AMR) scheme that takes into account the risks to child safety in allowing greater mobility within the teaching profession. In recognition of this, the Tasmanian Treasurer has granted the teaching profession an exemption from participation in the AMR scheme until 1 July 2025.

Significant work will be undertaken before then to enable Tasmania to participate fully in the AMR scheme and to ensure risks to child safety are mitigated. This includes work to develop an upgraded, fit-for-purpose Customer Records Management System (CRMS) for the Teachers Registration Board. The legislative changes in Recommendation 6.11 may also help by requiring employers to make updates to a teacher's place of employment, ensuring the Board is aware of teachers who are new to Tasmania and providing the opportunity for relevant checks to be undertaken.

Advocacy to ensure the Automatic Mutual Recognition (AMR) scheme considers risks to child safety will be ongoing through the relevant Ministerial Councils and Senior Officer Forums.

The Tasmanian Government has been advocating for consistency in information sharing provisions for teacher regulatory authorities across Australia to help mitigate the risks to child safety in facilitating increased mobility of the teaching profession, and will continue to do so.

An AMR scheme that takes child safety risks into account will strengthen protections for Tasmanian children, and increase community confidence in the safety of teachers who enter the Tasmanian education workforce from other jurisdictions. An AMR scheme will enhance child safety if it is accompanied by a minimum nationally agreed-to standard for registration for all teachers. It will provide a consistent approach across multiple jurisdictions and reduce administrative burden for teachers.

**Ongoing:** Advocacy for the AMR scheme to take into account risks to child safety through relevant Ministerial Councils and Senior Officer forums.

**February 2024:** National Australasian Teacher Regulatory Authorities meeting discussion regarding national AMR actions.

**March 2024:** Ministerial communication regarding the AMR Scheme with the Federal Minister for Education.

## Children in out of home care

### Funding

#### Recommendation 9.1

The Tasmanian Government should provide one-off funding to help implement the Commission of Inquiry's recommended out of home care reforms and significantly increase ongoing funding of out of home care, including out of home care services provided by Child Safety Services (such as out of home care governance and case management).

Theme	Lead Agency	Status	Related COI Recommendations
Prevention and protection Workforce expertise and capability	Department for Education, Children and Young People	Underway	9.2, 9.3

The Government accepts this recommendation and will implement the recommendation by 1 July 2024.

#### Key actions

Our Government will provide additional funding for out of home care through the 2024-25 Budget process.

Significant policy and legislative work will be undertaken to determine the level of funding required for 2024-25 and beyond.

The additional investment in the capacity of the out of home care system will deliver significantly improved outcomes for children in care.

**March 2024:** Project team established.

## Child sexual exploitation

### Recommendation 9.30

Tasmania Police should more fully utilise the offences in sections 95 and 96 of the *Children, Young People and Their Families Act 1997* (the offences of harbouring or concealing a child and of inducing a child to be absent without lawful authority) to deter behaviour by adults that puts children in out of home care at risk of sexual abuse.

Theme	Lead Agency	Status	Related COI Recommendations
Prevention and protection Child safe culture and awareness-raising	Department of Police, Fire and Emergency Management	Underway	None

The Government accepts this recommendation and will implement the recommendation by 1 July 2024.

#### Key actions

Instruction will be provided to sworn members regarding use of sections 95 and 96 of the *Children Young People and Their Families Act 1997*, when attending absent children without lawful authority in state care reports relating to a child who is in the custody of a person or under the authority of an assessment order, interim assessment order, care and protection order or interim care and protection order.

A training package is being developed for all police officers and relevant manuals and processes will be reviewed and updated where required.

The drafted training package will be consulted in April 2024 with the training to commence and manuals and processes updated by July 2024.

The utilisation of these two offences under the Act provides avenues for disruption, and potential avenues for prosecution, that police officers and Child Safety may consider and utilise when attending and managing absent children and youth.

**April 2024:** Consultation on draft training package.

**June 2024:** Training to commence and manuals and processes updated.

# Children in youth detention

## Cultural change

### Recommendation 12.10

The Department for Education, Children and Young People, in developing a professional conduct policy (Recommendation 20.2), should ensure:

- a. there is a separate professional conduct policy for staff who have contact with children and young people in detention facilities and other residential youth justice facilities
- b. the professional conduct policy for detention facilities and other residential youth justice facilities, in addition to the matters set out in Recommendation 20.2, specifies expectations outlined in other relevant custodial policies and procedures, including those on the use of force, isolation and personal searches of children and young people in detention
- c. the professional conduct policy for youth detention and other residential youth justice facilities spells out expected standards of behaviour for volunteers, contractors and sub-contractors
- d. the Department uses appropriate mechanisms to ensure compliance by volunteers, contractors and sub-contractors with the professional conduct policy.

Theme	Lead Agency	Status	Related COI Recommendations
Child safe cultures and awareness raising Accountability and integrity	Department for Education, Children and Young People	Underway	6.4, 9.19, 15.13, 20.2, 20.3, 20.4

The Government accepts this recommendation and will implement the recommendation by 1 July 2024.

### Key actions

The State Service Code of Conduct applies to all State Service employees, including those who work at Ashley Youth Detention Centre. Work is underway on the development of a professional conduct policy that will apply specifically for youth justice workers. The policy will align with the State Service Code of Conduct and apply to employees (including fixed-term employees), volunteers, contractors and sub-contractors and other relevant adults.

The Department for Education, Children and Young People will work closely with the Department of Premier and Cabinet to ensure this work aligns with the proposed whole-of-government approach under recommendation 20.2. A review of current policies and procedures will occur in the first quarter of 2024, followed by consultation with relevant stakeholders and development of final drafts by July 2024.

The protection of children and young people is prioritised through a clear and enforceable professional conduct policy for all Youth Justice staff. It will ensure expectations are transparent, strengthen community trust and champion the rights of children and young people.

**March 2024:** Policies and procedures reviewed.

**June 2024:** Stakeholder consultation and final drafts completed.

## Creating a child-focused youth detention system

### Recommendation 12.23

The Department for Education, Children and Young People should:

- a. develop and implement a policy that recognises the importance to children and young people in detention of maintaining or building connections with their family and community and
  - i. specifies ways to promote such connections, including through visits, temporary leave and phone or video calls
  - ii. clearly states that entitlements to visits, temporary leave and phone or video calls cannot be denied on the basis of a child or young person's behaviour
- b. provide reasonable assistance (including financial help) to members of a child or young person's family or Aboriginal community to enable them to visit the child or young person frequently, where families or Aboriginal community members have barriers to accessing the youth detention facility.

Theme	Lead Agency	Status	Related COI Recommendations
Child safe cultures and awareness-raising Participation and empowerment	Department for Education, Children and Young People	Underway	18.6

The Government accepts this recommendation and will implement the recommendation by 1 July 2024.

#### Key actions

Ashley Youth Detention Centre currently promotes visits as well as video and phone calls between young people and their families and communities. Young people have access to phone and video calls to approved phone numbers, as well as visits from family and community groups. Part of the case management process is to ensure the appropriateness of calls and visits. The Department for Education, Children and Young People (DECYP) is reviewing current policies in this area as they pertain to the Ashley Youth Detention Centre. Work to further recognise the importance to children and young people of building and maintaining connections with their family and community while in detention will be incorporated into the Youth Justice facilities model. Analysis of current policies and procedures will occur in the first quarter of 2024, followed by consultation with children and young people and other relevant stakeholders, and development of a policy position by July 2024.

Maintaining and building connections with community and family should deliver improved outcomes for children and young people through the provision of caring, compassionate, and child-centred services.

**March 2024:** Current policies and procedures analysed.

**June 2024:** Stakeholder consultation completed, and policy position developed.

## Recommendation 12.26

The Auditor-General should undertake an audit of the length of custodial stays at Ashley Youth Detention Centre to determine whether they align with sentencing orders.

Theme	Lead Agency	Status	Related COI Recommendations
Accountability and integrity Prevention and protection	Independent Statutory Officer	Underway	None

The Government accepts this recommendation and will implement the recommendation by 1 July 2024.

### Key actions

Noting the independence of the Auditor-General under section 10 of the *Audit Act 2008*, the Auditor-General has commenced a preliminary assessment to determine the objective, feasibility, and merit of undertaking the recommended audit. This assessment includes reviewing the Commission's Final Report and transcripts of evidence to understand the issue, contacting relevant agencies, such as Department of Justice, Courts Administration and Department for Education Children and Young People.

Where the Auditor-General decides to undertake the audit, the outcome will be the provision of a reasonable assurance conclusion to the Parliament of Tasmania as to whether custodial stays at AYDC align with sentencing orders.

**December 2023/January 2024:** Preliminary assessment on whether to undertake the recommended audit completed.

**February 2024:** Where the Auditor-General decides to undertake the audit, audit scope and planning completed is expected to be completed by the end of February 2024. These activities include understanding the audit subject matter, determining the audit criteria and scope of audit testing, encompassing:

- review of sentencing processes
- the relevant period of time
- sample size of sentencing orders to be examined
- number, type, location and accessibility of relevant records
- availability and requirement for subject matter expertise in interpreting sentencing orders.

**May 2024:** Preliminary findings discussion with entities subject to audit.

**June 2024:** Engagement with agencies on draft report.

**July 2024:** Audit report tabled in Parliament.

## Independent oversight of youth detention

### Recommendation 12.37

The Ombudsman should develop written guidelines for its staff on managing complaints it receives containing allegations of child sexual abuse involving children in youth detention, other residential youth justice facilities or out of home care. Among other matters, these guidelines should include:

- a. the definition of child sexual abuse and related conduct, including sexual misconduct, grooming, harmful sexual behaviours and boundary breaches
- b. the process for reporting relevant allegations to Tasmania Police, Child Safety Services, the Registrar of the Registration to Work with Vulnerable People Scheme and the Independent Regulator under the *Child and Youth Safe Organisations Act 2023*
- c. guidance on referring an allegation or complaint to an agency named in the complaint
- d. guidance on communicating with child complainants on the referral of their complaints to other entities and the progress of investigations into their complaints
- e. processes for sharing information with other oversight bodies regarding the management of complaints (Recommendation 18.15).

Theme	Lead Agency	Status	Related COI Recommendations
Accountability and integrity Collaboration and integration	Independent Statutory Officer	Underway	17.6

The Government accepts this recommendation and will implement the recommendation by 1 July 2024.

### Key actions

The Office of the Ombudsman has retained the services of Ms Megan Mitchell AM, amongst other things, to assess, evaluate and recommend changes to all of its internal policies, practices and guidelines in order to ensure that they are child safe. Ms Mitchell is the former National Children's Commissioner and was the architect of the National Principles for Child Safe Organisations (and related training material), and she spearheaded the development of a child safeguarding policy framework for the Australian Human Rights Commission. Ms Mitchell also headed up out of home care policy in NSW and led the policy and operations of child protection, out of home care, childcare, and juvenile justice in the ACT.

Ms Mitchell's brief will be extended to include ensuring that the office develops a policy that complies with the recommendation.

## Children in health services

### A policy framework and implementation plan

#### Recommendation 15.1

The Department of Health should develop and communicate a policy framework and implementation plan for reforms to improve responses to child sexual abuse in health services. The policy and implementation plan should:

- a. set out the purpose and need for the reforms
- b. set out the role, responsibilities, and interactions of bodies the Department has set up as part of the reforms
- c. explain how reforms, including departmental reforms and those recommended by the Child Safe Governance Review, Community Recovery Initiative and this Commission of Inquiry, will work together to respond to child sexual abuse in health services
- d. outline how the reforms are being prioritised for implementation and who is responsible for their implementation
- e. set out the expected timeframes for implementation
- f. be published on the Department's website.

Theme	Lead Agency	Status	Related COI Recommendations
Accountability and integrity	Department of Health	Underway	Related to all Department of Health allocated recommendations

The Government accepts this recommendation and will implement the recommendation by 1 July 2024.

#### Key actions

The Department of Health (DoH) has implemented a new Child Safety and Wellbeing Policy Framework, which adopts the National Principles for Child Safe Organisations and outlines new safeguarding policies, governance, reporting and education for all staff, volunteers and contractors.

The Child Safety and Wellbeing Policy Framework was launched in September 2022 and is expected to be a live policy suite of best practice child safeguarding principles and operational requirements specific to DoH, which is intended to be added to and improved over time (in particular to apply learnings from real time operational incident reviews). New or updated child safeguarding materials will be added to the Policy Framework to respond to each of the recommendations of the Commission of Inquiry, in addition to the work which is already underway to respond to the recommendations of the DoH Child Safe Governance Review of the Launceston General Hospital (LGH) and Human Resources and the Launceston General Hospital Community Recovery Initiative.

The Child Safe Governance Review Implementation Plan was developed in early 2023 to support the delivery of the 92 recommendations of the Child Safe Governance Review, which also included the eight recommendations of the LGH Community Recovery Initiative. This is now being broadened to include the Commission of Inquiry's Recommendations relating to the DoH and will be managed (including implementation, internal monitoring and reporting) by the DoH Child Safeguarding Taskforce.

Establishing a complete and overarching policy framework and implementation plan that includes all current review recommendations will ensure the DoH's child safety and wellbeing reform program is clearly outlined and communicated to the public and that the community and our staff understand the changes we are making and the reasons for those reforms.

**April 2024:** The Implementation Plan will be a public document that will be published on the DoH website.

## Protecting children through a safety culture

### **Recommendation 15.3**

The Department of Health should ensure its cultural improvement program embeds a safety culture in health services by:

- a. requiring clear organisational values be observed across all levels of health services, including in relation to staff conduct
- b. establishing strong governance arrangements to address staff practices that place children at risk of abuse, and complementing established patient safety governance structures
- c. ensuring all levels of management demonstrate a commitment to a safety culture, including by addressing poor staff conduct
- d. clarifying roles and responsibilities among staff when there is a suspicion that child sexual abuse has occurred or that safety policies are not observed
- e. ensuring there are processes that hold senior managers and executives accountable to respond appropriately to the conduct of their staff, including through performance agreements and role descriptions
- f. establishing measures of a strong organisational culture that indicate an organisation
  - i. welcomes concerns about staff and sees them as an opportunity to improve safety for staff and patients
  - ii. empowers staff to feel safe and supported to raise concerns about colleagues with their leaders and gives them confidence in the ability of leaders to respond to concerns and take disciplinary actions (including termination) where appropriate
  - iii. ensures staff are clear about the process for raising concerns, how these concerns will be addressed and what feedback they can expect to receive
- g. providing progress reports to the Child Sexual Abuse Reform Implementation Monitor to demonstrate how these principles have been translated into policy and practice (Recommendation 22.1).

Theme	Lead Agency	Status	Related COI Recommendations
Child safe cultures and awareness-raising Workforce expertise and capability	Department of Health	Underway	15.4

The Government accepts this recommendation and will implement the recommendation by 1 July 2024.

### Key actions

The One Health Culture Program Strategy (One Health) was launched in December 2022 and is an umbrella program that brings together all existing cultural improvement programs in Department of Health (DoH) and includes:

- Leadership Accountability
- Building Capability
- Workplace Values & Behaviours
- Health, Safety and Wellbeing, and
- Systems and Processes

The One Health Culture Program is delivering leadership and management training (Aspire and Elevate) to build the capacity, confidence and accountability of the DoH's leaders and managers and ensure they have the skills and tools required to effectively perform their roles, including their role in safeguarding children and young people, promoting and maintaining a safety culture and reporting and complaints management.

In consultation with staff, Agency-wide values were introduced for the first-time in August 2023. These values are Compassion, Accountability, Respect and Excellence (CARE), which support an organisation-wide purpose – We CARE for the health and wellbeing of all in Tasmania. The One Health Culture Program is leading CARE initiatives such as CARE chats to call out unsafe behaviours that do not support our values and to encourage each local team within DoH to discuss how they will interpret and apply the values in their own roles, service type and location.

A whole-of-government proposal has been developed to take the framework of the One Health Culture Program Strategy and broaden its application across the public service, with the opportunity for each agency to develop/confirm its own organisational purpose and values, and to use the same set of cultural improvement tools, workshops and behaviour check-in sessions to drive positive cultural change in the workplace.

The Statewide Complaints Management Oversight Unit was established in July 2023 to ensure a consistent and trauma-informed approach to complaints management. This approach is supported by a new Statewide Complaints Management Framework that was released to all DoH staff in August 2023.

The DoH's governance arrangements have been extensively reviewed by the Child Safe Governance Review, with new governance arrangements implemented including a new position of Chief Risk Officer, Deputy Secretary Hospitals and Primary Care, Chief Executive Hospitals North (with a new Executive Team and governance committee structure for Launceston General Hospital). These new positions and an examination of existing continuing positions have led to significant work across the organisation to clarify roles and responsibilities to drive a safety culture. The four major hospitals are also supported by Child Safeguarding Advisors, which are now operational.

One Health is a multi-year cultural change program that will drive cultural improvement, supporting staff to work together; learn, collaborate, and problem-solve; share risk; and empower and respect each other. Resistance, fear of change and hierarchical health professional boundaries and norms are all obstacles that will need to be overcome to implement positive cultural change. It will require commitment and persistent leadership across Health to create the positive and safe workplace we all want to work in, and for our families and community to receive health care in. At its heart, One Health is about building an inclusive working environment reflecting the diversity of the health workforce and our community and supporting employees to work together to improve the health and wellbeing of all Tasmanians.

**December 2023:** DoH preparations in progress to implement the Reportable Conduct Scheme requirements.

**January 2024:** DoH Reportable Conduct Scheme processes operational.

#### **Recommendation 15.4**

1. The Department of Health should consider integrating features of the St Vincent's Health Australia's Ethos Program into its cultural improvement program.
2. The Department of Health should ensure, in adopting its cultural improvement program, professional boundary breaches by staff towards a child are always formally reported, responded to and recorded in centralised records for future reference.

Theme	Lead Agency	Status	Related COI Recommendations
Child safe cultures and awareness-raising Accountability and integrity	Department of Health	Underway	15.3

\*Commission of Inquiry recommended timeframe: by 1 July 2026.

Reason for bringing forward: this work is already in progress.

The Government accepts this recommendation and will implement the recommendation by 1 July 2024.

## Key actions

The One Health Culture Program was launched in December 2022 and brings together existing initiatives in the Department of Health (DoH). St Vincent's Ethos Program is designed to remove barriers to speaking up by providing an avenue which is fast, fair and transparent. The DoH is mirroring the themes of that Program when developing its own activities as part of the One Health Culture Program, through activities like the Speaking up for Safety Program. The One Health Culture Program is delivered over several years given the size and breadth of the DoH workforce and will continue to be adapted.

**February 2024:** Commence gap analysis between the One Health Culture Program and St Vincent's Health Australia's Ethos Program.

## Embedding child safety as a priority for leadership

### Recommendation 15.5

The Department of Health should make health leadership accountable for embedding child safety as a priority, including by:

- a. ensuring that all relevant health leaders have an obligation to act consistently with the National Principles for Child Safe Organisations (reflected in Tasmania's Child and Youth Safe Standards) in their role descriptions and performance agreements, with compliance with this obligation to be reviewed annually
- b. ensuring that the role descriptions and performance agreements of all staff providing services to children require them to protect child safety, with compliance with this obligation to be considered as part of annual performance reviews.

Theme	Lead Agency	Status	Related COI Recommendations
Accountability and integrity Child safe cultures and awareness-raising	Department of Health	Completed	15.6

The Government accepts and has completed this recommendation.

## Key actions

From September 2023, all Department of Health (DoH) staff, including members of the DoH's Senior Executive have child safety documented as an accountability in their Statement of Duties.

All staff are supported to fulfil this duty and practice safeguarding by the DoH's Child Safety and Wellbeing Framework, which was launched in September 2022. The framework incorporates staged organisation-wide education, training, and awareness.

In addition, in February 2023, the [Performance and Development Discussion template](#) was also updated to help managers support employees in understanding their responsibilities relating to child safety, mandatory reporting, confidentiality and cybersecurity. Compliance with this obligation will be considered as part of annual performance reviews. In addition, the introduction of a new Human Resources Information System will support compliance against performance agreements.

In 2023, the DoH Executive has jointly signed a Statement of Commitment that acknowledges that we are collectively and individually committed to improving the way we work with vulnerable people, with a specific focus on children and young people.

This has been published on the DoH website to communicate this commitment to the community.

The DoH is committed to a culture where children and young people feel safe, supported, and empowered and will meet all obligations under the *Child and Youth Safe Organisations Act 2023*. As a result, the community will feel safe when accessing our health services.

## Empowering children, families and carers

### Recommendation 15.7

1. The Department of Health should establish a health services young people's advisory group. The advisory group should:
  - a. have a clear purpose and objectives
  - b. be guided by clear terms of reference developed in consultation with children and young people
  - c. comprise young people with significant lived experience of health services, including young people of different ages, from diverse backgrounds and with different care needs
  - d. enable young people to contribute to decision making in a safe and meaningful way about issues that affect them
  - e. allow young people to have a say in departmental strategies, policies, procedures and protocols that affect them
  - f. be adequately funded and resourced.
2. Summaries of the health services young people's advisory group meetings should be prepared and distributed to all senior executive teams in the Department.
3. The Department should report on the activities of the health services young people's advisory group and on other engagement with children and young people through its annual report.
4. The Department should undertake other age-appropriate engagement with children to ensure as many children and young people as possible can take part in shaping health services.

Theme	Lead Agency	Status	Related COI Recommendations
Participation and empowerment Child safe cultures and awareness-raising	Department of Health	Underway	15.7, 15.8, 15.9, 15.10

The Government accepts this recommendation and will implement the recommendation by 1 July 2024.

### Key actions

The Department of Health (DoH) has established a Children and Young Person's Advisory Group, which first met in October 2023 and forms part of the Department's commitment to engaging with young Tasmanians about how we can improve our health services.

In April 2023, consultations with children included sessions facilitated by art therapists to capture feedback from young Tasmanians about their experiences using our health services. Their views were shared as part of workshops in Burnie, Launceston and Hobart. The outcome of these sessions is a book titled *'My Say, Our Voices – children and young people's ideas for improving Tasmania's Health services'* and published in November 2023. The book invites other young Tasmanians to share their experiences by drawing, writing and submitting feedback on the tear-out sections.

These sessions also informed the new name for children's inpatient services – 'Wombat Ward' in the North and North-West and Penguin in the South to also align to its existing Antarctic theme. The remaining process was a collaborative effort, guided by the valuable input of young Tasmanians.

A survey has been developed and is currently being implemented for children to complete. This is complemented with a printable booklet that children can use to provide feedback or draw pictures, letting us know what we can do better, or what has helped them.

The DoH is committed to engaging with young Tasmanians about how we can continue to improve our health services.

**December 2023:** Summaries of October and December meetings prepared and distributed to the Health Executive and their Senior Executive teams.

## Recommendation 15.8

1. The Department of Health should ensure consistent information is provided to patients, including suitable age-appropriate resources for children and young people and their families and carers, across its health services. These resources should include information on:
  - a. requirements and expectations of a child safe organisation
  - b. patient rights when receiving health care, including the rights of children and young people
  - c. expected standards of behaviour for health service staff
  - d. processes for raising concerns and making complaints internally and externally
  - e. roles of health regulatory bodies in receiving complaints.
2. This information should be provided in formats that meet community needs, especially for those with less capacity to comprehend complex written text.

Theme	Lead Agency	Status	Related COI Recommendations
Participation and empowerment Child safe cultures and awareness-raising	Department of Health	Underway	15.7, 15.8, 15.9, 15.10

The Government accepts this recommendation and will implement the recommendation by 1 July 2024.

### Key actions

The Child Safety and Wellbeing Service (CSWS) was established in October 2022 and has been developing a range of new resources for patients, families, and carers in regard to child safety matters. This work includes a public facing child safety and wellbeing website which provides resources on:

- the Child Safety and Wellbeing Framework,
- the Department of Health's (DoH) Statement of Commitment to safeguarding children and young people,
- fact sheets on how to recognise the signs of harm to children and young people and how individuals can contribute to child safety and wellbeing,
- the rights of children and young people within the DoH, and
- how to make a report – for children and young people, adults, and Department staff.

The new visible child safety materials include banners with Quick Response (QR) codes and cards across the hospitals and health service and a booklet for children to draw their experiences and provide feedback. Other new resources will be developed in consultation with the Children and Young People Advisory Group (refer to Recommendation 15.7).

The One Health Culture Program and the Child Safety and Wellbeing Service are collaborating to deliver a series of online Child Safe Behaviours Workshops as part of the DoH's commitment to become a Child Safe Organisation. The sessions commenced in November 2023 and are an opportunity for staff to have input on the development of Department-wide guidelines for Child Safe Behaviour standards and expectations to help keep children safe in our organisation.

Additionally, the new Complaints Management Framework and Unit provides support and guidance in making and managing complaints and QR codes to access information on how to raise an issue or complaint, are visible across the hospitals and health services. This also includes information on mandatory reporting obligations.

Implementation of this recommendation will ensure that the health workforce is supported and trained, and consistent information is provided to patients, including suitable age-appropriate resources for children and young people and their families and carers, across its health services.

**November 2023:** Commence Child Safe Behaviours Workshops.

**December 2023:** Children and Young Person's Advisory Group to discuss age-appropriate resources for children and young people and their families and carers, across its health services.

## Policies, procedures and protocols on child safety

### Recommendation 15.11

1. The Department of Health should review and consolidate its policies, procedures and protocols. This review should prioritise identifying gaps in relation to safeguarding children and should inform the development and implementation of consistent statewide policies, procedures and protocols on child safety.
2. The Department's safeguarding policies should include implementing the National Principles for Child Safe Organisations and other recommended policy changes (namely, policies on reporting obligations, professional conduct and providing a chaperone (Recommendations 15.12, 15.13 and 15.14)).
3. The Department should undertake regular scheduled reviews of its policies, procedures and protocols for child safety to ensure they continue to reflect best practice and organisational changes.
4. The Department should publish its policies, procedures and protocols for child safety on its website as to promote transparency and ensure accessibility to staff, patients and their families.

Theme	Lead Agency	Status	Related COI Recommendations
Prevention and protection Child safe cultures and awareness-raising	Department of Health	Underway	15.12, 15.13, 15.14

The Government accepts this recommendation and will implement the recommendation by 1 July 2024.

### **Key actions**

The Department of Health (DoH) established a Child Safety and Wellbeing Service in October 2022 and released its Child Safety and Wellbeing Framework in September 2022 that outlines its response to the National Principles for Child Safe Organisations. This has also been supported by an overarching policy and a range of tools to contribute to the safety and wellbeing of children and young people.

To date, the following policies and practice guidelines have been updated in-line with the Child Safety and Wellbeing Framework:

- Child Safety and Wellbeing Statewide Policy
- Disclosure of Harm to Children and Young People – DoH Practice Guidance
- Recognising the Signs of Harm to Children and Young People – DoH Practice Guidance.

The DoH has over 5,000 clinical and non-clinical policy documents, often with duplication across service type or region, or reflecting historic governance arrangements prior to the creation of a single Tasmanian Health Service. To build on the current work that has been implemented, a statewide policy redesign and compliance program will be established and implemented in stages:

- Stage 1 will focus specifically on child safety policies and be implemented by 1 July 2024 to deliver the recommendation.
- Stage 2 will focus on policies specific to broader cohorts of vulnerable people and the safety of patients. This second stage, post 1 July 2024, will be ongoing work.

Ensuring our policies are easy-to-use, accessible and regularly reviewed will not only mean our policies are consistent, up-to-date and easily visible for our community, it will also strengthen community trust in those underpinning policies, and hold us to account to make sure children are safe in our health services.

**January 2024:** Commence preparing the Child Safety Stage 1 policy review plan.

**February 2024:** Commence implementing the Child Safety Stage 1 policy review plan.

## Recommendation 15.12

1. The Department of Health should ensure there are up-to-date policies on mandatory and voluntary reporting obligations, including for concerns about staff conduct, and that these are effectively communicated to staff. These policies must not require that reporting be formally authorised.
2. The Department's review of the Tasmanian Health Service Protocol – Complaint or Concern about Health Professional Conduct and associated documents should include:
  - a. a description of external reporting requirements in relation to child safety, including voluntary reporting pathways, and reporting to Tasmania Police, Child Safety Services, the Registrar of the Registration to Work with Vulnerable People Scheme, the Independent Regulator under the *Child and Youth Safe Organisations Act 2023* and the Australian Health Practitioner Regulation Agency
  - b. guidance on when it is appropriate to acquit mandatory reporting obligations by reporting concerns to a superior (for example, to avoid multiple notifications). This should make clear that a person is always entitled to make a notification to an external agency if they wish to do so
  - c. a list of internal contacts for staff who have questions about child safety concerns and their reporting obligations.

Theme	Lead Agency	Status	Related COI Recommendations
Prevention and protection Child safe cultures and awareness-raising	Department of Health	Underway	15.11, 15.13, 15.14

The Government accepts this recommendation and will implement the recommendation by 1 July 2024.

### Key actions

The Department of Health (DoH) has implemented a number of policies and resources which provide information to staff on their mandatory reporting requirements, including:

- the Child Safety and Wellbeing Framework, including policies and resources
- mandatory child safeguarding training (recognising harm, grooming behaviours and how to report) that has been rolled out to over 15,500 staff, volunteers and contractors and will be mandatory for new employees
- the Statewide Complaints Management Framework which includes a section on external reporting requirements (ie mandatory notifications)
- the DoH's internet page, which includes information and the Reporting Child Safety Concerns fact sheet.

The DoH's Child Safety and Wellbeing Service is available to provide guidance to staff on their child safety reporting obligations, including by having Child Safeguarding Advisors located in each of the hospital regions to support and guide staff.

In addition, the DoH is collaborating with the Australian Health Practitioner Regulation Agency (AHPRA) to provide information sessions to staff on mandatory reporting. A Memorandum of Understanding (MoU) was signed in September 2023 by the DoH and AHPRA to support sharing of information relating to sexual misconduct by health practitioners. Under the MoU, AHPRA and DoH will share information regarding alleged boundary violations by DoH employees as soon as possible and as allowed by law, enabling early action to protect Tasmanians.

This action will strengthen the information sharing arrangements and increase community trust in keeping children safe in our health services.

**January 2024:** Commence the staff information sessions on mandatory reporting in collaboration with AHPRA.

**February 2024:** Align the Tasmanian Health Service Protocol – Complaint or Concern about Health Professional Conduct with the Statewide Complaints Management Framework.

### **Recommendation 15.13**

1. The Department of Health, in developing a professional conduct policy (Recommendation 20.2), should ensure:
  - a. there is a separate professional conduct policy for staff who have contact with children and young people in health services
  - b. the professional conduct policy for health services, in addition to the matters set out in Recommendation 20.2
    - i. specifies expectations outlined in other relevant Department of Health policies and procedures
    - ii. refers to other professional obligations of registered health practitioners, including those developed by the Australian Health Practitioner Regulation Agency and the National Boards
    - iii. reflects the specific risks that arise in health services, particularly the sometimes intimate and invasive nature of health services, and the significant trust and power afforded by patients and the broader community to those providing health services
  - c. the professional conduct policy for health services spells out expected standards of behaviour for volunteers, contractors and sub-contractors
  - d. the Department uses appropriate mechanisms to ensure compliance by volunteers, contractors and sub-contractors with the professional conduct policy for health services.
2. The professional conduct policy for health services should be reinforced through professional development requirements (Recommendation 15.15).

Theme	Lead Agency	Status	Related COI Recommendations
Prevention and protection Child safe cultures and awareness-raising	Department of Health	Underway	6.4, 9.19, 12.10, 20.2

The Government accepts this recommendation and will implement the recommendation by 1 July 2024.

### Key actions

The Department of Health (DoH) is developing a Professional Conduct Policy, which will be underpinned by its One Health Values and other work being undertaken within the One Health Culture Program.

The One Health Culture Program and the Child Safety and Wellbeing Service are collaborating to deliver a series of Child Safe Behaviours Workshops with staff, which commenced in early November 2023, as part of the DoH's commitment to become a Child Safe Organisation. These sessions are an opportunity for our staff to have input on the development of Department-wide guidelines for Child Safe Behaviour standards and expectations to help keep children safe in our organisation.

The One Health Culture Program is delivering leadership and management training (Aspire and Elevate) to build the capacity, confidence and accountability of the DoH's leaders and managers and ensure they have the skills and tools required to effectively perform their roles, including their role in Safeguarding Children and Young People, promoting and maintaining a safety culture and reporting and complaints management.

The development and implementation of the new digital Human Resources Information System (HRIS) will support compliance requirements of this recommendation.

The DoH's Professional Conduct Policy will align with any whole-of-government conduct requirements established under Recommendation 20.2, as well as the health specific matters recommended by the Commission.

**November 2023:** Commence Child Safe Behaviours Workshops.

**January 2024:** Commence drafting the Professional Conduct Policy.

**March 2024:** Consult on the draft Professional Conduct Policy.

### Recommendation 15.14

The Department of Health's chaperone (or Accompanying Person/Observer) policy should be updated to require the presence of an extra staff member during examinations or episodes of care where no family member or carer can be present.

Theme	Lead Agency	Status	Related COI Recommendations
Prevention and protection Child safe cultures and awareness-raising	Department of Health	Underway	15.11, 15.12, 15.13

The Government accepts this recommendation and will implement the recommendation by 1 July 2024.

#### Key actions

As a recommendation of the Independent Child Safe Governance Review, the Department of Health is already developing a Support Person and Health Observer Policy to replace the existing Chaperone Policy.

Consultation across our health services has informed the development of this policy to ensure it delivers effective patient support. The consultation process has also included input from the Child Safe Governance Review Co-Chairs.

The Support Person and Health Observer Policy will be finalised in December 2023, for implementation in January 2024.

Introduction of the Support Person and Health Observer will ensure that for vulnerable patients, a support person or health observer must be present for all procedures. All other patients must be offered the option of having a support person and/or a health observer present during sensitive procedures.

**November 2023:** Final consultation on the draft Support Person and Health Observer Policy.

**December 2023:** Support Person and Health Observer Policy finalised.

**January 2024:** Commence Support Person and Health Observer Policy implementation.

## Improving responses to child sexual abuse

### Recommendation 15.16

1. The Department of Health should have a specific policy on responding to complaints and concerns about staff conduct. The policy should establish a complaints escalation, management and investigation process that is informed by the following principles:
  - a. Complaints processes should be well-understood, trusted and accessible to staff, patients and others.
  - b. Complaints processes should have clear escalation processes, internal and external reporting requirements within specific timeframes, and address immediate risks to children's safety.

- c. There should be appropriate scrutiny and oversight of how complaints about child safety are escalated to senior staff, managed and recorded.
  - d. Complaints about child safety should be recorded comprehensively and stored securely in incident management (such as the Safety Reporting and Learning System) and human resources systems.
  - e. Complaints about unprofessional conduct and boundary breaches with child patients should be recognised as indicating a patient safety issue and treated as serious.
  - f. Complaints data should support decision making and inform system improvements.
  - g. There should be appropriate communication and supports provided to those making complaints or affected by the alleged conduct, including through open disclosure processes (Recommendation 15.18).
2. The policy should include a diagram showing the complaints escalation, management and investigation pathways for child safety concerns and associated governance and review arrangements. It should also outline the roles and responsibilities of the various bodies involved in responding to child safety concerns.
  3. This policy and diagram should be available to health service users and the public.

Theme	Lead Agency	Status	Related COI Recommendations
Prevention and protection Accountability and integrity	Department of Health	Underway	15.17, 15.18, 15.19

The Government accepts this recommendation and will implement the recommendation by 1 July 2024.

### Key actions

The Department of Health (DoH) Statewide Complaints Management Oversight unit was established in July 2023 to ensure a consistent and trauma-informed approach to complaints management. This approach is supported by a new Statewide Complaints Management Framework that was released to all DoH staff in August 2023. DoH will ensure that the new Complaints Management Framework addresses each component of Recommendation 15.16.

The Framework is guided by the following principles:

- Trauma-informed
- Promoting and protecting safety
- Respectful and confidential treatment
- Accessible information and processes
- Clear and regular communication
- Taking ownership
- Timeliness
- Transparency
- Fairness and natural justice.

This work is being supported through an upgrade of the Safety, Learning, and Reporting System (SLRS) and the new Human Resources Information System (HRIS) conduct and case management module to capture all complaints, intelligence and investigations recorded against an individual employee, contractor, volunteer or locum.

The new Statewide Complaints Management Framework will ensure that all complaints and concerns are handled respectfully, seriously and in the same manner no matter how or where it is received. Having clear roles and responsibilities for all staff and relevant bodies involved in responding to child safety concerns will mean all complaints and concerns will be dealt with in a timely manner to address immediate risks to children's safety, and to ensure the appropriate supports are available to those making or affected by the alleged conduct.

**March 2024:** Complaints Management Policy finalised and released to staff.

### **Recommendation 15.18**

The Department of Health should ensure open disclosure processes for patients who experience child sexual abuse in health services and their families and carers that:

- a. create a safe, trauma-informed pathway for victim-survivors, or others affected by an event, to receive clear and personalised information in response to their questions or concerns
- b. facilitate appropriate notifications including to Tasmania Police, Child Safety Services, the Registrar of the Registration to Work with Vulnerable People Scheme, the Independent Regulator under the *Child and Youth Safe Organisations Act 2023* and the Australian Health Practitioner Regulation Agency
- c. make appropriate supports available to affected people, including victim-survivors, their immediate family and carers, where abuse is connected to the Department's health services, including warm referrals, with the person's consent, to trained and experienced child sexual abuse counsellors.

Theme	Lead Agency	Status	Related COI Recommendations
Workforce expertise and capability Child safe cultures and awareness-raising	Department of Health	Underway	15.16, 15.17, 15.19

The Government accepts this recommendation and will implement the recommendation by 1 July 2024.

### Key actions

The Department of Health (DoH) is committed to supporting victim-survivors of child sexual abuse in our health services, including through trauma-informed pathways to provide clear and personalised information.

The Independent Child Safe Governance Review recommended that trauma sensitive assistance be provided to victim-survivors who need to access further healthcare at the hospital. This has been carefully worked through by the Chief Executive Hospitals North and adapted to fit within the existing model of care, with appropriate social work and psychology supports available as required.

In addition, the following has been implemented in Hospitals North and will be rolled out statewide:

- Several new trauma-informed practice training programs are available to staff, including staff workshops.
- A one hour 'Working with Vulnerable People' session, with a trauma-informed lens, is provided to all new employees; and the Nursing and Midwifery Senior Leadership group for Hospitals North have attended Trauma-Informed Leadership training.
- Formal face-to-face High Level Open Disclosure training.
- The Quality and Patient Safety Service has developed new tools to support open disclosures being conducted as per the National Open Disclosure Framework.
- The Child Safeguarding Advisor is appropriately based near clinical services at the Launceston General Hospital; and a dedicated room has been established as a safe and private space for meetings with anyone wishing to raise concerns.

The new Complaints Management Framework, released to staff in August 2023, outlines the external reporting requirements (ie mandatory notifications). To support the hospitals, the Child Safeguarding Advisors, who are now operational in the North, North-West and South, provide information about how to report child safety concerns.

The Open Disclosure Policy and Protocol is currently being reviewed and consultation will follow. The review will be finalised by 30 March 2024, with implementation to commence from early April 2024.

Appropriate supports will be offered to affected people, including victim-survivors, their immediate family and carers, where abuse is connected to the Department's health services.

The open disclosure processes for patients who experience child sexual abuse in health services will be a trauma-informed and safe environment.

**March 2024:** Open Disclosure Policy and Protocol reviewed.

**April 2024:** Commence Open Disclosure Policy and Protocol implementation.

## Restoring trust

### Recommendation 15.20

1. The Department of Health, Launceston General Hospital and Tasmania Police should make clear that they will continue to assist, on an ongoing basis, known and as yet unknown victim-survivors of child sexual abuse by James Griffin related to the hospital and should nominate a contact person for people who have enquiries.
2. Assistance should include:
  - a. outlining what is known about Mr Griffin's offending at the hospital
  - b. taking steps to ascertain whether a person is or may be a victim-survivor of Mr Griffin's offending or clearly explaining why this cannot be done.
3. The Department and Launceston General Hospital's communications with known and as yet unknown victim-survivors of Mr Griffin and their families and carers and the broader community should be informed by the principles of open disclosure.
4. Launceston General Hospital should ensure victim-survivors and their families and carers who do not receive individual open disclosure (Recommendation 15.18) still receive a warm referral to trained child sexual abuse counsellors if desired.

Theme	Lead Agency	Status	Related COI Recommendations
Participation and empowerment Accountability and integrity	Department of Health	Underway	None

The Government accepts this recommendation and will implement the recommendation by 1 July 2024.

#### Key actions

The Independent Child Safe Governance Review recommended that trauma sensitive assistance be provided to victim-survivors who need to access further healthcare at the Launceston General Hospital (LGH).

This has been carefully worked through by the LGH and adapted to fit within the existing model of care with appropriate social worker and psychology supports available as required.

A community information and restoration program of works needs to be developed to ensure that anyone who approaches the LGH asking for information about their treatment or their children's treatment at the hospital is sensitively supported and full information is provided. The proposal will be prepared prior to 30 March 2024, with implementation to commence from April 2024. In the interim, any individual that has approached or approaches the Department of Health prior to the new program to disclose abuse, request their patient information or make a complaint continues to be supported and their complaint registered and assessed in accordance with our Complaints Management Framework.

Where a report of child sexual abuse is made and an offence is identified, attending police or police station customer service officers are required to activate specialist investigators attached to the Family and Sexual Violence Command. This includes all situations where the suspect is deceased including matters pertaining to James Griffin.

**March 2024:** Proposal for community information and restoration program developed.

**April 2024:** Community information and restoration program commenced.

## Criminal justice responses

### Offences, evidence and procedure

#### Recommendation 16.9

The Tasmanian Government should introduce legislation to amend the following provisions in the *Criminal Code Act 1924*:

- a. section 125A to remove all language referring to ‘maintaining a sexual relationship with a young person’ and replace it with words referring to the ‘persistent sexual abuse of a child or young person’
- b. section 124A (the position of authority offence) to cover indecent acts with or directed at a child or young person under the age of 18 by a person in a position of authority in relation to that child or young person. The offence should
  - i. not apply where the person accused of the offending is under the age of 18 at the time of the offence
  - ii. qualify as an unlawful sexual act for the purposes of the offence of ‘persistent sexual abuse of a child or young person’ under section 125A of the *Criminal Code Act 1924*
- c. section 125E (the offence of failure by a person in authority to protect a child from a sexual offence) to ensure the offence does not apply to a person who was under the age of 18 at the time of the offence.

Theme	Lead Agency	Status	Related COI Recommendations
Accountability and integrity Child safe cultures and awareness-raising	Department of Justice	Underway	None

The Government accepts this recommendation and will implement the recommendation by 1 July 2024.

#### Key actions

The Department of Justice (DoJ) has commenced the policy development process for this recommendation, including initial targeted consultation with key stakeholders such as the Office of the Director of Public Prosecutions.

The DoJ will progress recommendations to Government and engage in public consultation on draft legislation.

In respect of the section 125A recommendation, this section was inserted into the Criminal Code in 1994. For many years the offence was titled 'maintaining a sexual relationship with a young person'. That was amended in 2020 to remove reference to a 'relationship', and the offence is now titled 'persistent sexual abuse of a child or young person'. This change reflected concerns that use of the term 'relationship' is inappropriate, and implies consent on behalf of the complainant.

However, while the title of the section 125A offence was changed in 2020, the wording of the offence was not. It continues to refer to a person 'who maintains a sexual relationship with a young person'. The Commission of Inquiry's recommendation is that the offence provision itself be amended to remove any reference to a 'relationship', and replace it with terminology referring to persistent sexual abuse. In progressing this change, it will be important to ensure that the new terminology captures all conduct that is currently captured by this section, including indecent acts, and indecent assaults.

In respect of section 124A (the position of authority offence), the Commission in part recommended the offence should not apply where the person accused of the offending is under the age of 18 at the time of the offence. This is already the current law following the commencement of the *Justice Miscellaneous (Royal Commission Amendments) Act 2022*. A similar change will be made to section 125E as recommended by the Commission. The offence in section 124A will also be added to the scope of section 125A.

The amendments to the language of section 125A are important to ensure that the fundamentally abusive nature of the crime is reflected in the language of the law. The remaining amendments will not only finetune the offences for the abuse of children, but also serve an educative purpose to ensure that our community maintains the highest standards of child safety. Finally, safeguards for younger offenders will be enhanced.

**February 2024:** Advice provided to Government seeking authority to commence drafting legislative amendments.

### **Recommendation 16.11**

1. The Tasmanian Government should introduce legislation to amend the *Evidence (Children and Special Witnesses) Act 2001* to simplify the legislation to clarify when special measures are available to adults who are complainants in trials relating to child sexual abuse and allow them to:
  - a. have a support person present when they give evidence in court
  - b. give their evidence at a special hearing before the trial unless the judge considers that this would be contrary to the interests of justice, regardless of whether the accused consents
  - c. be shielded from the view of the accused person by a screen or partition if they choose to give evidence in court.
2. The Tasmanian Government should ensure courts, public defence counsel (such as Tasmania Legal Aid) and the Office of the Director of Public Prosecutions are appropriately funded to carry out this recommendation.

Theme	Lead Agency	Status	Related COI Recommendations
Participation and empowerment Child safe cultures and awareness-raising	Department of Justice	Underway	16.10

The Government accepts this recommendation and will implement the recommendation by 1 July 2024.

### Key actions

The Department of Justice (DoJ) will commence a review of the current legislation to identify appropriate amendments to both simplify the Act and to ensure that victim-survivors and all vulnerable people are supported to engage with the criminal justice system.

The *Evidence (Children and Special Witness) Act 2001* is the primary legal source of supports and assistance to vulnerable people that interact with the criminal justice system. The Act has been in effect for over 20 years and has been amended on many occasions. The amendments have all worked towards increasing the support and options available for vulnerable people in Courts. However, the scale of the amendments has resulted in the Act being complex and technical.

The work to simplify this essential legislation will be undertaken as a matter of importance, however, such work needs to be undertaken methodically and carefully to ensure that there are no unintended consequences and that rights currently available to vulnerable people are not lost.

This work will ensure vulnerable people that engage with the criminal justice system are supported by best practice interventions and adjustment that take advantage of information and communication technologies.

**February 2024:** Advice provided to Government seeking authority to commence drafting legislative amendments.

## The language of consent

### Recommendation 16.18

1. The Tasmanian Government should introduce legislation to amend section 11A of the *Sentencing Act 1997* to provide that, in determining the appropriate sentence for an offender convicted of a child sexual abuse offence, the acquiescence or apparent consent of the victim is not a mitigating circumstance.
2. The Director of Public Prosecutions should amend its Prosecution Policy and Guidelines to make it clear that in child sexual abuse matters where consent is not an element of the offence, then the language of consent should not be used by prosecutors.
3. Professional education for judicial officers (Recommendation 16.16) and prosecutors (Recommendation 16.8) should include challenging the myths and misconceptions about consent in relation to child sexual abuse.

Theme	Lead Agency	Status	Related COI Recommendations
PAccountability and integrity Child safe cultures and awareness-raising	Department of Justice	Underway	16.11, 16.8, 16.16, 20.15

The Government accepts this recommendation and will implement the recommendation by 1 July 2024.

### Key actions

The Department of Justice (DoJ) has commenced the policy development process for this recommendation, including an initial targeted consultation with key stakeholders such as the Office of the Director of Public Prosecutions (ODPP).

The Department will progress recommendations to Government and engage in public consultation on draft legislation.

The Commission emphasised that the language used by those involved in the criminal justice process can have a 'powerful and sometimes devastating effect on victim-survivors', as well as 'a broader symbolic effect on the understanding of child sexual abuse'. The Commission expressed particular concern about references to 'consent' in the context of child sexual abuse offences.

Part 1 of Recommendation 16.18 is based on a suggestion by the Director of Public Prosecutions (DPP) to amend section 11A of the Sentencing Act to specify that, in determining the appropriate sentence for an offender convicted of a child sexual abuse offence, the acquiescence or apparent consent of the victim is not a mitigating circumstance.

The removal of legal language that suggests that children or young people can consent to their abuse is a matter of priority. This will ensure that our law reflects our community's understanding that children cannot consent to abuse. It is an important step to ensure that outdated understandings of child sexual abuse are not perpetuated by institutional language. The use of correct language is important to ensuring that all members of our community are engaged in positive cultures of child safety.

Parts 2 and 3 of Recommendation 16.18 reflects that professional development for the judiciary and legal profession is recommended to help ensure that the language used in court does not suggest or imply that a child consented to abuse, and challenge myths and misconceptions. The recommendation includes that the DPP Guidelines should be amended to make it clear that the language of consent should be avoided when prosecuting child sexual abuse offences. It is noted that the publication and content of the DPP Guidelines is an independent statutory function of the DPP. The DoJ will liaise with the DPP and Courts on their implementation of this important work.

**February 2024:** Advice provided to Government seeking authority to commence drafting legislative amendments.

## Responses to children and young people displaying harmful sexual behaviours

### Recommendation 16.19

We encourage the courts to consider using their powers to direct young people engaging in harmful sexual behaviours who are charged with a criminal offence to specialist therapeutic services.

Theme	Lead Agency	Status	Related COI Recommendations
Prevention and protection Participation and empowerment	Department of Justice	Underway	21.1

The Government accepts this recommendation and will implement the recommendation by 1 July 2024.

#### Key actions

The Department of Justice (DoJ) is liaising with the Department of Premier and Cabinet (DPAC) to fully scope the service sector and identify areas where additional funding and capacity building can be undertaken.

The DoJ will ensure that Courts are advised of all options and services available to help young people. This will ensure these services can be accessed and utilised as soon as possible.

The Government accepts and understands that early speciality intervention for children and young people that are displaying or experiencing harmful sexual behaviour is shown to decrease risk in later stages of life. The use of court ordered engagements with the therapeutic service system will scale, in real time, to sector availability. This will ensure that each intervention is made as quickly as possible, should a court direct engagement.

**May 2024:** The DoJ will, in collaboration with DPAC, develop options for Courts.

## Redress, civil litigation and support

### Civil litigation

#### Recommendation 17.3

1. The Attorney-General should issue guidelines to clarify the respective roles of the Solicitor-General and the new State Litigation Office, departmental secretaries and other agency heads where Tasmanian government agencies are engaged in the conduct and settlement of civil litigation arising from allegations of child sexual abuse.
2. The Treasurer's Instruction relating to obtaining external legal advice should be amended to:
  - a. make it consistent with the Attorney-General's guidelines on civil litigation arising from allegations of child sexual abuse
  - b. specify the circumstances in which departmental secretaries and other agency heads should be able to seek external legal advice on matters related to child sexual abuse.

Theme	Lead Agency	Status	Related COI Recommendations
Accountability and integrity Collaboration and integration	Department of Justice	Underway	17.2, 17.6

The Government accepts this recommendation and will implement the recommendation by 1 July 2024.

### Key actions

In September 2023 Government established the Office of the State Litigator (OSL). The OSL has carriage of all civil litigation matters on behalf of the State of Tasmania. Crown Law are currently developing additional actions and resources to support Government Agencies in their engagements with the OSL.

Advice to Government on the current application of the Treasurer's Instructions is being progressed as a matter of priority.

The State Litigator is undertaking an initial legal education program to ensure that Agencies are aware of the role and function of the OSL. It is important that this work continues to ensure that all of Government is engaged and aware of their roles and responsibilities regarding the conduct of civil litigation. The outcomes of this work will help ensure that the State's response to civil claims related to the abuse of children in institutional context is trauma-informed and as efficient as possible.

**May 2024:** The DoJ will provide State Government Agencies with a consultation draft of guidelines.

## Apologies

### Recommendation 17.4

The Tasmanian Government should ensure individual victim-survivors of child sexual abuse who request an apology receive one. Proactive steps should also be taken to offer an apology to victim-survivors who make contact in relation to their abuse. The apology should include:

- a. the opportunity to meet with a senior institutional representative (preferably the Secretary) and receive an acknowledgment of the abuse and its impact
- b. information about the victim-survivor's time in the institution
- c. information about what steps the institution has taken or will take to protect against further sexual abuse of children, if asked.

Theme	Lead Agency	Status	Related COI Recommendations
Accountability and integrity Prevention and protection	Department of Justice	Underway	17.5

The Government accepts this recommendation and will implement the recommendation by 1 July 2024.

### Key actions

The Department of Justice (DoJ) is progressing work that will extend the best practice apology approach, developed as part of the National Redress Scheme to victim-survivors participating in civil litigation. This will ensure the provision of apologies that are consistent with the Commission's recommendations.

Work has commenced with the State Litigation office for the apologies to be co-ordinated by the Child Abuse Royal Commission Response Unit, to ensure that a consistent and trauma-informed approach to apologies is taken.

There are no barriers to progressing the implementation of the recommendation for victim-survivors who are eligible participants of the National Redress Scheme or engaged in civil litigation with the Tasmanian Government.

The importance for individuals receiving a sincere and meaningful apology is significant. The direct personal response framework for apologies under the National Redress Scheme represents best practice. The outcome of this recommendation will be that all victim-survivors can receive a meaningful acknowledgement of their experience, be believed by people in positions of power, and receive an apology that is responsive to their needs in a process that is survivor-driven.

**March 2024:** The DoJ will formalise the process, roles and responsibilities for these apologies.

### Recommendation 17.5

The Tasmanian Government should introduce legislation to amend the *Civil Liability Act 2002* to ensure that an apology in relation to child sexual abuse can be made without amounting to an admission of liability.

Theme	Lead Agency	Status	Related COI Recommendations
Accountability and integrity Participation and empowerment	Department of Justice	Underway	17.4

The Government accepts this recommendation and will implement the recommendation by 1 July 2024.

### Key actions

The Department of Justice (DoJ) will commence a review of the current legislation to identify appropriate amendments to fulfil the intent of the recommendation.

This work will progress in conjunction with the DoJ's work to extend the Direct Personal Response framework for apologies.

The Commission of Inquiry observed that “in relation to civil litigation matters, we consider that, at least in some cases, it would be appropriate for the Tasmanian Government to apologise before the resolution of a claim. Similarly, when institutions receive allegations or complaints about child sexual abuse, they should feel able to make an immediate and genuine apology.” (p167 of Volume 7)

The importance for individuals receiving a sincere and meaningful apology is significant. The direct personal response framework for apologies under the National Redress Scheme represents best practice. The outcome of this recommendation will be that all victim-survivors can receive a meaningful acknowledgement of their experience, be believed by people in positions of power, and receive an apology that is responsive to their needs in a process that is survivor-driven.

**February 2024:** Advice provided to Government seeking authority to commence drafting legislative amendments.

## Overseeing child safe organisations

### Creating child safe organisations

#### Recommendation 18.2

All organisations engaging in child-related activities should voluntarily comply with the National Principles for Child Safe Organisations (as reflected in Tasmania’s Child and Youth Safe Standards) to the greatest extent possible, regardless of whether they are legislatively bound to do so or when their legislative obligations commence.

Theme	Lead Agency	Status	Related COI Recommendations
Child safe cultures and awareness-raising Workforce expertise and capability	Department of Justice until the Independent Statutory Officer is established	Underway	15.2, 15.6, 15.11

The Government accepts this recommendation and will implement the recommendation by 1 July 2024.

#### Key actions

The progression of this recommendation will be a matter for the Independent Regulator as part of their functions under the *Child and Youth Safe Organisations Act 2023 (the Act)*.

The Government supports all organisations to be child safe. In developing the *Child and Youth Safe Organisations Act 2023*, the Department of Justice (DoJ) has undertaken an extensive community and sector consultation, along with an education process to ensure that all organisations are aware of their obligations and have the information they need to continue to improve the safety and wellbeing of children that access their services.

This education process has included information and consultation forums with all child service-related sectors from schools, local sporting organisations and even forums for any organisation that might be unsure if the framework will apply to them. The DoJ has specifically engaged with people with lived-experience, victim-survivors, children and young people in developing a suite of online resources and social media awareness raising. These resources are available in plain English and multiple languages.

This work, and the resources made available by the Government, will set a new standard of child safety and awareness, ensuring that all members of our community are engaged in positive cultures of child safety.

On 1 January 2024 the Independent Regulator will assume carriage of this recommendation. It is noted that all sector engagement to date have and will continue to encourage compliance with the Framework.

**Ongoing:** Raising awareness of organisational obligations under the Act; sector engagement to encourage compliance with the Framework.

**1 January 2024:** Independent Regulator will commence and will take carriage of this recommendation.

### Recommendation 18.3

The Tasmanian Government should ensure the Ombudsman is prescribed as an entity for the purposes of disclosure of information under section 40 of the *Child and Youth Safe Organisations Act 2023*.

Theme	Lead Agency	Status	Related COI Recommendations
Collaboration and integration Accountability and integrity	Department of Justice	Underway	18.4

The Government accepts this recommendation and will implement the recommendation by 1 July 2024.

#### Key actions

The Department of Justice has developed regulations as part of the implementation of the *Child and Youth Safe Organisations Act 2023*. These regulations prescribe the Ombudsman as an entity for the purpose of information sharing under section 40(3)(k) of the Act. In addition to the Ombudsman, the Health Complaints Commissioner and Custodial Inspector are also prescribed to further facilitate information sharing under the Act.

The regulations will come into effect on or before 1 January 2024.

These information sharing powers will ensure that Tasmania's regulatory authorities are able to freely share information that may assist in increasing the safety and wellbeing of children. It is critical that any barriers to this flow of information are removed, not only to ensure that reporting is not duplicated but to ensure that victim-survivors do not have to experience that duplication personally by making multiple reports. This work will assist in taking meaningful steps to ensuring Tasmania's regulatory system is responsive and focussed on child safety and wellbeing.

**On or before 1 January 2024:** Regulations will come into effect.

## Child and Youth Safe Organisations Act 2023

### Recommendation 18.4

The Tasmanian Government, in implementing the *Child and Youth Safe Organisations Act 2023*, should ensure:

- a. the functions of the Independent Regulator and Deputy Independent Regulator under the Act are embedded within the new Commission for Children and Young People (Recommendation 18.6)
- b. the Commission is sufficiently resourced to enable it to effectively perform these regulatory functions
- c. the Commission has access to government data systems such as those held by Tasmania Police, Child Safety Services and the Registrar of the Registration to Work with Vulnerable People Scheme to enable systematic and proactive monitoring and that those agencies have access to the Commission's data, where appropriate.

Theme	Lead Agency	Status	Related COI Recommendations
Prevention and protection Accountability and Integrity	Department of Premier and Cabinet	Underway	18.5, 18.6, 18.7, 18.8, 18.9, 18.10

The Government accepts this recommendation and will implement the recommendation by 1 July 2024.

#### Key actions

Initial policy work is being developed to establish the Commission for Children and Young People and including the roles of the Independent Regulators (Recommendation 18.6), and related statutory positions (Recommendations 9.14, 9.33).

A single Commission will result in better outcomes for children and young people, ensuring the wellbeing and safety of children and the management of child safety concerns in organisational settings are within a primary single authority. Critical to this is the access to information which will be achieved through this recommendation.

**November 2023:** Consultation commenced with the Department of Justice and the Department for Education, Children and Young People on combining the roles of the Independent Regulator and the Commissioner for Children and Young People.

**January 2024:** Appointment of the Independent Regulator.

**January 2024:** Commence consultation on data sharing agreements.

**January 2024:** Draft legislation.

**March/April 2024:** Introduction of legislation into Parliament to create a Commission for Children and Young People.

## Oversight and safeguards supporting a child safe system

### Recommendation 18.6

1. The Tasmanian Government should establish a statutory Commission for Children and Young People, which includes the following roles, each appointed for a term of five years:
  - a. a Commissioner for Children and Young People
  - b. a Commissioner for Aboriginal Children and Young People
  - c. a Child Advocate (Deputy Commissioner).
2. The Commission for Children and Young People should, in addition to the functions of the current Commissioner for Children and Young People under the *Commissioner for Children and Young People Act 2016*, have the following functions:
  - a. educating relevant entities on the Child and Youth Safe Standards and overseeing and enforcing compliance with those standards as Independent Regulator under the *Child and Youth Safe Organisations Act 2023*
  - b. administering the Reportable Conduct Scheme as Independent Regulator under the *Child and Youth Safe Organisations Act 2023*
  - c. administering the independent community visitor scheme for children in out of home care, youth detention and other residential youth justice facilities (Recommendations 9.34 and 12.36)
  - d. advocating for individual children in out of home care, youth detention and other residential youth justice facilities
  - e. monitoring the operation of the out of home care and youth justice systems and the provision of out of home care and youth justice services to children (Recommendations 9.38 and 12.38)
  - f. conducting inquiries into the out of home care and youth justice systems and the services provided to individual children in those systems, including own motion inquiries (Recommendations 9.38 and 12.38)
  - g. making recommendations to government for out of home care and youth justice system improvements
  - h. promoting the participation of children in out of home care and youth justice in decision making that affects their lives
  - i. upholding and promoting the rights of children in the out of home care and youth justice systems.
3. The Commission for Children and Young People should have all necessary powers to perform its functions.

Theme	Lead Agency	Status	Related COI Recommendations
Accountability and integrity Prevention and protection	Department of Premier and Cabinet	Underway	9.14, 9.34, 9.38, 12.36, 12.38, 18.4, 18.5, 18.6, 18.7, 18.8, 18.9, 18.10

The Government accepts this recommendation and will implement the recommendation by 1 July 2024.

### Key actions

Initial policy work has commenced to establish the Commission for Children and Young People (CCYP).

A single Commission, with expanded powers, will result in better outcomes for children and young people, ensuring the wellbeing and safety of children and the management of child safety concerns in organisational settings are within a primary single authority. Critical to this is the access to information which will be achieved through this recommendation.

**December 2023:** Continue planning for a single Commission.

**January 2024:** Draft legislation.

**March/April 2024:** Introduction of legislation into Parliament to create a Commission for Children and Young People.

### Recommendation 18.7

The Tasmanian Government should ensure the process for appointing future Commissioners and Deputy Commissioners for Children and Young People adopts the following:

- a. future Commissioners and Deputy Commissioners be appointed following an externally advertised merit-based selection process to ensure they have relevant professional qualifications and substantive experience in matters affecting vulnerable children
- b. the recruitment process for these roles include a non-partisan adult selection panel with at least one member external to the Tasmanian State Service, and a separate children’s selection panel
- c. the adult and children’s selection panels for the role of Commissioner for Aboriginal Children and Young People have a majority of Aboriginal members
- d. before making a recommendation to the Governor for an appointment to the Commission for Children and Young People, the Minister be required to consult with the leader of any political party with at least two members in Parliament.

Theme	Lead Agency	Status	Related COI Recommendations
Accountability and integrity Prevention and protection	Department of Premier and Cabinet	Underway	9.14, 12.36, 18.7, 18.8, 18.9

The Government accepts this recommendation and will implement the recommendation by 1 July 2024.

## Key actions

This will be implemented as part of the policy work for establishing the new Commission (Recommendation 18.6), and related statutory positions (Recommendations 9.14, 9.33).

This recruitment process will be embedded with the voice of victims is embedded and ensure appointments continue to be made based on merit with transparency. Ultimately this will assist in increasing public confidence in the appointment.

**January 2024:** Develop recruitment process for new Commissioners including the position of Principal Commissioner.

**February 2024:** Engage recruitment agency.

**February 2024:** Form specialist selection panels as per recommendation.

**By June 2024:** Governor appointments made to Principal Commissioner.

## Other oversight and regulatory bodies

### Recommendation 18.10

1. The Integrity Commission and Ombudsman should develop a publicly available policy for complaints related to child sexual abuse which explains the circumstances in which complaints may be referred back to the agency that is the subject of the complaint for investigation.
2. The Integrity Commission and Ombudsman should consult the complainant on the intended approach to handling the complaint, including referring the complaint back to the relevant agency.

Theme	Lead Agency	Status	Related COI Recommendations
Accountability and integrity Collaboration and integration	Independent Statutory Officer	Underway	18.11, 18.14, 18.15

The Government accepts this recommendation and will implement the recommendation by 1 July 2024.

### Key actions

Specific procedures will be developed within our existing Standard Operating Procedures relating to complaints about child sexual assault.

A publicly available fact sheet will be prepared relating to the procedure.

The procedure will form part of our existing Standard Operating Procedures. The procedure will govern the Commission's considerations in dealing with a complaint relating to child sexual assault, taking into account the suggestions provided in the Commission of Inquiry's report (see Vol 8, page 70).

We note that all complaints containing allegations of sexual assault are likely to be referred to Tasmania Police in the first instance. This ensures that such allegations are dealt with at the appropriate level.

The publicly available fact sheet will inform complainants about how we deal with complaints that include allegations of child sexual assault, including the considerations we take into account when determining how the complaint should be managed. The fact sheet will ensure that complainants understand:

- the reasons for a referral of a matter
- the Commission's expectations of the agency to which the referral is made, and
- the Commission's role in oversight and review of the referred matter.

The Office of the Ombudsman will develop a policy compliant with the recommendation, which will include provision for consultation with the complainant as to how their complaint will be handled, including referral back to the relevant agency.

**March 2024:** Finalisation of specific procedure.

**April 2024:** Finalisation of public fact sheet.

### **Recommendation 18.12**

1. The Tasmanian Government should introduce legislation or regulations to provide statutory guidance to the Registrar of the Registration to Work with Vulnerable People Scheme on the factors to be considered when conducting risk assessments in respect of applications for registration, suspension or cancellation pursuant to the *Registration to Work with Vulnerable People Act 2013*.
2. The statutory guidance should provide that (among other things):
  - a. the assessment of unacceptable risk is a predictive exercise that is not necessarily capable of empirical proof nor subject to a particular standard of proof such as 'the balance of probabilities'
  - b. the assessment of unacceptable risk of harm to a child or children requires determination of two separate questions, without conflation, namely
    - i. whether or not an allegation or allegations of previous harm to vulnerable people are proven on the balance of probabilities, and
    - ii. whether or not an unacceptable risk of harm is demonstrated regardless of whether there is a finding, on the balance of probabilities, that previous harm occurred
  - c. the Registrar is not limited in the factors they can consider in assessing unacceptable risk, including information that suggests a person's tendency to cause harm, as the ultimate determination of unacceptable risk is a predictive exercise
  - d. when the Registrar is considering suspending a person's registration, the focus on the prospective risk that a person may pose to children should have a lower evidentiary threshold, noting further assessment will likely occur prior to a decision to cancel registration or otherwise
  - e. once the Registrar makes a determination that a person poses an unacceptable risk to a child or young person, irrespective of other factors (such as employment or mental health), that person's registration must be refused, suspended or cancelled (as the case may be).

Theme	Lead Agency	Status	Related COI Recommendations
Accountability and integrity Prevention and protection	Department of Justice	Underway	18.13, 19.6

The Government accepts this recommendation and will implement the recommendation by 1 July 2024.

### Key actions

Recommendation 18.12 provides a framework for improving the risk assessment process used by the Registrar of the Working with Vulnerable People scheme, who sits within Consumer, Building and Occupational Services (CBOS), to make decisions under the *Registration to Work with Vulnerable People Act 2013*.

CBOS is currently consulting on new draft Regulations which would expand the scheme to protect many more vulnerable people. The two Ministerial Orders which set out guidance for risk assessments under the *Registration to Work with Vulnerable People Act 2013* have also been re-drafted and consolidated into one Order.

The amendments to the risk assessment process recommended by the Commission of Inquiry can be incorporated into the current CBOS reforms. CBOS will review the recommendation, consult with key stakeholders, and subject matter experts within the Department of Justice.

CBOS will then determine whether this recommendation should be incorporated into the current draft legislative instruments, or whether separate legislation to implement this recommendation would be preferred.

The implementation of this recommendation will ensure that decisions of the Registrar are consistent, both in terms of threshold issues as well as outcomes.

**February 2024:** Advice provided to Government on the statutory/regulatory guidance.

### Recommendation 18.13

1. The Tasmanian Government should introduce legislation to amend the *Registration to Work with Vulnerable People Act 2013* and related statutory instruments to replace the Administrative Appeals Division of the Magistrates Court with the Tasmanian Civil and Administrative Tribunal as the forum for administrative reviews of decisions under the Act.
2. The Tasmanian Government should:
  - a. introduce legislation or regulations to require the Tasmanian Civil and Administrative Tribunal to support Tribunal members who hear administrative reviews of decisions under the *Registration to Work with Vulnerable People Act 2013* to have the knowledge, skills, experience and aptitude to deal with each matter, including in relation to child sexual abuse, neglect and family violence
  - b. provide sufficient funding to the Tribunal to support members to gain this knowledge, skills, experience and aptitude.

Theme	Lead Agency	Status	Related COI Recommendations
Accountability and integrity Participation and empowerment	Department of Justice	Underway	18.12, 19.6, 9.36, 17.7

The Government accepts this recommendation and will implement the recommendation by 1 July 2024.

### Key actions

The Department of Justice has received initial drafts of a Bill to confer jurisdiction on the Tasmanian Civil and Administrative Tribunal (TASCAT) that enables the Tribunal to review decisions of the Registrar. A consultation draft of the Bill is expected to be released for public and stakeholder feedback in late 2023-early 2024.

The DoJ will continue discussions with TASCAT to ensure tribunal members hearing such matters have the right knowledge, skills, experience and aptitude.

The current process to review decisions of the Registrar requires an appeal in the Administrative Appeals Division of the Magistrates Court of Tasmania. Processes before the TASCAT are both less formal and procedurally complex. The processes of the TASCAT are designed so that litigants do not need to be represented by a legal practitioner. These reforms will increase access to justice for many individuals and promote trauma-informed approaches.

**April 2024:** A Bill to give effect to this recommendation will be tabled in the Tasmanian Parliament.

### Recommendation 18.14

1. The Commission for Children and Young People, the Registrar of the Registration to Work with Vulnerable People Scheme, the Integrity Commission and the Ombudsman should work jointly to develop a user-friendly guide for the general public, which describes:
  - a. how each of these agencies can assist with complaints and concerns about how organisations respond to child sexual abuse
  - b. the process these agencies will adopt in responding to reports, complaints and concerns, including what outcomes these agencies are empowered to achieve
  - c. how information provided by a person lodging a report, complaint or concern will be shared and managed
  - d. that agencies are committed to a 'no wrong door' approach to complaints, so people are reassured that all reports, complaints and concerns will receive a response from an agency
  - e. pathways for raising concerns about the way any of these agencies respond to reports, complaints or concerns.
2. A child and youth-friendly version of the guide should also be developed and should be publicised and distributed widely in schools, out of home care, youth justice and health settings.

3. Both guides should be available on each of the agencies' websites and form part of their child safety community education and engagement activities.
4. While the Commission for Children and Young People should be promoted as the key agency for receiving reports, complaints or concerns relating to conduct towards children, people should be able to raise reports, complaints or concerns with any of these agencies and these agencies should ensure the matter is appropriately referred (the 'no wrong door' approach).

Theme	Lead Agency	Status	Related COI Recommendations
Participation and empowerment Prevention and protection	Department of Justice	Underway	18.15

The Government accepts this recommendation and will implement the recommendation by 1 July 2024.

#### Key actions

The Department of Justice (DoJ) will chair a working group to develop a single source user-friendly guide for the general public to describe their roles and responsibilities to help members of the public, and children and young people, to understand how they can raise concerns with these agencies and what to expect when they do.

The establishment of a multi-agency working group encompassing the Commission for Children and Young People, the Registrar of the Registration to Work with Vulnerable People Scheme, the Integrity Commission and the Ombudsman to work jointly in developing a single source user friendly guide for the general public.

The working group will include membership of all relevant Tasmanian oversight bodies in relation to child safety and will work closely with the Premier's Youth Advisory Council to ensure the creation of a child and youth-friendly version of the guide is accessible.

The implementation of this recommendation will provide a user-friendly guidance document describing relevant bodies' roles and responsibilities and will assist in educating the community that there is no incorrect avenue to making a complaint, eg for child safety and wellbeing, for adult victim-survivors, and rebuilding community trust.

The Integrity Commission will await contact from the DoJ on this action and participate in the working group. The development of the procedures and public fact sheet as per Recommendation 18.10 will assist in developing these guidelines.

The Ombudsman will participate in the working group.

**February 2024:** The DoJ will establish a working group to progress these guidelines.

## A coordinated approach

### Developing a child sexual abuse reform strategy

#### Recommendation 19.1

1. The Tasmanian Government should develop a whole-of-government child sexual abuse reform strategy for preventing, identifying and responding to child sexual abuse, including child sexual abuse in institutions and harmful sexual behaviours. The strategy should:
  - a. describe the system that Tasmania seeks to achieve, including the component parts of that system, how Tasmanians will know it is working, and the role of key initiatives, reforms and recommendations in achieving the intended outcomes
  - b. be separate from, but complement, the Government's Family and Sexual Violence Action Plan
  - c. be informed by the voices of children and young people and adult victim-survivors of child sexual abuse (Recommendation 19.5)
  - d. include agreed definitions of child sexual abuse, institutional child sexual abuse and harmful sexual behaviours
  - e. set out guiding principles and objectives to inform preventing, identifying and responding to child sexual abuse
  - f. identify the agencies, including statutory bodies and non-government organisations, involved in preventing, identifying and responding to child sexual abuse
  - g. set out processes through which government agencies, statutory bodies and non-government organisations can consult on child sexual abuse reform
  - h. set out considerations relevant to particular cohorts of children and young people, including Aboriginal children, children with disability, children with mental illness, children who identify as LGBTQIA+ and children from culturally and linguistically diverse communities
  - i. outline the sources of funding for key initiatives and reforms set out in the strategy
  - j. outline the governance, monitoring, review and evaluation arrangements for child sexual abuse reform, including that the Secretary of the Department of Premier and Cabinet, as Chair of the Secretaries Board, is responsible for endorsing, overseeing, coordinating and reporting on the strategy and action plan (Recommendation 19.3).
2. The Tasmanian Government should develop an action plan for the implementation of the child sexual abuse reform strategy. The action plan should:
  - a. prioritise all recommendations and reforms for implementation over the short, medium and long term and include expected timeframes for implementing each recommendation
  - b. identify the role holders and agencies that have responsibility for implementation of each recommendation and reform
  - c. describe the actions to be taken to implement the recommendations and reforms, including any milestones, sequencing and dependencies

- d. identify the status of each recommendation and reform (that is, complete, under way or not commenced) and whether it is progressing on time
  - e. be endorsed and overseen by the governance structure identified in the strategy.
3. The child sexual abuse reform strategy and action plan should be:
- a. tabled in each House of Parliament
  - b. published on a dedicated website
  - c. supported by a communication plan that seeks to inform and provide visibility of reform work to stakeholders and the community
  - d. periodically reviewed and updated by the Secretaries Board through the Department of Premier and Cabinet.

Theme	Lead Agency	Status	Related COI Recommendations
Collaboration and integration Prevention and protection	Department of Premier and Cabinet	Underway	19.3, 19.4, 19.5

The Government accepts this recommendation and will implement the recommendation by 1 July 2024.

### Key actions

Initial planning is underway regarding the extensive policy work and partnering stakeholder consultation required to develop the Strategy and Action Plan. The mapping of this partner network is currently underway, with contact to be made throughout December 2023.

At present, there is no single strategy for preventing, identifying and responding to child sexual abuse in Tasmania. Development of the Strategy and Action Plan as recommended by the Commission of Inquiry will position all relevant activities into a single, coordinated and strategic framework.

The Strategy and Action Plan will be co-designed with children, young people, adult victim-survivors and other diverse cohorts with specific experiences within Tasmanian institutional settings, ensuring it is useful and relevant across the community as a guide to reducing the risk, extent and impact of child sexual abuse and related harms in Tasmania.

**Ongoing:** Policy development, system mapping and stakeholder and agency engagement.

**December 2023:** Work with research, community and policy partners to design the engagement framework for development of the Strategy and Action Plan.

**Early 2024:** Establish a whole-of-government victim-survivors' group that will provide input and guidance into the development of the Strategy and Action Plan. Undertake public consultation and direct consultation with the key stakeholders including the Premier's Disability Advisory Group, the Premier's Health and Wellbeing Council, the Premier's Mental Health Council, the Premier's Youth Advisory Council, the Tasmanian Government LGBTQIA+ Advisory Panel, Closing the Gap Peak Coalition Partner, Multicultural Council of Tasmania and sexual assault support service providers.

**March 2024:** Complete system mapping of system, and continue consultation to inform preliminary draft of Strategy and Action Plan. Development of communications plan and tracking, reporting and evaluation tools.

**May 2024:** Complete consultation on final elements of the Strategy and Action Plan.

**June 2024:** Consideration by the Secretaries' Board.

**By 1 July 2024:** Strategy and Action Plan tabled in Parliament and published online; ongoing communications and governance arrangements established.

## Trauma-informed government services

### Recommendation 19.2

The Tasmanian Government should develop a whole-of-government approach to professional development on responding to trauma within government and government funded services, as well as statutory bodies, that provide services to children and young people or adult victim-survivors of child sexual abuse.

Theme	Lead Agency	Status	Related COI Recommendations
Prevention and protection	Department of Premier and Cabinet	Underway	6.4, 12.10, 15.13

The Government accepts this recommendation and will implement the recommendation by 1 July 2024.

#### Key actions

Work is already underway to develop a whole-of-government approach to trauma-informed professional development under the interim response actions, in particular to design and deliver a trauma-focused knowledge and skills framework, a whole-of-service training plan mapped to the framework, and a toolkit incorporating professional development offerings.

A series of courses has been run throughout 2023 on trauma-informed practice and organisations in partnership with LifeLine Tasmania through the Tasmanian Training Consortium. Initially targeted at State Service leaders and those involved in Code of Conduct Employment Direction - 5 (ED5) investigation processes, the courses are being provided more widely to state service employees.

Further training targeted at specific cohorts of employees is being scoped to address emerging needs. This includes a bespoke, mandatory training program specifically for trauma-informed practice for workplace investigations, which includes external investigators undertaking workplace investigations for Government departments.

A whole-of-government approach to professional development will ensure a consistent approach across Government, and more trauma-informed and respectful service delivery for service users.

**March 2024:** Consultation with key stakeholders commences.

**May 2024:** Draft framework for further professional development developed.

## Establishing a strong governance structure for child safety

### Recommendation 19.3

The Secretary of the Department of Premier and Cabinet, as Chair of the Secretaries Board, should be responsible for endorsing, overseeing, coordinating and reporting on the child sexual abuse reform strategy and action plan.

Theme	Lead Agency	Status	Related COI Recommendations
Accountability and integrity Collaboration and integration	Department of Premier and Cabinet	Underway	19.1

The Government accepts this recommendation and will implement the recommendation by 1 July 2024.

#### Key actions

The Secretary of the Department of Premier and Cabinet (DPAC), will update her annual performance agreement with the Premier to include clear accountability for endorsement, oversight, coordination and reporting on the Strategy and Action Plan.

The Secretary of DPAC Statement of Duties will be updated in early 2024; and the related Performance Agreement will be considered and endorsed by the Premier by May 2024.

The Secretary DPAC's responsibilities for endorsing, overseeing, coordinating and reporting will be built into the Child Sexual Abuse Reform Strategy and Action Plan governance structure (as per Recommendation 19.1).

This will ensure that keeping children safe is a key and enduring priority across all levels of Government, with strong leadership and accountability from the Head of the State Service for all reforms under the Strategy and Action Plan.

**March 2024:** Secretary DPAC Statement of Duties is updated.

**May 2024:** Secretary's performance agreement is completed and endorsed by the Premier. Governance structure built into draft Child Sexual Abuse Reform Strategy and Action Plan.

### Recommendation 19.4

1. The Premier should, through their performance agreements, ensure Heads of Agencies are responsible for reforms under the child sexual abuse reform strategy and action plan within their portfolio responsibilities.
2. Heads of Agencies should ensure relevant State Service executives are also responsible for implementing the strategy and action plan.
3. The statements of duties for relevant departmental staff should refer to their responsibilities in relation to the strategy and action plan.

Theme	Lead Agency	Status	Related COI Recommendations
Accountability and integrity Child safe cultures and awareness-raising	Department of Premier and Cabinet	Underway	19.1, 19.3

The Government accepts this recommendation and will implement the recommendation by 1 July 2024.

### Key actions

The Secretary of the Department of Premier and Cabinet (DPAC) will work with Secretaries to develop their 2024 Performance Agreements to include their specific accountabilities under the Child Sexual Abuse Reform Strategy and Action Plan.

Consistent wording regarding staff responsibilities will also be included in all relevant agency Statements of Duties to ensure consistent understanding and commitment across state service employees.

The Heads of Agency responsibilities for reforms under the Child Sexual Abuse Reform Strategy and Action Plan within their portfolio responsibilities will be built into the governance structure (as per Recommendation 19.1).

Building accountabilities and responsibilities into the relevant Statements of Duties and performance agreements will ensure a consistent approach and shared responsibility across the state service, and will ensure Heads of Agency are held to account for reforms across systems, policies and services to keep children safe across their agencies.

**March 2024:** Heads of Agency performance agreements are updated.

**May 2024:** Heads of Agency performance agreements are completed and endorsed by the Premier. Governance structure is built into the draft Child Sexual Abuse Reform Strategy and Action Plan.

## State service disciplinary processes

### The State Service Code of Conduct

#### Recommendation 20.2

1. All Heads of Agencies whose agencies provide services to children should develop a professional conduct policy for the agency's employees that:
  - a. explains what behaviours are unacceptable, including concerning conduct, misconduct or criminal conduct
  - b. defines and prohibits child sexual abuse, grooming and boundary violations, in language consistent with the *Child and Youth Safe Organisations Act 2023*.
2. The professional conduct policy should:
  - a. acknowledge the challenge of maintaining professional boundaries in small communities and provide clear identification of, instructions about and examples of how to manage conflicts of interest and professional boundaries in small communities

- b. provide guidance on identifying behaviours indicative of child sexual abuse, grooming and boundary violations relevant to the particular organisation
  - c. outline behaviours that must be reported to authorities, including what behaviours should be reported to Tasmania Police, Child Safety Services, the Registrar of the Registration to Work with Vulnerable People Scheme and the Independent Regulator under the *Child and Youth Safe Organisations Act 2023*, or other relevant agencies
  - d. provide that not following reasonable directions is a breach of professional standards
  - e. provide that a failure to report a breach or suspected breach of the policy may be taken to be a breach of the policy
  - f. outline the protections available to individuals who make complaints or reports in good faith
  - g. provide and clearly outline response mechanisms for alleged breaches of the policy
  - h. specify the penalties for a breach, including that a breach of the policy may be taken to be a breach of the State Service Code of Conduct without needing to assess whether a separate provision of the Code has been breached, and may result in disciplinary action
    - i. cross-reference any other policies, procedures and guidelines that support, inform or otherwise relate to the professional conduct policy, for example, complaints handling or child protection policies or other codes of conduct relevant to particular professions.
3. The professional conduct policies should be:
    - a. easily accessible to everyone in the agency and communicated by a range of mechanisms
    - b. explained to and acknowledged and signed by all employees
    - c. accompanied by a mandatory initial training session and regular refresher training, including as part of professional development training
    - d. communicated to children and young people and their families through a range of mechanisms, including publication on the agency's public-facing website.
  4. The professional conduct policies should include a specific prohibition on romantic or sexual relationships between an employee and a young person where that employee has been in a position of authority, care or protection with the young person for two years after the young person turns 18 or the employee's position of authority, care or protection has ended, whichever is later. This requirement should operate in addition to any other professional and ethical obligations.
  5. Heads of Agencies should ensure the professional conduct policy spells out expected standards of behaviour for volunteers, contractors and sub-contractors, and other adults where relevant to the specific organisation and use appropriate mechanisms to ensure their compliance with the policy.

6. The Tasmanian Government should introduce legislation, or other binding mechanisms, to ensure:
  - a. a breach of a departmental professional conduct policy may be taken to be a breach of the State Service Code of Conduct, without needing to assess whether a separate provision of the Code has been breached
  - b. such a breach does not have to be accompanied by a lawful and reasonable direction for there to be a breach of the Code of Conduct.

Theme	Lead Agency	Status	Related COI Recommendations
Child safe cultures and awareness-raising Workforce expertise and capability	Department of Premier and Cabinet	Underway	6.4, 9.19, 12.10, 15.13

The Government accepts this recommendation and will implement the recommendation by 1 July 2024.

#### Key actions

The Commission of Inquiry recommended changes to legislation or other means to ensure that a breach of a departmental professional conduct policy can be taken to be a breach of the code of conduct.

A number of the changes outlined in this recommendation may not require amending legislation. This means they could be delivered sooner and more easily than the recommendations that would require legislation to be passed by Parliament.

Work has commenced to examine and seek advice on the current applicability of Standing Orders in accordance with the *State Service Act 2000* and the ability to incorporate departmental professional conduct polices once established as Standing Orders.

Subject to the advice on Standing orders, this will determine whether legislative amendment is required to implement this recommendation which may occur post July 2024. This will provide a more efficient process, enhanced accountability and alignment between the professional conduct standards of employees who are responsible for children, with the State Service code of conduct. Should professional standards be breached then the code of conduct is also breached and a sanction can be imposed in a more efficient manner.

This to ensure that the protection of children is to be the primary consideration when managing an allegation and determination of a breach of the code of conduct.

**March 2024:** Consultation with key stakeholders commences.

**May 2024:** Draft framework for professional standards policies developed and mechanism for application confirmed.

**June 2024:** Implementation of professional standards across relevant Agencies.

### Recommendation 20.3

The Tasmanian Government should introduce legislation to ensure that where a finding is made that a State Service employee has committed reportable conduct under the Reportable Conduct Scheme, this also constitutes a breach of the State Service Code of Conduct under section 9 of the *State Service Act 2000*.

Theme	Lead Agency	Status	Related COI Recommendations
Prevention and protection Child safe cultures and awareness-raising	Department of Premier and Cabinet	Underway	6.6, 20.5, 20.6, 19.8

The Government accepts this recommendation and will implement the recommendation by 1 July 2024.

#### Key actions

Legislative change in the Tasmanian State Service is the main option to achieve this recommendation as expressly as stated.

Work is commencing to consider the requirements and interaction of the *Child and Youth Safe Organisations Act 2023* and the *State Service Act 2000* to achieve this recommendation. The outcome of this work will further strengthen our Government's response when managing concerns about employees and the primary consideration of the protection of children.

**May 2024:** Draft policy and guidance on interaction for Employment Direction 5 and breaches of the Code of Conduct finalised.

**June 2024:** Legislative amendment if required.

### Recommendation 20.4

The Tasmanian Government should introduce legislation to ensure the provisions in the professional conduct policies apply to contractors, sub-contractors, volunteers and other adults who have contact with children.

Theme	Lead Agency	Status	Related COI Recommendations
Accountability and integrity	Department of Premier and Cabinet	Underway	6.5

The Government accepts this recommendation and will implement the recommendation by 1 July 2024.

## Key actions

The State Service Management Office will work with all relevant agencies to develop a common framework for professional conduct policies that support and extend to volunteers, contractors and sub-contractors. This will include working with the Department of Treasury and Finance to amend Treasurers Instructions and standard contract instruments for Tasmanian Government as needed.

The outcome of this work will ensure that there is consistency with expectation of professional conduct when it comes to working with and protecting children as employees, volunteers, contractors or sub-contractors in the Tasmanian State Service.

**March 2024:** current policies and procedures reviewed.

**June 2024:** stakeholder consultation and final drafts completed.

## Cultural change

### Recommendation 20.14

The Tasmanian Government should allocate funding for initiatives aimed at cultural change and awareness raising to promote a shared understanding and application of disciplinary processes across the State Service in a manner that ensures the safety and wellbeing of children at risk of child sexual abuse or related conduct.

Theme	Lead Agency	Status	Related COI Recommendations
Child safe cultures and awareness-raising Workforce expertise and capability	Department of Premier and Cabinet	Underway	19.5, 21.3, 21.4, 21.6, 21.8

The Government accepts this recommendation and will implement the recommendation by 1 July 2024.

## Key actions

There will be a focus on the whole-of-government awareness for cultural change required across agencies to promote a shared understanding of the application of disciplinary practices in a way that ensures the safety and wellbeing of children. This includes consistent guidelines, policies, training, development, and ongoing communications and engagement from the State Service Management Office in relation to the application of state service disciplinary processes.

Work has commenced with agencies to give consideration to selection and recruitment processes, including due diligence in pre-employment screening; induction and management processes, particularly to embed child safety principles through everyday performance and behaviour management; appropriate decision-making and risk management; escalation of behaviour or performance concerns; using formal mechanisms related to behaviour or performance; and appropriate record-keeping and information sharing.

System-wide cultural change will mean embedding consistent, contemporary and shared understanding of appropriate behaviour and performance required, as well as the consistent application of disciplinary processes, across our government agencies that ensure the protection of children is the primary consideration.

Initiatives for the funding allocation in the first stages of embedding and implementing cultural change include establishing and embedding a child safe complaints management system, recruiting Child Safe Advisors, implementing a tailored child safe reporting and learning system and establishing a practical information security system.

**February 2024:** scoping and consultation with key stakeholders commences.

**June 2024:** initial rollout of whole-of-government policy and awareness frameworks.

## Monitoring reforms

### Recommendation 22.1

1. The Tasmanian Government should introduce legislation to establish and fund an independent Child Sexual Abuse Reform Implementation Monitor to:
  - a. monitor and report to Parliament annually on the implementation of
    - i. the recommendations of this Commission of Inquiry
    - ii. any recommendations of the Royal Commission into Institutional Responses to Child Sexual Abuse that were accepted by the Tasmanian Government and have not been implemented
    - iii. the recommendations of the Independent Inquiry into the Tasmanian Department of Education's Responses to Child Sexual Abuse
  - b. undertake independent evaluations of the effectiveness of the measures and actions taken in response to the recommendations identified above, especially the impact on the safety and wellbeing of children in government and government funded institutions and victim-survivors of child sexual abuse in institutional contexts.
2. Independent evaluations should enable assessment of change over time and involve:
  - a. identifying an evaluation framework and baseline data requirements within the first year of the appointment of the Implementation Monitor
  - b. commencing collection of data identified in the evaluation framework as soon as possible after the evaluation framework has been developed
  - c. assessing the change against the evaluation framework at five- and ten-year intervals following the tabling of this report
  - d. making independent evaluations publicly available.

3. The Tasmanian Government should protect the independence of the Implementation Monitor by:
  - a. appointing the Implementation Monitor for a fixed term that cannot be prematurely terminated except in extraordinary circumstances
  - b. maintaining the role of the Implementation Monitor until implementation of the recommendations identified above is substantively complete
  - c. separately and directly funding the Implementation Monitor, rather than through a line agency.
4. The Tasmanian Government, through the Secretaries Board, should be required to report to:
  - a. the Implementation Monitor as requested and in the form required by the Implementation Monitor
  - b. the public on its implementation and reform activity through the Department of Premier and Cabinet's annual report.
5. The Implementation Monitor should consult as required with:
  - a. the Premier's Youth Advisory Council
  - b. the adult victim-survivors of child sexual abuse advisory group (Recommendation 19.5)
  - c. the peak body for the sexual assault service system (Recommendation 21.3)
  - d. the institution-specific advisory groups established within Tasmanian government agencies (Recommendations 9.6, 12.8 and 15.7).

Theme	Lead Agency	Status	Related COI Recommendations
Workforce expertise and capability Prevention and protection	Department of Premier and Cabinet	Underway	19.5, 21.3, 21.4, 21.6, 21.8

The Government accepts this recommendation and will implement the recommendation by 1 July 2024.

### Key actions

The Department of Premier and Cabinet (DPAC) is currently leading work to develop the legislation to create the Child Sexual Abuse Reform Implementation Monitor, which will be introduced in the first week of Parliament in 2024. This includes analysing similar legislation and undertaking consultation on draft legislation as part of standard legislative processes.

DPAC will undertake research into best-practice models and will consult with the Victorian Family Violence Implementation Monitor and representatives of other similar bodies to inform the policy development required.

Establishing the Implementation Monitor will ensure the Tasmanian Government's commitment to adopting the Commission's recommendations is independently monitored, assessed and evaluated. This will help hold the Government to account for our progress in implementing the full program of reforms aimed at responding to child sexual abuse in Tasmania.

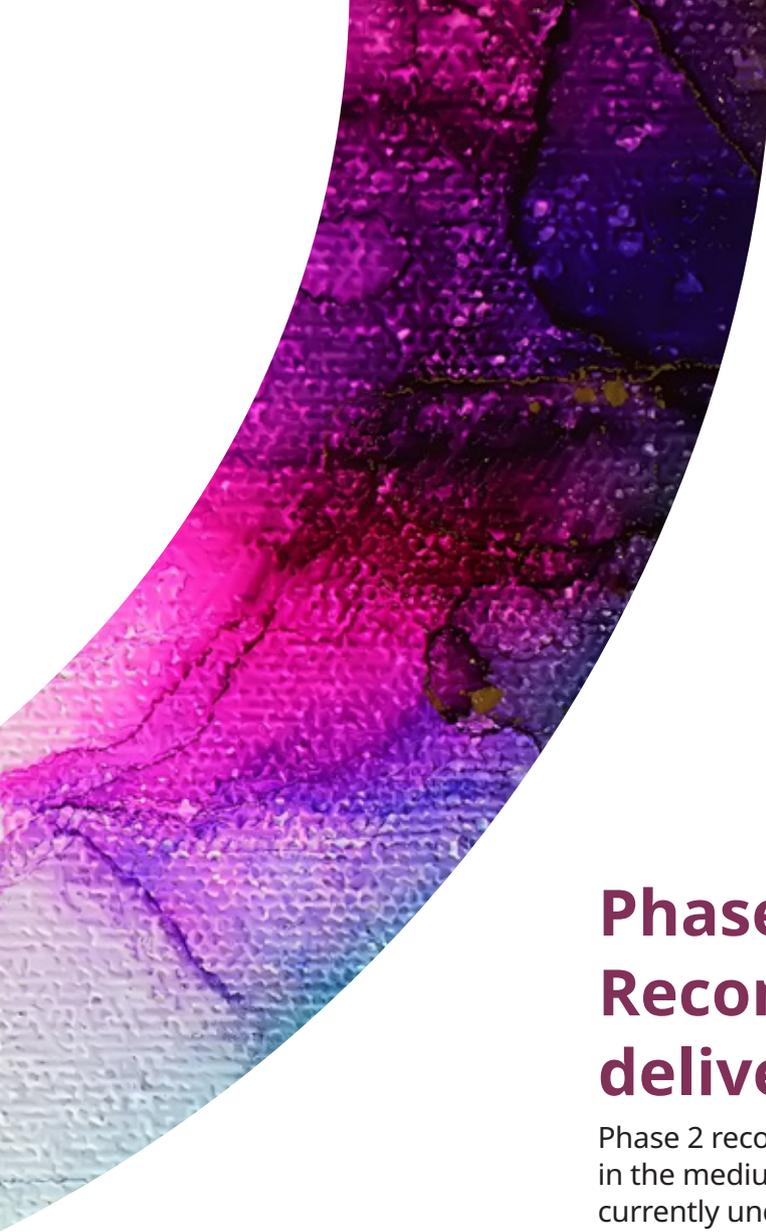
The scope of the work of the Independent Monitor will include monitoring and reporting on the implementation of the recommendations of the Commission of Inquiry, the relevant recommendations of the the Royal Commission into Institutional Responses to Child Sexual Abuse and the Independent Inquiry into the Tasmanian Department of Education's Responses to Child Sexual Abuse as recommended. The scope will also be extended to consider the implementation of the Interim Actions agreed by the Government, the recommendations of the Child Safe Governance Review in the Department of Health and other matters referred to the Monitor by the Premier.

**December 2023:** Legislative and policy development to inform draft legislation

**February 2024:** Complete targeted consultation on draft reforms. Project planning for establishment of Office of the Implementation Monitor (including staffing and accommodation arrangements)

**March 2024:** Introduction of legislation to Parliament.

**1 July 2024:** Implementation Monitor to commence operation.



## Phase Two Recommendations - to be delivered by July 2026

Phase 2 recommendations are those that are to be delivered in the medium term, noting some recommendations are currently underway. Some detail is provided where actions have commenced; however, most work will be captured within the detailed Child Sexual Abuse Reform Strategy and Action Plan, which will be released in July 2024. These recommendations align with timeframes suggested by the Commission of Inquiry unless indicated otherwise.

The Commission's report identified 107 recommendations to be implemented by 1 July 2026 (Phase 2). Under our Response:

- nine recommendations have been moved to Phase 2 from other phases (four from Phase 3 and five from Phase 1); and
- six of the Commission's Phase 2 recommendations will be completed in other phases (five in Phase 3 and one in Phase 1).

Accordingly, our response will deliver a total of 110 recommendations in Phase 2.

The reasons for changes in timing for these recommendations relate to complexities associated with the recommendations, dependencies on the delivery of other related recommendations, or where work already underway supports earlier completion.

## Children in schools

### Child sexual abuse prevention education in schools

#### Recommendation 6.1

1. The Department for Education, Children and Young People should introduce and fund a mandatory child sexual abuse prevention curriculum as part of the mandatory respectful behaviours curriculum from early learning programs to Year 12, across all types of government schools (including specialist schools).
2. This mandatory prevention curriculum should draw on expert evidence of best practice and successful approaches adopted in other states and territories, including South Australia's mandatory curriculum.
3. The Department should develop a plan for sustained implementation of the mandatory prevention curriculum. The plan should:
  - a. set out the goals and objectives of implementing the mandatory prevention curriculum
  - b. define the roles and responsibilities of key participants
  - c. include criteria for evaluating the curriculum.
4. The Department should evaluate the effectiveness of the mandatory prevention curriculum five years after its implementation.

Theme	Lead Agency	Status	Related COI Recommendations
Child safe cultures and awareness-raising Prevention and protection	Department for Education, Children and Young People	Underway	6.5

The Government accepts this recommendation. Implementation will be completed by July 2026.

#### Current actions

Work is underway to review how the Department for Education, Children and Young People's (DECYP) current Respectful Relationships Education curriculum and optional programs now being delivered in schools are supporting children and young people to practice protective behaviours and help-seeking. DECYP will re-examine best practice approaches from other jurisdictions and develop a long-term design, implementation and evaluation plan for delivery of mandatory child sexual abuse prevention education. In undertaking this process, DECYP will consider the supports required to deliver child sexual abuse prevention content; the role of school-based programs within broader community wide prevention strategies, as noted by the Commission; the voices of children and young people, acknowledging the rights of children and young people to express their views freely in all matters affecting them; and the voices of victim-survivors as presented to the Commission.

## Professional development

### Recommendation 6.5

1. The Department for Education, Children and Young People should adopt and implement a training certification program that is mandatory for all education staff and volunteers. This training should be structured to provide basic and advanced levels of training for different role holders and targeted most directly at staff and volunteers operating in higher-risk settings.
2. Training should cover:
  - a. key safeguarding policies of the Department, including appropriate standards of behaviour between adults and students and what to do if child sexual abuse or harmful sexual behaviours are witnessed or disclosed
  - b. relevant legal obligations, including requirements for reporting to Tasmania Police, Child Safety Services, the Registrar of the Registration to Work with Vulnerable People Scheme, the Independent Regulator under the *Child and Youth Safe Organisations Act 2023*, and the Teachers Registration Board.
3. Training should be refreshed periodically and delivered at a time and in a format that will maximise engagement. It should be centrally recorded to monitor participation.
4. The Department should work with the Teachers Registration Board to establish the minimum training requirements for teachers (Recommendation 6.15)

Theme	Lead Agency	Status	Related COI Recommendations
Workforce expertise and capability Child safe cultures and awareness-raising	Department for Education, Children and Young People	Underway	6.15, 9.11

The Government accepts this recommendation. Implementation will be completed by July 2026.

#### Current Actions

The Department for Education, Children and Young People currently requires all staff to undertake mandatory reporting training and has developed a further specialised training module on child sexual abuse awareness. Work is underway to ensure this training is accessible to volunteers and contractors. The modules will be refreshed periodically, and basic and advanced levels of training developed and reviewed to ensure they are appropriate for the settings where people are working. A clear mechanism will be implemented to track completion of training.

## Responding to and investigating complaints and concerns

### Recommendation 6.6

1. The Tasmanian Government should establish a Child-Related Incident Management Directorate to respond to:
  - a. allegations of child sexual abuse and related conduct by staff, breaches of the State Service Code of Conduct and professional conduct policies, and reportable conduct (as defined by the *Child and Youth Safe Organisations Act 2023*) in schools, Child Safety Services, out of home care and youth justice
  - b. other forms of staff-perpetrated abuse in schools, Child Safety Services, out of home care and youth justice, including other serious care concerns and allegations of excessive use of force, inappropriate isolation or inappropriate searches of children and young people in detention.
2. The directorate should comprise three units tasked as follows:
  - a. Incident Report Management Unit. This unit should be responsible for case management—that is, assisting child-facing services within the Department for Education, Children and Young People with the management of incidents or allegations of child sexual abuse and related conduct, including being the point of contact for these services.
  - b. Investigations Unit. This unit should undertake preliminary assessments and investigations. It should comprise appropriately trained and skilled investigators or use external investigators with the requisite qualifications and training.
  - c. Adjudication Unit. This unit should examine the investigation reports prepared by investigators and make recommendations to the Head of Agency about what disciplinary decisions are available and the appropriate response. The unit should be staffed by personnel with relevant experience, including a background in law.
3. The directorate should appoint staff with knowledge of schools, Child Safety Services, out of home care, and youth justice.
4. Within 12 months of appointment, all staff in the Investigations Unit should:
  - a. undertake specialist training in interviewing vulnerable witnesses
  - b. undertake training in child development, child sexual abuse and trauma related behaviours.
5. The directorate should maintain a case management platform and oversee a 'single file' for all child sexual abuse allegations and concerns about staff, including recording matters that do not result in disciplinary action.
6. The Tasmanian Government should decide where in the State Service this directorate should be established. Wherever it is established, it should be separated from traditional human resources functions.

Theme	Lead Agency	Status	Related COI Recommendations
Prevention and protection Accountability and integrity	Department of Premier and Cabinet	Not yet commenced	15.17

The Government accepts this recommendation. Funding will be considered through State Budget processes. Implementation will be completed by July 2026.

### Recommendation 6.7

1. The Department for Education, Children and Young People should develop guidelines that outline the ongoing supports that should be provided for victim-survivors, families, staff and the school community when there are allegations or incidents of child sexual abuse by staff or harmful sexual behaviours.
2. The guidelines should include policies, procedures, and templates for:
  - a. Counselling and support—a counselling and support plan should be developed for victim-survivors and their parents and carers, other children or young people at the school, staff at the school, and the alleged perpetrator and their family.
  - b. Risk assessment—a risk assessment should be conducted to determine whether there is any concern for the ongoing safety of other children and whether there may be other victim-survivors.
  - c. Informing responsibly—the Department should develop specific policies that outline what communications should be made by the Department, and to whom they should be made, at particular stages of a child sexual abuse matter. These policies should take account of all legal obligations and the importance of informing victim-survivors, parents and the community. Communication may be needed with children and young people, staff, School Association Committees, parents, previous students and other schools.
3. Any policy outlining the communications that should be made by the Department should extend to matters where conduct does not amount to a criminal offence or where police do not proceed with charges but the matter is investigated as a possible breach of the State Service Code of Conduct, a professional conduct policy or reportable conduct under the Reportable Conduct Scheme.
4. Guidelines should also be developed for Child Safety Services, out of home care and youth justice contexts.

Theme	Lead Agency	Status	Related COI Recommendations
Collaboration and integration Participation and empowerment	Department for Education, Children and Young People	Not yet commenced.	6.6

The Government accepts this recommendation. Funding will be considered through State Budget processes. Implementation will be completed by July 2026.

### **Recommendation 6.8**

The Department for Education, Children and Young People should work with the Catholic and independent school sectors to adopt a statewide approach to responding to child sexual abuse in schools.

Theme	Lead Agency	Status	Related COI Recommendations
Collaboration and integration Prevention and protection	Department for Education, Children and Young People	Underway	None

The Government accepts this recommendation. Implementation will be completed by July 2026.

#### **Current actions**

The Department for Education, Children and Young People (DECYP) will work with Catholic Education Tasmania and Independent Schools Tasmania to ensure that children and young people are safe in all Tasmanian schools. Child safety is already a priority for all school sectors, and all schools will be required to comply with the Child and Youth Safe Organisations Framework by 1 January 2024 in accordance with the *Child and Youth Safe Organisations Act 2023*.

The Office of Safeguarding Children and young People meets with Catholic Education Tasmania and Independent Schools Tasmania to share information, knowledge and resources.

DECYP will continue to build on their existing relationship to adopt a statewide approach to responding to child sexual abuse in schools.

## **Harmful sexual behaviours**

### **Recommendation 6.9**

The Department for Education, Children and Young People should develop detailed education-specific policies, protocols and guidelines for preventing, identifying and responding to harmful sexual behaviours in schools. The development of these policies, protocols and guidelines should be:

- a. led and informed by the Harmful Sexual Behaviours Support Unit (Recommendation 9.28)
- b. informed by the Tasmanian Government's statewide framework and plan to address harmful sexual behaviours (Recommendation 21.8)

Theme	Lead Agency	Status	Related COI Recommendations
Collaboration and integration Prevention and protection	Department for Education, Children and Young People	Underway	6.5, 6.15, 9.28, 21.8

The Government accepts this recommendation. Implementation will be completed by July 2026.

### Current actions

Work is underway to continue development of education-specific policies, protocols and guidelines for preventing, identifying and responding to harmful sexual behaviours in schools. This will build on existing guidance for staff and consider the importance of LGBTIQ+ awareness and the need for all policies to be inclusive of all cultures, backgrounds and learning needs. The work will be led by the Department for Education, Children and Young People's Harmful Sexual Behaviours Support unit and be informed by the statewide framework and plan to address harmful sexual behaviours.

## Teacher registration

### Recommendation 6.10

The Tasmanian Government should introduce legislation to:

- a. allow the Teachers Registration Board to compel relevant entities—including the Department for Education, Children and Young People, other employers of teachers, the Registrar of the Registration to Work with Vulnerable People Scheme, police, and Child Safety Services—to give the Board information or documentation that is relevant to child sexual abuse matters involving a registered teacher or a holder of a Limited Authority to Teach
- b. compel these relevant entities to notify the Teachers Registration Board when they become aware of allegations or suspicions of child sexual abuse by a teacher. Such entities should also be required to notify the Board if they begin any formal investigation that involves allegations or suspicions of child sexual abuse by a teacher or a holder of a Limited Authority to Teach, and the outcome of any investigation
- c. allow entities, when investigating matters involving child sexual abuse by a registered teacher or holder of a Limited Authority to Teach, to jointly appoint investigators to investigate the matter, taking into account the different criteria required for investigations by the Department and the Board.

Theme	Lead Agency	Status	Related COI Recommendations
Collaboration and integration Accountability and integrity	Department for Education, Children and Young People	Underway	21.6

The Government accepts this recommendation. Implementation will be

completed by July 2026.

### Current actions

The Department for Education, Children and Young People is currently reviewing the *Teachers Registration Act 2000*, and these amendments will be incorporated as part of that review. For teachers employed in Government schools, the current procedures for responding to incidents or allegations of child sexual abuse continue to apply. Any such allegations are dealt with under the State Service Code of Conduct in accordance with Employment Direction 5—Breach of Code of Conduct.

### Recommendation 6.11

The Tasmanian Government should:

- a. introduce legislation to amend the *Teachers Registration Act 2000* (or regulations) to require details of the prospective or current place of employment of a teacher (or a holder of Limited Authority to Teach) to be included on the Register of Teachers
- b. develop an electronic means of updating the Register of Teachers with details of the place of employment of a teacher (or a holder of Limited Authority to Teach)
- c. require employers to make updates to a teacher’s place of employment—including when a teacher (or a holder of Limited Authority to Teach) begins working at the school or is no longer working at the school
- d. fund the Teachers Registration Board to develop an upgraded, fit-for-purpose Customer Records Management System to enable the Board to maintain a Register of Teachers which can support information exchange in real time with other bodies working with children, and other jurisdictions.

Theme	Lead Agency	Status	Related COI Recommendations
Prevention and protection Collaboration and integration	Department for Education, Children and Young People	Underway	6.10

The Government accepts this recommendation. Implementation will be completed by July 2026.

### Current actions

The Department for Education, Children and Young People is currently reviewing the *Teachers Registration Act 2000*, and these amendments will be incorporated as part of that review. Amending the Teachers Registration Act to require details of a registrant’s current or prospective place of employment to be included on the Register of Teachers will contribute to ensuring that children and young people in education settings are protected from adults who pose a threat to them through strong mechanisms that actively address risk and prevent harm.

### Recommendation 6.12

The Tasmanian Government should introduce legislation to amend the *Teachers Registration Act 2000* to allow administrative infringement notices to be issued for non-compliance with the provisions of the Act that currently carry penalties in the form of fines.

Theme	Lead Agency	Status	Related COI Recommendations
Prevention and protection Collaboration and integration	Department for Education, Children and Young People	Underway	6.10, 6.11, 6.13, 6.15

The Government accepts this recommendation. Implementation will be completed by July 2026.

#### Current actions

The Department for Education, Children and Young People is currently reviewing the *Teachers Registration Act 2000*, and these amendments will be incorporated as part of that review.

### Recommendation 6.13

The Tasmanian Government should introduce legislation to amend section 24B of the *Teachers Registration Act 2000* to:

- a. allow for the immediate rather than emergency suspension of registration or a Limited Authority to Teach when the Teachers Registration Board considers there is an unacceptable risk of harm to children
- b. allow the Board to suspend a person's registration or a Limited Authority to Teach where that person has been charged with a serious offence.

Theme	Lead Agency	Status	Related COI Recommendations
Prevention and protection Collaboration and integration	Department for Education, Children and Young People	Underway	6.10, 6.11, 6.12, 6.15, 20.2

\*Commission of Inquiry recommended timeframe: by 1 July 2024.

Reason why it will take longer: Recommendations 6.10, 6.11, 6.12 and 6.15 also require amendments to the *Teachers Registration Act 2000*. The change required by Recommendation 6.13 should also be undertaken at the same time as the other amendments to the Act.

The Government accepts this recommendation. Implementation will be completed by July 2026.

#### Current actions

The Department for Education, Children and Young People is currently reviewing the *Teachers Registration Act 2000*, and these amendments will be incorporated as part of that review.

For teachers employed in Government schools, the current procedures for responding to incidents or allegations of child sexual abuse continue to apply. Any such allegations are dealt with under the State Service Code of Conduct in accordance with Employment Direction 5—Breach of Code of Conduct.

### Recommendation 6.15

1. The Tasmanian Government should introduce legislation to amend the *Teachers Registration Act 2000* to allow the Teachers Registration Board to set requirements for minimum training and ongoing professional development.
2. The Teachers Registration Board should make child safeguarding training (Recommendation 6.5) a mandatory requirement for the granting of teacher registration and as part of ongoing registration requirements.

Theme	Lead Agency	Status	Related COI Recommendations
Workforce expertise and capability Collaboration and integration	Department for Education, Children and Young People	Underway	6.10, 6.11, 6.12, 6.13

The Government accepts this recommendation. Implementation will be completed by July 2026.

#### Current actions

The Department for Education, Children and Young People is currently reviewing the *Teachers Registration Act 2000*, and this amendment will be incorporated as part of that review. Mandatory child safeguarding training as part of the teacher registration process will be implemented in alignment with recommendation 6.5. This will support teachers to strengthen their skills, knowledge and confidence to identify the risks and signs of child sexual abuse, be involved in preventing abuse, and take appropriate steps to respond to incidents or allegations of child abuse, including child sexual abuse.

## Prevention and protection

### Recommendation 6.16

The Tasmanian Government should ensure the Teachers Registration Board is funded to perform its core function of regulating the professional conduct of teachers.

Theme	Lead Agency	Status	Related COI Recommendations
Prevention and protection Collaboration and integration	Department for Education, Children and Young People	Not yet commenced	6.10, 6.11, 6.12, 6.13, 6.15

The Government accepts this recommendation. Funding will be considered through State Budget processes. Implementation will be completed by July 2026.

## Children in out of home care

### The role of the Department

#### Recommendation 9.2

1. The Department for Education, Children and Young People should outsource the provision of all forms of out of home care to the non-government sector.
2. The Department should maintain and improve its role in:
  - a. the budgeting and purchasing of out of home care services from the non-government sector
  - b. establishing and leading the strategic plan and policy framework for out of home care
  - c. monitoring the quality of out of home care
  - d. providing case management and leadership in out of home care
  - e. ensuring carers and staff receive adequate education and skill development
  - f. responding to complaints and safety and wellbeing concerns about children in out of home care
  - g. cross-sector (government and non-government) data collection, ICT infrastructure and public reporting
  - h. carer registration and monitoring.
3. The outsourcing of the provision of out of home care should be achieved through an orderly, staged and trauma-informed transition process and commissioning strategy.
4. The Department should establish a minimum out of home care dataset and a plan for two-way data sharing between the Department and non-government out of home care providers.

Theme	Lead Agency	Status	Related COI Recommendations
Collaboration and integration Prevention and protection	Department for Education, Children and Young People	Underway	9.3, 9.8, 9.9

The Government accepts this recommendation. Implementation will be completed by July 2026.

#### Current actions

The Department for Education, Children and Young People (DECYP) is actively working with providers to better understand their approaches to governance, service delivery, quality and safety, and learning more about where there may be areas for improvement that can be collectively and collaboratively progressed. It is also working to expand the range of care types and number of available foster carers, as well as increasing the supply of available frontline workers within Children and Families, with a focus on permanency and stability of care for children and young people.

DECYP will undertake consultation with all relevant organisations and individuals, including Children and Families staff, children and young people in out of home care to inform the design of a new service system, opportunities, and potential timeframes. A financial model will be developed that reflects the costs associated with different forms of care, and strategies to implement the transition in a way that will minimise or eliminate unintended consequences. A well-managed change management process, including consultation with relevant unions, will be vital for government-employed out-of-home care staff as they transition to new arrangements. These processes will enable continuity of support for existing foster and kinship carers receiving services directly from the DECYP throughout the transition period.

## Contract management and auditing

### Recommendation 9.3

1. The Department for Education, Children and Young People should develop new funding agreements with non-government out of home care providers that set quality and accountability requirements, including:
  - a. compliance with the National Standards for Out-of-Home Care
  - b. compliance with the Child and Youth Safe Standards
  - c. provision of trauma-informed, therapeutic models of care (Recommendation 9.20)
  - d. adoption of preventive measures for harmful sexual behaviours and child sexual exploitation
  - e. only using carers who are registered on the Carer Register (Recommendation 9.20)
  - f. governance and organisational structures to support monitoring and responding to child sexual abuse including grooming, harmful sexual behaviours and child sexual exploitation
  - g. sharing relevant information about carers and children in their care
  - h. quarterly reporting to the Department on these requirements
  - i. periodic reporting of data against the outcomes framework (Recommendation 9.9).
2. All funding agreements between the Department and non-government out of home care providers should require the Department to give providers:
  - a. relevant information about carers and children in their care
  - b. information about the provider's performance against the data outcomes framework and compliance with standards.
3. The Department should monitor and audit non-government out of home care providers' compliance with contracts.
4. The Tasmanian Government should resource non-government out of home care providers appropriately.

Theme	Lead Agency	Status	Related COI Recommendations
Prevention and protection Collaboration and integration	Department for Education, Children and Young People	Underway	9.9, 9.18, 9.20

The Government accepts this recommendation. Implementation will be completed by July 2026.

### Current Actions

The Department for Education, Children and Young People (DECYP) will continue to work with non-government organisations to benchmark their capacity to respond to the Commission of Inquiry recommendations in respect of governance, service delivery, safety and quality (gap analysis). A financial model will be developed that reflects the costs associated with increased compliance requirements, including building and maintaining capability for non-government providers and ensuring a dedicated compliance monitoring function within DECYP.

## Expert and active leadership

### Recommendation 9.4

1. The Tasmanian Government should fund and restructure the Department for Education, Children and Young People to ensure (in addition to the current roles of Deputy Secretary for Keeping Children Safe, and the Executive Director for Youth Justice):
  - a. there is separate executive-level responsibility for out of home care services
  - b. there is separate executive-level responsibility for the combined areas of Child Safety Services, the Strong Families, Safe Kids Advice and Referral Line and family support services
  - c. the classification level of these executive roles reflects the level of risk and responsibility carried by the positions
  - d. the holders of these executive roles have knowledge and understanding in the area of child protection or out of home care and experience in providing strategic direction and leadership
  - e. executive responsibility for child safeguarding in the education context is not combined with responsibility for child safeguarding in the children and family services context
  - f. the role of Executive Director for Aboriginal Children and Young People is established and supported by an Office of Aboriginal Policy and Practice (Recommendation 9.7)
  - g. the role of the Chief Practitioner is established and supported by an Office of the Chief Practitioner (Recommendation 9.17)
  - h. expertise among members of the Department's executive is evenly balanced across the areas of education, Child Safety Services, out of home care, and youth justice
  - i. the relevant specialist for out of home care and youth justice in the executive leads policy and practice development for those areas

- j. relevant centralised functions within the Department, such as human resources, procurement, and staff learning and development, address the distinct needs of schools, Child Safety Services, out of home care and youth detention.
2. The Tasmanian Government should ensure that:
- a. the Secretary of the Department demonstrates active efforts to inform themselves about child protection and out of home care through individual professional development
  - b. the Deputy Secretary for Keeping Children Safe has knowledge and understanding of the area of child protection or out of home care and experience in providing strategic direction and leadership
  - c. the Secretary and Deputy Secretary, and the holders of the new executive roles, have key performance measures that include culture change in Child Safety Services and out of home care
  - d. the Secretary and Deputy Secretary, and the holder of the new executive role responsible for out of home care, have key performance measures that include preventing sexual abuse in out of home care
  - e. the Department has appropriate processes in place to ensure leaders have the knowledge, skills, aptitude and core capability requirements to effectively manage people and to lead a child safe organisation.

Theme	Lead Agency	Status	Related COI Recommendations
Accountability and integrity Child safe cultures and awareness-raising	Department for Education, Children and Young People	Underway	9.7, 9.17

\*Commission of Inquiry recommended timeframe: by 1 July 2024.

Reason why it will take longer: Work to review the current agency structure has begun, with a view to finalising this by July 2024. Recruitment and allocation of roles will then commence.

The Government accepts this recommendation. Implementation will be completed by July 2026.

#### **Current actions**

Early planning has commenced on the approach and steps required to enable the design and establishment of the new Executive level roles. The job design and filling of these roles has a significant change component that will need to be appropriately planned and managed to ensure it delivers the desired cultural change.

## Governance

### Recommendation 9.5

1. The Department for Education, Children and Young People should establish a Quality and Risk Committee for Child Safety Services, out of home care, and youth justice.
2. The Secretary of the Department should chair the committee.
3. The functions of the committee should include monitoring:
  - a. the system performance of the out of home care sector
  - b. the performance against the outcomes and reporting framework (Recommendation 9.9)
  - c. children's safety and wellbeing in out of home care, including from child sexual abuse
  - d. progress on implementing the Child and Youth Safe Standards and the National Standards for Out-of-Home care
  - e. practices in youth detention, including in relation to searches, isolation and the use of force (Recommendations 12.31, 12.32 and 12.33).
4. The committee should report routinely to the Commission for Children and Young People.

Theme	Lead Agency	Status	Related COI Recommendations
Accountability and integrity Collaboration and integration	Department for Education, Children and Young People	Underway	9.9, 9.28, 12.30, 12.31, 12.32, 12.33

The Government accepts this recommendation. Implementation will be completed by July 2026.

### Current actions

This recommendation will be progressed in the context of, and with consideration being given to, the existing functions of the Statutory Guardian Committee and broader governance and structural reform recommended by the Commission of Inquiry. The existing Statutory Guardian Committee already works directly with the Secretary to inform and drive improvement, ensure the individual voices of children and young people are heard and acted upon, and oversee complaints and complaints processes relating to children and young people. New arrangements will be implemented as required to deliver on all aspects of this recommendation, with a focus on delivering a stronger and more transparent and accountable service system that protects children and young people from adults who pose a threat to them.

## Recommendation 9.6

1. 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.
2. The empowerment and participation strategy should include:
  - a. establishing a permanent out of home care advisory group to be involved in developing the out of home care strategic plan (Recommendation 9.8) and have ongoing input into the out of home care system
  - b. building engagement with children into the Department's quality assurance and continuous improvement activities under the strategic plan (Recommendation 9.8)
  - c. implementing the Viewpoint online questionnaire without delay
  - d. regular monitoring and evaluation of the effectiveness of the empowerment and participation strategy.
3. The out of home care permanent advisory group should:
  - a. include children, young people and young adults up to the age of 25 years with current or previous experience of out of home care in Tasmania, including Aboriginal people and people with disability
  - b. have clear terms of reference developed in consultation with children, young people and young adults with experience of out of home care
  - c. enable its members to participate in a safe and meaningful way and express their views on measures to empower children and young people in out of home care
  - d. meet regularly, be chaired by a person independent of the Department and be attended by a senior departmental leader
  - e. be adequately funded and resourced.

Theme	Lead Agency	Status	Related COI Recommendations
Participation and empowerment Accountability and integrity	Department for Education, Children and Young People	Not yet commenced	9.8, 9.22, 9.33, 18.6, 22.1

The Government accepts this recommendation. Funding will be considered through State Budget processes. Implementation will be completed by July 2026.

### Recommendation 9.7

The Department for Education, Children and Young People should appoint an Executive Director for Aboriginal Children and Young People for the whole of the Department. The office holder should:

- a. report directly to the Secretary
- b. be supported by a sufficiently resourced Office of Aboriginal Policy and Practice
- c. oversee and report on the implementation of the Aboriginal and Torres Strait Islander Child Placement Principle (Recommendation 9.15)
- d. facilitate departmental engagement and build partnerships with Aboriginal communities
- e. promote and help establish recognised Aboriginal organisations (Recommendation 9.15)
- f. ensure Aboriginal culture, views and interests are represented in all departmental activities
- g. promote cultural safety for Aboriginal staff and Aboriginal children and families who come into contact with the Department
- h. increase recruitment of Aboriginal staff in the Department
- i. participate in the Quality and Risk Committee at least every six months in discussions about the number of Aboriginal children in out of home care, the proportion of Aboriginal children placed with Aboriginal carers, the proportion of Aboriginal children in out of home care with a cultural support plan, reunification rates for Aboriginal children and other key performance indicators to be agreed with the Quality and Risk Committee.

Theme	Lead Agency	Status	Related COI Recommendations
Workforce expertise and capability Child safe cultures and awareness-raising	Department for Education, Children and Young People	Not yet commenced	9.4

The Government accepts this recommendation. Funding will be considered through State Budget processes. Implementation will be completed by July 2026.

## Outcomes and performance reporting

### Recommendation 9.9

The Department for Education, Children and Young People should:

- a. establish an outcomes and performance reporting framework against which it can measure the performance of the out of home care sector, including in relation to child safety
- b. develop the data capability to enable reporting against the framework
- c. routinely report against the framework.

Theme	Lead Agency	Status	Related COI Recommendations
Accountability and integrity Child safe cultures and awareness-raising	Department for Education, Children and Young People	Not yet commenced	9.3, 9.5, 9.8

The Government accepts this recommendation. Funding will be considered through State Budget processes. Implementation will be completed by July 2026.

## Workforce strategy

### Recommendation 9.12

1. The Department for Education, Children and Young People should ensure the Foster and Kinship Carers Handbook is updated to include:
  - a. information applicable to all carer types
  - b. more information on child sexual abuse, including harmful sexual behaviours and child sexual exploitation
  - c. mandatory reporting requirements for carers
  - d. the professional conduct policy for foster and kinship carers.
2. The Department should:
  - a. make the Handbook available publicly on its website
  - b. ensure the Handbook is regularly updated in line with any relevant changes to policy.

Theme	Lead Agency	Status	Related COI Recommendations
Accountability and integrity Prevention and protection	Department for Education, Children and Young People	Not yet commenced	9.11

The Government accepts this recommendation. Funding will be considered through State Budget processes. Implementation will be completed by July 2026.

## Keeping Aboriginal children safe

### Recommendation 9.14

The Tasmanian Government should appoint a Commissioner for Aboriginal Children and Young People with statutory powers and functions to monitor the experiences of Aboriginal children in out of home care and youth detention.

Theme	Lead Agency	Status	Related COI Recommendations
Accountability and integrity Participation and empowerment	Department of Premier and Cabinet	Not yet commenced	12.36, 18.6, 18.7

\*Commission of Inquiry recommended timeframe: by 1 July 2029.

Reason for bringing forward: we will bring delivery forward from 1 July 2029 to 1 July 2026 to align with the delivery of Recommendation 12.36.

The Government accepts this recommendation. Funding will be considered through State Budget processes. Implementation will be completed by July 2026.

## Supporting quality care

### Recommendation 9.16

1. The Department for Education, Children and Young People should:
  - a. ensure all children in care, including those on guardianship orders until age 18, have a case manager
  - b. set a maximum case load for Child Safety Officers.
2. The Department should report quarterly to the Quality and Risk Committee on the:
  - a. number of children without an individual case manager
  - b. average case load for Child Safety Officers
  - c. average frequency of case manager visits children received, and the longest and shortest time periods between visits
  - d. the number of children with a care team and Aboriginal representatives on the care team (where appropriate)
  - e. average frequency of care team meetings
  - f. percentage of children with a current care plan.
3. The Department should ensure these figures are published quarterly on its website.

Theme	Lead Agency	Status	Related COI Recommendations
Accountability and integrity Workforce expertise and capability	Department for Education, Children and Young People	Underway	9.5

The Government accepts this recommendation. Implementation will be completed by July 2026.

### Current actions

The Department for Education, Children and Young People will continue its current efforts relating to supply, attraction and retention of workforce, and diversifying roles within the Child Safety Service. The Department is currently undertaking recruitment for Child Safety Officers.

### Recommendation 9.18

1. The Department for Education, Children and Young People should require out of home care to be trauma-informed and therapeutic and identify the key components of trauma-informed, therapeutic models of care.
2. The Department should require non-government out of home care providers to deliver services that align with these key components of trauma-informed, therapeutic models of care, noting some providers have already adopted such models of care.
3. The Department should ensure children are assessed for trauma symptoms when entering care through the holistic assessment (Recommendation 9.23) and, where needed, receive appropriate therapy and intervention for their trauma.

Theme	Lead Agency	Status	Related COI Recommendations
Prevention and protection Child safe cultures and awareness-raising	Department for Education, Children and Young People	Not yet commenced	9.3, 9.8, 9.23

The Government accepts this recommendation. Funding will be considered through State Budget processes. Implementation will be completed by July 2026.

### Recommendation 9.19

1. The Department for Education, Children and Young People, in developing a professional conduct policy (Recommendation 20.2), should ensure:
  - a. there is a separate professional conduct policy for staff who have contact with children and young people in Child Safety Services and out of home care
  - b. the professional conduct policy for Child Safety Services and out of home care, in addition to the matters set out in Recommendation 20.2, specifies expectations outlined in other relevant policies and procedures, including the policy on concerns about child safety and wellbeing and the duty of care owed by staff members
  - c. the professional conduct policy for Child Safety Services and out of home care articulates expected standards of behaviour for volunteers, contractors and sub-contractors, and carers

- d. the Department uses appropriate mechanisms to ensure compliance by volunteers, contractors and sub-contractors, and carers with the professional conduct policy for Child Safety Services and out of home care.
2. The Department should develop guidance material and information sessions for children in care about the expected behaviour of carers, staff, volunteers and adults in their lives.

Theme	Lead Agency	Status	Related COI Recommendations
Prevention and protection Collaboration and integration	Department for Education, Children and Young People	Underway	6.4, 12.10, 15.13, 20.2

The Government accepts this recommendation. Implementation will be completed by July 2026.

#### **Current actions**

The State Service Code of Conduct applies to all State Service employees, including those who work in Child Safety Services and Out of Home Care. Work is underway on the development of a professional conduct policy that will apply specifically to employees in the Child Safety Service and Out of Home Care teams. The policy will apply to employees (including fixed-term employees), volunteers, contractors and sub-contractors and other relevant adults.

The Department for Education, Children and Young People will work closely with the Department of Premier and Cabinet to ensure this work aligns with the proposed whole-of-government approach under Recommendation 20.2.

## Meeting children's needs

### **Recommendation 9.22**

1. The Department for Education, Children and Young People's out of home care processes, including assessments, placements and care planning, should be tailored to address the specific needs of individual children.
2. These processes should address the specific needs of all children, including Aboriginal children, children from other culturally diverse backgrounds, children with disability, children with mental illness and children who identify as LGBTQIA+.
3. The Department's empowerment and participation strategy for children and young people in out of home care (Recommendation 9.6) should include processes that enable children's views to inform all elements of their individual care, including their assessments, placements and care planning.

Theme	Lead Agency	Status	Related COI Recommendations
Participation and empowerment Accountability and integrity	Department for Education, Children and Young People	Not yet commenced	9.6, 9.15, 9.23, 9.24, 9.25, 9.26

The Government accepts this recommendation. Funding will be considered through State Budget processes. Implementation will be completed by July 2026.

### Recommendation 9.23

1. The Tasmanian Government should ensure all children in care have access to:
  - a. a timely holistic assessment when entering care across all domains of physical health, trauma and mental health, disability and educational need
  - b. health and wellbeing assessments conducted annually, or more often where there is an identified need.
2. Multidisciplinary health teams should provide expert consultation to the care team around a child about the child's needs, and input into the child's care plan.
3. The Department for Education, Children and Young People should create a specialised role to support children in out of home care to access the National Disability Insurance Scheme.

Theme	Lead Agency	Status	Related COI Recommendations
Prevention and protection Workforce expertise and capability	Department for Education, Children and Young People	Underway	9.18, 9.26

\*Commission of Inquiry recommended timeframe: by 1 July 2029.

Reason for bringing forward: Kids Care Clinics are already being rolled out by the Department of Health to provide holistic health assessments to children and young people identified as vulnerable.

The Government accepts this recommendation. Implementation will be completed by July 2026.

### Current actions

Each child entering Out of Home Care (OOHC) receives holistic assessment through the out of home care Paediatric Clinics being expanded across the community as “Kids Care Clinics”. These assessments include screening for trauma and making necessary referrals and recommendations regarding appropriate care. The Department for Education, Children and Young People (DECYP) will continue to implement care teams and care planning as the approach to meeting a child’s needs across all wellbeing domains. DECYP will also continue to engage with the Department of Health (including the Child and Adolescent Mental Health Service (CAMHS)) and the National Disability Insurance scheme in relation to the needs of children and young people.

### Recommendation 9.24

1. The Tasmanian Government should increase funding for specialist trauma therapy services for children in care to ensure their needs are met.
2. The Tasmanian Government should ensure the Child and Adolescent Mental Health Service’s new specialist mental health service for children in out of home care is resourced to meet demand.

Theme	Lead Agency	Status	Related COI Recommendations
Collaboration and integration Workforce expertise and capability	Department of Health	Underway	9.22, 9.23, 9.25, 9.26

The Government accepts this recommendation. Implementation will be completed by July 2026.

### Current actions

The CAMHS is developing a complementary family focused OOHC additional model that offers early intervention responses that therapeutically support the child or young people in their family context where clinically and environmentally indicated. This will include a focus on supporting parenting and parental mental health to strengthen whole-of-family mental health functioning.

The CAMHS reform is progressing the development of the specialist OOHC service within a stepped care model, to address the exceptional and complex needs of OOHC consumers. This service will be specifically tailored to deliver mental health assessments, and intensive, multi-disciplinary, primarily trauma-focused interventions and treatment options for those children within (or at risk of entering) OOHC who are identified as requiring this level of mental health service.

### Recommendation 9.25

DECYP should improve placement stability and reduce the risk of sexual abuse of children in care by:

- a. considering the views of the child or children about their out of home care placement
- b. using placement matching guidelines to aid placement decisions and support planning
- c. placing siblings together or maintaining sibling connection where safe to do so
- d. ensuring carers are aware of any history of abuse in relation to the child and the child's specific needs relevant to this
- e. introducing an intensive salaried or professional foster care model to allow children with challenging behaviours to remain in family-based care
- f. funding all placements (including kinship, foster, respite and residential care) to fully meet all the child's assessed needs to the extent these are not covered by other schemes (such as the National Disability Insurance Scheme and public health or education services).

Theme	Lead Agency	Status	Related COI Recommendations
Participation and empowerment Workforce expertise and capability	Department for Education, Children and Young People	Not yet commenced	9.21

The Government accepts this recommendation. Funding will be considered through State Budget processes. Implementation will be completed by July 2026.

### Recommendation 9.26

The Department for Education, Children and Young People should ensure:

- a. each child is involved in developing their care plan
- b. each child's care plan is informed by the holistic assessment (Recommendation 9.23) and the interests and aspirations of the child
- c. care plans include strategies to address identified risks of child sexual abuse, including the risk of harmful sexual behaviours and child sexual exploitation
- d. the care team reviews any risk assessments and management plans for child sexual abuse at least every six months, or more frequently if incidents occur or circumstances change such as when a new child joins the household.

Theme	Lead Agency	Status	Related COI Recommendations
Participation and empowerment Prevention and protection	Department for Education, Children and Young People	Not yet commenced	9.23

The Government accepts this recommendation. Funding will be considered through State Budget processes. Implementation will be completed by July 2026.

## Harmful sexual behaviours

### Recommendation 9.28

1. The Department for Education, Children and Young People should establish a Harmful Sexual Behaviours Support Unit to support best practice responses to harmful sexual behaviours across the Department, including in schools, Child Safety Services, out of home care and youth detention. The unit should:
  - a. provide advice, guidance, and support across the Department
  - b. develop context-specific policies for all settings informed by the Tasmanian Government's statewide framework and plan to address harmful sexual behaviours (Recommendation 21.8)
  - c. work closely with the Quality and Risk Committee (Recommendation 9.5) to ensure systemic risks, practice issues and opportunities for improvement are identified.
2. The Tasmanian Government should allocate additional funding to support responses to harmful sexual behaviours in out of home care and youth justice.
3. The Harmful Sexual Behaviours Support Unit should develop detailed out of home care-specific policies, protocols and practice guidance to support best practice responses to harmful sexual behaviours in out of home care.
4. The Department should ensure the advanced professional development for departmental staff in understanding and responding to harmful sexual behaviours (Recommendation 9.11) includes tailored professional development for both Child Safety Officers and carers, and is available to staff in relevant roles in schools and youth justice.
5. The Department should ensure staff working in the Harmful Sexual Behaviours Support Unit are suitably experienced or undertake additional professional development to advance their knowledge in responding to harmful sexual behaviours.
6. The Department should ensure Power to Kids or another program or approach with comparable components is implemented in government funded residential care homes as a supplementary strategy to address the heightened risk of harmful sexual behaviours (including child sexual exploitation and dating violence) in out of home care.

Theme	Lead Agency	Status	Related COI Recommendations
Accountability and integrity Workforce expertise and capability	Department for Education, Children and Young People	Underway	9.5, 9.11, 21.8

\*Commission of Inquiry recommended timeframe: by 1 July 2029.

Reason for bringing forward: Establishment of the Harmful Sexual Behaviours Unit is necessary to support the implementation of several other recommendations. Moving this recommendation forward will enable sequencing necessary for other recommendations to be achieved.

The Government accepts this recommendation. Funding will be considered through State Budget processes. Implementation will be completed by July 2026.

### Current actions

Early action has been taken to increase resources in schools to assist with addressing issues associated with harmful sexual behaviours.

## Responding to complaints and concerns about child sexual abuse

### Recommendation 9.31

1. The Department for Education, Children and Young People should develop and maintain a complaints policy and procedures for Child Safety Services and out of home care. The policy and procedures should:
  - a. explain how to make a complaint and who to complain to using a 'no wrong door' approach
  - b. direct who should be informed when a person receives a complaint
  - c. direct who is responsible for responding and within what timeframes
  - d. ensure a child-friendly complaints procedure is made available to all children in care
  - e. apply to all types of complaints or incidents
  - f. cross-refer to the new concerns about the safety and wellbeing of children in care policy (Recommendation 9.32)
  - g. explain how to seek an internal review of a decision made by the Department
  - h. outline how to provide feedback and support for a complainant.
2. The Department should implement a centralised complaints and incident recording system.
3. The Chief Practitioner should receive all complaints about Child Safety Services and out of home care and be adequately resourced to receive, triage, record, monitor and coordinate responses.
4. The Chief Practitioner should report regularly on complaints handling to the Quality and Risk Committee and the Commission for Children and Young People.
5. The complaints policy and procedure should be published on the Department's website.

Theme	Lead Agency	Status	Related COI Recommendations
Accountability and integrity Prevention and protection	Department for Education, Children and Young People	Underway	9.17; 9.32

The Government accepts this recommendation. Implementation will be completed by July 2026.

## Current actions

Work is underway to establish a Complaints Management Oversight Unit within the Department for Education, Children and Young People to strengthen the complaints management process for children and young people. The team's early work will include determining system and reporting requirements and overseeing the development or procurement process; establishing an internal review process; and ensuring that every child and young person in out of home care and their carers, and every young person involved with Youth Justice Services, is provided with accessible and child-friendly information about how to make a complaint.

## Independent advocacy and oversight

### Recommendation 9.33

1. The Tasmanian Government should establish an independent Child Advocate, to be included in the Commission for Children and Young People (Recommendation 18.6).
2. The Child Advocate should have responsibility for:
  - a. the independent community visitor scheme (Recommendation 9.34)
  - b. individual advocacy for children, including making complaints to the Ombudsman on behalf of a child in care (Recommendation 9.35)
  - c. the permanent out of home care advisory group (Recommendation 9.6).

Theme	Lead Agency	Status	Related COI Recommendations
Accountability and integrity Workforce expertise and capability	Department of Premier and Cabinet	Not yet commenced	9.6, 9.34, 9.35, 18.6

The Government accepts this recommendation, noting that a non-statutory child advocate position was created in 2018. The creation of the Child Advocate position in the Commission for Children and Young People will build on the learnings from the non-statutory position. Funding will be considered through State Budget processes. Implementation will be completed by July 2026.

### Recommendation 9.37

1. The Secretary of the Department for Education, Children and Young People should notify the Commission for Children and Young People of sexual abuse allegations involving children in out of home care that fall outside the Reportable Conduct Scheme, including incidents of child abuse by non-carers, and of the outcomes of investigations into those allegations.
2. The Commission for Children and Young People should have the power to require the Department to provide it with information about its responses to such allegations.

Theme	Lead Agency	Status	Related COI Recommendations
Collaboration and integration Accountability and integrity	Department for Education, Children and Young People	Not yet commenced	12.15

The Government accepts this recommendation. Funding will be considered through State Budget processes. Implementation will be completed by July 2026.

## Children in youth detention

### Addressing the legacy of abuse

#### Recommendation 12.1

The Tasmanian Government should close Ashley Youth Detention Centre as soon as possible.

Theme	Lead Agency	Status	Related COI Recommendations
Prevention and protection Child safe cultures and awareness-raising	Department for Education, Children and Young People	Underway	12.16

The Government accepts this recommendation. Implementation will be completed by July 2026.

#### Current actions

The Government is committed to closing Ashley Youth Detention Centre and transition to new contemporary therapeutic facilities and model of care, as one part of its comprehensive reform of the entire youth justice system.

Following a comprehensive search of suitable sites and community consultation, 466 Brighton Road Pontville has been selected as the preferred site for the new youth detention facility. Planning has commenced regarding the design and function of the facility and may require adjustment of timeframes, once further information is available.

Site assessments are also now underway, and it is currently planned that the Site Masterplan will go out for public consultation in the second half of 2024. This will inform the Development Application to Council, which is expected to be lodged in 2025, with construction to commence soon after.

#### Recommendation 12.2

Once Ashley Youth Detention Centre is closed, the Tasmanian Government should establish a memorial to victim-survivors who experienced abuse at the Centre. The form and location of the memorial should be decided in consultation with victim-survivors of abuse at Ashley Youth Detention Centre.

Theme	Lead Agency	Status	Related COI Recommendations
Child safe cultures and awareness-raising Participation and empowerment	Department of Justice	Not yet commenced	12.1, 12.3

The Government accepts this recommendation. Funding will be considered through State Budget processes. Implementation will be completed by July 2026.

### Recommendation 12.3

The Tasmanian Government should ensure no person who has been detained at Ashley Youth Detention Centre is detained or imprisoned in any redeveloped facility at the same site unless the person expresses a preference for this to occur.

Theme	Lead Agency	Status	Related COI Recommendations
Participation and empowerment Collaboration and integration	Department of Justice	Not yet commenced	12.1, 12.2

The Government accepts this recommendation. Funding will be considered through State Budget processes. Implementation will be completed by July 2026.

### Recommendation 12.4

The Department for Education, Children and Young People should work with the Office of the State Archivist to:

- a. establish a process to identify, recover, restore, collate, digitise, index and catalogue all historical records relating to children and young people and staff at Ashley Youth Detention Centre, and all other children in, or staff or carers connected with, state care
- b. ensure digitised records are searchable, retrievable, secure and protected against corruption or loss
- c. determine which physical records should be retained following digitisation, and maintain these physical records in line with the National Royal Commission's record-keeping principles
- d. determine protocols and guidance on how people who have been detained at Ashley Youth Detention Centre can access their records.

Theme	Lead Agency	Status	Related COI Recommendations
Collaboration and integration Prevention and protection	Department for Education, Children and Young People	Underway	12.5

\*Commission of Inquiry recommended timeframe: by 1 July 2024.

Reason it will take longer: Work is underway. The remaining work will be quantified, and a work program established by June 2024 to enable digitisation to be completed over 2024 and 2025.

The Government accepts this recommendation. Implementation will be completed by July 2026.

### Current actions

In response to the recommendations of the Royal Commission into Institutional Responses to Child Sexual Abuse, the Office of the State Archivist developed and published the Royal Commission Toolkit. The purpose of this resource is to guide government agencies in the creation, management and retention of records relating to child abuse.

The toolkit includes a disposal schedule for records relating to child abuse, the retention periods in this schedule are based on the Royal Commission recommendations and on community expectations. It will be applied by the Tasmanian Archives to determine which physical records should be retained following digitisation of the related records.

Digitisation of historical records held in the Tasmanian Archives relating to children and young people and staff at Ashley Youth Detention Centre, and all other children in, or staff or carers connected with, state care is well advanced having commenced in response to the establishment of the Commission of Inquiry.

### Recommendation 12.5

The Tasmanian Government should:

- a. conduct an audit of allegations arising from
  - i. claims made under the Abuse in State Care Program, the Abuse in State Care Support Service and the National Redress Scheme
  - ii. civil claims in relation to Ashley Youth Detention Centre or the out of home care system
  - iii. complaints regarding Ashley Youth Detention Centre or the out of home care system to identify any current or former staff in government institutions or carers in the out of home care system who are the subject of child abuse allegations, including child sexual abuse
- b. ensure the names and details of any staff or carers identified by the audit are added to the cross-government register of misconduct (including unsubstantiated allegations) concerning child sexual abuse (Recommendation 20.9)

- c. ensure all relevant information derived from the audit is provided to Tasmania Police, Child Safety Services, the Registrar of the Registration to Work with Vulnerable People Scheme and the Independent Regulator under the *Child and Youth Safe Organisations Act 2023*, disciplinary action is considered, and the current safety of children in institutions prioritised
- d. require the Department of Justice to
  - i. pass on to the Department for Education, Children and Young People and other relevant departments as a matter of urgency the full details (rather than a summary) of any relevant National Redress Scheme application or claim under any future state redress scheme that the Department of Justice administers
  - ii. make appropriate notifications to Tasmania Police, Child Safety Services, the Registrar of the Registration to Work with Vulnerable People Scheme and the Independent Regulator under the *Child and Youth Safe Organisations Act 2023* in relation to allegations in National Redress Scheme applications or claims under a future state redress scheme
- e. advocate at a national level to review the information-sharing framework in the *National Redress Scheme for Institutional Child Sexual Abuse Act 2018* (Cth) and the National Redress Scheme's Operational Manual for Participating Institutions to
  - i. ensure information about current risks to children is reported to police, child protection authorities, authorities responsible for registration to work with children and administrators of reportable conduct schemes in the timeliest manner and by the most appropriate entity
  - ii. identify the most appropriate point in the process for the National Redress Scheme Operator to seek consent from applicants to share information with relevant authorities
- f. implement systems to enable future monitoring of National Redress Scheme applications, claims under any future state redress scheme and civil claims to identify current staff in government institutions or carers in the out of home care system who are the subject of child abuse allegations, including by adding relevant information to the recommended register of misconduct concerning child sexual abuse (Recommendation 20.9)
- g. make appropriate supports available to victim-survivors who disclose abuse at Ashley Youth Detention Centre, including warm referrals, with permission, to sexual assault counsellors who have training and experience in working with victim-survivors of child sexual abuse
- h. remove any barriers to information sharing that would prevent the implementation of this recommendation.

Theme	Lead Agency	Status	Related COI Recommendations
Prevention and protection Accountability and integrity	Department of Justice	Underway	20.9

The Government accepts this recommendation. Implementation will be completed by July 2026.

### Current actions

Progress on this recommendation is being progressed by Phase 2 of the Joint Safety and Accountability Team (JSAT).

The JSAT is a multi-agency team comprised of key law enforcement and regulatory authorities.

JSAT has already commenced the critical scoping work to assess the task ahead, meeting on a weekly basis. Once this scoping work is completed, JSAT will move into the auditing phase of the records.

## Cultural change

### Recommendation 12.6

The Department for Education, Children and Young People should:

- a. have appropriate processes in place to ensure leaders in youth detention have the knowledge, skills, aptitude and core capability requirements to effectively manage people and to lead a child safe organisation
- b. ensure the person who holds the position of Executive Director, Services for Youth Justice, has knowledge and understanding of youth justice and therapeutic models of care in youth justice, and experience in providing strategic direction and leadership
- c. ensure cultural change in youth detention is included in the key performance indicators of the Secretary, Associate Secretary and Executive Director, Services for Youth Justice
- d. reclassify the position of Manager, Custodial Youth Justice from Band 8 in the Tasmanian State Service Award to at least a Senior Executive Service Level 1
- e. ensure the position description and performance measures for the role of Manager, Custodial Youth Justice include implementing cultural change in youth detention.

Theme	Lead Agency	Status	Related COI Recommendations
Child safe cultures and awareness-raising Workforce expertise and capability	Department for Education, Children and Young People	Not yet commenced	None

The Government accepts this recommendation. Funding will be considered through State Budget processes. Implementation will be completed by July 2026.

### Recommendation 12.7

The Tasmanian Government should:

- a. develop measures to monitor and evaluate progress towards cultural change in youth detention and include these in the Outcomes Framework under the Youth Justice Blueprint and associated action plans
- b. include monitoring and evaluation of progress towards cultural change in youth detention in the Youth Justice Reform Governance Framework
- c. urgently begin data collection and monitoring of progress towards cultural change
- d. ensure there is an ongoing governance structure to oversee and monitor the functioning of the youth justice system, including the performance and culture of youth detention, beyond the implementation of the youth justice reforms
- e. fund the Department for Education, Children and Young People to immediately appoint a culture change manager at Ashley Youth Detention Centre reporting to the Centre Manager and whose role is to work with and support the Centre Manager to
  - i. drive cultural change in youth detention
  - ii. create a child safe organisation
  - iii. establish a positive, collaborative and supportive working environment
- f. maintain the culture change manager position or function beyond the closure of Ashley Youth Detention Centre for as long as monitoring indicates there is a need for it.

Theme	Lead Agency	Status	Related COI Recommendations
Child safe cultures and awareness-raising Accountability and integrity	Department for Education, Children and Young People	Underway	12.6

The Government accepts this recommendation. Implementation will be completed by July 2026.

#### Current actions

The Department for Education, Children and Young People (DECYP) is currently reviewing the structure of Services for Youth Justice, including key leadership roles in youth detention. This work will include appointment of a Culture Change Manager at Ashley Youth Detention Centre. DECYP will develop measures to monitor and evaluate cultural change at the Centre, which may include surveys of staff, children and young people and key stakeholders.

### 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. The strategy should include:

- a. the establishment of a permanent advisory group that
  - i. includes children, young people and young adults up to the age of 25 years with previous experience of youth detention in Tasmania, including Aboriginal people and people with disability
  - ii. has clear terms of reference developed in consultation with young people with experience of detention
  - iii. enables its members to participate in a safe and meaningful way and express their views on measures to empower children and young people in detention (including the role and purpose of the Resident Advisory Group) and achieve cultural change in detention
  - iv. meets regularly and is chaired by a person independent of the Department and attended by a senior departmental leader
  - v. is adequately funded and resourced
- b. a review of the Ashley Youth Detention Centre Resident Advisory Group to ensure it conforms with best practice principles for children's participation and provides a safe forum for children and young people in detention to express their views, including on measures to achieve cultural change in detention, without fear of reprisal
- c. a consultation forum for children and young people in any youth detention facility that replaces Ashley Youth Detention Centre
- d. mechanisms to ensure children and young people in detention are aware of their rights
- e. regular monitoring and evaluation of the effectiveness of the empowerment and participation strategy.

Theme	Lead Agency	Status	Related COI Recommendations
Child safe cultures and awareness-raising Participation and empowerment	Department for Education, Children and Young People	Not yet commenced	9.6, 18.6

The Government accepts this recommendation. Funding will be considered through State Budget processes. Implementation will be completed by July 2026.

## Reducing the number of children in youth detention

### Recommendation 12.12

The Tasmanian Government should ensure legislation to replace or amend the *Youth Justice Act 1997* contains updated general principles of youth justice that reflect contemporary understandings of child development, children's antisocial behaviour and children's needs.

Theme	Lead Agency	Status	Related COI Recommendations
Accountability and integrity Prevention and protection	Department for Education, Children and Young People	Underway	12.31, 12.32, 12.33

The Government accepts this recommendation. Implementation will be completed by July 2026.

#### Current actions

The Department for Education, Children and Young People has commenced a legislative review program which will include substantive reviews of both the *Youth Justice Act 1997* and the *Children, Young Person and Their Families Act 1997*. The scope of these reviews includes giving effect to the recommendations of the Commission of Inquiry as well as delivering a contemporary child-centred, trauma-informed approach for children and young persons involved in youth justice and/or in care.

This work will be aligned with the Government's Youth Justice Blueprint, which outlines the strategic direction for Tasmania's youth justice system for the next 10 years, with the aim of improving the wellbeing of children, young people and their families while addressing the underlying drivers of offending behaviours, reducing offending and improving community safety.

## Creating a child-focussed youth detention system

### Recommendation 12.16

The Tasmanian Government should ensure its proposed new detention facility (and any future detention facilities) are small and homelike and incorporate design features that reflect best practice international youth detention facilities. This includes features that:

- a. promote the development of trusting and therapeutic relationships between staff and children and young people
- b. facilitate and enhance trauma-informed, therapeutic interventions for children and young people
- c. minimise stigma to children and young people
- d. facilitate and promote connections between children and young people, and their families and communities

- e. protect children and young people against the risks of child sexual abuse (including harmful sexual behaviours)—for example, by enabling line-of-sight supervision as far as possible, without infringing on children and young people’s privacy.

Theme	Lead Agency	Status	Related COI Recommendations
Child safe cultures and awareness-raising Participation and empowerment	Department for Education, Children and Young People	Underway	12.1

\*Commission of Inquiry recommended timeframe: by 1 July 2029.

Reason for bringing forward: Detailed planning is underway regarding the design and function of the facility and may require adjustment of this timeframe, once further information is available.

The Government accepts this recommendation. Implementation will be completed by July 2026.

**Current actions**

The Government is progressing its plan to close the Ashley Youth Detention Centre and transition to new youth justice facilities that support a therapeutic model of care, as one part of our comprehensive reform of the entire youth justice system. The proposed new statewide centre will provide the opportunity for intensive intervention and rehabilitation through a therapeutic model of care. It will be smaller than the current Ashley Youth Detention Centre and incorporate design features that reflect best practice international youth detention facilities.

**Recommendation 12.17**

1. The Tasmanian Government, to enhance the safety of children and young people in Ashley Youth Detention Centre and any new detention facility, should:
  - a. ensure all public areas of the facility are subject to electronic surveillance
  - b. introduce viewing panel swipe readers
  - c. introduce body-worn cameras, supported by comprehensive policies and procedures for their use by staff
  - d. develop and implement a policy for managing and retaining surveillance footage that
    - i. takes account of the record-keeping principles identified by the National Royal Commission and the disposal freeze on records relating to children issued by the Office of the State Archivist
    - ii. promotes transparency of staff conduct and enables regular audits of staff performance to be undertaken
    - iii. requires footage to be made available on a timely basis on the lawful request of a government department or oversight body.

2. The Commission for Children and Young People (Recommendation 18.6) should annually review the use of electronic surveillance in detention to determine whether it increases children and young people’s feelings of safety in detention and should continue to be used. The initial review should seek the views of children and young people at Ashley Youth Detention Centre on whether electronic surveillance should be deployed in the proposed new detention facility.

Theme	Lead Agency	Status	Related COI Recommendations
Prevention and protection Accountability and integrity	Department for Education, Children and Young People	Underway	12.1, 12.16

The Government accepts this recommendation. Implementation will be completed by July 2026.

#### Current actions

Significant work is underway to meet the recommendations listed under Part (1), to enhance safety at Ashley Youth Detention Centre. Enhancements to CCTV coverage are currently underway, with additional cameras now installed. Viewing panel swipe readers have been introduced, and body-worn cameras have been introduced in a trial capacity.

By introducing electronic surveillance and other mechanisms to keep children and young people safe within youth justice facilities, the intention is to ensure that the risk of harm to children and young people is reduced and supported by child-centred policies and services that uphold their rights.

#### **Recommendation 12.18**

1. The Tasmanian Government should ensure:
  - a. use of the Behaviour Development Program is discontinued in Ashley Youth Detention Centre and not adopted in any new detention facility
  - b. the Youth Justice Model of Care planned to be developed by 2025 includes a specific operating philosophy, service objectives and service standards for detention facilities that are based on non-punitive, child-centred, trauma-informed, culturally safe practice and reflect international best practice in youth justice
  - c. staff in youth detention facilities have the skills needed to undertake evidence based, trauma-informed, child-centred interventions with children and young people, including the skills to anticipate, de-escalate and respond effectively to challenging behaviours without resorting to force or restrictive practices
  - d. implementation of the Youth Justice Model of Care and updated Practice Framework for youth detention is monitored by the governance structure outlined in Recommendation 12.7.

2. The Custodial Inspector, or the body responsible for inspection standards for youth detention centres in Tasmania, should review standards and guidelines on the appropriate use in youth detention of behaviour management programs that incorporate incentives and rewards, having regard to international best practice and research on effective responses to children and young people with trauma backgrounds and emotional regulation challenges.

Theme	Lead Agency	Status	Related COI Recommendations
Child safe cultures and awareness-raising Prevention and protection	Department for Education, Children and Young People	Underway	12.7, 12.9

The Government accepts this recommendation. Implementation will be completed by July 2026.

#### Current actions

The Department for Education, Children and Young People has begun work on the Youth Justice Model of Care which will incorporate an operating philosophy, the service objectives, and an agreed approach that includes service standards applicable across the youth justice system. Working to a common model of care will ensure that service delivery is child and young person centred and there is a shared understanding on what a therapeutic approach to youth justice means. The voices of children and young people with involvement in the youth justice system will be central to the development process. It is anticipated that the Model of Care will be delivered mid-2024.

The Custodial Inspector will shortly be publishing draft expectations for consultation relating to children and young people deprived of their liberty. This expectations document, when finalised, will replace existing Inspection Standards for Youth Custodial Centres in Tasmania.

The draft contains an expectation about behaviour management within youth detention. This will be reviewed in light of the Commission of Inquiry's recommendation before the final version of the document is published. The matter will also be brought to the attention of stakeholders when the expectations go out for consultation to see if civil society has any insights that can assist.

#### Recommendation 12.19

The Tasmanian Government should:

- a. establish clear processes and guidelines for assessment, case planning and case management for children and young people in detention, to enable the delivery of tailored, multidisciplinary, therapeutic responses to each child and young person as part of their daily routine, which meet their health and wellbeing needs and address the factors contributing to their offending behaviour

- b. implement a collaborative, multidisciplinary approach to responding to each child and young person in detention that includes all relevant service providers and, to the greatest extent possible, the child or young person’s family
- c. develop a memorandum of understanding between agencies involved in delivering services to children and young people in detention, including child protection, health, disability support and education that
  - i. describes the roles and responsibilities of each agency in case planning and case management
  - ii. commits to agencies adopting a collaborative, child-centred approach
  - iii. contains clear protocols for record keeping, information sharing, incident reporting and dispute resolution
- d. ensure each child or young person in detention (and/or their representative) is given the opportunity to participate in case planning and case management processes, express their views and have those views given due weight
- e. ensure each child and young person on remand has access to therapeutic services and supports, with statutory protections that prohibit using disclosures made during interventions and programs on remand as evidence of guilt.

Theme	Lead Agency	Status	Related COI Recommendations
Collaboration and integration Participation and empowerment	Department for Education, Children and Young People	Underway	None

The Government accepts this recommendation. Implementation will be completed by July 2026.

#### **Current actions**

Work on this recommendation has commenced and full implementation will be considered in collaboration with the Magistrates Court and other government agencies. The Government is committed to developing a youth justice system that achieves better outcomes for young people and their families, and keeps our community safe. Through the comprehensive reforms outlined in the Youth Justice Blueprint 2024 – 2034, the Government will enhance responses across the entire service system to ensure a collaborative, multidisciplinary and therapeutic approach. This includes establishing clear processes and guidelines for assessment, case planning and case management of children and young people across services for Youth Justice within the Department for Education, Children and Young People to enable the delivery of tailored, multidisciplinary, therapeutic services that support health and wellbeing and address the underlying drivers of offending behaviour.

### Recommendation 12.21

The Tasmanian Government should ensure children and young people in detention (including on remand):

- a. receive a mental and physical health assessment on admission to the detention facility, and when needed while in detention
- b. have access to 24/7 medical care.

Theme	Lead Agency	Status	Related COI Recommendations
Prevention and protection Workforce expertise and capability	Department of Health	Underway	12.20

\*Commission of Inquiry recommended timeframe: by 1 July 2024.

Reason why it will take longer: Under the new proposed youth justice model, correctional primary health services seek to expand their existing model to provide in-reach services to a southern detention centre, two assisted bail facilities (one in the North and one in the South) and two supported facilities (in the South and North-West). The expansion of the service model and workforce will commence in 2024, with an expected completion by 1 July 2025.

The Government accepts this recommendation. Implementation will be completed by July 2026.

#### Current actions

Children and young people currently have access to 24/7 medical care through a nurse available ten hours per day, and on-call for the remaining 14 hours. General practice clinics are held weekly at Ashley Youth Detention Centre, approximately for 2.5 hours per week.

### Recommendation 12.22

The Department for Education, Children and Young People should:

- a. ensure the Youth Justice Model of Care emphasises the central importance for children and young people in detention of access to high-quality education and vocational training that is tailored to their individual learning needs and that includes learning life skills
- b. make education programs and other structured activities accessible to all children and young people in detention (including on remand)
- c. ensure a child or young person's access to educational programs or physical exercise in detention is not linked to, or limited by, their ranking in behaviour management programs
- d. develop and establish partnerships with community organisations to create employment and training opportunities for children and young people leaving detention.

Theme	Lead Agency	Status	Related COI Recommendations
Participation and empowerment Prevention and protection	Department for Education, Children and Young People	Underway	12.24

The Government accepts this recommendation. Implementation will be completed by July 2026.

### Current actions

The Youth Justice Blueprint recognises the importance of engaging or re-engaging young people in learning at all points along the youth justice continuum to divert them away from the youth justice system wherever possible. This includes for young people in detention, including those on remand. The planned Model of Care will also recognise the importance of learning and engagement in education to achieving the best outcomes for children and young people. The therapeutic approach will target underlying drivers of offending and promote engagement and supports through education, social and emotional wellbeing, family and community connection, and cultural safety.

Ashley School has recently appointed an Assistant Principal with extensive experience in years 11 and 12 and is focussed on increasing student engagement and attainment. The Department for Education, Children and Young People is also working with an external Literacy Coach to ensure the school is offering sound reading interventions. Professional Learning for all staff on Speaking, Listening and Interacting has been arranged for early 2024.

### Recommendation 12.25

The Tasmanian Government should introduce a new process for approving transfers of young people from youth detention to an adult prison facility that:

- a. limits transfers to young people aged 16 years or older
- b. requires the Department for Education, Children and Young People to notify the Commission for Children and Young People (Recommendation 18.6) of any proposed transfer
- c. requires the Department to apply to the Magistrates Court (Youth Justice Division) or the new specialist children's division of the Magistrates Court (Recommendation 12.15) for approval to transfer
- d. requires the Magistrates Court, in determining whether to approve the transfer, to consider, among other matters, the steps the Department has taken to avoid the need for the transfer, whether the transfer is in the young person's best interests and the views of the Commission for Children and Young People on the appropriateness of the transfer.

Theme	Lead Agency	Status	Related COI Recommendations
Accountability and integrity Participation and empowerment	Department for Education, Children and Young People	Underway	12.15, 18.6

The Government accepts this recommendation. Implementation will be completed by July 2026.

### Current actions

The decision to transfer a young person from Ashley Youth Detention Centre (AYDC) is a last resort, with consideration of an array of risk factors. Implementation planning will start in the future, and will include consideration of legislative amendments required, as well as approval and notification processes.

## Aboriginal children in youth detention

### Recommendation 12.27

1. The Tasmanian Government, to protect Aboriginal children and young people against the risk of sexual abuse in youth detention, should urgently develop, in partnership with Aboriginal communities, an Aboriginal youth justice strategy that is underpinned by self-determination and that focuses on prevention, early intervention and diversion strategies for Aboriginal children and young people. Aboriginal communities should be funded to participate in developing the strategy.
2. The strategy should consider and address, among other matters:
  - a. legislative reform to enable recognised Aboriginal organisations to design, administer and supervise elements of the youth justice system for Aboriginal children and young people
  - b. capacity building and funding for recognised Aboriginal organisations to participate in youth justice decision making in relation to Aboriginal children and young people, and to deliver youth justice services to Aboriginal children and young people
  - c. the use of police discretion in the investigation and processing of Aboriginal children and young people, including cautioning, arrest, custody, charging and bail
  - d. alternative pre-court diversionary options for Aboriginal children and young people
  - e. mechanisms to increase the likelihood of Aboriginal children and young people receiving bail and minimise the number of Aboriginal children and young people on remand, including culturally responsive supported bail accommodation and other bail assistance programs, and legislative reform to require bail decision makers to consider a child's Aboriginal status
  - f. mechanisms to support Aboriginal children and young people to comply with the conditions of community-based youth justice orders, to minimise their likelihood of breaching conditions and entering detention.

Theme	Lead Agency	Status	Related COI Recommendations
Participation and empowerment Accountability and integrity	Department for Education, Children and Young People	Not yet commenced	9.14, 9.34, 12.8, 12.28 12.29 12.36 12.39 15.10 16.1 16.2

The Government accepts this recommendation. Funding will be considered through State Budget processes. Implementation will be completed by July 2026.

**Recommendation 12.28**

The Tasmanian Government should ensure:

- a. any new facilities intended to replace Ashley Youth Detention Centre are co-designed with Aboriginal communities and include culturally enriching environments for Aboriginal children and young people that promote connection to family, community and Country
- b. the Aboriginal youth justice strategy (Recommendation 12.27) considers whether a small, homelike facility that has Aboriginal staff, provides trauma-informed care and enables Aboriginal children and young people to connect with culture through the involvement of local Aboriginal communities, should be established specifically for Aboriginal children and young people who are remanded or serving a custodial sentence. Careful consideration should be given to the most appropriate management model for such a facility.

Theme	Lead Agency	Status	Related COI Recommendations
Participation and empowerment Collaboration and integration	Department for Education, Children and Young People	Not yet commenced	12.27, 12.29

The Government accepts this recommendation. Funding will be considered through State Budget processes. Implementation will be completed by July 2026.

**Recommendation 12.29**

The Tasmanian Government should take steps to ensure Ashley Youth Detention Centre and any replacement facilities are culturally safe for Aboriginal children and young people. These steps should include:

- a. updating admission procedures and case management guidelines to require staff to
  - i. ask children and young people who identify as Aboriginal whether they would like the support of an Aboriginal organisation or an Aboriginal community member while they are detained
  - ii. notify the nominated organisation or individual within 12 hours of the child or young person’s admission
  - iii. facilitate the involvement of the child or young person’s nominated representative in case planning, case management and exit planning in respect of the child or young person
- b. updating relevant guidelines and procedures to require staff to consult with an Aboriginal child or young person’s community to determine how best to provide individual cultural support to the child or young person while they are in detention

- c. working with Aboriginal communities to establish ongoing cultural programs for Aboriginal children and young people in detention, such as visiting Elders programs, on-Country programs and cultural mentoring programs
- d. ensuring the new policy on supporting children and young people in detention to maintain connections to their families and communities (Recommendation 12.23) emphasises the central importance of connection to family, community, and culture for the wellbeing of Aboriginal children and young people in detention
- e. establishing the role of Aboriginal liaison officer in youth detention to support Aboriginal children and young people, including by facilitating cultural support and becoming involved in case planning, case management and exit planning
- f. ensuring the updated Ashley Youth Detention Centre Learning and Development Framework is designed to equip staff with the knowledge and skills to provide a culturally safe environment for Aboriginal children and young people, including providing trauma-informed and culturally safe responses to children and young people engaging in self-harm or other challenging behaviours.

Theme	Lead Agency	Status	Related COI Recommendations
Participation and empowerment Workforce expertise and capability	Department for Education, Children and Young People	Not yet commenced	12.10, 12.16, 12.27, 12.28

The Government accepts this recommendation. Implementation will be completed by July 2026.

## Harmful sexual behaviours in youth detention

### Recommendation 12.30

1. The Harmful Sexual Behaviours Support Unit (Recommendation 9.28) should develop detailed youth justice-specific policies, protocols and practice guidelines to support best practice responses to harmful sexual behaviours in youth detention and other residential youth justice facilities.
2. All incidents of harmful sexual behaviours in youth detention or other residential youth justice facilities should be reported to:
  - a. the Harmful Sexual Behaviours Support Unit to enable data on harmful sexual behaviours in youth detention and other residential youth justice facilities to be included in the Department for Education, Children and Young People's monitoring and oversight of harmful sexual behaviours through the new Quality and Risk Committee (Recommendation 9.5)
  - b. the Commission for Children and Young People (Recommendation 18.6).

3. The Department should explore the potential to implement Power to Kids (or another program or approach with comparable components) in youth detention and other residential youth justice facilities as a supplementary strategy to address the heightened risk of harmful sexual behaviours in those settings and take a proactive approach to prevention.
4. The Tasmanian Government should ensure measures are in place to facilitate timely access to specialist therapeutic interventions for children in youth detention displaying or harmed by harmful sexual behaviours. Where treatment is likely to extend beyond their custodial sentence this should be provided by a clinician external to the detention centre who can continue the treatment after the child is released from detention.

Theme	Lead Agency	Status	Related COI Recommendations
Accountability and integrity Prevention and protection	Department for Education, Children and Young People	Underway	9.5, 9.28, 18.6

The Government accepts this recommendation. Implementation will be completed by July 2026.

#### Current actions

Through the new Harmful Sexual Behaviours Support Unit (Recommendation 9.28), the Department for Education, Children and Young People will develop youth justice specific policies, protocols and practice guidelines to support best practice responses to harmful sexual behaviours in youth justice facilities, including reviewing reporting functions and ensuring that timely, specialist therapeutic interventions are provided to young people. An important part of this will include developing a reporting system to enable data on harmful sexual behaviours to be monitored in youth detention and other youth justice facilities.

## Searches, isolation and use of force

### Recommendation 12.31

- 1 The Tasmanian Government should introduce legislation to amend the *Youth Justice Act 1997* to ensure the Act expressly prohibits fully unclothed searches of children and young people in detention.
2. The Department for Education, Children and Young People should:
  - a. introduce body scanner technology at Ashley Youth Detention Centre and include such technology in any facility designed to replace the Centre
  - b. update the Department's Personal Searches of Young People Detained at AYDC procedure to
    - i. define a fully unclothed search as a form of child sexual abuse
    - ii. explicitly outline the hierarchy of search options, from the least to the most intrusive
    - iii. align gender requirements for staff who conduct or observe searches with requirements in the *Youth Justice Act 1997*

- iv. specify internal and external reporting requirements in relation to searches
- c. publish the personal searches procedure on the Department's website
- d. consider what search policies and procedures, if any, should apply in the proposed new assisted bail and supported residential facilities
- e. ensure Ashley Youth Detention Centre (and any future detention facility) provides
  - i. monthly reports on searches of children and young people in detention to the Secretary
  - ii. quarterly reports on searches of children and young people in detention to the Quality and Risk Committee (Recommendation 9.5) to enable it to monitor trends and identify any areas of concern
  - iii. the search register and all relevant supporting documentation to the Commission for Children and Young People (Recommendation 18.6) on a monthly basis or more frequently, as agreed with the Commission for Children and Young People.

Theme	Lead Agency	Status	Related COI Recommendations
Prevention and protection Accountability and integrity	Department for Education, Children and Young People	Underway	9.5, 12.32, 12.33, 18.6

The Government accepts this recommendation. Implementation will be completed by July 2026.

### Current actions

Procedures currently in place at the Ashley Youth Detention Centre prohibit fully unclothed searches and include a hierarchy of search options from least to most intrusive. To further uphold the rights and dignity of young people in detention, a body scanner has been installed at the Centre. Work is currently underway to refine the searches procedures to support the use of the body scanner with consultation from experts to ensure the procedures are developed using a therapeutic, trauma-informed approach which considers and incorporates the rights of the child.

### Recommendation 12.32

1. The Tasmanian Government should introduce legislation to amend the *Youth Justice Act 1997* to ensure the Act:
  - a. makes clear that confining a detainee in their room or unit and preventing them from having contact with other detainees (other than overnight) constitutes isolation, regardless of the label used to refer to the practice
  - b. clarifies that the use of isolation as a punishment is a prohibited action and makes it a criminal offence for a person to punish a detainee by isolating them or causing them to be isolated
  - c. refers expressly to the principle that isolation should only be used as a measure of last resort and for the minimum time necessary.

2. The Department for Education, Children and Young People should:
  - a. update the Department's Use of Isolation procedure to
    - i. make clear that confining a detainee in their room or unit and preventing them from having contact with other detainees (other than overnight) constitutes isolation, regardless of the label used to refer to the practice
    - ii. specify clearly who is a delegate of the Secretary or the detention centre manager for the purpose of authorising isolation and extensions of isolation
    - iii. require isolation beyond three hours to be authorised by a senior departmental official such as a Director
    - iv. specify internal and external reporting requirements in relation to isolation
  - b. publish the updated Use of Isolation procedure on the Department's website
  - c. ensure Ashley Youth Detention Centre (and any future detention facility) records information on lockdowns, including the reason for the lockdown, details of authorisation processes, the duration of the lockdown, the number of children and young people isolated during the lockdown, measures adopted during the lockdown to meet the needs of children and young people and support their health and wellbeing, and steps taken after the lockdown to address its effects on children and young people
  - d. ensure Ashley Youth Detention Centre (and any future detention facility) provides
    - i. monthly reports on isolation and lockdowns in detention to the Secretary
    - ii. quarterly reports on the isolation of children and young people in detention and lockdowns to the Quality and Risk Committee (Recommendation 9.5) to enable it to monitor trends and identify any areas of concern
    - iii. the isolation register (with all relevant supporting documentation) and separate data on lockdowns to the Commission for Children and Young People (Recommendation 18.6) on a monthly basis or more frequently, as agreed with the Commission for Children and Young People
  - e. publish quarterly data on isolation and lockdowns in youth detention.

Theme	Lead Agency	Status	Related COI Recommendations
Accountability and integrity Child-safe cultures and awareness-raising	Department for Education, Children and Young People	Underway	9.5, 18.6, 12.31, 12.33

The Government accepts this recommendation. Implementation will be completed by July 2026.

## Current actions

Isolation is utilised in Ashley Youth Detention Centre as a last resort to ensure the safety of young people and staff, and the security of the centre. Reasonable steps to prevent or stop harm are taken where a young person's behaviour is escalating, and Youth Workers make every effort to help a young person de-escalate without the need for isolation. The Department for Education, Children and Young People is currently scoping new processes on isolation within the youth detention centre context, including updating procedures, reporting functions, and isolation recording processes in alignment with the Commission's recommendations.

## Recommendation 12.33

1. The Tasmanian Government should introduce legislation to amend the *Youth Justice Act 1997* to provide that:
  - a. subject to sections 25E and 133, force may only be used when reasonable and necessary to prevent an imminent and serious threat of harm to a person or to prevent an imminent escape, and when all other means of control have been exhausted
  - b. force must be used for the minimum time necessary
  - c. force must never be used to punish a child or young person, or solely to secure their compliance with an instruction or direction
  - d. using force in contravention of the Act is a criminal offence.
2. The Department for Education, Children and Young People should:
  - a. update the Department's Use of Force procedure to
    - i. require all uses of force to be immediately reported to a senior departmental official, such as a Director, in addition to identifying the use of force as part of an incident report
    - ii. require every child or young person who has been subjected to the use of force to be provided with health care and offered the opportunity to discuss the incident with a staff member who was not involved
    - iii. require parents and carers of a child or young person who has been subjected to the use of force to be notified
    - iv. specify internal and external reporting requirements in relation to the use of force
  - b. publish the updated Use of Force procedure on the Department's website
  - c. ensure Ashley Youth Detention Centre (and any future detention facility) provides
    - i. monthly reports on the use of force in detention to the Secretary
    - ii. quarterly reports on the use of force in detention to the Quality and Risk Committee (Recommendation 9.5) to enable it to monitor trends and identify any areas of concern
    - iii. the use of force register and all relevant supporting documentation to the Commission for Children and Young People (Recommendation 18.6) on a monthly basis or more frequently, as agreed with the Commission for Children and Young People.

Theme	Lead Agency	Status	Related COI Recommendations
Accountability and integrity Child-safe cultures and awareness-raising	Department for Education, Children and Young People	Underway	9.5, 12.31, 12.32, 18.6

The Government accepts this recommendation. Implementation will be completed by July 2026.

#### Current actions

Youth Workers at Ashley Youth Detention Centre have undertaken Maybo use of force training which promotes a person-centred and positive approach to behaviour management. Planned next steps to fully implement this recommendation involve scoping new processes on use of force within the youth detention centre context, including updating procedures and reporting functions in alignment with the Commission's recommendations.

#### Recommendation 12.34

1. The Department for Education, Children and Young People should provide regular joint training and professional development for staff who have contact with children and young people in youth detention facilities and relevant staff of the Youth Justice Services directorate on laws, standards, policies and procedures regarding the use of isolation, the use of force and searches of children and young people in detention to ensure consistency in understanding and application. This training should be mandatory.
2. Tasmania Police should ensure its members receive regular training and guidance on laws and procedures on the use of isolation, the use of force and searches of children and young people in detention to enable police to readily identify conduct that falls outside the parameters of acceptable professional conduct among staff and may constitute a criminal offence.

Theme	Lead Agency	Status	Related COI Recommendations
Workforce expertise and capability Child-safe cultures and awareness-raising	Department for Education, Children and Young People	Underway	12.31, 12.32, 12.33

The Government accepts this recommendation. Implementation will be completed by July 2026.

#### Current actions

Tasmania Police are highly trained in legislation to undertake their duties including in the appropriate use of force which is found in the Tasmania Police Manual 1.44 and outlines a force continuum to assist members in determining the appropriate type and level of force to be used in a given situation.

While officers receive training in relation to use of force and searches of children and young people, it is more dedicated to custody as opposed to detention.

Current training will be reviewed, and a broadening of the training will be undertaken to address this recommendation if required.

The Department for Education Children and Young People is currently reviewing its Searches procedures and scoping new processes on isolation and use of force within the youth detention centre context. The revised procedures will be provided to Tasmania Police and training will be delivered to youth justice staff. DECYP will work with Tasmania Police to ensure consistency in understanding of practices, including where alleged conduct may fall outside the parameters of acceptable professional conduct.

## Responding to concerns, complaints and critical incidents in detention

### **Recommendation 12.35**

The Department for Education, Children and Young People should:

- a. update its complaints procedure and practice advice for youth detention to
  - i. address structural barriers to making complaints in detention and include developmentally appropriate communication methods at all stages
  - ii. require concerns, regardless of the form in which they are raised, to be recognised, recorded and actioned as a complaint where the person raising the concern wants to make a complaint
  - iii. define child sexual abuse (including sexual misconduct, grooming and harmful sexual behaviours) and boundary breaches
  - iv. require all complaints and concerns involving allegations of child sexual abuse and related conduct or other harms to children (including the inappropriate use of force, isolation or searches) by staff, breaches of the State Service Code of Conduct or the professional conduct policy for youth detention (Recommendation 12.10) and reportable conduct as defined by the *Child and Youth Safe Organisations Act 2023* to be referred immediately to the new Child-Related Incident Management Directorate for response (Recommendation 6.6)
  - v. require all incidents involving harmful sexual behaviours to be reported to the Harmful Sexual Behaviours Support Unit (Recommendation 9.28)
  - vi. clearly specify mandatory and voluntary reporting obligations for staff in relation to Tasmania Police, Child-safety Services, the Registrar of the Registration to Work with Vulnerable People Scheme and the Independent Regulator under the *Child and Youth Safe Organisations Act 2023*
  - vii. set timeframes for responding to complaints
  - viii. specify requirements for communicating with and providing support to complainants and other affected parties, including parents or carers of affected children and young people

- ix. clarify the requirements for recording complaints and outcomes of complaint investigations to enable the monitoring of trends for quality, safety and governance purposes
- x. include procedures for making and responding to complaints in relation to other residential youth justice facilities, including the proposed assisted bail and supported residential facilities
- b. ensure staff in detention and other residential youth justice facilities understand and comply with their role in responding to complaints, including complaints about child sexual abuse, and have a clear process for raising safety concerns about other staff
- c. use a range of child-friendly tools to ensure children and young people in detention and other residential youth justice facilities are aware of complaints processes and understand the steps facility staff and the department will take in response to a complaint, including a complaint about child sexual abuse
- d. ensure a child-friendly guide to making a complaint and explaining complaints procedures, including the circumstances under which complaints made to oversight bodies may be referred to the department, is readily accessible on the department's website, as well as a guide for adults wishing to make a complaint on behalf of a child in detention or another residential youth justice facility
- e. ensure there are staff in the Child-Related Incident Management Directorate with expertise in youth justice, including an understanding of the risks of child sexual abuse in detention and the characteristics of mistreatment and abuse in detention environments.

Theme	Lead Agency	Status	Related COI Recommendations
Accountability and integrity Prevention and protection	Department for Education, Children and Young People	Not yet commenced	6.6, 9.28, 12.10

The Government accepts this recommendation. Funding will be considered through State Budget processes. Implementation will be completed by July 2026.

## Independent oversight of youth detention

### **Recommendation 12.36**

The Tasmanian Government, in establishing and resourcing the new independent community visitor scheme (Recommendation 9.34), should ensure:

- a. independent community visitors visit children and young people in detention facilities weekly, at a minimum
- b. Aboriginal children and young people in detention or other residential youth justice facilities have access, wherever possible, to visits from an Aboriginal independent community visitor or from the Commissioner for Aboriginal Children and Young People, depending on the child's preference

- c. independent community visitors have the necessary statutory powers to perform their functions, including the power to enter the facility, have access to children and young people in the facility and inspect the facility
- d. each facility where children and young people are detained or reside has a safe, dedicated space where independent community visitors can meet with children and young people and discuss concerns without being observed or overheard by staff or other children and young people.

Theme	Lead Agency	Status	Related COI Recommendations
Participation and empowerment Child-safe cultures and awareness-raising	Department for Education, Children and Young People	Not yet commenced	9.34

The Government accepts this recommendation. Funding will be considered through State Budget processes. Implementation will be completed by July 2026.

### **Recommendation 12.38**

The Tasmanian Government should ensure the Commission for Children and Young People (Recommendation 18.6):

- a. has functions and powers to monitor the operation of youth detention centres and other residential youth justice facilities, and the safety and wellbeing of, and the provision of services to, children and young people in detention, and in the youth justice system more broadly, by
  - i. regularly monitoring and reviewing custodial population data and information on serious or adverse incidents (such as child sexual abuse, assaults, attempted suicide, self-harm, riots, escapes and property damage) and the use of isolation, force, restraints and searches
  - ii. conducting regular onsite inspections of youth detention and other residential youth justice facilities
  - iii. conducting own-motion systemic inquiries into issues that are identified through monitoring
  - iv. conducting own-motion inquiries into the youth justice services received by an individual child or group of children
- b. has the power to enter adult prison facilities to visit children and young people in those facilities to monitor their safety and wellbeing
- c. is adequately resourced on an ongoing basis to fulfil its systemic monitoring functions.

Theme	Lead Agency	Status	Related COI Recommendations
Accountability and integrity Participation and empowerment	Department for Education, Children and Young People	Not yet commenced	12.15, 18.6

The Government accepts this recommendation. Funding will be considered through State Budget processes. Implementation will be completed by July 2026.

This recommendation is related to the new Commission for Children and Young People under Recommendation 18.6. Implementation planning will start as soon as possible and will align with work being undertaken to implement Recommendation 18.6.

### Recommendation 12.39

The Tasmanian Government should:

- a. appoint the Commission for Children and Young People (Recommendation 18.6) as an additional National Preventive Mechanism under the United Nations Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (OPCAT), with expertise in child rights, child trauma, the prevention and identification of child abuse, the needs of Aboriginal children and young people and the needs of children and young people with disability, and with power to inspect places where children and young people are detained
- b. resource Tasmanian National Preventive Mechanisms sufficiently to allow them to effectively fulfil their functions under OPCAT.

Theme	Lead Agency	Status	Related COI Recommendations
Prevention and protection Child-safe cultures and awareness-raising	Department of Justice	Not yet commenced	18.6

The Government accepts this recommendation. Funding will be considered through State Budget processes. Implementation will be completed by July 2026.

Implementation planning will start in line with the establishment of the new Commission for Children and Young People, and associated legislative amendments.

## Children in health services

### Implementing the National Principles for Child Safe Organisations

#### Recommendation 15.2

1. The Tasmanian Government and Department of Health should continue to implement the National Principles for Child Safe Organisations across all health services.
2. The Tasmanian Government should advocate at a national level for compliance with the National Principles for Child Safe Organisations to be a mandatory requirement for accrediting health services against the National Safety and Quality Health Service Standards under the Australian Health Service Safety and Quality Accreditation Scheme.

Theme	Lead Agency	Status	Related COI Recommendations
Accountability and integrity Child-safe cultures and awareness-raising	Department of Health	Underway	9.24, 12.20, 12.21, 15.1, 15.3, 15.4, 15.5, 15.6, 15.7, 15.8, 15.9, 15.10, 15.11, 15.12, 15.3, 15.14, 15.15, 15.16, 15.17, 15.18, 15.19, 15.20, 16.6

The Government accepts this recommendation. Implementation will be completed by July 2026.

#### Current actions

The Department of Health established a Child Safety and Wellbeing Service in October 2022 and released its Child Safety and Wellbeing Framework in September 2022 that outlines its response to the National Principles for Child Safe Organisations.

The Department of Health has commenced the process to advocate at a national level for compliance with the National Principles for Child Safe Organisations to be a mandatory requirement for accrediting health services against the National Safety and Quality Health Service Standards under the Australian Health Service Safety and Quality Accreditation Scheme and its own activities as part of the One Health Culture Program, through activities like the Speaking up for Safety Program. The one Health Culture Program is delivered over several years given the size and breadth of the Department of Health workforce and will continue to be adapted.

### Embedding child-safety as a priority for leadership

#### Recommendation 15.6

The Department of Health, to support health services become child-safe organisations, should ensure:

- a. child safety, including safety from abuse in health services, is overseen by the governance and leadership structures established through the cultural improvement program
- b. child safety is built into the safety and quality systems of health services

- c. staff responsible for providing care to children have the knowledge and skills to respond to child safety concerns in line with the expectations of a child-safe organisation and relevant health service policies, including being equipped to identify and respond to indicators of child sexual abuse
- d. staff act consistently with the National Principles for Child Safe Organisations (reflected in Tasmania’s Child and Youth Safe Standards) when performing their work, including in discussions between health practitioners, health workers and children about care planning and treatment.

Theme	Lead Agency	Status	Related COI Recommendations
Workforce expertise and capability Child-safe cultures and awareness-raising	Department of Health	Underway	15.5

The Government accepts this recommendation. Implementation will be completed by July 2026.

**Current actions**

In September 2022, the Department of Health released a Child Safety and Wellbeing Framework to implement the National Principles for Child Safe Organisations.

As part of the approach, Child Safeguarding Advisors (CSA) are located in each of the hospital regions to offer support and guidance to staff and volunteers on child-safety matters and, along with the broader statewide Child Safety and Wellbeing Service, provide continued education to all staff to equip them with the knowledge and understanding of child safeguarding to perform their roles.

Work is in progress to further build child safety into the safety and quality systems of health services, through the uplift of the Safety Reporting Learning System and development of the Human Resources Information System (HRIS).

## Empowering children, families and carers

**Recommendation 15.10**

The Department of Health should work with relevant stakeholders to consider the needs and backgrounds of children and young people using health services, including Aboriginal children, children from culturally diverse backgrounds, children with disability, children with mental illness and children who identify as LGBTQIA+. The Department should consult with Aboriginal communities on how it can provide culturally safe spaces for Aboriginal children across its health services.

Theme	Lead Agency	Status	Related COI Recommendations
Participation and empowerment Collaboration and integration	Department of Health	Complete	15.7, 15.8, 15.9

The Government accepts and has completed this recommendation.

### Current actions

The Department of Health has established a Children and Young People Advisory Group (CYPAG) to strengthen engagement with young Tasmanians. The Expression of Interest process sought membership that included a mixture of age, gender, and representation from a range of backgrounds, including:

- young Tasmanians with experience of using Tasmanian Government health services, such as our public hospitals
- Aboriginal and Torres Strait Islander young people
- young people with disabilities
- young carers
- young Tasmanians with refugee and/or migrant backgrounds
- young Tasmanians from rural, regional and remote areas
- young people with experience of homelessness and out-of-home care
- young people from low-income backgrounds, and
- LGBTQIA+ young people.

In addition, the Department of Health is also collaborating with other organisations such as CREATE Foundation, Youth Network of Tasmania, Link Youth Health Service, Association for Children with Disability (Tas), Mental Health Council of Tasmania and Rural Alive and Well.

## Professional development for health service staff

### Recommendation 15.15

1. The Department of Health should identify minimum requirements for professional development on child safety for different levels of staff, including staff, volunteers and contractors, as well as leadership. Professional development should cover, at a minimum:
  - a. understanding child sexual abuse (including grooming and boundary breaches)
  - b. the requirements and expectations of a child-safe organisation
  - c. mandatory and voluntary reporting obligations, including the role and function of Tasmania Police, Child Safety Services, the Registrar of the Registration to Work with Vulnerable People Scheme, the Independent Regulator under the *Child and Youth Safe Organisations Act 2023* and the Australian Health Practitioner Regulation Agency
  - d. relevant child safeguarding policies and procedures.

2. The Department should have appropriate processes in place to ensure leaders have the knowledge, skills, aptitude and core capability requirements to effectively manage people and to lead a child-safe organisation.
3. The Department should develop outcomes-based measures of the effectiveness of child safety professional development initiatives for all categories of staff, volunteers, and contractors, including management, leadership, human resources, and professional and non-professional staff.
4. These outcomes-based measures should be reviewed annually and the results used to inform further professional development initiatives and leadership selection.

Theme	Lead Agency	Status	Related COI Recommendations
Workforce expertise and capability Prevention and protection	Department of Health	Underway	15.3, 15.5, 15.6, 15.11, 15.12, 15.13

The Government accepts this recommendation. Implementation will be completed by July 2026.

#### **Current actions**

A number of initiatives are already underway which will help to establish a minimum requirement for professional development for Department of Health staff on child safety. For example, mandatory child safeguarding training has been rolled out for all staff, volunteers, students and contractors to increase awareness of child safety and when and how to raise child safeguarding concerns. Over 15,500 people have completed the training, and the training also includes an annual refresher program.

## **Improving responses to child sexual abuse**

### **Recommendation 15.17**

1. The Department of Health should establish a separate Health Services Child Related Incident Management Directorate or partner with the Child-Related Incident Management Directorate (Recommendation 6.6) to respond to allegations of child sexual abuse and related conduct by staff, breaches of the State Service Code of Conduct and professional conduct policies, and reportable conduct (as defined by the *Child and Youth Safe Organisations Act 2023*) in health services.
2. If the Department partners with the Child-Related Incident Management Directorate, it should ensure the directorate has access to specialised advice to inform investigations against health services staff, particularly where allegations have arisen in the context of provision of health care.
3. If the Department establishes a new Health Services Child-Related Incident Management Directorate, it should mirror the functions and manner of operation reflected in the Child-Related Incident Management Directorate, including having three distinct roles and skill sets covering incident response management, investigations, and misconduct and disciplinary advice.

Theme	Lead Agency	Status	Related COI Recommendations
Prevention and protection Workforce expertise and capability	Department of Health	Underway	15.16, 15.18, 15.19

The Government accepts this recommendation. Implementation will be completed by July 2026.

### Current actions

In July 2022, the Department of Health established a Statewide Complaints Management Oversight Unit to support the consistent triage and oversight of complaints management. There is a dedicated Child Safeguarding Coordinator position within the unit who is responsible for monitoring the child safeguarding notifications in SRLS, undertaking preliminary assessments of the child safeguarding concerns and ensures notifications and referrals are made internally and externally. Further work is being undertaken by the department to analyse the requirements of a Child Related Incident Management Directorate.

### Recommendation 15.19

The Department of Health should develop and implement a critical incident response plan for human-caused traumatic events where numerous staff and patients are affected, including serious child-related incidents. The response plan should:

- a. identify who is responsible for leading the response to a critical incident and set out the applicable reporting arrangements
- b. identify the steps to responding to a human-caused traumatic event (including incidents relating to child safety)
- c. provide for external assistance from experts with training and expertise in crisis management
- d. be based on best practice responses to traumatic events
- e. provide for early communication of information about the event
- f. provide psychological first aid to affected people
- g. provide extra support from skilled psychologists on an 'as needed' basis to affected people
- h. provide for information about other support services that can assist affected people
- i. facilitate communication and support among affected people as a means of social support
- j. provide for critical incident debriefing run by a neutral and trained expert where appropriate
- k. provide for a review of the department's response to the critical incident
- l. provide for an evaluation of any actions to be implemented as part of the department's response to the critical incident
- m. provide for any lessons from a review or an evaluation of the department's response to the critical incident, to be shared with the Secretaries Board to further inform responses to critical incidents across the whole-of-government.

Theme	Lead Agency	Status	Related COI Recommendations
Workforce expertise and capability Accountability and integrity	Department of Health	Underway	15.16, 15.17, 15.18

The Government accepts this recommendation. Implementation will be completed by July 2026.

### Current actions

A key focus area of the Culture Program is Health, Safety and Wellbeing. This includes the development of a Critical Incident Response Protocol (CIRP), to, among other things, provide guidance on what support is available, and how it is arranged and monitored.

The CIRP will be supported by a Program which will enable all employees to provide responses to each other and our clients and community members in a way that is respectful and cognisant of past experiences.

## Criminal justice responses

### Police Responses

#### Recommendation 16.1

1. The Tasmanian Government should fund and establish specialist units in Tasmania Police, based on the Victorian Sexual Offences and Child Abuse Investigation Teams model, to investigate child sexual abuse and to be based in three locations (Hobart, Launceston and the North-West).
2. The specialist police units should:
  - a. specialise in the investigation of child sexual abuse, including historical child sexual abuse (and potentially adult sexual assault) but not undertake domestic and family violence work unless it is directly connected to child sexual abuse (or adult sexual assault)
  - b. be staffed by police officers who have undertaken specialised professional development (Recommendation 16.3) and members who have trauma-informed training (Recommendation 19.2)
  - c. partner with other agencies and support services involved in responding to child sexual abuse to create multidisciplinary teams. These teams do not have to be co-located, although this may be appropriate in some areas
  - d. have access to a 'soft' interview room, ideally offsite from police stations and potentially in multidisciplinary centres
  - e. be directed to perform other policing duties only in exceptional circumstances and not as part of a unit's usual roster
  - f. support the wellbeing of police officers and members working in the specialist unit
  - g. develop and implement strategies to engage and build trust with marginalised communities, particularly Aboriginal people and people with criminal histories (Recommendation 16.2).

3. Tasmania Police should measure and report on victim-survivor satisfaction with the operation of the specialist units within two years of establishment and regularly thereafter.

Theme	Lead Agency	Status	Related COI Recommendations
Prevention and protection	Department of Police, Fire and Emergency Management	Underway	None

The Government accepts this recommendation. Implementation will be completed by July 2026.

### Current actions

In July 2023, Tasmania Police established a Family and Sexual Violence Command to ensure a child-centric, victim-survivor, trauma-informed focus. Under this command, there are multi-disciplinary Arch Centres operating in Launceston and Hobart with a third funded for the North-West Coast in 2024. Tasmania Police have also established Sex Crime Units and appointed specialist sex crime investigators in each region with further investigators to be appointed in the north-west when that Arch commences.

The Sex Crimes Units bring together specialist sex crime investigators, some of whom work within Arch alongside new Investigation Support Officers.

Also, part of the Comm1 and is the specialist High-Risk Child Exploitation Unit, which works to monitor, detect and interdict to protect young people online.

This year's State Budget provided \$3.2 million to establish the new Sex Offenders Disclosure Program and appoint an extra five dedicated investigators to undertake compliance, management, and investigation work in support of the Register.

Dedicated Australian Federal Police investigators have been embedded in this unit to work alongside Tasmania Police in the Joint Anti-Child Exploitation Team (JACET).

### Recommendation 16.2

1. Tasmania Police should establish ways for people to report child sexual abuse online.
2. The Department of Justice and the Department for Education, Children and Young People should review their internal processes to make it easier for people in prison and youth detention to report abuse to the police or other bodies, including online or by phone hotline, and ensure appropriate confidentiality of reports.
3. Specialist police units (Recommendation 16.1) should develop a strategy to engage with 'priority communities', by implementing measures to develop relationships, build trust and encourage reporting of child sexual abuse, and to assist prevention and 'disruptive' policing (Recommendations 9.29 and 9.30).

4. Priority communities include:
  - a. Aboriginal communities
  - b. people who are or were in prison or youth detention
  - c. people who are or were in out of home care (or youth support services).

Theme	Lead Agency	Status	Related COI Recommendations
Prevention and protection Participation and empowerment	Department of Police, Fire and Emergency Management	Not yet commenced	None

The Government accepts this recommendation. Funding will be considered through State Budget processes. Implementation will be completed by July 2026.

### Recommendation 16.3

Tasmania Police should review its professional development on child sexual abuse to ensure:

- a. all police are trained in
  - i. the dynamics of sexual abuse and the concept of grooming, and perpetrators' use of these to facilitate a crime
  - ii. myths and misconceptions about child sexual abuse and disclosure
  - iii. responding to child and adult victim-survivors sensitively and with an understanding of trauma
- b. child sexual abuse specialist detectives are trained in
  - i. approaches to interviewing child and adult victim-survivors and vulnerable witnesses, including the Whole Story framework (or similar specialist interviewer training)
  - ii. understanding the vulnerability of specific groups of children (such as those in out of home care and youth detention) and common myths about these children
- c. all police receive scheduled and regular refresher training and ongoing professional development.

Theme	Lead Agency	Status	Related COI Recommendations
Workforce expertise and capability Participation and empowerment	Department of Police, Fire and Emergency Management	Underway	None

The Government accepts this recommendation. Implementation will be completed by July 2026.

## Current actions

Previous work of the Child Sexual Abuse Joint Review Team developed additional and updated training and guidelines for all sworn Tasmania Police members.

Recruit training has also been updated to include contemporary practices relevant to child sexual abuse.

In 2021 mandatory training for all sworn members was developed in relation to new policies and procedures, including Tasmania Police Initial Notification and Investigation of Child Sexual Abuse Guidelines and the Keeping Children Safe Handbook. This training was all completed by 1 March 2022.

These guidelines, policies and procedures, at all levels, will be reviewed in line with this recommendation.

A full sexual assault investigation course, for child sexual abuse specialist detectives, requires scoping, development and funding.

## Recommendation 16.4

1. Tasmania Police should develop and implement quality audit and assurance processes for investigating child sexual abuse offences, including random file sampling.
2. File sampling should:
  - a. capture data on how well police are complying with procedures for investigating child sexual abuse offences, including the requirements set out in the Initial Investigation and Notification of Child Sexual Abuse Guidelines
  - b. assess whether
    - i. contact was made with the person reporting child sexual abuse
    - ii. every effort was made to establish the victim's identity and to assess and investigate the report, where appropriate
    - iii. a thorough examination of intelligence on Tasmania Police databases was conducted
    - iv. cross-agency and interstate requests for information checks were made to determine whether any intelligence held outside Tasmania might assist the investigation
    - v. contact details of the investigating officer were provided to the victim, parent, guardian or other support person
    - vi. a supervisor confirmed whether the above actions were taken
  - c. capture data on the timeliness of investigations
  - d. go beyond technical adherence to requirements and assess the overall quality of police investigative responses and outcomes for victim-survivors, including identifying any opportunities for improvement.

Theme	Lead Agency	Status	Related COI Recommendations
Accountability and integrity	Department of Police, Fire and Emergency Management	Underway	None

The Government accepts this recommendation. Implementation will be completed by July 2026.

**Current actions**

Tasmania Police are in the process of developing quality audit and assurance processes for investigating child sexual abuse offences.

To fully achieve the required outcome for this recommendation, in depth consultation with Management Review, Professional Standards and the Family and Sexual Violence Command has commenced.

**Recommendation 16.5**

Tasmania Police should:

- a. review the adequacy and availability of equipment used to record evidence by video or audio, and ensure this equipment is available in all police facilities where victim statements relating to child sexual abuse are taken
- b. ensure specialist child sexual abuse police officers receive training on the use of recording equipment and refresher training if they have not used the equipment for six months or more.

Theme	Lead Agency	Status	Related COI Recommendations
Workforce expertise and capability	Department of Police, Fire and Emergency Management	Underway	None

The Government accepts this recommendation. Implementation will be completed by July 2026.

**Current actions**

‘Soft’ interview facilities, which are dedicated facilities with specialist interviewing equipment installed, are installed in both the Southern and the Northern Arch Centres. A further ‘soft interview room’ will be included in the North-West Arch, with an additional facility also to be located on the North-West Coast.

All interviewing members have been trained in the use of the specialist interviewing equipment.

An audit is in progress across all police districts to determine the adequacy and availability of recording equipment that currently exists. The audit is a key step in evaluating current equipment and will consider appropriate locations for devices and suitability through audio and visual quality.

## Recommendation 16.6

1. The Department of Health should increase the availability of forensic medical examination services for child victim-survivors of sexual abuse to ensure all child victim-survivors can access an examination with minimal delay. To achieve this, the department should:
  - a. train existing adult sexual assault forensic medical examination services to examine child victim-survivors
  - b. ensure, in areas of Tasmania where no sexual assault forensic medical examination services exist, suitably qualified local health professionals are trained and supported to conduct forensic medical examinations for child sexual abuse.
2. At a minimum, the training should include:
  - a. an external, recognised qualification in forensic medical examinations
  - b. external recognised training in sexual abuse care for children.

Theme	Lead Agency	Status	Related COI Recommendations
Workforce expertise and capability Child-safe cultures and awareness-raising	Department of Health	Underway	None

The Government accepts this recommendation. Implementation will be completed by July 2026.

### Current actions

Any allegation of sexual abuse of a child, young person or adult, is a serious matter that needs prompt, sensitive and coordinated responses from all services involved to minimise further trauma and ensure timely forensic medical examinations are available.

All children and young people up to 17 years presenting as victim-survivors of sexual abuse are offered a forensic examination if the alleged abuse occurred in the previous 72 hours, and beyond that if deemed appropriate. The clinical examination and care of children suspected of having been sexually assaulted is highly specialised. This work requires specialist training, after-hours on-call work, preparation of medico-legal reports and court appearances. Increasing trained resources to undertake this work will occur as part of Budget processes.

It should be noted that additional funding has recently been provided to purchase new equipment that allows Forensic Science Services Tasmania (FSST) to increase its evidence storage capacity for sexual assault evidence and other samples.

## Recommendation 16.7

Tasmania Police should:

- a. establish a clear, publicly accessible process for reporting and responding to allegations of child sexual abuse against a member of Tasmania Police, including the ability to report to an entity independent of police such as the Integrity Commission
- b. expand the domestic violence review panel to cover child sexual abuse and ensure independence in investigations when a member is alleged to have been involved in child sexual abuse.

Theme	Lead Agency	Status	Related COI Recommendations
Accountability and integrity	Department of Police, Fire and Emergency Management	Underway	None

The Government accepts this recommendation. Implementation will be completed by July 2026.

Child sexual abuse allegations involving police officers will be assessed in the same manner as that which applies for family and sexual violence matters involving police officers, through the Review Committee's expanded remit. The Review Committee is chaired by an independent person to ensure transparency and independent oversight of all matters involving police.

The Professional Standards software utilised by Tasmania Police will be expanding, enabling members of the community to lodge feedback, complaints, and complementary correspondence directly to Professional Standards via a Public Portal. Once implemented, this will allow members of the public to report allegations of child sexual abuse against a member of Tasmania Police in a number of different ways.

Members of the public are also able to report to the Integrity Commission.

## Prosecutions

### Recommendation 16.8

1. The Office of the Director of Public Prosecutions should provide ongoing professional development to staff on child sexual abuse, including:
  - a. specialist training on trauma-informed practice
  - b. training on issues that children and adult victim-survivors may face in giving evidence and approaches that can be taken to make the process trauma-informed, including the role of witness intermediaries
  - c. training on the laws of evidence and procedure that apply in child sexual abuse cases
  - d. training on the nature, causes and methods of child sexual abuse and grooming, including addressing common myths about child sexual abuse.
2. The Office of the Director of Public Prosecutions should also explore opportunities with Tasmania Legal Aid and the Law Society of Tasmania for joint training on the dynamics of child sexual abuse and trauma-informed practice.

Theme	Lead Agency	Status	Related COI Recommendations
Workforce expertise and capability Child-safe cultures and awareness-raising	Independent Statutory Officer	Underway	None

The Government accepts this recommendation. Implementation will be completed by July 2026.

### Current actions

The Director of Public Prosecutions supports the Commission's recommendations to provide ongoing professional development. Noting that prior to the recommendations being made, the Office had undertaken continued legal education in its office relating to trauma-informed best practice, as well as legal issues relating to child sexual abuse.

The Office values further opportunities to enhance knowledge. Work is already underway on the training identified by the Commission which will complement and strengthen professional development within the Office.

The Office will further consider whether there are opportunities for joint training with Tasmanian Legal Aid and the Law Society on the dynamics of child sexual abuse and trauma-informed practice.

The Office notes the Commission's report recognised the benefits of having a specialised sexual assault unit. It also stated that the Government should consider increasing funding to the unit in order to decrease the waiting time for the Office to complete the advice files and to extend the unit to the Launceston region.

Training initiatives are being identified and will be considered as appropriate to the role of prosecutors and the staff of the office.

This work will result in strengthened child safety and wellbeing and for adult victim-survivors, and rebuilding community trust.

## Offences, evidence and procedure

### Recommendation 16.10

1. The Tasmanian Government should extend the Witness Intermediary Scheme to include children who are under investigation for, or who have been charged with, sexual offences, and fund it to do so.
2. The Tasmanian Government should consider whether legislation should be enacted requiring police to use witness intermediaries in police interviews of children and young people and adults with communication needs (including defendants), relating to sexual offences.

Theme	Lead Agency	Status	Related COI Recommendations
Participation and empowerment Prevention and protection	Department of Justice	Underway	16.11

The Government accepts this recommendation. Implementation will be completed by July 2026.

#### Current actions

The Witness Intermediary Scheme's Pilot stage is currently being evaluated by an independent reviewer. The evaluation will include the provision of advice on the scope and eligibility of the Scheme and the introduction of legislative provisions for the use of intermediaries at the investigative stage.

This review is expected to be completed by May 2024.

#### Recommendation 16.12

The Tasmanian Government should:

- a. update the audio-visual equipment available to the Supreme and Magistrates Courts
- b. discuss with the Supreme and Magistrates Courts ongoing training for relevant staff on using audiovisual equipment.

Theme	Lead Agency	Status	Related COI Recommendations
Participation and empowerment Collaboration and integration	Department of Justice	Underway	None

The Government accepts this recommendation. Implementation will be completed by July 2026

Given this work is well-progressed, it is very likely that it will be completed before the Commission's recommended timeframe.

#### Current actions

Funding of \$1.8 million from the Government was provided to replace outdated video conferencing equipment in the Supreme Court, Magistrates Court and Tasmania Prison Service.

The project was successfully completed ahead of schedule and under budget in April 2023. In respect of implementation updates to audio visual equipment are complete in the Supreme Court, and mostly complete in the Magistrates Court.

Training has been provided to dedicated staff members in all court facilities and this training will be ongoing as new staff are recruited.

### Recommendation 16.13

The Tasmanian Government should introduce legislation to extend the principles of section 13B of the *Family Violence Act 2004* to sexual assault matters, including child sexual abuse. This will ensure that where a person is acquitted in the Magistrates Court because the prosecution has informed the Court it will not be offering any evidence in support of the charge, the acquittal does not prevent admitting evidence of relationship, tendency or coincidence evidence in a later related matter.

Theme	Lead Agency	Status	Related COI Recommendations
Prevention and protection Accountability and integrity	Department of Justice	Underway	None

The Government accepts this recommendation. Implementation will be completed by July 2026.

#### Current actions

The Department of Justice has reviewed this recommendation and has consulted with key stakeholders such as the Director of Public Prosecutions and the Supreme Court.

It is expected drafting on a Bill to implement this recommendation will commence in early 2024.

### Recommendation 16.14

The Tasmanian Government should, in similar terms to sections 199, 204 and 205 of the *Criminal Procedure Act 2009* (Vic), amend the *Criminal Code Act 1924* (including section 361A) to:

- a. allow pre-trial rulings or orders to be made before the accused person has entered a plea
- b. provide that such pre-trial rulings or orders are binding on a trial judge, even where a different judge made the order, unless the trial judge considers that would not be in the interests of justice
- c. provide that such pre-trial rulings or orders apply at a new trial unless this would be inconsistent with any order or decision made on an appeal or would not be in the interests of justice.

Theme	Lead Agency	Status	Related COI Recommendations
Accountability and integrity Prevention and protection	Department of Justice	Underway	16.15

The Government accepts this recommendation. Implementation will be completed by July 2026.

## Current actions

The Department of Justice has reviewed this recommendation and has consulted with key stakeholders such as the Director of Public Prosecutions and the Supreme Court.

It is expected drafting on a Bill to implement this recommendation will commence in early 2024.

## Recommendation 16.15

The Tasmanian Government should introduce legislation to:

- a. require trial judges to explain to juries the difficulties child witnesses often face in giving evidence in court, and the distinctive ways in which they give evidence, in cases where the reliability or credibility of a child witness is likely to be in issue, in similar terms to section 44N of the *Jury Directions Act 2015* (Vic)
- b. provide that in jury trials of a person accused of a child sexual abuse offence, if a party so requests, the judge must, unless the judge considers there are good reasons for not doing so, direct the jury that:
  - i. children who have been subjected to child sexual abuse respond in a variety of ways and some children who have been abused do not avoid the alleged perpetrator
  - ii. disclosure of abuse may occur over time and not all on one occasion
- c. prohibit, in similar terms to section 294AA of the *Criminal Procedure Act 1986* (NSW), a judge in a trial of a person indicted for sexual offences against a child from:
  - i. warning a jury against convicting the accused person solely because the only evidence is the evidence of the complainant
  - ii. directing the jury about the danger of conviction in the absence of corroboration
- d. amend the *Evidence Act 2001*, in similar terms to section 52 of the *Jury Directions Act 2015* (Vic), to require a trial judge who considers that delay in complaining is likely to be raised in a trial for a child sexual abuse offence to inform the jury that:
  - i. people react differently to sexual abuse and there is no typical, proper or normal response to a sexual offence
  - ii. some people may complain immediately to the first person they see, while others may not complain for some time, and others may never make a complaint
  - iii. it is common for a person to delay making a complaint of sexual abuse, particularly if it occurred when they were a child
  - iv. there may be good reasons why a person may not complain, or may delay complaining about sexual abuse
- e. amend the *Evidence Act 2001* to provide that the warnings and directions can be:
  - i. given by a judge to the jury at the earliest opportunity, such as before the evidence is called or as soon as practicable after it is presented in the trial
  - ii. repeated by the judge at any time during the trial
  - iii. given by the judge's own motion, or if requested by either party before the trial or at any time during the trial.

Theme	Lead Agency	Status	Related COI Recommendations
Child-safe cultures and awareness-raising Participation and empowerment	Department of Justice	Underway	16.14

The Government accepts this recommendation. Implementation will be completed by July 2026.

### Current actions

The Department of Justice has reviewed this recommendation and has consulted with key stakeholders such as the Director of Public Prosecutions and the Supreme Court.

It is expected drafting on a Bill to implement this recommendation will commence in early 2024.

The Bill to progress this recommendation will likely contain a number of other amendments recommended by the Commission, reforms under assessment include:

- Recommendation 16.9 (Criminal Code offences)
- Recommendation 16.13 (evidence from discontinued summary proceedings)
- Recommendation 16.14 (pre-trial rulings)
- Recommendation 16.19 (s 11A of the *Sentencing Act 1997*).

### Recommendation 16.16

The Tasmanian Government should:

- fund the Supreme Court to support the professional development of judicial officers on the dynamics of child sexual abuse and trauma-informed practice
- consider introducing legislation dealing with the responsibility of the Chief Justice to direct the professional development and continuing education and training of judicial officers, in similar terms to section 28A of the *Supreme Court Act 1986* (Vic).

Theme	Lead Agency	Status	Related COI Recommendations
Workforce expertise and capability Child-safe cultures and awareness-raising	Department of Justice	Underway	12.15, 19.2, 20.15

The Government accepts this recommendation. Implementation will be completed by July 2026.

### Current actions

The Supreme Court is actively involved in a range of professional development opportunities where judges frequently participate in continuing education as both presenters and attendees. However, the Supreme Court is considering how best to implement the Commission's recommendation, including consideration of the availability of appropriate professional development programs in Tasmania, and elsewhere, with a view to accessing information and training for judicial officers about the dynamics of child sexual abuse and trauma-informed practice.

As part of the Commission of Inquiry's legislative program, the Department of Justice will consider options for introducing a legislative provision enabling the Chief Justice to direct the professional development and training of judicial officers in line with the recommendation.

### After a conviction

#### Recommendation 16.17

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

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

Theme	Lead Agency	Status	Related COI Recommendations
Participation and empowerment Accountability and integrity	Department of Justice	Underway	None

The Government accepts this recommendation. Implementation will be completed by July 2026.

### Current actions

Actions to progress this recommendation have commenced. Community Corrections has received funding under Tasmania's Third Family and Sexual Violence Action Plan to appoint one Complex and High Risk Offender Specialist on a two-year, fixed-term basis.

The position was filled in July 2023. This position provides individual intervention to a small number of high-risk sexual offenders who are not otherwise able to access appropriate treatment in the community, addressing a critical gap in service delivery needs.

This position is, however, not able to provide treatment or support to people who are not (yet) subject to a correctional order, but who recognise that they are at risk of conduct that might draw them into the criminal justice system.

Further scoping activities are required to determine the best approach to managing community-based sex offender treatment in the community. The Complex and High Risk Offender Specialist is well placed to undertake the initial stages of project planning and needs analysis.

## Monitoring and evaluation

### Recommendation 16.20

1. The Department of Justice should:
  - a. prioritise collecting and publishing key data about institutional child sexual abuse, including:
    - i. the number of reports of child sexual abuse made to police
    - ii. police, prosecution and court outcomes of reports, and reasons for outcomes, including the reasons why cases did not proceed
    - iii. the time between reporting, charging or a decision not to progress, and prosecution
    - iv. whether the abuse took place in an institutional setting
    - v. basic demographics of victim-survivors and alleged perpetrators (for example, age, gender and Aboriginal status)
    - vi. trends in relation to particular groups, including Aboriginal people
  - b. support the Office of the Director of Public Prosecutions to improve its data collection for child sexual abuse cases so it can effectively monitor:
    - i. the cases on which police seek advice, that proceed to court and that are discontinued, including the reasons for discontinuance
    - ii. the number, type and success rate of appeals in child sexual abuse matters
  - c. cause periodic surveys to be conducted and published with victim-survivors of child sexual abuse on their experience and satisfaction with the criminal justice system, including on whether the victim-survivor:
    - i. felt listened to
    - ii. felt believed
    - iii. understood the process
    - iv. was kept informed of the progress of the case.
2. The Sentencing Advisory Council should periodically review trends in sentencing for child sexual abuse offences in Tasmania and compare them with sentencing outcomes for equivalent offences in other Australian jurisdictions.

Theme	Lead Agency	Status	Related COI Recommendations
Accountability and integrity Child-safe cultures and awareness-raising	Department of Justice	Underway	16.4

The Government accepts this recommendation. Implementation will be completed by July 2026.

## Current actions

The establishment of a multi-agency working group encompassing the Department of Justice Office of the Chief Information Officer, Director of Public Prosecutions, the Supreme and Magistrates Courts, Victims Support Services, Safe at Home and Department of Police, Fire and Emergency Management to be undertaken by the end of 2023 to consult on the best way to achieve the desired outcomes.

Early investigations into data collections, source systems and required data sharing requirements have commenced to understand the gaps between what is currently collected and what the Commission advises.

## Redress, civil litigation and support

### Civil litigation

#### Recommendation 17.2

1. The Tasmanian Government should ensure all lawyers who act for the Tasmanian Government in civil claims relating to child sexual abuse receive regular professional development on:
  - a. the nature and effects of child sexual abuse, including institutional child sexual abuse, perpetrator tactics and impacts on victim-survivors
  - b. how to consider these effects when victim-survivors are involved in civil litigation processes.
2. The Solicitor-General, or the new State Litigation Office, should issue and ensure compliance with guidelines relating to:
  - a. trauma-informed management of settlement processes and conferences in child sexual abuse cases
  - b. whether and when legal professional privilege should be claimed by the Tasmanian Government in relation to medical reports or expert evidence, adopting the principle that generally legal professional privilege should be waived
  - c. making apologies before reaching a final settlement.

Theme	Lead Agency	Status	Related COI Recommendations
Workforce expertise and capability Child-safe cultures and awareness-raising	Department of Justice	Underway	17.3, 17.6

The Government accepts this recommendation. Implementation will be completed by July 2026.

#### Current actions

The Department of Justice is currently undertaking scoping work to continue further bespoke trauma-informed training for State lawyers. This will build on existing training delivered by Blue Knot Foundation.

Prior to the recommendations being made, initial training focussing on trauma-informed practice had been undertaken and those learnings were woven into civil litigation practice.

Scoping is underway for bespoke training for all staff in the State Litigator Office. This will deliver these recommendations to be more informed about child sexual abuse and to act in a trauma-informed way within in an adversarial system.

The current guidelines for the Conduct of Civil Claims will be reviewed by the State Litigator and new guidelines after appropriate stakeholder engagement will be issued that accord with the recommendations.

The best practice apology processes, developed though the provision of direct personal responses as part of the National Redress Scheme, will be extended to victim-survivors participating in civil litigation. This will ensure the provisions of apologies will be in line with the Commission’s recommendations.

## Support for victims of crime

### Recommendation 17.6

The Department of Justice should ensure that:

- a. in relation to claims for financial assistance under the Victims of Crime Assistance Scheme, delays are minimised and applications for compensation are handled in a sensitive and trauma-informed manner
- b. staff in Victims Support Services receive regular professional development on the effects of child sexual abuse and how to respond to victim-survivors in a trauma-informed manner
- c. people being considered for appointment as Criminal Injuries Compensation Commissioners are required to take part in professional development on the effects of child sexual abuse and how to respond to victim-survivors in a trauma-informed manner before their appointment and regularly thereafter.

Theme	Lead Agency	Status	Related COI Recommendations
Workforce expertise and capability Participation and empowerment	Department of Justice	Underway	16.8, 17.7, 16.16, 17.2, 20.15

The Government accepts this recommendation. Implementation will be completed by July 2026.

### Current actions

Additional funding has been allocated to the Department of Justice to manage and mitigate the impacts during the release of the Commission of Inquiry Report and in the immediate three months following. This includes the allocation of \$130,650 for the Victims of Crime Assistance Scheme.

In 2023, the majority of Victim Support Services, as well as a number of Criminal Injuries Compensation Commissioners in Victims Support Services, have undertaken the Foundations for Building Trauma Awareness by Blue Knot.

This training provided staff with a trauma-informed lens to better understand the impacts and outcomes for people who experience complex trauma. The training program utilises current research to provide an understanding of trauma, the impacts of trauma on all aspects of life and subsequently the coping mechanisms formed in response to trauma.

Training undertaken by Criminal Injuries Compensation Commissioners and Victims Support Services staff has enabled an initial, partial implementation of Recommendations 17.6b and 17.6c.

In the future, the Department of Justice will provide professional development training to staff in the Victims Support Services and all Criminal Injuries Compensation Commissioners on the effects of child sexual abuse.

Further, the Department of Justice will ensure that all future appointments of Criminal Injuries Compensation Commissioners will be inclusive of taking part in professional development on the effects of child sexual abuse and how to respond to victim-survivors in a trauma-informed manner before their appointment and regularly thereafter.

### **Recommendation 17.7**

The Tasmanian Government should introduce legislation to amend the *Victims of Crime Assistance Act 1976* to create a right of review on the merits by the Tasmanian Civil and Administrative Tribunal in relation to a decision of the Criminal Injuries Compensation Commissioners:

- a. to refuse financial assistance to a victim-survivor of child sexual abuse
- b. about the amount of financial assistance to which a victim-survivor of child sexual abuse is entitled.

Theme	Lead Agency	Status	Related COI Recommendations
Accountability and integrity Participation and empowerment	Department of Justice	Underway	9.36, 17.6, 17.8, 18.13

The Government accepts this recommendation. Implementation will be completed by July 2026.

### **Current actions**

A Bill which will allocate jurisdiction to the Tasmanian Civil and Administrative Tribunal (TASCAT) for various administrative appeals which currently lie to the Administrative Appeals Division of the Magistrates Court is expected to be ready for consultation early in 2024 and will set up a new “Administrative stream” in TASCAT.

The transfer of Victims of Crime jurisdiction will be scheduled for a further Bill within the Commission’s recommended timeframe. This allows time to consider extending the review rights to TASCAT to all victims of crime, and determine whether a monetary or other threshold for appeal should be fixed as noted by the Commission. This timeline will assist with management of other Commission recommendations relating to TASCAT, in terms of managing demands on its resources.

## Recommendation 17.8

1. The Tasmanian Government should review and reform the operation of the *Right to Information Act 2009* and the *Personal Information Protection Act 2004* to ensure victim-survivors of child sexual abuse in institutional contexts can obtain information relating to that abuse. This review should focus on what needs to change to ensure:
  - a. people's rights to obtain information are observed in practice
  - b. this access is as simple, efficient, transparent and trauma-informed as possible.
2. The review should consider reforms to the *Right to Information Act 2009* and the *Personal Information Protection Act 2004* to:
  - a. include an explicit presumption in favour of disclosure in the *Right to Information Act 2009* and *Personal Information Protection Act 2004*
  - b. embed the public interest test in specific exemptions in the *Right to Information Act 2009*, tailored to those exemptions
  - c. streamline the interface between the *Right to Information Act 2009* and *Personal Information Protection Act 2004* to overcome what has, by default, become a two-step process to obtain personal information
  - d. require that a personal information custodian under the *Personal Information Protection Act 2004* 'must provide' rather than 'may provide' personal information upon request from an individual who is the subject of that information, subject to any appropriate exemptions to that requirement
  - e. include a 'reasonableness' test in the *Right to Information Act 2009* as part of the assessment of whether to withhold personal information relating to a person or third party other than the person making the request for information
  - f. strengthen and streamline internal and external review processes in the *Right to Information Act 2009* and *Personal Information Protection Act 2004*, with a focus on options to enforce decisions of the Ombudsman and to apply for review by the Tasmanian Civil and Administrative Tribunal
  - g. provide an automatic fee waiver for right to information applications relating to child sexual abuse made under the *Right to Information Act 2009* by victim-survivors or a person acting on their behalf.
3. The Tasmanian Government should consider centralising management of access to information processes in a specialist unit or department, supported by access to information liaison officers located in government departments and agencies.
4. The Tasmanian Government should provide funding to government departments, agencies and the Ombudsman, as the case may be, to:
  - a. ensure access to information requests are processed within statutory timeframes
  - b. speed up external review of right to information decisions
  - c. provide trauma-informed training to the Tasmanian State Service in relation to victim-survivor access to information (Recommendation 19.2).

Theme	Lead Agency	Status	Related COI Recommendations
Accountability and integrity Participation and empowerment	Department of Justice	Underway	17.7, 19.2, 19.7

The Government accepts this recommendation. Implementation will be completed by July 2026.

### Current actions

This Government provided \$500,000 over two years, to the Department of Premier and Cabinet (DPAC) for the Right to Information (RTI) Uplift Project to support capacity building and practice improvements for right to information services across Government.

This Government has also provided additional funding to the Office of the Ombudsman to assist with meeting current RTI demands and backlog.

Department of Justice will work closely with DPAC to leverage the existing RTI Uplift project to contribute to the progression of the broader RTI and Personal Information Protection reform under the Government's commitments under Part 1 of the recommendation.

The department of Justice will additionally review the current legislative frameworks and recommendations of the Commission to ensure that Government and its institutions are delivered the information and transparency that our community deserves.

## Overseeing child-safe organisations

### Oversight and safeguards supporting a child-safe system

#### Recommendation 18.8

The Tasmanian Government should ensure the Commission for Children and Young People is separately and directly funded, rather than through the Department for Education, Children and Young People. Any funding arrangements or conditions should be structured to ensure the Commission has power to control its budget and staffing.

Theme	Lead Agency	Status	Related COI Recommendations
Accountability and integrity	Department of Premier and Cabinet	Underway	9.14, 12.36, 18.7, 18.8, 18.9

The Government accepts this recommendation. Implementation will be completed by July 2026.

### Current actions

The funding is required to be in place by July 2026. The Department of Premier and Cabinet and Department of Justice will work with the Department of Treasury and Finance to determine the most appropriate corporate structure for the proposed Commission including consideration of independent and appropriate funding.

This will ensure the appropriate financial, as well as statutory, independence of the Commission.

### Recommendation 18.9

A joint standing committee of the Tasmanian Parliament should oversee the performance and proper execution of functions of the Commission for Children and Young People.

Theme	Lead Agency	Status	Related COI Recommendations
Accountability and integrity	Department of Premier and Cabinet	Underway	18.4, 18.5, 18.6, 18.7, 18.8

The Government accepts this recommendation. Implementation will be completed by July 2026.

### Current actions

Early planning has commenced in relation to this recommendation. The Department of Premier and Cabinet will work with Parliamentary staff to develop legislation for the creation of a joint standing committee.

The creation of a joint standing committee will ensure accountability and oversight increasing public confidence and trust.

## Other oversight and regulatory bodies

### Recommendation 18.11

The Tasmanian Government should implement Recommendation 11 of the Independent Reviewer's 2016 Report Independent Review of the *Integrity Commission Act 2009*, which would oblige public authorities to notify the Integrity Commission of any allegations of serious misconduct.

Theme	Lead Agency	Status	Related COI Recommendations
Accountability and integrity Prevention and protection	Department of Justice	Underway	None

The Government accepts this recommendation. Implementation will be completed by July 2026.

### Current actions

The Commission of Inquiry suggested a deadline for implementation of this recommendation as 1 July 2026. However, a Bill for this and other matters arising from the review is proposed for 2024.

The Department of Justice has undertaken stakeholder consultation and cross-jurisdictional analysis regarding Recommendation 18.11 as part of a broader discussion paper on the review and its recommendations.

### Recommendation 18.15

The Commission for Children and Young People, the Integrity Commission, the Ombudsman and the Registrar of the Registration to Work with Vulnerable People Scheme should develop a formal memorandum of understanding relating to the management and oversight of reports, complaints and concerns relating to child sexual abuse and information sharing. The memorandum of understanding should:

- a. define the roles, responsibilities, functions and limitations of each agency and describe where these overlap or intersect
- b. require consultation prior to the initiation of systemic reviews or inquiries where the subject of that inquiry relates to areas of common interest or intersecting functions
- c. provide for permissive and enabling information-sharing practices that prioritise the safety and welfare of children for individual matters and ensure each party receives from others de-identified trend data necessary to perform its functions.

Theme	Lead Agency	Status	Related COI Recommendations
Collaboration and integration Accountability and integrity	Department of Justice	Not yet commenced	18.14

The Government accepts this recommendation. Funding will be considered through State Budget processes. Implementation will be completed by July 2026.

## A coordinated approach

### Establishing a strong governance structure

#### Recommendation 19.5

1. The Tasmanian Government should ensure, in setting out the governance structure for the child sexual abuse reform strategy and action plan, that children and young people and adult victim-survivors of child sexual abuse are part of this governance structure through:
  - a. the Premier's Youth Advisory Council
  - b. the establishment of an advisory group comprising adult victim-survivors of child sexual abuse, including child sexual abuse in institutions, of different ages, backgrounds, cultures, gender identities and geographical locations and parents of child victim-survivors.
2. The Department of Premier and Cabinet should report on the activities of these advisory groups in its annual report.
3. These advisory groups should:
  - a. be guided by clear terms of reference that have been developed in consultation with the advisory groups
  - b. have a clear purpose and objectives in terms of how they can contribute across the whole-of-government
  - c. receive secretarial support and be adequately funded and resourced
  - d. ensure trauma-informed processes apply in their interactions
  - e. support and enable members' attendance by covering the costs of travel and expenses, and providing honorariums where appropriate.

Theme	Lead Agency	Status	Related COI Recommendations
Collaboration and integration Prevention and protection	Department of Premier and Cabinet	Underway	19.1

The Government accepts this recommendation. Implementation will be completed by July 2026.

#### Current actions

Early discussions have commenced relating to appropriateness of the structure of current advisory groups, and appropriate, trauma-informed establishment of new groups.

### Establishing a strong governance structure

#### Recommendation 19.6

The Tasmanian Government should introduce legislation to amend the Registration to *Work with Vulnerable People Act 2013* to clarify that, in addition to the duty to report in certain circumstances, any person can notify reportable behaviour to the Registrar of the Registration to Work with Vulnerable People Scheme.

Theme	Lead Agency	Status	Related COI Recommendations
Prevention and protection Child safe cultures and awareness-raising	Department of Justice	Underway	18.12, 18.13

The Government accepts this recommendation. Implementation will be completed by July 2026.

### Current actions

The recommendation will provide statutory formality for reports to the Registrar, giving clarity for the public and encouraging more reports regarding behaviour of concern. The implementation of this recommendation has not yet commenced, but may well progress sooner than the Commission's timeline of 1 July 2026.

The Department of Justice is currently consulting on new draft Regulations which would expand the scheme to protect many more vulnerable people. The two Ministerial Orders which set out guidance for risk assessments under the *Registration to Work with Vulnerable People Act 2013* have also been re-drafted and consolidated into one Order.

### Recommendation 19.8

1. The Department of Premier and Cabinet should lead the development of child safety information sharing, coordination and response guidelines to support government and government funded agencies and statutory bodies to respond to child safety issues. The guidelines should:
  - a. set out the principles which guide information sharing, cross-agency coordination and the roles of different services and entities in responding to child safety issues, and require that staff are trained on these issues
  - b. identify a process for nominating a lead agency for cross-agency responses to individual child safety issues and set out the lead agency's role and responsibilities
  - c. identify a process for setting out the roles and responsibilities of collaborating agencies in responding to child safety issues
  - d. explain child safety information-sharing obligations and responsibilities and how staff can fulfil them
  - e. set out an escalation and dispute resolution process to resolve disagreements that may arise across agencies
  - f. identify resources and professional development opportunities for staff in relation to responding to child safety issues
  - g. be subject to periodic review to ensure they remain up to date and accurately reflect best practice cross-agency information sharing and coordination arrangements.
2. The Tasmanian Government should fund the culture change work required to achieve good information-sharing practices.

Theme	Lead Agency	Status	Related COI Recommendations
Collaboration and integration Prevention and protection	Department of Premier and Cabinet	Underway	9.20, 12.5 (h), 12.19 (c.iii), 18.5(f), 18.15

The Government accepts this recommendation. Implementation will be completed by July 2026.

### Current actions

Early work commenced prior to the release of the Commission's recommendations to identify barriers to information sharing, including an inter- and intra-jurisdictional legislative scan. Consideration will be given to any legislative amendments required to inform policy development.

In February 2022, we announced a number of departmental structures to deliver better services and outcomes for children, young people, individuals and families, particularly to address siloed approaches of our departments and to strengthen information sharing and collaboration between agencies, in line with recommendations made through the Tasmanian State Service Review. The major functions of the then-Department of Communities Tasmania were progressively transferred to a number of other agencies, including the Department for Education, Children and Young People (DECYP) and the Department of Premier and Cabinet (DPAC).

The major functions supporting children and young people were moved to the newly formed DECYP in October 2022 to ensure every child and young person is known, safe, well and learning. This restructure was intended to ensure our systems, policies, processes and procedures are strong, consistent and build a culture where a child's development, education and their safety is everyone's responsibility from when a child is born to when they complete their education and training.

## State Service disciplinary processes

### Employment Directions

#### Recommendation 20.5

1. The State Service should develop guidance material for conducting preliminary assessments to ensure:
  - a. they are conducted quickly (within three to five business days after an allegation is received)
  - b. the reasons for any delay are documented, a new timeframe set, and the reasons for the delay and the new timeframe are communicated to the parties if applicable in the circumstances
  - c. they are confined to a basic gathering of information and do not require evidence of wrongdoing
  - d. they do not assess whether the alleged conduct occurred in the course of the employee's State Service employment.

2. Victim-survivors and child witnesses should not normally be interviewed at the preliminary assessment stage to avoid them being interviewed more than once or being interviewed by a person without special skills. If it is necessary to interview a child or young person at this stage, then this should be done in line with clause 7.3 of Employment Direction No. 5—Breach of Code of Conduct. Any such interview should be conducted by individuals who have been trained in child development, child sexual abuse (including taking a Whole Story approach), and trauma-related behaviours.
3. Any engagement with a child or young person during the preliminary assessment stage should be child-centred and trauma-informed.
4. The Child-Related Incident Management Directorate should conduct preliminary assessments in child sexual abuse or related conduct matters.

Theme	Lead Agency	Status	Related COI Recommendations
Prevention and protection Workforce expertise and capability	Department of Premier and Cabinet	Underway	6.6, 9.32, 12.35 (a.iv, e), 15.17, 20.7, 20.9

The Government accepts this recommendation. Implementation will be completed by July 2026.

#### **Current actions**

Guidance material is under development.

A final draft of Employment Direction 5—Breach of Code of Conduct (ED5) is currently out for stakeholder consultation and will be released in January 2024. Supporting guidance material is also under development and the development of a Practice, Procedures and Standards (PPS) will be undertaken to support trauma-informed practices in accordance with ED5.

**May 2024:** current policies and procedures reviewed.

**June 2024:** stakeholder consultation and final drafts completed.

#### **Recommendation 20.6**

The Tasmanian Government should amend Employment Direction No. 4—Suspension to:

- a. specify that in matters involving complaints or concerns about child sexual abuse or related conduct of an employee, they may be suspended immediately
- b. clarify, to avoid any doubt, that suspension can occur before the start of any disciplinary processes, including preliminary assessments
- c. exclude, in matters involving complaints or concerns of child sexual abuse or related conduct, the requirement that the Head of Agency must have a reasonable belief that it is in the public interest to suspend the employee
- d. include the safety of children and young people among the matters a Head of Agency must take into account when deciding whether to suspend an employee.

Theme	Lead Agency	Status	Related COI Recommendations
Prevention and protection Child safe cultures and awareness-raising	Department of Premier and Cabinet	Underway	None

The Government accepts this recommendation. Implementation will be completed by July 2026.

#### Current actions

Review of Employment Direction 4—Suspension of State Service Employees is currently underway.

#### Recommendation 20.7

The Tasmanian Government should ensure investigations into misconduct in relation to child sexual abuse or related conduct by State Service employees of the Department for Education, Children and Young People and the Department of Health under Employment Direction No. 5—Breach of Code of Conduct are conducted by the Child-Related Incident Management Directorate.

Theme	Lead Agency	Status	Related COI Recommendations
Prevention and protection Workforce expertise and capability	Department of Premier and Cabinet	Underway	6.6, 9.32, 12.35 (a.iv, e) 15.17, 20.5, 20.9

The Government accepts this recommendation. Implementation will be completed by July 2026.

#### Current actions

Implementation planning will focus on establishing a Child-Related Incident Management Directorate and where and how they are to be set up. Since October 2020, a routine disclosure of state servant suspensions because of allegations of child sexual abuse has been published online. Additionally, in advance of a more comprehensive annual report in 2024 (as per the Commission's Recommendation 20.11), we have begun providing annual information in line with the recommendation, showing the total numbers of state servants still suspended as of 30 September, by Agency.

### Recommendation 20.8

The Tasmanian Government should amend Employment Direction No. 5—Breach of Code of Conduct, as it relates to child sexual abuse or related conduct, to:

- a. ensure people making a complaint and children or young people who have been abused have the right to
  - i. reply to any factual matters put forward by the alleged abuser
  - ii. know the outcome of an investigation
  - iii. seek a review of decisions in an appropriate forum
- b. clarify timeframes for carrying out investigations, set out the process for seeking an extension of time for an investigation and the considerations involved, and require the granting of, and reasons for, an extension of time be communicated to the parties affected
- c. provide that all matters of concern relevant to an employee's conduct with a child or young person pertaining to child sexual abuse or related conduct be treated as potential serious misconduct
- d. note the importance, in circumstances where it is appropriate to summarily dismiss an employee for misconduct, of conducting an investigation to identify children who have been harmed and any systemic problems that need to be addressed
- e. ensure investigations are conducted by people who have been trained in child development, child sexual abuse (including taking a Whole Story approach) and trauma-related behaviours.

Theme	Lead Agency	Status	Related COI Recommendations
Participation and empowerment Prevention and protection	Department of Premier and Cabinet	Underway	None

The Government accepts this recommendation. Implementation will be completed by July 2026.

#### Current actions

A review of Employment Direction 5—Breach of Code of Conduct is underway and is currently out for consultation with key stakeholders. The development of Practices, Procedures and Standards will also be considered in implementing this recommendation.

### Recommendation 20.9

The Tasmanian Government should maintain a central cross-government register of misconduct concerning complaints and concerns about child sexual abuse and related conduct. This register should contain records of substantiated and unsubstantiated matters, including those that did not proceed to investigation.

Theme	Lead Agency	Status	Related COI Recommendations
Prevention and protection Workforce expertise and capability	Department of Premier and Cabinet	Underway	6.6, 9.32, 12.35 (a.iv, e) 15.17, 20.5

The Government accepts this recommendation. Implementation will be completed by July 2026.

#### Current actions

As part of the Employment Direction 5—Breach of Code of Conduct (ED5) review we have established a central register of employees who have or would have been terminated as a result of an ED5 investigation.

### Recommendation 20.10

1. The Tasmanian Government should take measures to ensure that misconduct investigations under Employment Direction No. 5—Breach of Code of Conduct in relation to complaints and concerns of child sexual abuse are able to take into account prior substantiated, untested and unsubstantiated complaints, allegations and disciplinary action, in addition to the immediately alleged misconduct.
2. The Tasmanian Government should take measures to ensure that prior allegations (including unsubstantiated allegations) should be considered at various stages of the disciplinary process, including in determining:
  - a. the process to be used to deal with new allegations
  - b. whether the conduct occurred on the balance of probabilities, with previous substantiated allegations being given more weight than unsubstantiated allegations
  - c. if misconduct has occurred
  - d. the sanction to be applied.

Theme	Lead Agency	Status	Related COI Recommendations
Prevention and protection Workforce expertise and capability	Department of Premier and Cabinet	Not yet commenced	20.9

The Government accepts this recommendation. Implementation will be completed by July 2026 and is dependent on employment related recommendations being completed as first steps in the implementation.

### Recommendation 20.11

1. The Head of the State Service should monitor and publicly report annually on the management of misconduct matters related to child sexual abuse or related conduct.
2. Heads of Agencies should report quarterly to the Head of the State Service on all misconduct matters related to child sexual abuse or related conduct, substantiated and unsubstantiated.

Theme	Lead Agency	Status	Related COI Recommendations
Accountability and integrity	Department of Premier and Cabinet	Underway	None

The Government accepts this recommendation. Implementation will be completed by July 2026.

#### Current actions

In advance of a more comprehensive annual report in 2024 (as per the Commission's Recommendation 20.11), we have begun providing annual information in line with the recommendation, showing the total numbers of state servants still suspended as of 30 September, by Agency. Implementation planning will include a review of current reporting (including the annual report).

### Recommendation 20.12

The Tasmanian Government should introduce legislation to amend Employment Direction No. 6—Inability to provide for:

- a. a simplified process that applies to matters where the employee no longer has an essential employment requirement (for example, no registration under the *Registration to Work with Vulnerable People Act 2013*)
- b. powers to immediately terminate a person's employment if the employee no longer meets an employment requirement for working with children or young people
- c. any interview with a child or young person in line with Employment Direction No. 6—Inability to be subject to the same considerations as should apply under clause 7.3 of Employment Direction No. 5—Breach of Code of Conduct (Recommendation 20.8).

Theme	Lead Agency	Status	Related COI Recommendations
Participation and empowerment Child safe cultures and awareness-raising	Department of Premier and Cabinet	Underway	None

The Government accepts this recommendation. Implementation will be completed by July 2026.

### Current actions

Currently under consideration as part of the review of Employment Direction 6—Procedures for the Investigation and Determination of whether an employee is able to efficiently and effectively perform their duties.

### Recommendation 20.13

1. The Head of the State Service should issue guidance on State Service disciplinary processes that contains key principles and procedures to be followed. This guidance should include information on:
  - a. the steps involved in the process of dealing with disciplinary matters
  - b. maintaining confidentiality
  - c. setting timeframes for investigations and communicating timeframes to the parties
  - d. preliminary assessments
  - e. employee suspensions, in particular where matters are alleged to involve child sexual abuse
  - f. considerations when interviewing children
  - g. an employee’s inability to perform a role due to the loss of employment requirements
  - h. the rights of an employee and any complainant.
2. This guidance should be developed in line with relevant child safety considerations, relevant recommendations of this Commission of Inquiry and the Integrity Commission’s Guide to Managing Misconduct in the Tasmanian Public Sector.

Theme	Lead Agency	Status	Related COI Recommendations
Prevention and protection Collaboration and integration	Department of Premier and Cabinet	Underway	6.6, 19.8, 20.5, 20.6

The Government accepts this recommendation. Implementation will be completed by July 2026.

### Current actions

Work is currently underway, with some overlap with the review of Employment Direction 5—Breach of Code of Conduct processes. The work is dependent on other employment related recommendations being completed prior to the commencement of this recommendation.

## Role of the Tasmanian Industrial Commission

### Recommendation 20.15

The Government should fund the Tasmanian Industrial Commission to enable its members to attend training on child sexual abuse either locally or through any relevant interstate program or training, such as the programs offered by the Judicial College of Victoria.

Theme	Lead Agency	Status	Related COI Recommendations
Workforce expertise and capability Child safe cultures and awareness-raising	Department of Justice	Not yet commenced	16.8, 16.16, 17.2

The Government accepts this recommendation. Implementation will be completed by July 2026.

## Therapeutic services

### Improving the therapeutic service system

#### Recommendation 21.2

1. The Tasmanian Government should conduct an independent process and outcomes evaluation for the pilot multidisciplinary Arch centres and any future centres after three years of operation to inform the Government of any systems improvements that could be made to the centres and whether they have resulted in improvements in client outcomes. The evaluation should incorporate:
  - a. an evaluation and data outcomes framework established during the first year that includes required baseline and outcomes data for clients receiving services through the Arch centres, and considers how Arch centre outcomes can be compared with the outcomes of cases that have not received an Arch centre response
  - b. the collection of data in line with the data outcomes framework in the first year
  - c. the storing and retention of data in a format that can be provided to the independent evaluators.
2. The evaluation and data outcomes framework should include outcome measures for adult and child victim-survivors of child sexual abuse and children who have experienced or displayed harmful sexual behaviours.
3. The Tasmanian Government should ensure multidisciplinary centres are not the sole response to the therapeutic needs of adult and child victim-survivors of child sexual abuse.

Theme	Lead Agency	Status	Related COI Recommendations
Accountability and integrity	Department of Police, Fire and Emergency Management	Underway	None

The Government accepts this recommendation. Implementation will be completed by July 2026.

### Current actions

In collaboration with service providers within Arch, Australia's National Research Organisation for Women's Safety developed the Arch Evaluation, Review and Monitoring Framework.

The Framework includes a baseline study and an early "initial" review of the performance of multidisciplinary centres to inform the establishment of a further pilot. A mid-term (year from establishment) evaluation of performance, with recommendations to inform the improvement of service delivery during the term of the pilot program and a final (two years from establishment) evaluation of performance and impact, with recommendations to continue the program with, or without, any changes.

The Framework also suggests potential ongoing monitoring and evaluation measures if the centres are funded beyond the current pilot.

Procurement of an independent evaluator is underway and once engaged, they will review the existing Framework to align with this recommendation.

### Recommendation 21.3

1. The Tasmanian Government should establish a peak body for the sexual assault service system, including therapeutic interventions for children who have engaged in harmful sexual behaviours, to:
  - a. ensure the needs of adult and child victim-survivors of child sexual abuse and children who have experienced or displayed harmful sexual behaviours are met by the sexual assault service system
  - b. represent sexual assault service providers in a coordinated way
  - c. share evidence and experience
  - d. develop or identify practice standards for sexual assault services and interventions for child sexual abuse and harmful sexual behaviours
  - e. coordinate service delivery for victim-survivors
  - f. advocate for improvements in the sexual assault service system.
2. This peak body for the sexual assault service system should be distinct from, but work in cooperation with, a family violence peak body.

Theme	Lead Agency	Status	Related COI Recommendations
Accountability and integrity Workforce expertise and capability	Department of Premier and Cabinet	Underway	9.10, 21.1, 21.4, 21.5, 21.8

The Government accepts this recommendation. Implementation will be completed by July 2026.

**Current action**

Work has commenced to establish a Family and Sexual Violence Peak through the Tasmanian Government’s third Family and Sexual Violence Action Plan: Survivors at the Centre 2022-27. The Department of Premier and Cabinet (DPAC) has provided funding to the Tasmanian Council of Social Service (TasCOSS) for twelve months to establish the Family and Sexual Violence Peak. DPAC has commenced discussions to determine a way to compliment and leverage the existing work of TasCOSS, while meeting the Commission’s recommendation to establish a separate peak body for the sexual assault service system. The approach will be developed in partnership and codesigned with the existing TasCOSS convened family and sexual violence peak coalition members including the sexual violence service sector.

**Recommendation 21.4**

1. The Tasmanian Government should increase the funding for free or low-cost sexual assault counselling services to:
  - a. reduce waiting times to no longer than four weeks for victim-survivors, regardless of where they live in Tasmania
  - b. enable fortnightly access to sexual assault counselling in Ashley Youth Detention Centre
  - c. assist peer support groups.
2. The Department of Premier and Cabinet should adopt strategies to increase the number of professionals with skills to provide therapeutic responses to abuse-related trauma to address the challenge in attracting and retaining sufficient suitably qualified staff to fill vacancies and meet the need for therapeutic responses to child sexual abuse.

Theme	Lead Agency	Status	Related COI Recommendations
Workforce expertise and capability Participation and empowerment	Department of Premier and Cabinet	Underway	9.10, 21.1, 21.3, 21.5, 21.7, 21.8

The Government accepts this recommendation. Implementation will be completed by July 2026.

**Current actions**

We have provided additional funding to sexual assault counselling services prior to the Commission of Inquiry and considering service pressures. This includes a 37 per cent increase in core funding to Tasmania’s frontline family and sexual violence services with five-year contracts, providing funding certainty. We have provided around \$2 million in funding to the Sexual Assault Support Service as the primary provider to prevent and respond to harmful sexual behaviours through the Prevention, Assessment, Support and Treatment Program.

### Recommendation 21.5

The Tasmanian Government should increase the capacity of the Victims of Crime Service by:

- a. increasing the number of counsellors available in each of the Victims of Crime Service offices to at least three in southern Tasmania, two in northern Tasmania and two in the North West
- b. promoting the availability of the Victims of Crime Service counselling service to victim-survivors of sexual assault.

Theme	Lead Agency	Status	Related COI Recommendations
Workforce expertise and capability Participation and empowerment	Department of Justice	Underway	17.6, 17.7

The Government accepts this recommendation. Implementation will be completed by July 2026.

#### Current actions

Additional funding has been allocated to the Department of Justice to manage and mitigate the impacts during the release of the Commission of Inquiry Report and in the immediate three months following. This includes the allocation of \$321,850 for Victim Support Services Counselling and Support Services.

As a result, an additional counsellor commenced with the Victims of Crime Service in Hobart in October 2023 and additional hours have been funded for counsellors in Launceston.

### Recommendation 21.6

1. The Tasmanian Government should ensure that the needs of particular groups of victim-survivors are met by the therapeutic service system and related contracting of services, including the needs of:
  - a. children who are victim-survivors or have displayed harmful sexual behaviours (Recommendation 21.8)
  - b. victim-survivors with disability or mental illness
  - c. victim-survivors who identify as LGBTQIA+
  - d. male victim-survivors
  - e. victim-survivors who are from culturally and linguistically diverse backgrounds.
2. The Tasmanian Government should consult on the therapeutic service system with relevant stakeholder groups, including the Interim Disability Commissioner, community groups and representative bodies.

Theme	Lead Agency	Status	Related COI Recommendations
Workforce expertise and capability Collaboration and integration	Department of Premier and Cabinet	Underway	9.10, 21.1, 21.3, 21.4, 21.5, 21.8

The Government accepts this recommendation. Implementation will be completed by July 2026.

### Current actions

We have provided additional funding to sexual assault counselling services prior to the COI and considering service pressures. This includes a 37 per cent increase in core funding to Tasmania's frontline family and sexual violence services with five-year contracts, providing funding certainty. We have provided around \$2 million in funding to the Sexual Assault Support Service as the primary provider to prevent and respond to harmful sexual behaviours through the Prevention, Assessment, Support and Treatment Program.

## Strengthening services for children who have displayed harmful sexual behaviours

### Recommendation 21.10

Tasmania Police and the Department for Education, Children and Young People should update the Keeping Children Safe Handbook to reflect the Tasmanian Government's statewide framework and plan for addressing harmful sexual behaviours, including by:

- a. modifying the language used when discussing children who have displayed harmful sexual behaviours to align with the definitions developed through the National Office of Child Safety
- b. clarifying the roles and responsibilities of the two agencies in responding to incidents involving harmful sexual behaviours, including the conditions under which each agency will lead the response
- c. clarifying the involvement of specialist therapeutic services in responses to incidents.

Theme	Lead Agency	Status	Related COI Recommendations
Collaboration and integration Child-safe cultures and awareness-raising	Department for Education, Children and Young People	Not yet commenced	6.9, 9.28, 12.30, 21.8

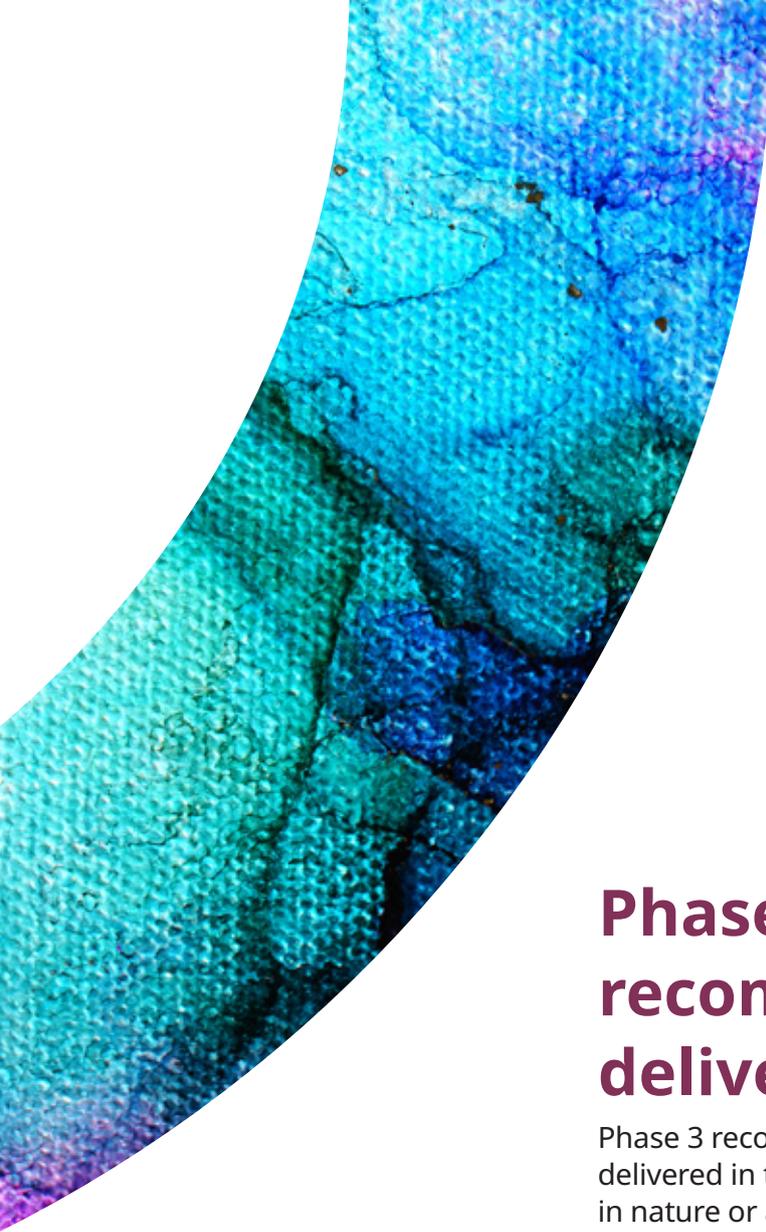
\*Commission of Inquiry recommended timeframe: by 1 July 2024.

Reason it will take longer: While some work has commenced, finalisation will occur in conjunction with Recommendation 21.8 and development of the statewide framework and plan for preventing, identifying and responding to harmful sexual behaviours.

The Government accepts this recommendation. Implementation will be completed by July 2026.

**Current actions**

We have provided additional funding to sexual assault counselling services prior to the COI and considering service pressures. This includes a 37 per cent increase in core funding to Tasmania's frontline family and sexual violence services with five-year contracts, providing funding certainty. We have provided around \$2 million in funding to the Sexual Assault Support Service as the primary provider to prevent and respond to harmful sexual behaviours through the Prevention, Assessment, Support and Treatment Program.



## Phase Three recommendations—to be delivered by July 2029

Phase 3 recommendations are those that are to be delivered in the longer term. They are often more complex in nature or are interdependent upon the delivery of other recommendations. Despite this there are some recommendations that are currently underway or will commence soon, and recommendations will be completed ahead of schedule where possible. Phase 3 recommendations align with timeframes suggested by the Commission of Inquiry unless indicated otherwise.

The Commission's report identified 32 recommendations for response in Phase 3. Under our Response:

- four Phase 3 recommendations will be moved to Phase 2, and
- five of the Commission's Phase 2 recommendations will be delivered in Phase 3.

Accordingly, our Response will deliver a total of 33 recommendations in Phase 3. The reasons for changes in timing for these recommendations relate to the complexities associated with the recommendations, dependencies on the delivery of other related recommendations, or where work already underway supports earlier completion.

## Children in out of home care

### Strategic planning for out of home care

#### Recommendation 9.8

1. The Department for Education, Children and Young People should develop a strategic plan for the out of home care system. The plan should include:
  - a. a vision for future models of out of home care in Tasmania
  - b. the transition plan and commissioning strategy for outsourcing the provision of out of home care to the non-government sector (Recommendation 9.2)
  - c. the empowerment and participation strategy for children and young people in out of home care (Recommendation 9.6)
  - d. implementation of the Aboriginal and Torres Strait Islander Child Placement Principle (Recommendation 9.15)
  - e. a commitment to trauma-informed, therapeutic models of care (Recommendation 9.18)
  - f. a commitment to the National Standards for Out-of-Home Care and the Child and Youth Safe Standards
  - g. a workforce capacity building strategy (Recommendation 9.10)
  - h. developing a carer recruitment, support and retention strategy, in consultation with the non-government sector
  - i. a process for ongoing carer accreditation, registration and monitoring (Recommendation 9.20)
  - j. establishing the outcomes and performance reporting framework (Recommendation 9.9)
  - k. building quality assurance and improvement into all activities
  - l. an updated framework of policies for the safety and wellbeing of children in care, including updating key policies relating to
    - i. complaints handling
    - ii. harmful sexual behaviours
    - iii. mandatory education for staff in child sexual abuse
    - iv. care concern and critical incident reporting and management
    - v. child sexual exploitation
    - vi. how decisions can be appealed and reviewed
    - vii. professional conduct
    - viii. implementing the Child and Youth Safe Standards.
2. All policy documents should be published on the Department's website.
3. Each element of the strategic plan for the out of home care system should have a timeframe attached, with staggered implementation, and the plan should be fully implemented within five years.
4. The Secretary's key performance indicators should require the implementation of the strategic plan for the out of home care system within allocated timeframes.

Theme	Lead Agency	Status	Related COI Recommendations
Accountability and integrity Collaboration and integration	Department for Education, Children and Young People	Not yet commenced	9.2, 9.6, 9.9, 9.10, 9.15, 9.18, 9.20

The Government accepts this recommendation. Funding will be considered through State Budget processes. Implementation will be completed by July 2029.

## Workforce strategy

### Recommendation 9.10

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

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

Theme	Lead Agency	Status	Related COI Recommendations
Workforce expertise and capability Child-safe cultures and awareness-raising	Department for Education, Children and Young People	Underway	9.8

The Government accepts this recommendation. Implementation will be complete by July 2029.

### Current actions

The Department for Education, Children and Young People is currently developing a workforce strategy which includes actions to address immediate workforce needs. There are a number of elements of this recommendation which are underway and that will be delivered prior to 2029. The workforce strategy will be a living document and will evolve over the implementation period. Future actions include creating greater linkages with tertiary education providers to develop pathways for the sector, a Model of Practice for Child Safety and a new on-the-job training model.

### Recommendation 9.11

1. The Department for Education, Children and Young People should establish mandatory core knowledge requirements for Child Safety Officers, which include an understanding of:
  - a. child sexual abuse, including grooming, harmful sexual behaviours and child sexual exploitation
  - b. the effects of trauma, trauma-informed care and therapeutic responses to trauma
  - c. ethical and professional conduct.
2. The Department should ensure Child Safety Officers attain this knowledge during their induction period.
3. The Department should provide regular refresher training and continuous professional development opportunities to enable Child Safety Officers to continue to advance their knowledge and skills (advanced professional development).
4. In its role of overseeing the out of home care system, the Department should:
  - a. determine the core knowledge and skills required for staff in non-government organisations providing carer assessment and support, and for residential, foster and kinship carers
  - b. ensure non-government out of home care staff and carers have access to professional development in core knowledge and skills, recognising existing high-quality training available in Tasmania and developing or funding new training where required.

Theme	Lead Agency	Status	Related COI Recommendations
Prevention and protection Child-safe cultures and awareness-raising	Department for Education, Children and Young People	Not yet commenced	6.5, 9.28

\*Commission of Inquiry recommended timeframe: by 1 July 2026.

Reason it will take longer: Work will be progressed as a priority to establish core requirements including an adjusted induction process and the need for ongoing training. Other components will require a whole-of-government approach and union and community consultation.

The Government accepts this recommendation. Funding will be considered through State Budget processes. Implementation will be completed by July 2029.

### Recommendation 9.13

The Department for Education, Children and Young People should ensure staff have access to the latest out of home care practice knowledge by becoming a learning organisation, including by:

- a. implementing purposeful means for critical reflection and internal review
- b. establishing strategic partnerships with specialist out of home care, child maltreatment and child protection researchers
- c. engaging in cross-jurisdictional partnerships where there are opportunities for shared learning
- d. developing opportunities for formal recognition of ongoing learning for staff through these partnerships, such as via micro-credentialling pathways.

Theme	Lead Agency	Status	Related COI Recommendations
Child safe cultures and awareness-raising Collaboration and integration	Department for Education, Children and Young People	Underway	9.11, 9.17

The Government accepts this recommendation. Implementation will be completed by July 2029.

#### Current actions

The Department for Education, Children and Young People (DECYP) has prioritised establishing a culture that builds community, capacity, connection and trust. DECYP has invested heavily in leadership; with clear expectations set by its Executive, and prioritisation of Services for Children and Families for rapid leadership improvement.

Clinical Supervision is an important mechanism for critical reflection and professional growth. DECYP is currently commissioning revisions to its Child Safety Supervision Framework. Revisions will ensure the framework is contemporary and tailored to the needs of the Child Safety professional workforce so it can continuously grow and improve its practice for children.

DECYP has commissioned research and service development projects through universities across Australia to strengthen child safety related policy and practice.

## Keeping Aboriginal children safe

### Recommendation 9.15

The Tasmanian Government should fully implement all elements of the Aboriginal and Torres Strait Islander Child Placement Principle by:

- a. increasing investment in Aboriginal-led targeted early intervention and prevention services for Aboriginal families, including family support and reunification services, to a rate equivalent to the representation of Aboriginal children in the Tasmanian child safety system

- b. adopting and reporting on measures to reduce institutional racism and supporting decolonising practices in the Department for Education, Children and Young People to reduce the over-representation of Aboriginal children in out of home care
- c. ensuring that the Aboriginal status of all Aboriginal children in contact with Child Safety Services is accurately identified and recorded at the earliest opportunity, and appropriately shared with non-government out of home care providers and carers
- d. introducing legislation to amend the *Children, Young Persons and Their Families Act 1997* to
  - i. require decision makers to consult with a relevant recognised Aboriginal organisation in relation to any decision likely to have a significant impact on an Aboriginal child—in particular, decisions about whether to remove a child from their family and where a child should live
  - ii. require the involvement of a relevant recognised Aboriginal organisation nominated by an Aboriginal child, or their advocate, in family group conferences, case planning and cultural support planning in respect of the child
  - iii. create a statutory framework and plan co-designed with Aboriginal communities for transferring child safety decision-making authority for Aboriginal children to recognised Aboriginal organisations
- e. partnering with Aboriginal communities to
  - i. promote and support establishing recognised Aboriginal organisations with local knowledge of Aboriginal children, families and communities, to facilitate the participation of Aboriginal children and families in child safety and out of home care decision-making processes
  - ii. develop a model or models for the transfer of child safety decision making authority to recognised Aboriginal organisations
  - iii. invest in recognised Aboriginal organisations' capacity to ensure they are fully resourced, and their workforces fully equipped and supported, to participate in child safety and out of home care decision-making processes for Aboriginal children, including involvement in cultural support planning, and to manage any transfer of decision-making authority for Aboriginal children
- f. designing and establishing, in partnership with Aboriginal communities, fully resourced, Aboriginal-led, therapeutic residential programs for Aboriginal children who have been removed from their families and for whom an appropriate placement with an Aboriginal carer cannot be found
- g. implementing systems to ensure every Aboriginal child in out of home care has a meaningful cultural support plan prepared by or with the involvement of a recognised Aboriginal organisation or an Aboriginal person with relevant cultural knowledge, and regularly reviewing cultural support plans to ensure cultural connections for Aboriginal children are being maintained
- h. ensuring non-government out of home care providers comply with the 'placement' and 'connection' elements of the Placement Principle

- i. ensuring the Aboriginal status of carers is identified and accurately recorded
- j. providing mandatory professional development to Child Safety Services staff to ensure all interactions with and responses to Aboriginal children, families and organisations are culturally safe.

Theme	Lead Agency	Status	Related COI Recommendations
Participation and empowerment Accountability and integrity	Department for Education, Children and Young People	Underway	9.7, 9.8

The Government accepts this recommendation. Implementation will be completed by July 2029.

### Current actions

Our Government is committed to implementing all elements of the Aboriginal and Torres Strait Islander Child Placement Principle. This will be done through a range of activities, including partnership with Aboriginal organisations through Closing the Gap, professional development and, ultimately, legislative change.

The Department for Education, Children and Young People (DECYP) is currently working with the Tasmanian Aboriginal Centre (TAC) through the combined Closing the Gap Peak Government Policy Partnership and related Palawa Child Safety subgroup. Current activities include developing cultural awareness training specifically for Child Safety staff, co-designing policy advice for staff, identifying families for case management by the TAC and ensuring representation in decision-making for Aboriginal children and families. DECYP will identify opportunities to work with other Aboriginal organisations in the delivery of services.

Active efforts are made to identify Aboriginal children and families at the first point of contact with the Advice and Referral Line (ARL), and to connect with kin or a representative Aboriginal organisation. There are two Aboriginal Liaison Officers within the ARL for this purpose.

## Supporting quality care

### Recommendation 9.17

1. The Department for Education, Children and Young People should appoint a Chief Practitioner to lead clinical practice and quality assurance across Child Safety Services, the Strong Families, Safe Kids Advice and Referral Line, and out of home care.
2. The Chief Practitioner should lead an Office of the Chief Practitioner, manage a team of clinical practice experts across Child Safety Services and report to the Secretary.

3. The Chief Practitioner should be responsible for:
  - a. developing the clinical capacity of practitioners through professional development and supervision
  - b. informing clinical policies, procedures and practice directions to ensure they reflect best practice in child protection and trauma-informed care
  - c. receiving, triaging, recording, monitoring and coordinating responses to complaints about Child Safety Services and out of home care (Recommendation 9.31) and concerns about the safety and wellbeing of children in care (Recommendation 9.32)
  - d. supporting best practice responses to children in out of home care experiencing or at risk of child sexual exploitation
  - e. conducting file reviews and audits to inform an understanding of current clinical practice and identify areas for reform.
4. The Chief Practitioner should:
  - a. work closely with the Quality and Risk Committee to monitor data to identify systemic strengths and weaknesses within practice across Child Safety Services and out of home care
  - b. have a close working relationship with the Department's Learning and Development team, ensuring that workforce development of Child Safety Services and out of home care is designed and delivered to support best practice service provision
  - c. support the Department's strategic partnerships and collaboration where appropriate, including with research and teaching institutions and non government service delivery partners to enhance knowledge and practice across the sector (Recommendation 9.13).
5. The Department should ensure clinical practice experts are located in all regional offices of Child Safety Services across the state.
6. The Chief Practitioner should lead the Harmful Sexual Behaviours Support Unit (Recommendation 9.28).

Theme	Lead Agency	Status	Related COI Recommendations
Accountability and integrity Collaboration and integration	Department for Education, Children and Young People	Not yet commenced	6.6, 9.4, 9.13, 9.28, 9.29, 9.31, 9.32

The Government accepts this recommendation. Funding will be considered through State Budget processes. While the implementation will be completed by July 2029, elements of the recommendation such as the appointment of the Chief Practitioner will be completed earlier to align with other recommendations and implementation plans.

## Ensuring quality carers

### Recommendation 9.20

1. The Department for Education, Children and Young People should establish and maintain a Carer Register of all types of carers in the out of home care setting to ensure all third-party guardians, and foster, respite, kinship, and salaried residential carers can provide quality care to children and act protectively.
2. The Department should:
  - a. set minimum requirements for registration as a carer
  - b. record allegations of concern about a carer or members of their household
  - c. set out a process for de-registering carers
  - d. enable easy information sharing between the Carer Register, the Registration to Work with Vulnerable People Scheme and the Reportable Conduct Scheme.
3. The minimum requirements for carer registration should include:
  - a. current Registration to Work with Vulnerable People and satisfactory National Police Checks
  - b. best practice and tailored approaches to foster, kinship and residential carer screening and assessment
  - c. mandatory knowledge and skill requirements for carers, including
    - i. understanding child sexual abuse, including grooming, harmful sexual behaviours and child sexual exploitation
    - ii. understanding the effects of trauma, trauma-informed care and therapeutic responses to trauma
    - iii. understanding the professional conduct policy and ethical behaviour
  - d. requiring other relevant adults who routinely spend time in the carer household to hold Registration to Work with Vulnerable People and to have been subject to carer assessment
  - e. satisfactory annual carer reviews conducted by non-government providers and reported to the Carer Register.
4. The Department should provide for kinship carers to be provisionally registered for 12 months after assuming care of a child. During this time kinship carers should be required to complete their mandatory training requirements or apply for an exemption in exceptional circumstances.
5. Non-government out of home care providers should support kinship carers to access and complete the mandatory training required for full registration as a carer. The mandatory training should contain measures to overcome literacy difficulties, cultural difference or geographical remoteness.
6. The Department should only place children with a carer who is registered or provisionally registered on the Carer Register.
7. The Department should establish a mechanism for reviewing decisions about the registration or deregistration of carers.
8. The Tasmanian Government should adequately resource the Department to establish and maintain the Carer Register.

Theme	Lead Agency	Status	Related COI Recommendations
Accountability and integrity Child safe cultures and awareness-raising	Department for Education, Children and Young People	Underway	9.3, 9.8

The Government accepts this recommendation. Implementation will be completed by July 2029.

### Current actions

The Government has already committed to establishing a Carer Register and an Out of Home Care Accreditation Framework, with an allocation of \$2.2 million over three years from 2023. Scoping for the Carer Register is underway, examining the different types of care arrangements and services provided by Government and non-government providers for children and young people.

### Recommendation 9.21

To improve placement stability and the oversight of the care of children by third-party guardians, the Department for Education, Children and Young People should:

- a. make publicly available the criteria and process for a carer to become a third-party guardian
- b. sufficiently resource the team responsible for third-party guardianship applications to ensure appropriate assessments and timely processing
- c. require third-party guardians to be registered on the Carer Register to maintain their guardianship
- d. ensure third-party guardians receive the same level of support in their caring role as received by foster or kinship carers
- e. ensure children in third-party guardianship arrangements continue to have their safety and wellbeing supported and monitored (for example, through independent community visitors (Recommendation 9.34).

Theme	Lead Agency	Status	Related COI Recommendations
Accountability and integrity Collaboration and integration	Department for Education, Children and Young People	Not yet commenced	None

The Government accepts this recommendation. Funding will be considered through State Budget processes. Implementation will be completed by July 2029.

## Children on out of home care orders involved in youth justice

### Recommendation 9.27

In its role as statutory guardian of a child in care, the Department for Education, Children and Young People should:

- a. ensure a representative of the Department with knowledge of the child appears for a child in out of home care in the Magistrates Court (Youth Justice Division) and in the new specialist children's division of the Magistrates Court (Recommendation 12.15), in order to
  - i. support the child in court
  - ii. inform the court of all relevant considerations to the court, including the child's child protection history
  - iii. make submissions to the court on behalf of the child with arrangements in place for this to occur in out-of-hours bail hearings as well as those that occur during normal business hours
- b. take actions that may address any causes contributing to child offending, including changes to care plans
- c. ensure, when a child in care is admitted to youth detention or another residential youth justice facility, that the child's Child Safety Officer
  - i. arranges an immediate review of the child's care plan with their care team, which includes developing a transition plan for when the child leaves detention
  - ii. visits the child as soon as practicable and regularly thereafter, with a minimum of one visit during their admission in line with the child's revised care plan
  - iii. notifies the Commission for Children and Young People of the child's admission to youth detention
- d. report to the Quality and Risk Committee on the number of children in care in detention and on the activities listed above.

Theme	Lead Agency	Status	Related COI Recommendations
Participation and empowerment Accountability and integrity	Department for Education, Children and Young People	Underway	12.15

\*Commission of Inquiry recommended timeframe: by 1 July 2026.

Reason it will take longer: This recommendation is dependent on the establishment of a new Court to fully achieve the intended outcomes. While the full recommendation will not be completed till 2029, work will progress to implement this recommendation with the existing Magistrates Court (Youth Justice Division).

The Government accepts this recommendation. Implementation will be completed by July 2029.

## Current actions

In its role as statutory guardian of a child in care, the Department for Education, Children and Young People (DECYP) will provide greater connection and oversight for the care of children in out of home care who are appearing in court or engaged in the youth justice system. DECYP has appointed a Youth Practice Manager to oversee practice relating to young people who are on care and protection orders in Youth Justice. It will also develop and consult on collaborative working arrangements between Youth Justice, the Strong Families Safe Kids Advice and Referral Line and the Child Safety Service to ensure that the safety and wellbeing needs of young people are met. This will include liaison with the Commissioner for Children and Young People.

## Child sexual exploitation

### Recommendation 9.29

1. The Department for Education, Children and Young People and Tasmania Police should work with non-government providers and other relevant stakeholders to develop a framework for preventing and responding to sexual exploitation of children in care that is informed by best practice and evidence from other jurisdictions. The framework should:
  - a. acknowledge the responsibility of the Department to lead the protection of children in care from child sexual exploitation
  - b. outline the prevention strategies to be used and each agency's role in delivering those strategies
  - c. outline the detection, disruption and intervention strategies to be used and each agency's role in delivering those strategies
  - d. outline how children in care who have been exploited will be supported to heal and recover
  - e. describe how agencies will work together
  - f. implement a reporting framework about the incidence of sexual exploitation of children in care, which is reported to the Quality and Risk Committee.
2. The Chief Practitioner should lead the development of the framework.
3. The *Keeping Children Safe Handbook* and Tasmania Police operating guidelines should be updated to reflect the role of police in responding to child sexual exploitation in the new framework.

Theme	Lead Agency	Status	Related COI Recommendations
Accountability and integrity Workforce expertise and capability	Department for Education, Children and Young People	Not yet commenced	9.5, 9.11, 21.8

The Government accepts this recommendation. Funding will be considered through State Budget processes. Implementation will be completed by July 2029.

## Responding to complaints and concerns about child sexual abuse

### Recommendation 9.32

1. The Department for Education, Children and Young People should develop a new policy to guide responses to concerns about the safety and wellbeing of children in care. The policy should:
  - a. identify all forms of sexual abuse—including grooming, child sexual exploitation, harmful sexual behaviours, abuse by adults within and outside the out of home care system—as serious and requiring a higher-level response
  - b. describe response pathways for concerns about the sexual abuse of children in care depending on the context. Specifically
    - i. concerns or complaints about the sexual abuse of a child in care, or related conduct, by departmental staff should be referred to the Child Related Incident Management Directorate (Recommendation 6.6)
    - ii. responses to concerns about the sexual abuse of children in care, or related conduct, by adults who are not departmental staff should be led or overseen by the Chief Practitioner
    - iii. responses to concerns about sexual exploitation of children in care should be led or overseen by the Chief Practitioner (Recommendation 9.17)
    - iv. responses to concerns about harmful sexual behaviours involving children in care should be led or overseen by the Harmful Sexual Behaviours Support Unit (Recommendation 9.28).
2. The Chief Practitioner should receive all concerns about the safety and wellbeing of children in care and be adequately resourced to receive, triage, record, monitor and coordinate responses. Where the Chief Practitioner has referred a matter to another entity, the Office of the Chief Practitioner should support the localised response to the child’s safety and ongoing welfare.
3. The Office of the Chief Practitioner should include staff with skills in investigation and child interviewing to conduct investigations.
4. The outcomes of all concerns about the sexual abuse of children in care should be reported to the Quality and Risk Committee.

Theme	Lead Agency	Status	Related COI Recommendations
Accountability and integrity Prevention and protection	Department for Education, Children and Young People	Underway	6.6, 9.17, 9.28, 9.32, 9.31

\*Commission of Inquiry recommended timeframe: by 1 July 2026.

Reason it will take longer: Work will commence to progress policy development. However, this recommendation is interrelated and interdependent with other initiatives including the establishment of the Office of the Chief Practitioner and Harmful Sexual Behaviours Support Unit and will require careful planning and sequencing. This work will be progressed as soon as the relevant positions and offices have been established.

The Government accepts this recommendation. Implementation will be completed by July 2029.

### **Current actions**

The Department for Education, Children and Young People's approach to implementing this recommendation will build on the new Wellbeing in Care Procedure, with additional oversight as recommended by the Commission. In the interim, immediate, increased oversight of Wellbeing in Care concerns has been actioned by the Director, Children and Families.

### **Recommendation 9.34**

1. The Tasmanian Government should introduce legislation to establish an independent community visitor scheme for children in out of home care, youth detention and other residential youth justice facilities.
2. The scheme should be administered by the Commission for Children and Young People (Recommendation 18.6) and led by the Child Advocate (Recommendation 9.33).
3. The scheme should be funded to enable every child in care, youth detention or another residential youth justice facility to receive regular and frequent visits, and children in family-based care to be visited regularly or when they request a visit. Resourcing should also enable community visitors to undertake advocacy on behalf of the children they visit.
4. Community visitors should be appointed by the Child Advocate based on their skills, knowledge and expertise, and remuneration should be comparable to similar paid roles in other jurisdictions.
5. Aboriginal children should have access to Aboriginal community visitors under the scheme.
6. Community visitors should be responsible, among other matters, for:
  - a. developing trusting and supportive relationships with children in out of home care, youth detention or other residential youth justice facilities
  - b. advocating on behalf of children by listening to, giving voice to and helping to resolve their concerns and grievances
  - c. facilitating children's access to support services
  - d. inquiring about and reporting on children's physical and emotional wellbeing
  - e. inquiring about whether children's needs are being met.
7. The program should include funding for a small number of legally trained child advocacy officers, also appointed by the Child Advocate (Recommendation 9.33), to assist children with more complex concerns and to support them in seeking independent review of departmental decision making.

Theme	Lead Agency	Status	Related COI Recommendations
Participation and empowerment Accountability and integrity	Department for Education, Children and Young People	Not yet commenced	9.33, 12.36, 18.6

The Government accepts this recommendation. Funding will be considered through State Budget processes. Implementation will be completed by July 2029.

### Recommendation 9.35

Legislation establishing an independent Child Advocate in the Commission for Children and Young People should provide the Child Advocate with power to make a complaint to the Ombudsman on behalf of a child who is in out of home care, youth detention or another residential youth justice facility, seeking the child's permission to do so first.

Theme	Lead Agency	Status	Related COI Recommendations
Participation and empowerment Accountability and integrity	Department for Education, Children and Young People	Not yet commenced	9.33

The Government accepts this recommendation. Funding will be considered through State Budget processes. Implementation will be completed by July 2029. Note, this is in addition to the existing Child Advocate.

Implementation planning will occur in conjunction with processes to establish the new Commission for Children and Young People in accordance with Recommendation 18.6.

### Recommendation 9.36

1. The Tasmanian Government should introduce legislation to:
  - a. expand the jurisdiction of the Tasmanian Civil and Administrative Tribunal to include review of decisions of the Department for Education, Children and Young People in exercising its custody or guardianship powers— including decisions about where a child should live and arrangements for the child's care
  - b. ensure children whose cases are subject to review have the right to express their views and participate in Tribunal proceedings
  - c. give the Child Advocate the power to apply for a Tribunal review of a decision about the care arrangements for a child on behalf of the child, or on the Child Advocate's own initiative
  - d. grant parties, such as parents or carers, the right to apply for a Tribunal review depending on the nature of the decision.

2. To support their understanding of the experiences of children in out of home care, Tribunal members should be specifically trained in the nature and effects of trauma and child sexual abuse.

Theme	Lead Agency	Status	Related COI Recommendations
Accountability and integrity Workforce expertise and capability	Department of Justice	Not yet commenced	17.7, 17.8, 18.13, 19.6

The Government accepts this recommendation. Funding will be considered through State Budget processes. Implementation will be completed by July 2029.

### Recommendation 9.38

1. The Commission for Children and Young People should have the following functions in relation to out of home care:
  - a. monitoring the operation of the out of home care system and the provision of out of home care services to children, by regularly monitoring data and conducting own motion systemic inquiries into aspects of the system
  - b. conducting own motion inquiries into the services received by an individual child or group of children in out of home care
  - c. making recommendations to the Government for out of home care system improvements
  - d. advocating for individual children in out of home care, including supporting children to make complaints to the Ombudsman and to apply for independent reviews of departmental decision making
  - e. administering the independent community visitor scheme
  - f. upholding and promoting the rights of children in out of home care.
2. The Commission should be fully resourced on an ongoing basis to perform these functions.

Theme	Lead Agency	Status	Related COI Recommendations
Accountability and integrity Prevention and protection	Department for Education, Children and Young People	Not yet commenced	18.6

The Government accepts this recommendation. Funding will be considered through State Budget processes. Implementation will be completed by July 2029.

## Children in youth detention

### Cultural change

#### Recommendation 12.9

The Department for Education, Children and Young People should:

- a. initiate a change management process that includes identifying the aptitudes, attitudes and capabilities expected of youth workers, and requires all current youth workers to reapply for their positions
- b. ensure individuals recruited to the youth worker role hold a relevant Certificate IV qualification before starting or complete such a qualification within a year of starting, and have appropriate attributes, attitudes and skills to build positive relationships and work therapeutically with children and young people in youth detention
- c. create incentives for ongoing professional development by supporting youth workers to complete higher qualifications and providing for operational career progression to a senior youth worker role
- d. maintain a sufficient level of youth workers to implement a therapeutic model of care in youth detention and to ensure the safety and wellbeing of children, young people and staff
- e. establish an ongoing biannual recruitment process for youth workers
- f. ensure the induction program and continuing professional development for youth workers are based on best practice principles and include
  - i. expected standards of behaviour in interacting with children and young people
  - ii. a focus on children and young people's human rights, particularly in relation to isolation, force, restraints and personal searches
  - iii. approaches to setting fair, clear and firm boundaries for children and young people's behaviour within a therapeutic, trauma-informed framework
  - iv. training in all custodial policies and procedures
- g. ensure newly recruited youth workers are not eligible to start work until they have satisfactorily completed the induction program, followed by two weeks of 'buddy shifts'
- h. develop a clear policy on the appropriateness of providing training, counselling or direction to detention centre staff members who have repeatedly demonstrated resistance to change
- i. urgently develop a staffing contingency plan to ensure children and young people in detention are not subjected to lockdowns caused by staff shortages
- j. consider introducing mechanisms to attract more youth workers, such as an allowance or loading that reflects the regional location of Ashley Youth Detention Centre and the current high-risk environment of youth detention
- k. implement other supports for Ashley Youth Detention Centre staff in relation to allegations of child sexual abuse against their colleagues and strengthen support for youth workers and other detention centre staff following critical incidents in detention, such as riots, assaults, attempted suicide and self-harm, by providing psychological first aid, additional support from skilled psychologists on an 'as needs' basis and, where appropriate, critical incident debriefing facilitated by a neutral and trained expert.

Theme	Lead Agency	Status	Related COI Recommendations
Workforce expertise and capability Child safe cultures and awareness-raising	Department for Education, Children and Young People	Not yet commenced	12.18

The Government accepts this recommendation. Funding will be considered through State Budget processes. Implementation will be completed by July 2029, noting that some elements of the recommendation will be implemented well before July 2029 such as ongoing biannual recruitment processes for youth workers.

## Reducing the number of children in youth detention

### Recommendation 12.11

The Tasmanian Government should:

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

Theme	Lead Agency	Status	Related COI Recommendations
Prevention and protection Child safe cultures and awareness-raising	Department of Justice	Underway	None

The Government accepts this recommendation. Implementation will be completed by July 2029.

### Current actions

This Government has already committed to a minimum age of detention of 14, and undertaken work on the minimum age of criminal responsibility.

To give effect to this recommendation, we must develop and provide a range of community-based health, welfare and disability programs and services that are tailored to meet the needs of children under 14 engaging in antisocial behaviour and to address the factors contributing to that behaviour.

We must also develop alternatives to detention for children aged 14 and 15 years who are found guilty of serious violent offences and who may be a danger to themselves or the community.

The Department for Education, Children and Young People will commence development of a youth justice diversion services framework, covering foundational issues such as priorities and criteria for diversion and program options.

Development of the youth justice diversionary services framework will ensure diversionary programs are effective, developmentally appropriate, evidence based and meet the needs of Tasmanian young people by directing them away from the youth justice system.

### **Recommendation 12.13**

1. The Tasmanian Government, in reviewing current diversion processes and developing a Diversionary Services Framework, should:
  - a. examine the exercise of police discretion to determine whether opportunities for cautioning and community conferencing are being maximised, particularly for Aboriginal children and young people, and children and young people without a strong family support network
  - b. commission research to examine the effectiveness of formal cautions imposed with undertakings and the sanctions imposed by community conferences, to ensure they are proportionate to the alleged offending and not unnecessarily onerous
  - c. introduce legislation to widen the range of alleged offences in respect of which diversion may be pursued and create a presumption in favour of pre-court diversion for children and young people.
2. The Tasmanian Government should begin statewide delivery of new diversion programs under the Diversionary Services Framework by 2025.

Theme	Lead Agency	Status	Related COI Recommendations
Prevention and protection Participation and empowerment	Department for Education, Children and Young People	Underway	None

The Government accepts this recommendation. Implementation will be completed by July 2029.

#### **Current actions**

Our Government is committed to developing a Youth Justice System that achieves better outcomes for young people and their families and keeps our community safe. While diversionary options such as informal and formal cautioning services and referring young people to community conferencing are valuable and will continue to be used, our Government will increase the number and range of diversionary approaches available to assist more young people and their families. The Department for Education, Children and Young People will commence development of a Youth Justice Diversion Services Framework, covering foundational issues such as priorities and criteria for diversion and program options.

Part of this work will involve identifying areas within Tasmania with greater needs and where a diversionary program can be piloted. This significant service system development will see young people being diverted through programs, initiatives and services grounded in evidence, that are regularly monitored and evaluated to ensure effectiveness.

A Youth Justice Diversionary Services Framework will be developed by July 2024, ensuring that diversionary programs are effective, developmentally appropriate, evidence based and meet the needs of Tasmanian young people. Implementing these programs will direct young people away from the youth justice system. Funding for the implementation will be sought through State Budget processes.

#### **Recommendation 12.14**

The Tasmanian Government, to maximise opportunities for children and young people to be admitted to bail and minimise the number of children and young people on remand, should:

- a. introduce legislation to
  - i. require bail decision makers to consider the matters specified in section 3B of the *Bail Act 1977 (Vic)* when determining bail for a child, as well as the child's age (including their developmental age at the time of the alleged offence), Aboriginal status and any previous experience of trauma or out of home care
  - ii. prohibit the refusal of bail to a child on the sole ground that the child does not have any, or any adequate, accommodation
- b. examine the effectiveness of the existing bail support program with a view to expanding its capacity and funding additional bail support programs
- c. establish and fully resource a statewide 24-hour bail system for children and young people with
  - i. specialised and trained decision makers who have knowledge of children and young people, Aboriginal children and young people, and the impact of trauma
  - ii. access to corresponding bail support services
  - iii. access to legal representation for children and young people
- d. ensure its proposed assisted bail facilities
  - i. are small, homelike and, subject to bail conditions, do not place restrictions on the movements of children and young people
  - ii. have the capacity to deal with children and young people with complex needs
  - iii. are designed to include wraparound services, such as health, education and employment
  - iv. are culturally safe for Aboriginal children and young people
  - v. include specialist, therapeutically trained bail support workers to help children and young people attend programs and services, and to comply with their conditions of bail.

Theme	Lead Agency	Status	Related COI Recommendations
Prevention and protection Child safe cultures and awareness-raising	Department of Justice	Not yet commenced	21.9, 9.27, 12.27, 12.31

The Government accepts this recommendation. Funding will be considered through State Budget processes. Implementation will be completed by July 2029.

This work will be aligned with our Government's *Youth Justice Blueprint*, which outlines the strategic direction for Tasmania's youth justice system for the next 10 years, with the aim of improving the wellbeing of children, young people and their families while addressing the underlying drivers of offending behaviours, reducing offending and improving community safety.

### Recommendation 12.15

The Tasmanian Government should:

- a. ensure any legislation designed to amend or replace the *Youth Justice Act 1997* provides that
  - i. rehabilitation is the primary purpose of sentencing a child
  - ii. the list of sentencing options is a hierarchy and a sentencer can only impose a sentence at a particular level of the hierarchy if satisfied that it is not appropriate to impose a sentence that is 'lower' in the hierarchy
  - iii. a sentence imposed on a child should be the minimum intervention required in the circumstances
  - iv. a custodial sentence must only be imposed as a last resort and for the minimum period necessary
  - v. in sentencing a child the court must consider the child's experience of trauma, any child protection involvement or experience of out of home care, disruptions to the child's living situation or education, any mental illness, neurological difficulties or developmental issues experienced by the child, and the child's chronological age and developmental age at the time of sentencing
  - vi. in sentencing an Aboriginal child, the court must consider additional factors including the consequences of intergenerational trauma, historical discriminatory policies, general and systemic racism, and any previous culturally inappropriate responses that may have worsened the effects of trauma on the child
  - vii. there is a presumption against imposing restrictive conditions (such as curfews and non-association conditions) with community-based sentencing orders, which may increase a child's likelihood of breaching a sentencing order and being sentenced to detention
- b. ensure children who are sentenced to a supervised community-based order receive adequate support to comply with the conditions of the order from therapeutically trained, culturally competent staff

- c. assist and support the Magistrates Court to establish a new division of the Court to hear and determine both child protection matters and criminal charges against children and young people, which should be constituted by at least three dedicated full-time magistrates with specialist knowledge and skills relating to children and young people
- d. support the Magistrates Court to arrange for the implementation and operation of the Court's new specialist division to be independently evaluated after three years
- e. fund the Magistrates and Supreme Courts to provide professional development for judicial officers hearing matters involving children and young people in the adult jurisdiction, in areas including child and adolescent development, trauma, child and adolescent mental health, cognitive and communication deficits, and Aboriginal cultural safety.

Theme	Lead Agency	Status	Related COI Recommendations
Participation and empowerment Prevention and protection	Department for Education, Children and Young People	Not yet commenced	12.31, 12.32, 12.33

The Government accepts this recommendation. Funding will be considered through State Budget processes. Implementation will be completed by July 2029.

This work will be aligned with the Government's *Youth Justice Blueprint*, which outlines the strategic direction for Tasmania's youth justice system for the next 10 years, with the aim of improving the wellbeing of children, young people and their families while addressing the underlying drivers of offending behaviours, reducing offending and improving community safety.

#### Current actions

The Tasmanian Government is progressing its plan to close the Ashley Youth Detention Centre and transition to new youth justice facilities that support a therapeutic model of care, as one part of our comprehensive reform of the entire youth justice system. The proposed new statewide centre will provide the opportunity for intensive intervention and rehabilitation through a therapeutic model of care. It will be smaller than the current Ashley Youth Detention Centre and incorporate design features that reflect best practice international youth detention facilities.

#### Recommendation 12.20

The Tasmanian Government should ensure:

- a. there are appropriate mechanisms and pathways for children in contact with the criminal justice system to be diverted to the mental health system for assessment and treatment
- b. the proposed Youth Forensic Mental Health Service provides timely referral and access to mental health treatment, care and support for children and young people when appropriate, whether they are under community-based supervision, in detention or not yet sentenced (including on remand)

- c. children and young people in detention have daily access to an onsite child and adolescent psychologist and fortnightly access to an onsite child and adolescent psychiatrist
- d. the proposed mental health inpatient unit for children and adolescents in Hobart provides for children and young people in detention.

Theme	Lead Agency	Status	Related COI Recommendations
Collaboration and integration Workforce expertise and capability	Department of Health	Underway	12.21

\*Commission of Inquiry recommended timeframe: by 1 July 2026.

Reason it will take longer: Work on this recommendation will progress a program of work, including a new adolescent inpatient unit for young people 12-18 years of age that will provide short-term specialist care during a period of acuity or exacerbation of mental illness.

The Government accepts this recommendation. Implementation will be completed by July 2029.

#### Current actions

Initial planning is underway. The therapeutic design, stand alone model of care, and potential location will all be considered under processes.

#### Recommendation 12.24

The Tasmanian Government should:

- a. establish an integrated throughcare service for children and young people in detention that
  - i. begins exit planning as soon as possible after a child or young person enters detention for the provision of safe and stable accommodation, access to physical and mental health support, and assistance with education or employment after release to facilitate their reintegration into the community
  - ii. provides increased access to the detention facility for staff of community-based providers of post-release services
  - iii. adopts a collaborative, child-centred, cross-organisation approach involving child protection, housing, health, disability support and education services, supported by a memorandum of understanding and clear policies and procedures
  - iv. involves the child or young person and, to the greatest extent possible, their parent, guardian or other significant adult in exit planning
  - v. includes post-release wraparound support services for children and young people
  - vi. is culturally safe for Aboriginal children and young people

- b. deliver community-based schooling options for children and young people with complex behavioural challenges, including those who are or have been involved in the youth justice system, to provide appropriate learning environments for children to transition to when they leave detention.

Theme	Lead Agency	Status	Related COI Recommendations
Participation and empowerment Prevention and protection	Department for Education, Children and Young People	Underway	None

The Government accepts this recommendation. Implementation will be completed by July 2029.

### Current actions

Under our youth justice reforms, our Government aims to ensure coordinated provision of services for a child or young person from the time they come into contact with the system until they are effectively participating in the community. This approach will need to facilitate and support transition between services, facilities and the community in a responsive and child-centred manner.

Currently, staff at Ashley Youth Detention Centre are using a care team model that includes exit planning from a very early point to work with children and young people in detention with supports from their own community. The Department for Education, Children and Young People is actively considering how to support transition of children and young people from detention to independence as part of the proposed Youth Justice Facilities Model.

## Children in health services

### Empowering children, family and carers

#### Recommendation 15.9

The Department of Health should require its health services to undertake regular and ongoing monitoring of children and young people’s sense of safety in health services to inform continuous improvements to child safety, including in the safety of the physical environment.

Theme	Lead Agency	Status	Related COI Recommendations
Prevention and protection Child safe cultures and awareness-raising	Department of Health	Underway	15.7, 15.8, 15.10

The Government accepts this recommendation. Implementation will be completed by July 2029.

## Current actions

The Department of Health is enhancing mechanisms to gather feedback from young Tasmanians about their safety experiences in accessing health services. By strengthening these tools and processes, we aim to listen effectively, learn from their voices, and identify areas for improving the safety of health services for young people. For example, in 2023 the Department:

- worked with engagement experts to consult with past and current paediatric patients on how the Department can improve services for children and young people, with a particular focus on child safety and wellbeing and
- has been working with Child Health Australasia and other jurisdictions to explore ways to measure the children's patient experience in a safe, validated, and meaningful way.

## Oversight

### Recommendation 15.21

The Tasmanian Government should ensure a review of the *Health Complaints Act 1995* is completed and considers the role of the Health Complaints Commissioner in relation to:

- a. addressing systemic issues within health services related to child safety
- b. incorporating the administration, monitoring and oversight of the Code of Conduct for Unregistered Health Care Workers
- c. coordinating with the role of the new Commission for Children and Young People (Recommendation 18.6), and the Independent Regulator under the *Child and Youth Safe Organisations Act 2023*.

Theme	Lead Agency	Status	Related COI Recommendations
Accountability and Integrity Child safe cultures and awareness raising	Department of Justice	Not yet commenced	18.6

The Government accepts this recommendation. Funding will be considered through State Budget processes. Implementation will be completed by July 2029.

The Department of Justice will prepare advice on the legislative amendments that would be required to implement the Code of Conduct for Unregistered Health Care Workers.

It is expected that drafting of the necessary legislation will commence in 2024, with a consultation draft Bill released for public and stakeholder comment.

A comprehensive review of the Health Complaints Act 1995 will take time; however, it is likely that this process can be commenced and completed well before the July 2029 timeframe suggested by the Commission.

## Redress, civil litigation and support

### The National Redress Scheme

#### Recommendation 17.1

1. The Tasmanian Government should ensure victim-survivors of child sexual abuse in Tasmanian Government institutions have access to a redress scheme irrespective of when the abuse occurred, when they were born or whether they have committed a serious offence.
2. To achieve this outcome, the Tasmanian Government should advocate at a national level for:
  - a. the National Redress Scheme to apply to child sexual abuse in institutions experienced on or after 1 July 2018, with no specified closing date for applications
  - b. changes to the National Redress Scheme that will allow access to redress for people sentenced to imprisonment for five years or longer for a state, territory, federal or foreign country offence.
3. If the National Redress Scheme is not extended, the Tasmanian Government should itself establish a redress scheme for victim-survivors of child sexual abuse in Tasmanian Government institutions, with no specified closing date for applications to be made.
4. The design and operation of any Tasmanian redress scheme should:
  - a. ensure delays are minimised and that applications for redress are handled in a sensitive and trauma-informed manner
  - b. incorporate relevant recommendations made in the Second Year Review of the National Redress Scheme
  - c. make it available to people sentenced to imprisonment for five years or longer for a state, territory, federal or foreign country offence
  - d. allow information to be shared to reduce current risk to children wherever possible, and to facilitate disciplinary action and reporting to Tasmania Police, Child Safety Services, the Registrar of the Registration to Work with Vulnerable People Scheme and the Independent Regulator under the *Child and Youth Safe Organisations Act 2023* (Recommendation 12.5).

Theme	Lead Agency	Status	Related COI Recommendations
Accountability and integrity Prevention and protection	Department of Justice	Not yet commenced	12.5

The Government accepts this recommendation. Funding will be considered through State Budget processes. Implementation will be completed by July 2029.

Further planning will commence in 2024 including targeted consultation with other jurisdictions.

## Overseeing child safe organisations

### Community-wide prevention strategies

#### Recommendation 18.1

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

Theme	Lead Agency	Status	Related COI Recommendations
Collaboration and integration Prevention and protection	Department of Premier and Cabinet	Underway	None

The Government accepts this recommendation. Implementation will be completed by July 2029.

#### Current actions

Policy work is initially focussed on mapping the suite of applicable Australian Government prevention strategies and State Government Agency relationships with a view to understanding the current and potential benefit of those strategies for Tasmania.

Where there is the possibility of increased benefit, action will be taken to identify how further benefits can be maximised.

Outcomes include:

- Awareness raising, education and building child safe cultures
- Supporting and empowering victims and survivors
- Enhancing national approaches to children with harmful sexual behaviours
- Offender prevention and intervention
- Improving the evidence base.

## Child and Youth Safe Organisations Act 2023

#### Recommendation 18.5

The Tasmanian Government should ensure its independent three-year review of the *Child and Youth Safe Organisations Act 2023* has a particular focus on:

- a. whether the Independent Regulator is sufficiently resourced and empowered to perform its functions effectively, and new or additional resourcing, functions and powers are necessary to support compliance
- b. how effectively the Independent Regulator is working with other agencies, including the Ombudsman or other oversight bodies, Registrar of the Registration to Work with Vulnerable People Scheme, Tasmania Police, professional regulatory bodies and other peak bodies, to support compliance, share information and manage active risks to children and young people

- c. how organisations captured by the Child and Youth Safe Standards and the Reportable Conduct Scheme have experienced the new regulatory requirements, and in particular whether they have felt sufficiently supported to comply
- d. analysing data emerging from the operation of the schemes, particularly as they relate to complaints and notifications and trends within and across sectors
- e. whether the Universal Principle requiring organisations to uphold cultural safety is achieving its intended objective, and whether it should become an additional Child and Youth Safe Standard, mirroring the approach in Victoria
- f. whether any further legislative changes are required to ensure appropriate information sharing between the Independent Regulator and other agencies.

Theme	Lead Agency	Status	Related COI Recommendations
Prevention and protection Accountability and Integrity	Department of Premier and Cabinet	Underway	18.4, 18.6, 18.7, 18.8, 18.9

The Government accepts this recommendation. Implementation will be completed by July 2029.

#### **Current actions**

The Department of Justice, who has administration of this Act, is working with an external provider on the scope of the review which will include the requirements of this recommendation.

The Review will incorporate the recommendations of the Commission of Inquiry.

This will lead to a better system of oversight to ensure Tasmanian children are protected and that reportable conduct is identified, responded to, and investigated. It supports the independent oversight of institutional complaint handling processes to ensure the rights of children and young people to safety are respected and protected.

## A coordinated approach

### Improving information sharing and cross-agency coordination for child safety

#### Recommendation 19.7

The Tasmanian Government should review confidentiality and secrecy provisions in Tasmanian legislation, including the *Personal Information Protection Act 2004*, to identify any specific legislative barriers that hinder the sharing of information necessary to protect the safety and wellbeing of children and young people and remove these barriers.

Theme	Lead Agency	Status	Related COI Recommendations
Collaboration and Integration Prevention and Protection	Department of Justice	Not yet commenced	17.8

The Government accepts this recommendation. Funding will be considered through State Budget processes. Implementation will be completed by July 2029. The Department of Justice is progressing work that is aligned with this recommendation and any reforms that can be made prior to 2029 will be made.

## State Service disciplinary processes

### The State Service Code of Conduct

#### Recommendation 20.1

1. The Tasmanian Government should, by introducing legislation or through other means, ensure that the State Service Code of Conduct includes the following binding obligations:
  - a. if a state servant's conduct creates an unacceptable risk to the safety and wellbeing of children or young people accessing government and government funded services, the State Service disciplinary framework should apply, and termination, suspension or sanction should be available (including being able to terminate employment based on a loss of confidence)
  - b. in relation to child sexual abuse and related conduct, the requirement that state servants must comply with all applicable Australian law is determined on the basis of a balance of probabilities test and does not require a breach of the law to be determined by a court
  - c. where a state servant has contact with a child or young person through their work, and an allegation is made of child sexual abuse or related conduct in relation to that child, this contact is sufficient to establish the conduct occurred 'in the course of employment' or, in the case of section 9(14), has a nexus to employment regardless of whether the conduct complained of occurred outside the workplace or outside working hours.

2. The Tasmanian Government should develop policy documents or guidance on the interpretation of the State Service Code of Conduct explaining (among other things):
  - a. how the required connection between a state servant’s employment and a child and young person should be interpreted in matters that involve child sexual abuse or related conduct
  - b. explain that all provisions of the Code of Conduct should be interpreted to prioritise the protection of children.

Theme	Lead Agency	Status	Related COI Recommendations
Prevention and protection Workforce expertise and capability	Department of Premier and Cabinet	Underway	None

The Government accepts this recommendation. Implementation will be completed by July 2029.

#### **Current action**

Preliminary work has commenced in relation to this recommendation as a result of the recommendations of the Tasmanian State Service Review and the Government’s interim response to Keeping Children Safer.

## **Therapeutic services**

### **Improving the therapeutic service system**

#### **Recommendation 21.1**

1. The Department of Premier and Cabinet should lead, coordinate and fund a therapeutic service system for child and adult victim-survivors of child sexual abuse and children who have experienced or displayed harmful sexual behaviours.
2. The Department should ensure the therapeutic service system:
  - a. addresses service gaps and provides coordination of services, appropriate coverage and equitable access to quality services
  - b. is easily understood and accessible to the public, state servants and other mainstream service providers.
3. The Department, in leading this work, should consult with:
  - a. any relevant government departments, including the Department for Education, Children and Young People, the Department of Health and Tasmania Police
  - b. sexual assault and abuse counselling services
  - c. the Premier’s Youth Advisory Council and the adult victim-survivors of child sexual abuse advisory group (Recommendation 19.5)
  - d. the peak body for the sexual assault service system (Recommendation 21.3).

4. The Tasmanian Government should ensure funding agreements with non-government specialist services include appropriate governance requirements, sexual abuse service standards, service evaluation and child safe accreditation.

Theme	Lead Agency	Status	Related COI Recommendations
Workforce expertise and capability Collaboration and integration	Department of Premier and Cabinet	Not yet commenced	19.5, 21.2, 21.3, 21.4, 21.6, 21.7, 21.8

The Government accepts this recommendation. Funding will be considered through State Budget processes. Implementation will be completed by July 2029.

This timeframe ensures that interrelated activities, including the establishment of the peak body for the sexual assault service system and establishment of a statewide framework and plan for preventing, identifying and responding to harmful sexual behaviours, will be complete.

#### **Recommendation 21.7**

The Tasmanian Government should improve healing services for Aboriginal victim-survivors and their families and communities by:

- a. fully resourcing and supporting recognised Aboriginal organisations across the state to design, develop and deliver Aboriginal-led healing approaches targeted to victim-survivors of child sexual abuse
- b. ensuring Aboriginal representation on the boards of management or in the executive structures of sexual assault services.

Theme	Lead Agency	Status	Related COI Recommendations
Participation and empowerment Workforce expertise and capability	Department of Premier and Cabinet	Not yet commenced	9.4, 9.7, 9.15, 9.8, 9.14, 12.8, 12.23, 12.27, 12.28, 19.1, 21.8, 21.3

The Government accepts this recommendation. Funding will be considered through State Budget processes. Implementation will be completed by July 2029.

To date, our Government has provided funding through the Closing the Gap capacity building grant funding program to build the capacity of Aboriginal community controlled organisations and work in partnership to ensure Aboriginal community controlled organisational involvement in Aboriginal child safety issues.

## Strengthening services for children who have displayed harmful sexual behaviours

### Recommendation 21.8

1. The Tasmanian Government, in collaboration with key stakeholders, should develop a statewide framework and plan for preventing, identifying and responding to harmful sexual behaviours. The framework should:
  - a. agree on a common definition and understanding of harmful sexual behaviours, including adopting a recognised, contemporary continuum of sexual behaviours from 'developmentally expected' to 'harmful'
  - b. use an evidence-informed framework for understanding, preventing, identifying and responding to harmful sexual behaviours
  - c. clarify the roles and responsibilities of the various agencies and departments involved in preventing and responding to the full continuum of harmful sexual behaviours, including programs delivered by non-government providers
  - d. meet the needs of particular groups of children (Recommendation 21.6)
  - e. include structures to support ongoing engagement with emerging evidence regarding harmful sexual behaviours
  - f. include an evaluation framework.
2. The Tasmanian Government should ensure the therapeutic service system for children who have displayed harmful sexual behaviours:
  - a. provides sufficient therapeutic services that can be accessed in a timely manner
  - b. ensures timely access to therapeutic services for all children who need them, regardless of their age, identity or location in the state (including in youth detention)
  - c. ensures specialist interventions for children with disability
  - d. ensures all providers of therapeutic interventions for harmful sexual behaviours have Aboriginal representation in their governance structure.
3. The Tasmanian Government should provide ongoing and increased funding for specialist therapeutic interventions for harmful sexual behaviours that:
  - a. ensures children who have displayed abusive or violent harmful sexual behaviours and their families need not wait more than two weeks for support when therapeutic treatment is required
  - b. provides an advisory service for child-facing organisations, such as independent schools, childcare, disability and at-risk youth services and Tasmania Police (this service is not intended for the Department for Education, Children and Young People, which will have access to an internal Harmful Sexual Behaviours Support Unit (Recommendation 9.28)
  - c. contributes to the statewide plan for preventing harmful sexual behaviours and its agencies' responses to children who have displayed such behaviours.

Theme	Lead Agency	Status	Related COI Recommendations
Prevention and protection	Department of Premier and Cabinet	Not yet commenced	21.1, 21.3, 21.4, 21.6, 21.7, 21.9, 21.10, 6.7, 6.9, 9.28, 12.30, 19.1

The Government accepts this recommendation. Funding will be considered through State Budget processes. Implementation will be completed by July 2029.

To date, our Government has provided around \$2 million in funding to the Sexual Assault Support Service as the primary provider to prevent and respond to harmful sexual behaviours through the Prevention, Assessment, Support and Treatment Program. We will accelerate actions prior to 2029 where possible and where there will be immediate benefit, with the Phase 3 timeframe enabling the delivery of harmful sexual behaviours to be considered in the strategic context of the therapeutic service system recommendations and timeframe.

### Recommendation 21.9

The Tasmanian Government should introduce legislation to amend the *Children, Young Persons and Their Families Act 1997* and the *Youth Justice Act 1997* to:

- a. give the Magistrates Court explicit power to order that a child who has displayed harmful sexual behaviours (and their family) engage in a therapeutic intervention for harmful sexual behaviours
- b. ensure the Magistrates Court has the power to divert from the criminal justice system a child who has been charged with a criminal offence and who has engaged in harmful sexual behaviours, by adjourning the criminal proceeding to enable the child to engage in a therapeutic intervention, and discharging the child where the intervention has been completed successfully.

Theme	Lead Agency	Status	Related COI Recommendations
Accountability and integrity Prevention and protection	Department for Education, Children and Young People	Not yet commenced	12.15

\*Commission of Inquiry recommended timeframe: by 1 July 2026.

Reason it will take longer: this recommendation is dependent on the implementation of Recommendation 12.15, which has a long-term timeframe.

The Government accepts this recommendation. Funding will be considered through State Budget processes. Implementation will be completed by July 2029.

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21.2	Page 188	Volume 8, Chapter 21, Page 249, File page 2557	None	Phase 2 - 2026
21.3	Page 189	Volume 8, Chapter 21, Page 251, File page 2559	9.10, 21.1, 21.4, 21.5, 21.8	Phase 2 - 2026
21.4	Page 190	Volume 8, Chapter 21, Page 257, File page 2565	9.10, 21.1, 21.3, 21.5, 21.7, 21.8	Phase 2 - 2026
21.5	Page 191	Volume 8, Chapter 21, Page 258, File page 2566	17.6, 17.7	Phase 2 - 2026
21.6	Page 191	Volume 8, Chapter 21, Page 264, File page 2795	9.10, 21.1, 21.3, 21.4, 21.5, 21.8	Phase 2 - 2026
21.7	Page 224	Volume 8, Chapter 21, Page 268, File page 2799	9.4, 9.7, 9.8, 9.14, 9.15, 12.8, 12.23, 12.27, 12.28, 19.1, 21.8, 21.3	Phase 3 - 2029
21.8	Page 225	Volume 8, Chapter 21, Page 281, File page 2589	21.1, 21.3, 21.4, 21.6, 21.7, 21.9, 21.10, 6.7, 6.9, 9.28, 12.30, 19.1	Phase 3 - 2029
21.9	Page 226	Volume 8, Chapter 21, Page 282, File page 2590	12.15	Phase 3 - 2029
21.10	Page 192	Volume 8, Chapter 21, Page 283, File page 2591	6.9, 9.28, 12.30, 21.8	Phase 2 - 2026
22.1	Page 97	Volume 8, Chapter 22, Page 304, File page 2612	9.6, 12.8, 15.7, 18.6, 19.5, 21.3, 21.8	Phase 1 - 2024



# Appendix

Work to implement the Tasmanian Government's response to the Commission of Inquiry will build upon related work already being undertaken, including in response to other reviews and inquiries.

Further information on the status of related reviews and responses can be found via the following links.

[Keeping Children Safe Interim Actions plus Status](#)

[Our response to inquiries into institutional child sexual abuse - Department for Education, Children and Young People \(decyp.tas.gov.au\)](#)

[Child Safe Governance Review – Department of Health](#)

[Tasmanian Response to the Royal Commission into Institutional Responses to Child Sexual Abuse](#)

[Tasmania Police Outcomes Report](#)



Tasmanian  
Government

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

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