



2026

JOINT SESSIONAL COMMITTEE

Recommendations made in the Final Report of the Commission
of Inquiry into Child Sexual Abuse in Institutional Settings

SECOND INTERIM REPORT (Part One)

MEMBERS OF THE COMMITTEE

Legislative Council

Hon Ruth Forrest MLC
(until 11 June 2025; Chair until 11 June 2025)

Hon Cassy O'Connor MLC
(from 29 October 2024)

Hon Sarah Lovell MLC

Hon Kerry Vincent MLC
(to 21 October 2024)

Hon Meg Webb MLC (Chair)
(Deputy Chair until 11 June 2025, Chair from 6 October 2025)

House of Assembly

Ms Rebekah Pentland MP
(to 20 November 2024; from 11 March 2025 to 11 June 2025)

Ms Ella Haddad MP
(from 4 March 2025 to 11 June 2025)

Hon Jacquie Petrusma MP
(to 13 November 2024)

Ms Cecily Rosol MP (Deputy Chair)
(Deputy Chair from 6 October 2025)

Ms Rebecca White MP
(to 12 February 2025)

Mr Nic Street MP
(from 20 November 2024 to 11 June 2025)

Mrs Miriam Beswick MP
(from 20 November 2024 to 11 March 2025)

Mrs Jess Greene MP
(from 26 September 2025)

Mr Roger Jaensch MP
(from 26 September 2025 to 4 November 2025)

Mr Marcus Vermey MP
(from 4 November 2025)

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MP, Minister for Children and Youth

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Minister for Children and Youth

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CHAIR'S FOREWORD

I am pleased to present this Second Interim Report (Part One) on behalf of the Joint Sessional Committee scrutinising implementation of recommendations made in the Final Report of the Commission of Inquiry into the Tasmanian Government's Response to Child Sexual Abuse in Institutional Settings.

This Second Interim Report (Part One) has been prepared to cover evidence taken by the Committee in the time period of June 2024 to June 2025. In that respect it must be read as a document of public record, but not reflective of the current implementation status of Commission of Inquiry recommendations at the time of tabling.

The work of the Committee was interrupted in 2025 by the unexpected prorogation of Parliament for an early State Election, which delayed progression of this interim report by many months. It also resulted in significant changes to Committee membership and a reduction in number from eight to six members.

Mindful of the delay in reporting on its work, the Committee considered it appropriate to release this Second Interim Report in two parts, due to its length and in an effort to ensure more timely tabling and publication.

Part One of the Second Interim Report includes consideration of evidence relating to recommendations in the Commission on Inquiry Report Chapter 6 Education, Chapter 9 Out of Home Care, and Chapter 12 Youth Detention. This represents approximately half the recommendations in the Final Report of the Commission of Inquiry.

Part Two of the Second Interim Report is expected to be completed and tabled without further delay, and will include consideration of evidence relating to recommendations in the Commission of Inquiry Report Chapter 15 Health, Chapter 16 Criminal Justice Responses, Chapter 17 Redress, Civil Litigation and Support, Chapter 18 Overseeing Child Safe Organisations, Chapter 19 A Coordinated Approach, Chapter 20 State Service Disciplinary Processes, Chapter 21 Therapeutic Services, and Chapter 22 Monitoring Reforms.

The Committee notes the evidence taken for the period of June 2024 – June 2025 not only forms the basis of reporting in its Second Interim Report but was also available to inform the [first annual report](#) of the Child Safety Reform Implementation Monitor, published in November 2025.

Those seeking to stay up to date on progress of implementation of Commission of Inquiry recommendations may refer to the annual report of the Implementation Monitor as well as the periodic [government progress updates](#) published online.

As the Inquiry reports on evidence received between June 2024 and June 2025, there will be instances in this report where the reader will need to be aware of changes that have subsequently come to pass. The Committee draws the reader's attention to the following events relating to new legislation and release of documents. These are listed in date order (earliest to most recent):

- Passage of the [Justice Miscellaneous \(Reporting Procedures\) Bill 2025](#) in June 2025 (commenced October 2025). This has updated reporting laws to make it clear that anyone

- not just official bodies – can report behaviour that may harm vulnerable people to the Registrar under the *Registration to Work with Vulnerable People Act 2013*.
- Tabling in Parliament of the ‘[Tatarka report](#)’ in September 2025, examining grants of legal assistance to public officers appearing before the Commission of Inquiry.
- Passage of the [Commissions of Inquiry Amendment \(Private Sessions Information\) Bill 2025](#) in November 2025. This has made it easier for people to access the information they shared in confidential private sessions with the Commission of Inquiry, should they wish to do so.
- Tabling of the [Integrity Commission Amendment \(Mandatory Notifications\) Bill 2025](#) in November 2025. If passed, this Bill will introduce a mandatory requirement for public authorities to notify the Integrity Commission of any allegations of serious misconduct.
- Passage of the [Registration to Work with Vulnerable People Amendment Bill 2025](#) in November 2025, to implement a national agreement to provide mutual recognition of Working With Children Checks across jurisdictions.
- Tabling of the ‘[Woolcott Review](#)’ - Part A in November 2025 and Part B in December 2025, examining the actions of government agencies, their impacts, resources and responses to information and concerns raised by the Commission of Inquiry.
- Tabling of the [Child Safety Reform Implementation Monitor Annual Report 2024-25](#) (with [Companion Document – Appendices](#)) in November 2025.
- Tabling of the [Office of the Independent Regulator Annual Report 2024-25](#) in November 2025.
- Release of the [Implementation Framework](#) for the Child Safety Reform Implementation Monitor in December 2025.
- Passage of the [Commission for Children and Young People Bill 2025](#) in December 2025, to enable the establishment of a new Commission for Children and Young People.
- Release of the Final Report of the [Teachers Registration Act Review](#) in December 2025, making recommendations to strengthen safety for children in learning environments.
- Release of a [draft Tasmanian Youth Justice Facility Model of Care](#) in February 2026 for public consultation.

This Second Interim Report (Part One) presents the recommendations of the Commission of Inquiry by Chapter and in the order they appear in the Commission of Inquiry Final Report. In this report, each recommendation is written in full, under which it is noted whether it was a Phase 1, 2 or 3 recommendation at the time of taking evidence. Also noted is the Government reported status at the time of taking evidence and, where available, an extract from the Government’s Implementation Report of August 2024. This report then presents the Committee’s assessment and observations on the implementation of the recommendation, followed by relevant extracts from the evidence taken.

As a broad observation, the Committee noted significant progress made on implementation of many recommendations and acknowledges the diligent work of many public servants in delivering this progress across the Departments of Justice, Health, Education, Children and Young People, and Police, Fire and Emergency Management.

The Committee highlights the following general observations – further detail can be found in the body of the report:

- While some recommendations have been deemed completed – for example, the development of policies, procedures, training modules, or the establishment of new

positions – the key intent of the recommendations is behaviour and culture change, which has yet to be demonstrated. On that basis, ongoing monitoring and evaluation of the implemented recommendations will be required to determine whether it has successfully delivered on the intent.

- Full implementation of some recommendations will require the Government to commit to increased and ongoing funding to ensure new models of working, new workforce requirements (including increased staffing and training), and appropriately funded non-government organisations deliver services as intended by the Commission of Inquiry. Such a commitment from Government will be challenging given the current dire financial position of the state. However, without appropriate funding the implementation of recommendations risks being curtailed.
- There appears to be issues with the planned sequencing of some recommendations, particularly in the Out of Home Care area. With many recommendations interrelated, the sequencing of their implementation should be reviewed and adjusted where needed, to ensure it occurs in a logical order.
- Workforce recruitment and development are central to the implementation of many recommendations, especially in the child safety, out of home care, and youth detention areas. Achieving the full intended outcomes of many recommendations will rely on establishing, maintaining, training and effectively managing a skilled workforce. Given the current challenges faced by the Government in each of those areas, this may be a significant barrier to successfully implementing Commission recommendations.
- There was a notable disconnect between the Government's reported progress on implementation of many recommendations and observations made by external key stakeholders in evidence to the Committee. It was also clear that consultation and engagement with local expert stakeholders has not always been undertaken.

The Committee is deeply concerned by the delay and apparent inertia on the part of Government in closing Ashley Youth Detention Centre (AYDC) and urges the Government to prioritise implementation of every recommendation required to expedite its closure. The Committee makes the following further observations on this matter:

- The closure of AYDC is one of the most urgent and sensitive of all 191 recommendations made in the COI Report. Indeed, it was the testimony of whistle blowers and victim survivors of abuse at AYDC that led in significant part to the establishment of the Commission of Inquiry.
- While the Government states it is progressing the closure of AYDC 'as soon as possible', there has been no commitment to a firm timeline for closure, and an unwillingness or inability to provide a definitive list of actions to be taken to facilitate the closure.
- The Committee is concerned by the increase in the number of children detained at AYDC - the majority of them unsentenced. Further, the Committee is concerned by reports of a lack of therapeutic supports available, use of force and the ongoing impact of practices such as lockdowns and extended periods of isolation on the safety and well-being of children detained.

- The Committee notes with concern some current leaders at AYDC were employed during the period the Commission identified that some children and young people detained at AYDC experienced systemic harm and abuse.¹ It was not clear in evidence what steps the Department for Education, Children and Young People (DECYP) have taken to ensure leaders have the knowledge, skills, aptitude and core capability to effectively manage people and lead a child safe organisation. The Committee is not confident that staff at AYDC are fully equipped to provide evidence-based, trauma-informed, child-centred interventions with children and young people.

The Committee has concluded that there have been **systemic failures** in the protection of children from sexual abuse in institutional settings in Tasmania.

In regard to the recommendation to raise the age of criminal responsibility to 14 years, the Committee agrees with stakeholders, including the Interim Commissioner for Children and Young People and Tasmania Legal Aid, who have called for the greater prioritisation of this recommendation. Stakeholders stated that it should occur concurrently with the closure of AYDC, and as soon as possible. A prerequisite to the closure of AYDC and raising the age of criminal responsibility to 14 years will be the development of a range of community-based health, welfare, disability, diversionary and prevention programs, which the Committee strongly urges the Government to prioritise.

A further matter of particular concern to the Committee was the allocation of public funds for the delivery of critical services to vulnerable children and young people via election commitment by a political party, rather than an accountable, rigorous, competitive tender process conducted by the relevant Department. The Committee regards this approach to both the commitment of public funding and selecting the best evidenced services for vulnerable Tasmanian children as highly inappropriate.

Direction of the Committee, after completion of the Second Interim Report

I take this opportunity to note the role and focus of this Committee continues to evolve since it was established in June 2024. Initially established to scrutinise the government's response and plan to implement the recommendations of the Commission of Inquiry, and outcomes from that implementation, the early work of the Committee focused on gathering evidence on progress of the implementation and scrutinising responsible Ministers in hearings.

This Second Interim Report, parts one and two, reflect this earlier focus.

Now that the Child Safety Reform Implementation Monitor has been appointed, the Office of the Monitor established, and the Evaluation Framework which will underpin his work created and expected to be utilised to inform his annual report for 2025-26, the focus of this Committee will pivot to the aspects of its Terms of Reference associated with oversight of that role, and others.

From here on, the Committee's focus will primarily be to engage with the Implementation Monitor's annual assessment and reporting on the progress of recommendations, and scrutinising the Government based on the Monitor's assessment.

¹ Commission of Inquiry into the Tasmanian Government's Responses to Child Sexual Abuse in Institutional Settings, August 2023, Volume 1, p. 6.

Further to that, the Committee will maintain ongoing scrutiny of the performance and proper execution of the functions of the legislated and soon to be established Commission for Children and Young People and, while it still exists as a separate entity, the Office of the Independent Regulator.

To close, I would like to extend my thanks to those members who served as members on the Committee to date - the Hon Ruth Forrest MLC (initial Chair of the Committee), Hon Kerry Vincent MLC, the Hon Jacquie Petrusma MP, Nic Street MP, Roger Jaensch MP, Miriam Beswick MP, Rebekah Pentland MP, Rebecca White MP and Ella Haddad MP.

Also, my thanks in particular to current Committee members for their perseverance and diligence in finalising this Second Interim Report (Part One) – Hon Sarah Lovell MLC, Hon Cassy O'Connor MLC, Cecily Rosol MP (Deputy Chair), Jess Greene MP and Marcus Vermey MP.

Finally, the Committee extends its sincere thanks and acknowledges the work of Committee Secretary Ms Jenny Mannering and the support of Ms Allison Scott, Assistant Committee Secretary.

A handwritten signature in black ink, appearing to read 'Meg Webb', written in a cursive, flowing style.

Hon Meg Webb MLC
Committee Chair
10 April 2026

ABBREVIATIONS

ACF	Australian Childhood Foundation
ARL	Advice and Referral Line
ANROWS	Australia's National Research Organisation for Women's Safety
ATRA	Australasian Teacher Regulatory Authorities
AMR	Automatic Mutual Recognition
AYDC	Ashley Youth Detention Centre
CARE	Compassionate, Accountable, Respectful, and Excellent
CARCRU	Child Abuse Royal Commission Response Unit
CPIS	Child Protection Information System
CSA	Child Sexual Abuse
CYHMS	Child and Youth Mental Health Service
CYPF	Children, Young People and Families
CYSOF	Child and Youth Safe Organisation Framework
DECYP	Department for Children and Young People
DOJ	Department of Justice
DPAC	Department of Premier and Cabinet
DPP	Department of Public Prosecutions
DPFEM	Department of Police, Fire and Emergency Management
FSC	Family and Sexual Violence
HSB	Harmful sexual behaviour
JLN	Jacqui Lambie Network
NFP	Not for Profit
NPN	National Preventive Mechanism
OOHC	Out of Home Care
OPCAT	Optional Protocol to the Convention against Torture

PBS	Positive Behaviour Support
SiS Tasmania	Support Information and Strength Tasmania
SASS	Sexual Assault Support Service
SR	Separate Representative
SYP	Supported Youth Program
TASC	Tasmanian Assessment, Standards and Certification
TASCAT	Tasmanian Civil and Administrative Tribunal
TCI	Therapeutic Crisis Intervention
TFSVA	Tasmanian Family and Sexual Violence Alliance
TLA	Tasmania Legal Aid
LE	Lived Experience
TLRI	Tasmania Law Reform Institute
TRB	Teachers Registration Board
TYSS	Targeted Youth Support Service
VSS	Victims Support Services
WLF	Wise, Lord and Ferguson
YADS	Youth After-Hours Diversion Service

CONDUCT OF THE INQUIRY

1. On 13 June 2024 and 18 June 2024 respectively, the House of Assembly and the Legislative Council resolved that a Joint Sessional Committee be appointed, with power to send for persons and papers, with leave to sit during any adjournment of both Houses, and with leave to adjourn from place to place to inquire into and report upon matters related to the Recommendations made in the Final Report of the Commission of Inquiry into the Tasmanian Government's Response to Child Sexual Abuse in Institutional Settings, including:

(a) the Tasmanian Government's response and plan to implement the Recommendations;

(b) the Tasmanian Government's progress in implementing the Recommendations;

(c) outcomes related to implementation of the Recommendations, both partially and fully implemented;

(d) monitoring progress reports provided to Parliament, as provided for by Recommendation 22.1 by the independent Child Safety Reform Implementation Monitor (when appointed);

(e) overseeing the performance and proper execution of functions of the Commission for Children and Young People, as provided for by Recommendation 18.9;

(f) any other relevant matters that either House may refer to the Sessional Committee; and

(g) any other matters incidental thereto.

2. The Membership of the Committee is as follows:

Legislative Council

Hon Ruth Forrest MLC (Chair)

Hon Sarah Lovell MLC

Hon Kerry Vincent MLC

Hon Meg Webb MLC

House of Assembly

Rebekah Pentland MP

Hon Jacquie Petrusma MP

Cecily Rosol MP

Rebecca White MP.

3. Public hearings were held in Hobart on 19 and 29 August, 2 September, 14 and 22 November 2024.
4. On 9 August 2024, the Minister for Police, Fire and Emergency Management, the Hon Felix Ellis MP appeared before the committee. The Minister was accompanied by:
 - Donna Adams, Commissioner for Police and Secretary DPFEM
 - Jonathan Higgins, Deputy Commissioner
 - Robert Blackwood, Assistant Commissioner
5. On 19 August 2024, the Attorney-General, the Hon Guy Barnett MP, appeared before the Committee. The Attorney-General was accompanied by:
 - Kristy Bourne, Acting Secretary of the Department of Justice
 - Oliver Hinss, Former Solicitor for the State in the Commission of Inquiry and current Director of the COI Taskforce, Department of Justice
 - Bruce Paterson, Director, Office of Strategic Legislation and Policy
6. On 29 August 2024, the Premier, the Hon Jeremy Rockliff MP, appeared before the Committee. The Premier was accompanied by:
 - Kathrine Morgan-Wicks, Secretary of the Department of Premier and Cabinet
 - Courtney Hurworth, Executive Director, Department of Premier and Cabinet
 - Mathew Healey, Acting Deputy Secretary, Department of Premier and Cabinet
7. On 29 August 2024, the Minister for Education, Children and Young People, the Hon Roger Jaensch MP, appeared before the Committee. The Minister was accompanied by:
 - Tim Bullard, Secretary, DECYP
 - Jenny Burgess, Associate Secretary, DECYP
 - Claire Lovell, Executive Director Children and Families, DECYP
 - Sue McKerracher, Acting Deputy Secretary Children and Families, DECYP
 - Courtney Hurworth, Keeping Children Safe Reform Lead, DPAC
 - Kathrine Morgan-Wicks, Secretary and Head of the State Service, DPAC
8. The Minister appeared again in his capacity as Minister for Children and Young People on 14 November 2024. The Minister was accompanied by:
 - Tim Bullard, Secretary, DECYP
 - Jenny Burgess, Associate Secretary, DECYP
 - Claire Lovell, Executive Director Children and Families, DECYP
 - Sue McKerracher, Acting Deputy Secretary Children and Families, DECYP
 - Shane Gregory, Associate Secretary, DPAC
 - Courtney Hurworth, Keeping Children Safe Reform Lead, DPAC

- Craig Woodfall, Director Community and Custodial Youth Justice, DPAC
9. On 14 November 2024, the Minister for Mental Health and Wellbeing, the Hon Roger Jaensch MP appeared before the Committee. The Minister was accompanied by:
 - Dale Webster, Secretary
 - Michelle Searle, Deputy Secretary, Community, Mental Health and Wellbeing
 - Professor Brett McDermott, State-wide Director Child and Youth Mental Health Service
 10. On 2 September 2024, the Minister for Education, the Hon Jo Palmer MLC, appeared before the Committee. The Minister was accompanied by:
 - Tim Bullard, Secretary
 - Jenny Burgess, Associate Secretary
 11. On 22 November 2024, the Minister for Health, the Hon Jacquie Petrusma MP, appeared before the Committee. The Minister was accompanied by:
 - Dale Webster, Secretary
 - Michelle Searle, Deputy Secretary Community, Mental Health and Wellbeing
 - Ian Thomas, Chief Risk Officer
 12. The Committee notes the previous Minister for Health, Hon Guy Barnett MP, was scheduled to appear before the Committee on 2 September 2024, however this appearance was postponed due to a severe weather event that impacted on a number of health facilities in northern Tasmania. A Ministerial reshuffle took place in the interim and Hon Jacquie Petrusma was appointed Minister for Health in November 2024. The Hon Jacqui Petrusma MP subsequently resigned as a Member of the Committee on 13 November 2024.
 13. On 20 November 2024, Mrs Rebekah Pentland MP was discharged from the Committee. Mrs Miriam Beswick MP and Mr Nic Street MP were appointed to the Committee.
 14. On 21 November 2024, Hon Kerry Vincent MLC resigned from the Committee following his appointment as Minister for Infrastructure and Minister for Local Government.
 15. On 29 November 2024, Hon Cassy O'Connor MLC was appointed to the Committee.
 16. On 11 December 2024, the Committee resolved to call for public submissions, with an advertisement placed in the Mercury, Advocate and Examiner on Saturday 14 December 2024. The closing date for submissions was 14 February 2025. 19 submissions were received from the following individuals and organisations:
 - Private
 - Kennerley Children's Services
 - Tasmanian Family and Sexual Violence Alliance (TFSVA)
 - Tasmania Legal Aid (TLA)

- The Centre for Excellence in Child and Family Welfare (The Centre)
- Mission Australia
- Tasmanian Association of State School Organisations (TASSO)
- Tasmanian Council of Social Service Inc. (TasCOSS)
- United Workers' Union (UWU)
- Sexual Assault Support Service (SASS) Inc.
- Australian Nursing and Midwifery Federation Tasmania (ANMF)
- Commissioner for Children and Young People Tasmania (CCYP)
- Dr Morag MacSween
- Save the Children and 54 reasons
- Laurel House
- Jack Davenport
- Foster and Kinship Carers Association of Tasmania (FKAT)
- Carolyn Frohmader
- Alysha Rose

17. The Committee intended to schedule a second round of hearings with the Premier and Ministers in March 2025, however following the appointment of the Implementation Monitor Hon Robert Benjamin AM SC, the Committee resolved to defer these hearings to enable the Ministers to focus their resources on providing the information required by Mr Benjamin to prepare his report, expected to be released in September 2025.

18. The Committee invited the Implementation Monitor Hon Robert Benjamin AM SC to attend a private meeting of the Committee in February 2025 to discuss the role of the Implementation Monitor and the oversight role of the Committee with a view to avoiding duplication of effort and resources.

19. The Committee invited the Office of the Independent Regulator to attend a private meeting of the Committee in March 2025. This meeting was transcribed by Hansard for the Committee's reference.

20. On 12 February 2025, Ms Rebecca White MP resigned from the Tasmanian Parliament.

21. The Committee held public and private hearings with external stakeholders in Hobart on 27 and 28 February, 28 March and 1 May 2025.

22. On 27 February 2025, verbal evidence was received from the following witnesses:

- Laurel House (Kathryn Fordyce, CEO)
- The Centre of Excellence in Child and Family Welfare (Deb Tsorbaris, CEO, Imogen Gerraty, Manager Executive Strategy, Partnerships and Engagement Tasmania, and Madeline McGarvey, Policy Officer)
- ANMF (Emily Shepherd, Branch Secretary)
- Tasmanian Family and Sexual Violence Alliance Inc (Alina Thomas, Chair Kathryn Fordyce, Secretary)

23. On 28 February 2025, verbal evidence was received from the following witnesses:

- TasCOSS (Adrienne Picone, CEO and Meg Tait)
24. On 4 March 2025, Ms Ella Haddad MP was appointed to the Committee.
 25. On 11 March 2025, the House confirmed the resignation of Mrs Miriam Beswick MP and reappointed Mrs Rebekah Pentland MP to the Committee.
 26. On 28 March 2025, verbal evidence was received from the following witnesses:
 - Tasmania Legal Aid (Kristen Wylie, Director and Rebecca Lancaster, Associate Director)
 - United Workers Union (Amy Brumby, TAS Regional Coordinator and Philip Pregnell, Correctional Supervisor)
 - 54 Reasons (Claudia Lennon, Acting Executive Director and Clare Thorne, Acting State Director)
 - Interim Commissioner for Children and Young People (Isabelle Crompton)
 27. On 1 May 2025, verbal evidence was received from the following witnesses:
 - Regina Weiss, Tasmanian Barrister and Kathrine Morgan-Wicks, Secretary, Department of Premier and Cabinet
 - Richard Connock, Tasmanian Custodial Inspector and Sam Christensen, Principal Inspection Officer (Custodial Inspectorate)
 28. The Hansard transcripts of these hearings should be read in conjunction with this report and are available at <https://www.parliament.tas.gov.au/committees/joint-committees/sessional-committees/recommendations-of-final-report-of-the-commission-of-inquiry>.
 29. With the prorogation of Parliament and dissolution of the House of Assembly on 11 June 2025, Committee activity ceased.
 30. On 26 September 2025, the Committee was re-established with a membership of six: Ms Lovell MLC, Ms O'Connor MLC, Ms Webb MLC, Mrs Greene MP, Mr Jaensch MP, and Ms Rosol MP. The Committee was authorised to receive all evidence, submissions and related correspondence papers received by the Committee in the Fifty First Parliament.
 31. A meeting attendance record is provided as Appendix A.
 32. On 6 October 2025, Ms Webb MLC was elected Chair and Ms Rosol MP was elected Deputy Chair.
 33. On 6 October 2025, Mr Jaensch MP requested he be granted a leave of absence until 4 November 2025. The Committee granted this request.
 34. On 27 October 2025, the Child Safety Reform Implementation Monitor presented his Annual Report 2024-25. This report is the Monitor's first Annual Report and serves as an audit of the reported status of child safety inquiry recommendations in Tasmania, setting

a baseline of where the reform agenda is at for the first time. The Report will help inform independent evaluations and reporting on progress in years to come. In preparing his report, the Implementation Monitor drew on evidence obtained by this Joint Sessional Committee.

35. On 3 November 2025, Hon Robert Benjamin AM SC, Child Safety Reform Implementation Monitor, accompanied by Kathleen Cooper, Director and Ella Phillips, Policy Officer, Office of the Implementation Monitor, appeared before the Committee to provide evidence in relation to the Annual Report 2024-25.
36. On 4 November Mr Vermey MP was appointed to serve on the Committee in the place of Mr Jaensch MP.
37. On 8 December 2025, Hon Jo Palmer MLC, Minister for Children and Youth appeared before the Committee. The Minister was accompanied by:
 - Ginna Webster, Secretary
 - Jenny Burgess, Deputy Secretary – Strategy and Performance
 - Peter Whitcombe, Deputy Secretary – Child Safety and Youth Justice
38. The Second Interim Report of this Committee, reporting on evidence received from the Tasmanian Government and external stakeholders between June 2024 and June 2025) is divided into two parts.
39. This report is Part One of the Second Interim Report. It provides an overview of evidence received in relation to Chapter 6 (Children in the Education System), Chapter 9 (Children in Out of Home Care) and Chapter 12 (Children in Youth Detention) of the Final Report of the Commission of Inquiry and an assessment made by the Committee of the Tasmanian Government's progress in implementing these recommendations.
40. Part Two of the Second Interim Report is anticipated to be tabled in mid-2026. The Part Two report will provide an overview of evidence received in relation to Chapter 15 (Children in Health Services), Chapter 16 (Criminal Justice Responses), Chapter 17 (Redress, Civil Litigation and Support), Chapter 18 (Overseeing Child Safe Organisations), Chapter 19 (A Coordinated Approach), Chapter 20 (State Service Disciplinary Processes), Chapter 21 (Therapeutic Services), and Chapter 22 (Monitoring Reforms) and an assessment of the Committee of the Tasmanian Governments progress in implementing these recommendations.
41. The Committee intends to report on the evidence received from the Office of the Implementation Monitor (November 2025) and the Minister for Children and Youth (December 2025) in a Third Interim Report, which the Committee anticipates will be tabled later in 2026.

EVIDENCE AND COMMITTEE ASSESSMENT OF PROGRESS MADE BY THE TASMANIAN GOVERNMENT

Chapter 6 - The way forward: Children in the education system

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.

Phase 2 - 2026

Government Reported Status: In progress and on track for delivery in Phase 2

Implementation Report (August 2024) extract:

In progress and on track for delivery in Phase 2 – currently recorded as a single agency recommendation in Collaborating for Change.²

Committee's Assessment

The Committee acknowledges work is underway to progress this recommendation.

The assessment of school support and funding requirements to deliver the program will be key to ensuring successful implementation.

Key expert community stakeholders, such as Laurel House, had not been consulted to provide input into the development of the mandatory prevention curriculum or the training and support of teachers to deliver the program.

The Committee is concerned by the lack of consultation with expert stakeholders and urges the Government to make consultation a priority while ensuring this recommendation is implemented within the planned timeframe.

² Keeping Children Safe, Implementation Report, prepared for the Joint Sessional Committee on the Commission of Inquiry Recommendations, August 2024, p. 58.

Government Evidence

Ms PALMER - ... Our response to recommendation 6.1 will be informed by our existing efforts to embed respectful relationships education in our schools, and will be closely linked to many other recommendations of the commission, which is including the work of the Office of Safeguarding Children and Young People under recommendation 6.2, safeguarding training for education staff and volunteers under recommendation 6.5, and the whole-of-government sexual abuse reform strategy under recommendation 19.01.

If you're looking at our progress to date, as of the 31 July 2024, initial planning activities have been completed to determine what is required to deliver this recommendation, including actions and additional resources to support its implementation. The department is undertaking desktop mapping of system level programs and policies that contribute to respectful relationships education across Tasmanian government schools. This work will distinguish between existing efforts to support embedding respectful relationships education within schools and the work required to implement this recommendation. The next steps that we have with this one are separate to the desktop mapping. The department will examine the way current respectful relationships education works and how optional programs in schools are supporting children and young people to practise protective and help-seeking behaviours. This will be informed by the evidence and findings of the commission. In undertaking this process, we will consult and examine:

- Delivery of respectful relationships education from early learning to year 12;
- 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 right of children to express their views freely in all matters affecting them; and
- The voices of victim/survivors presented to the commission

We will re-examine best practice approaches and evidence from other jurisdictions including South Australia's mandatory curriculum referenced by the commission with a view to identifying key features of an equivalent curriculum in Tasmania. This includes the considerations noted by the secretary in his appearance before the commission, curriculum alignment and school timetabling, key roles in delivery and resources required, and parent/carers rights to request their child not participate in programs.

Mrs PETRUSMA - Thank you, minister. You mentioned there were going to be desktop reviews. Will you be seeking feedback from schools and what supports the schools will be needing as well to deliver it? I noticed that it's based on South Australia and everything else, but is there some way to find out from our schools what they need for support?

Ms PALMER - Yes, it is really important as we see strains and stresses on our workforce. It's absolutely vital that their voice is heard in this space. That will certainly form part of the work that we need to do. I think the voices of our workforce will be loud and clear throughout this work.

Do you want to add anything to that, secretary?

Mr BULLARD - It's important to note that a lot of this is already covered in Australian curriculum content, but this is about understanding why the intended curriculum isn't being taught. That is asking the question: what support do you need to teach it? It's also about understanding whether or not it's working for the young people in terms of being age appropriate and engaging. Each of the areas covered, from early years, prep to year 10, then years 11 and 12, do already have key outcomes that we're looking at in our respectful relationships teaching and learning package. This is a refinement. The commission was clear in mandating that it actually occurs.

Ms LOVELL - Minister, in terms of the desktop mapping that you've done on that, and the resources required you mentioned, has that looked into resources required both within schools and by curriculum services to be able to do the work to include this in - looking at what needs to be included in the curriculum? What has that shown you about what additional resources will be required?

Mr BULLARD - At this point we're looking at what, for example, the South Australian curriculum requires and then the question will be: is that appropriate or not for a Tasmanian context? If it is, we would be working with South Australia to see how we could reuse parts or all of that curriculum. In terms of the additional materials, I think we've already looked at lowering the cost or the resource impost of developing those. That would also inform what schools need in terms of the rollout of those materials. We have found South Australia to be a very good partner to us in education. We have a very similar system and we have shared resources previously, so if it looks like it's fit for purpose, that's where we'll be going.

...

Ms WEBB - What I was interested to know, too, is about the funding. Given the situation where it is not mandatory yet, do we fund schools to deliver in the manner that they wish at this present time? Are all schools offered additional funding in order to deliver now? And, when we move to mandatory, will we be anticipating providing the additional funding required to deliver that unit?

...

Mr BULLARD - Thank you, minister. Again, coming back, we are not starting from ground zero here, we already have respectful relationships and resources available to deliver that. There is also a requirement around health and physical education and resources to deliver that.

The question will be: what is the gap between what is being delivered and what is required? We will then need to look at that on a case-by-case basis. My hunch is some schools will already be going above and beyond in this area and others will need some additional support. But we will need to do that. Once we know what is mandatory, we will need to see how close or far away individual schools are to delivering that and then we will need to look at whether additional resources are required or if it's something that can be delivered in their current resource package.³

Stakeholder Evidence

According to the Laurel House submission:

Laurel House delivers school-based programs on healthy relationships, consent, and the law. We also deliver a program designed to address harmful sexual behaviours.

However, we have not yet been engaged to collaborate with DECYP on the development of the safeguarding / child sexual abuse prevention curriculum, despite our extensive expertise.

Laurel House has the unique capacity to engage with victim-survivors who are children and young people, as well as those who have engaged in harmful sexual behaviours. Incorporating the insights and common themes we hear from these lived experiences would strengthen the curriculum, ensuring it is both informed and impactful.

Laurel House's involvement would also bring significant value to the training and support of school staff. With high rates of CSA in the community, it is essential to recognise that many teachers who are predominantly women are disproportionately likely to have lived experience of CSA themselves. Training programs developed with our input could better equip teachers to navigate this complex space, both navigating their own trauma while identifying signs of CSA and supporting students in safe, trauma-informed ways.

³ Minister Palmer and Mr Bullard, *Transcript of Evidence*, 2 September 2024, pp. 6-9.

...

*Furthermore, it is critical that the curriculum pays specific attention to the needs of marginalised groups who are disproportionately at risk of CSA. Tailoring the curriculum to ensure it is inclusive and reflective of these groups' needs and experiences will significantly enhance its ability to protect all children and young people.*⁴

⁴ Laurel House, February 2025, *Submission #15*, pp. 26-27

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.

Phase 1 - 2024

Government Reported Status: Completed

Implementation Report (August 2024) extract:

*The Safeguarding in Schools Unit has been established within the Schools and Early Years Portfolio of DECYP. The Unit is focused on safeguarding children and young people in the education context.*⁵

Committee's Assessment

The Committee notes the Office of Safeguarding is established within DECYP, and Safeguarding in Schools Unit has been operational from Term 1 of 2024.

Every school has a Safeguarding Lead position, allocated as a portion of an FTE according to size. These positions are provided with additional training.

Every school is required to have a safeguarding risk management plan identifying safety risks.

An Outcomes Framework is being developed to measure and assess progress in terms of safeguarding measures in place.

TASSO is concerned that risk aversion means various activities involving parents and the school community are no longer being offered in schools, which may result in easier safeguarding, but is to the detriment of education, engagement, and community.

TASSO is also concerned there are inconsistencies in volunteer induction procedures across Tasmanian schools and the Mandatory Reporting training for volunteers is not designed to prevent harm.

Laurel House has raised some concerns, noting: the Safeguarding in Schools Unit is comprised of policy officers rather than social workers or psychologists providing expert practice-based advice; safeguarding officers in schools are teachers who refer cases of risk or harm to social work services, rather than addressing these issues directly; there is currently no workforce development plan to address chronic shortages of allied health professionals, particularly social workers, despite the critical role they play in safeguarding children, which is especially concerning in regions such as the North West, where shortages are acute.

⁵ Keeping Children Safe, Implementation Report, prepared for the Joint Sessional Committee on the Commission of Inquiry Recommendations, August 2024, p. 27.

The Committee notes the Minister was establishing the Children and Youth Workforce Round Table and further notes that Laurel House had sought to participate in this initiative.

The Committee notes a disconnect between implementation reported by the Department and observations made by key stakeholders. An outcomes framework was in development and a full review of the model was planned for 2025.

This recommendation needs continued monitoring.

Government Evidence

Ms PALMER - ...

I can confirm that from term 1 of 2024, the Safeguarding in Schools unit has been operational within schools and early years with a focus on safeguarding children and young people in the education context, as well as educating and informing school staff and the broader school community. The Safeguarding in Schools unit works with school safeguarding leads as they continue to build their risk assessment and management skills to put in place risk management plans that focus on preventing, identifying and mitigating the risks of child sexual abuse.

The team's work centres around cultural change and education about identification, prevention, early intervention and support in schools and the early years. The Office of Safeguarding Children and Young People continues to lead the implementation of Safe. Secure. Supported and DECYP's safeguarding framework, and in turn the Child and Youth Safe standards across DECYP. I can confirm that neither the Safeguarding in Schools unit nor the Office of Safeguarding Children and Young People are involved in critical incident management beyond learning from systemic reviews and trend data. That recommendation has been met. ...

...

CHAIR - *You also said in this update you provided that there's been safeguarding officers appointed to every school. Was that someone who was trained up from within the school? Notionally, if that is a person who's already had a fairly heavy workload, how did you manage that? I'm interested in where that person came from and how they were appointed.*

Mr BULLARD - *Every school has a proportion of FTE that is a safeguarding lead. We provided them with the funding so that they could, if they wished to, recruit an additional person to come into that school setting. Some chose to, for example, move people who are on a part-time load to a full-time load, and I think overall there were about 70 FTE additional funded into the system.*

Those individuals at the moment do hold a teacher qualification; they are supported externally through that Safeguarding in School's unit with appropriate professional learning and training, and that is really hands-on. If I give an example, every school is required to have a safeguarding risk management plan identifying those safety risks. They might be to do with areas of the school, for example, those areas of the playground or toilets that need to be supervised.

Every single school has had an opportunity to come together. There was a few that were left that couldn't make it to a number of sessions, but by 16 September, every school will have been supported in a very collaborative way to come together and put those plans together. We're not leaving those individuals out to work this out for themselves. The other thing is that they do have a level of training so that they know exactly where to go if there's an issue that occurs on their site. They're not responsible. For example, they're not the only mandatory reporter or the people that need to work with workplace relations, but they are a first point of contact for staff to say, 'What do we do in this situation?'

...

Ms WEBB – Where is that training sourced? Was that picked up from somewhere in particular - from an existing training package?

Mr BULLARD - A lot of it comes from the child safe organisations' parameters and what's required. Some of it is just very technical - how do we do a particular process within this agency, for example, when a child raises a concern about an adult and their behaviour. The central safeguarding team did a lot of work through its Safe. Secure. Supported. That's our safeguarding framework that sets out how we meet each of the child safe standards, which are now overseen by the independent regulator.

...

Ms LOVELL - Minister, I recall from when these positions were first announced and the commitment was made to introduce the safeguarding leads that at that time they were to be managed from within schools' existing budgets. Now we've heard that there's been some additional funding. Can you elaborate on that a little - when that funding started to be provided and also whether every school in the state has had the opportunity or been offered that funding?

Mr BULLARD - ... these FTE were brought on in two phases. Schools got an initial additional allocation and then the full allocation came on this year - I think in 2024. But no school was asked to do it within its existing resources.

...

Mrs PETRUSMA - ... I see that under 6.2 like policy development is one of the key deliverables and I was just wondering how is the new Safeguarding Schools and early years unit feeding information back to policy makers in the department about what it's seeing on the ground and is there any initial trends or feedback at all coming?

...

Mr BULLARD - I don't know if we've had early trends. Probably the biggest feedback that we've had is how do we make the complex as simple as possible. Certainly, that has been one of the things that we've worked on. This area is very important and can be made very complex. Looking at how we get those key messages out, I think moving to the Safeguarding in Schools unit out in our schools and early years portfolio and also making sure that it's working really closely with our student support area and our social workers and psychologists in particular is meaning that the product that's been developed to support schools is very practical by its very nature.

...

Ms WEBB - ... What has been put in place to evaluate and monitor and measure success with these initiatives? What are we doing to know whether and how well these new approaches are working?

...

Mr BULLARD - One of the things that we are looking at is actually - and it's going to come back to how well staff actually understand their obligations and responsibilities - so as the training and the assessment of that becomes more nuanced, that's going to give us the most important - I should say one of the most important - outcomes. The second that we want to look at is the voices of children and young people and whether or not they feel safe to speak up, whether they feel that they have a trusted adult that they can make a disclosure to. The child and student wellbeing survey has those questions in it. We would hope to see an upward trend, if we can create an environment where children and young people have the confidence to raise issues that concern them, then we will be 80 per cent of the way there, the other 20 per cent being that adults know what to do with that information.

...

Ms WEBB - Can I just clarify though, have we got an evaluation framework or a structured way that we're going to be monitoring measuring? Have we got a set of criteria or outcomes that can report back to us, for example, when we come back to you in a year's time to ask how well this has done, rather than just anecdotal?

Mr BULLARD - That's actively under development, our outcomes framework. ...

....

Ms WEBB - Just some further questions on the safeguarding leads in schools. You have described the formula where schools may range from either 0.2 or up to full-time depending and that has resulted in an additional funded 70 FTE positions for this year. However, secretary, you also identified that some schools might have had trouble potentially recruiting for their allocation. While that is what has been funded, what is actually there on the ground right now? How many schools have their safeguarding lead in place in the way envisaged and funding provided for but, in reality, what does it look like?

Mr BULLARD - It is a priority that they have one. I think the other question is what is not happening if they have not been able to recruit one. It is not about, 'We do not have one, therefore we are not safeguarding on our school.' They know that is a priority staff allocation that they need to have in place. The requirements of the role are being acquitted on that site. The question would be: where is it falling if they haven't been able to get a new person to be allocated into that role?

CHAIR - Every school has one, some will have newly recruited people, others will have people doing it off the side of their desk?

Mr BULLARD - They will have done role redefinition, yes.

Ms WEBB - To what extent have you heard back from schools about any situations in which schools feel that they aren't adequately funded to be doing the work in this space? That's not just about allocating someone to a role, but for their size and capacity and what's needed to fulfil the criteria and the intent of the safeguarding requirements. Have any schools been feeding back to you that they're not able to do that with the funding that's currently being provided to them?

Mr BULLARD - ... Schools do an annual acquittal about the safeguarding activity on their site and so we could look at whether any had reported they didn't feel they were able to meet the expectations.

I should have noted earlier, too, that there is a full review of the model in 2025. We've let it run for two years, half-funding effect for 2023, full-funding effect for 2024, then in 2025 we will go back and look at that model to see whether or not it was appropriate.

Ms WEBB - Will we have our outcomes framework in place by then when we do the review?

Mr BULLARD - Yes, the outcomes framework will be in place as well, so we'll be able to look at the measures moving forward.⁶

Stakeholder Evidence

The Tasmanian Association of State School Organisations (TASSO), through its work with School Associations, has seen and heard concerns regarding the development of Safeguarding Risk Management Plans (RMPs) in schools:

Many plans have been developed by safeguarding leads with little involvement from the broader school community, including School Association Committees. This raises concerns about the level of understanding and awareness within the school community of safeguarding plans.

⁶ Mr Bullard and Minister Palmer, *Transcript of Evidence*, 2 September 2024, pp. 12-19.

Safeguarding Leads, to our knowledge, have not been provided with formal training to develop RMPs, only professional development delivered in-house.

We have seen plans that are not student-focused, with the underlying premise appearing to prioritise the protection of the establishment. Some plans downplay the risks of student-on-student abuse, with control measures that lack an educational focus and provide limited avenues for students to report concerns beyond telling a teacher. There is often no consideration for risks that are outside of the school environment that filter into the school environment when students are at school.

In some cases, mitigation measures effectively restrict family involvement and engagement with learning at school and in the classroom.

The Working with Vulnerable People (WWVP) card is often referred to as a control measure. While this is suggested as safeguard for individuals charged with a crime, it has flaws. Currently, there is no standard linkage within departments or systems, and there is a reliance on individuals self-reporting. Cross-linking departments to ensure that charges and/or convictions automatically update a person's registration to work with vulnerable people would improve this safeguard. Using a cross-sector approach to mandatory reporting would ensure that an individual's card is revoked, and organisations are notified immediately. There also needs to be the acknowledgement that this WWVP control measure, only highlights those with conviction; it does not capture those who are potential risks to our children, with no conviction or cause for concern.

Mandatory Reporting training for volunteers is also frequently used as a control measure. However, this training is not designed to prevent harm—it focuses on recognising and reporting concerns about a child's welfare under the Child and Youth Safe Organisations Act (2023).

There are inconsistencies in volunteer induction procedures across Tasmanian schools. As a risk control, a standardised and structured induction process would likely be more effective than simply requiring volunteers to watch a Mandatory Reporting training video.

The reviewed Risk Management Plans (RMPs) lack a detailed consequence table, which is essential for outlining the severity of potential risks. Additionally, they do not differentiate between untreated risk (the level of risk before any controls are applied) and treated or residual risk (the level of risk remaining after mitigation measures). This omission makes it difficult to assess how effectively risks are being managed. Furthermore, there is no evaluation of control effectiveness, meaning there is no clear understanding of whether the measures in place are sufficient to reduce risk or if additional actions are needed. Without these critical components, the RMPs fail to provide a comprehensive risk assessment, potentially leaving gaps in safeguarding measures.

A critical omission in these plans is the lack of consideration for the risks to individual students if abuse occurs within the school environment. The physical, emotional, and psychological impacts of abuse must be clearly identified, alongside targeted mitigation measures. Schools should include proactive strategies such as trauma-informed response protocols, confidential and accessible reporting mechanisms for students, and immediate support structures, including access to school psychologists and external support services. Without explicit recognition of these risks and concrete mitigation strategies, schools may fail to adequately protect and support students who experience harm.

Potential unintended consequences of risk management plans have been noted by School Association Committee members:

- *A general fear of risk*
- *No support of fundraising events*
- *Disbanding of parent help programs*
- *A reduction of excursions*
- *School camps no longer taking place*
- *Impacts on external service providers no longer having access to facilities to work with children within the school*

Decreasing opportunities for parents and the school community to participate in the school may result in easier safeguarding, but it is to the detriment of education, engagement, and community.

Further considerations:

- *External assessment of understanding and implementation of Safeguarding Risk Management Plans*
- *A simple, consistent and accessible volunteer training/induction program implemented across all schools*
- *Development of a standardised consequence table within all RMPs to assess potential risks, including differentiation between untreated and treated/residual risk*
- *Inclusion of a student-focused risk assessment outlining the potential impacts of abuse within a school setting and the corresponding mitigation strategies*
- *Improved cross-sector collaboration to ensure that Working with Vulnerable People (WWVP) registrations are automatically updated based on charges and/or convictions*
- *A review of barriers created by risk management plans that may inadvertently reduce family and community engagement with schools*
- *Establishment of trauma-informed response protocols within schools to support students impacted by abuse.*⁷

According to the Laurel House submission:

The Safeguarding in Schools Unit is comprised of policy officers rather than social workers or psychologists providing expert practice-based advice. Safeguarding officers in schools are teachers who refer cases of risk or harm to social work services, rather than addressing these issues directly. There is currently no workforce development plan to address chronic shortages of allied health professionals, particularly social workers, despite the critical role they play in safeguarding children. This is especially concerning in regions such as the North West, where shortages are acute. We are aware that the Minister for Children and Youth, the Honourable Roger Jaensch MP, is establishing a Children and Youth Workforce Roundtable, and note that the Laurel House CEO has sought to participate in this initiative.

*Although there has been investment in psychologists and speech and language pathologists, insufficient investment has been made in school social workers. We are not aware of any plans to increase social work support in schools, despite the fact that school social workers are performing the majority of work related to assessing child safety risk. While psychologists could theoretically support children and young people who disclose harm, we are aware that there are other demands on their time and the chronic shortage of social workers continues to limit the capacity of schools to safeguard children effectively.*⁸

⁷ Tasmanian Association of State School Organisations (TASSO), 2025, *Submission #7*, pp. 4-6.

⁸ Laurel House, February 2025, *Submission #15*, pp. 5-6.

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.

Phase 1 - 2024

Government Reported Status: Completed

Implementation Report (August 2024) extract:

Child safeguarding policies are publicly available on DECYP's website at www.decyp.tas.gov.au/safe-children/safeguarding-children/

The Department has established a regular policy review schedule to ensure policies are up to date and provide best-practice advice to workers, children and young people, and the community.⁹

Committee's Assessment

The Committee notes that while the Government claims this recommendation is completed, community stakeholders raise concerns the child safeguarding policies are not all publicly available, are inconsistently presented on the Department website, and some have embedded links that cannot be accessed by school volunteers or members of the public.

Further concerns, particularly from groups representing victim-survivors, were expressed in relation to a lack of transparency on the progression or responses being made to allegations of CSA, which can lead to strong feelings of distrust in the sufficiency of the response.

No evidence was provided of the establishment of a regular review process for DECYP child safeguarding policies.

The Committee holds concerns regarding the implementation of this Recommendation. Ongoing monitoring will be required to ensure it is being effectively implemented.

Government Evidence

Ms PALMER - ...Making the department's safeguarding policies publicly available ensures that all Tasmanians are able to see how the protection of children and young people is prioritised through clear and enforceable policies and a culture that champions the rights of children. The department has made all child safeguarding policies and related documents publicly accessible on their website.

CHAIR - There are no more in development? They've all been completed? That's the question.

⁹ Keeping Children Safe, Implementation Report, prepared for the Joint Sessional Committee on the Commission of Inquiry Recommendations, August 2024, p. 27.

Mr BULLARD - There is a separate recommendation which we'll come to about code of conduct. That really was the last piece of architecture in terms of the policy suite that needed to be addressed. I would say that we do have the whole policy library in review at the moment. Coming back to that concept of simplicity - really tangible, able to be accessed by staff and understood - that's the lens that we're now coming back to the policy suite and making sure that they all align.¹⁰

Stakeholder Evidence

According to the Laurel House submission:

*The wording in the full recommendation 6.3 includes reference to "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.**"*

The section emphasised ... [in bold] is an area on which Laurel house has received much feedback from community and victim-survivors. The current reporting mechanism providing updates on the progression or responses to allegations and concerns about CSA is appreciated but does not go far enough in terms of transparency or accessibility.

It is a constant refrain from our clients and victim-survivors engaged with or interested in the CoI that more must be done to ensure they can understand and most importantly trust what is being done in response to such allegations. There is a strong feeling of distrust in perceived secrecy around these responses and not sufficient response to this critical feedback being given in a number of instances previously.

We understand the need to follow privacy requirements etc., however if more information can not be transparently supplied then we recommend this reporting happen with the support of engagement and awareness raising in the form of ongoing dialogue with communities and victim-survivors. This will be critical in rebuilding the trust of victim-survivors and the community in the government and in their ability to take seriously and be accountable to allegations of CSA in a prompt and appropriate manner.¹¹

TASSO expressed concern that, as the peak parent organisation representing school associations, they are unaware of any additional safeguarding policies:

We were also not made aware of the Professional Conduct Policy until late January 2025, nor were we asked for input on behalf of parents.¹²

TASSO noted the following regarding the availability of policies:

- **Communication of Child Sexual Abuse Policy** – We are unaware of this policy's existence; if it does exist, it is not public. There is mention of a communication strategy in the Safeguarding Framework, but the strategy is not public.
- **Mandatory Reporting Policy** – Not publicly available.
- **Mandatory Reporting Procedure** – Publicly available, but volunteers cannot access all embedded links.
 - There appears to be a separation between staff and volunteers, despite the definition stating that "staff" includes both paid employees and volunteers.
 - Sections 5 to 7 reference staff-only documents, even though the procedure defines "staff" as including volunteers, volunteers are unable to access the documents.
 - The review date for the Mandatory Reporting Procedure was September 2023.

Further consideration:

We recommend ensuring consistency in language, so that "staff" aligns with the given definition across all related documents.

¹⁰ Minister Palmer and Tim Bullard, *Transcript of Evidence*, 2 September 2024, pp. 22-23.

¹¹ Laurel House, February 2025, *Submission #15*, pp. 6-7.

¹² Tasmanian Association of State School Organisations (TASSO), 2025, *Submission #7*, p. 6.

- **Professional Conduct Policy** – Concerns outlined below. [see Recommendation 6.4]
- **Risk Management Policy** – Publicly available.
 - This policy applies to volunteers as "workers," yet they are not given access to supporting information, tools, or related policies and procedures.¹³

Social Worker and CSA advocate Jack Davenport raised concerns regarding policy availability:

There appears to be inconsistency in provision of policy and procedural information located across the various child safety, safeguarding and wider DECYP websites.

The Office of Safeguarding Children and Young People webpage does not contain a significant level of detail about its operation. However, the DECYP Intranet page (not available to the public) for the OSCYP contains more detailed information about specific work it undertakes.

The main policy page on the DECYP website appears to list only policies pertaining to education, many of which appear to be inherited documents from the previous Department of Education. Specific policies for child safeguarding are not immediately evident, with various strategies, approaches and policy information spread across various web pages and websites.¹⁴

...

I appreciate that it is unrealistic to expect an immediate and contemporaneous update of all relevant policies and procedures for DECYP all at once. However, when we are talking about documents that include some dating back to the previous century, and are now 25 years old, it does seem relevant to draw attention to how outdated they are.

It is clear that the Government's interpretation of completing recommendation 6.3 is literal and somewhat disingenuous. On a practical basis, there is simply too much overlapping of policies and contradictory information to meaningfully declare that child safeguarding policies are publicly available.¹⁵

¹³ Tasmanian Association of State School Organisations (TASSO), 2025, *Submission #7*, p. 6.

¹⁴ Jack Davenport, February 2025, *Submission #16*, pp. 2-3.

¹⁵ Jack Davenport, February 2025, *Submission #16*, pp. 4-5.

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.

Phase 1 - 2024

Government Reported Status: Completed/ongoing

Implementation Report (August 2024) extract:

DECYP has drafted a professional conduct policy, with supporting conduct and behaviour standards for workers in schools, to put in place a clear structure and practice for safeguarding children and young people. The policy will apply to employees, relief teachers, volunteers, contractors and sub-contractors. ¹⁶

Committee's Assessment

The Committee notes DECYP reports consulting on and developing a conduct and behaviour policy and an additional set of conduct standards for workers in schools and Child and Family Learning Centres, which also align with the whole-of-government approach.

Mandatory training will be provided to ensure a consistent understanding and implementation of the policy. The standards are also intended to be embedded in the behaviour management code of conduct in DECYP contracts, induction checklists and position descriptions.

The policy and conduct standards will apply to volunteers and subcontractors, and training modules will be updated to reflect the new policy and standards.

TASSO notes a recurring issue in DECYP policies whereby “staff” and “workers” are defined as including both paid employees and volunteers, yet access to relevant information and resources is restricted to paid employees.

Jack Davenport expressed concern regarding a lack of consistency between the Code of Conduct and other DECYP policies and procedures.

The Committee finds there is a need for ongoing monitoring of the implementation of the Professional Conduct and Behaviour policy and its effectiveness.

¹⁶ Keeping Children Safe, Implementation Report, prepared for the Joint Sessional Committee on the Commission of Inquiry Recommendations, August 2024, pp. 27-28.

Government Evidence

Ms PALMER - If we look at progress to date, the department has completed the development of a conduct and behaviour policy - general conduct standards - for all workers, and an additional set of conduct standards for workers in schools and child and family learning centres.

These documents have been developed with key internal stakeholders, which enables identification of areas for improving and strengthening of the existing framework to provide a clear structure and practice for safeguarding children and young people from abuse. The department has also worked closely through discussions with the Department of Premier and Cabinet to ensure this work aligns with the whole-of-government approach, which is under recommendation 20.2. Consultation was undertaken with DECYP staff and relevant unions on the draft documents and concluded in mid-August of this year.

Feedback on the documents was sought from the Commissioner for Children, and the final documents, I've been advised, have been published on DECYP's website, so they are online. Looking at next steps, that's to implement a communication campaign to staff and all other workers to ensure awareness of understanding of the required standards of conduct and behaviour, just to make sure that all staff are aware and also know where to look, which is really important. A professional learning module will be developed in the second half of 2024. That work's underway.

...

Mr BULLARD - ... It was agreed in the department's executive that there needs to be some intensive work starting with making sure managers are across the changes in the policy. There has been for a very long time conduct and behaviour standards in what was the Department of Education, so staff are very familiar with that. Some other parts of the agency haven't had that, so there will need to be a different level of work, but what we will be concentrating on is what the requirements are, and then we will look at how we ensure that all staff know what is and isn't appropriate and how they need to act.

We've cut it up into a number of phases. Obviously, we've launched the policy, so we're going to now go through a phase of raising awareness. That will move through August/ September, but by the end of October, we'll start to look at how we're embedding the standards that are in the behaviour management code of conduct into our contracts, our worker induction checklists and ultimately our position descriptions.

As we move into the next year, it's always a really good time in schools when they have their start-up days to be doing some intensive work, and we'll ensure that all principals have the necessary training module available so that they can be working with their staff around that. We'd be looking at all staff undertaking training in this area to ensure that they know what is and isn't appropriate.

To us, a lot of it might sound obvious, but actually when you're on the ground, some of it can be quite complex. We know from concerns we've had raised by children and young people that I've dealt with in my time - use of social media is a big one, being contacted, sharing personal addresses and personal information, transport in cars. This policy really worked hard to take any ambiguity out, because not every person that displays that behaviour is a paedophile, but we don't want staff to get themselves into trouble either. This is really clear. It used to make suggestions; now it says: 'You must not' and 'Do not'.

...

Ms WHITE - The recommendation also talks about this extending to volunteers and subcontractors. I didn't hear you talk about the safeguarding module that's required to be undertaken now in order to attend school or to attend an excursion with children. Will it also be included in that? I'm reading 6.4. It says here that, 'the professional conduct policy for schools spells out expected standards of behaviours of volunteers, relief teachers, contractors and subcontractors'. These are people external

to their direct staff. Will you update that online training module that is required to be undertaken to get your safeguarding certificate?

Mr BULLARD - Yes. You'd be aware there is a level of training already. All people entering as volunteers or what we might call workers, so contractors, are required to view a video and ensure that they understand it before entering the site. That will be updated in line with the new expectations.

The policy is split into a general conduct and behaviour policy and there are sub policies that relate to different cohorts of workers. We've been talking previously about the one that relates to teachers. There is a general workplace conduct and behaviour policy as well. I'm told that by the end of March 2025 we will have deployed that module - the module that we're providing to staff over the course of the next months - to all other workers which is non DECYP.¹⁷

Stakeholder Evidence

TASSO notes a recurring issue in DECYP policies whereby “staff” and “workers” are defined as both employees and volunteers, yet access to relevant information and resources is restricted to employees:

While this policy makes some effort to clarify which sections apply only to employees, several key concerns remain:

- *The Professional Conduct Policy is not widely known of or understood by volunteers. Although it is available on the DECYP website, it is categorised under HR policies. Most volunteers do not consider themselves “workers” and are unlikely to look there for policies relevant to them. Often, volunteers refer to themselves as “help or parent help” to the school – this connection needs to be clear.*
- *Many links within the Policy Scope are inaccessible to the public. Notably, volunteers cannot access the General Conduct and Behaviour Standard for all workers or the Conduct Standard for workers in College/School and Child and Family Learning Centre settings.*
- *Volunteer inductions and processes are inconsistent across Tasmanian schools. It is common for parent volunteers to enter a classroom after only presenting their WWVP card and a Mandatory Reporting training certificate, with no additional guidance. There is no clear directive on who is responsible for managing volunteers with a school.*
- *Under Roles and Responsibilities and Related Procedures, we recommend including the Respectful School Visitor and Volunteer Behaviour Procedure. This document is far more relevant to volunteers than the current reference to the State Service Principles and Code of Conduct, as the State Service Act 2000 does not apply to volunteers.*

*To our knowledge, there are currently no compliance measures to ensure awareness of this policy within schools among volunteers.*¹⁸

Social worker and CSA advocate Jack Davenport expressed concern regarding inconsistencies in policy and procedure implementation, using the example of alcohol and drug use in the workplace:

*Inconsistencies in policy and procedure implementation, as well as organisational and leadership limitations, are undermining the cohesion of the professional conduct policy in DECYP. Furthermore, inconsistencies in the oversight of online technology, especially the use of third party apps, is opening up vulnerabilities in safeguarding children.*¹⁹

...

¹⁷ Minister Palmer and Tim Bullard, *Transcript of Evidence*, 2 September 2024, pp. 23-26.

¹⁸ Tasmanian Association of State School Organisations (TASSO), 2025, *Submission #7*, p. 7.

¹⁹ Jack Davenport, February 2025, *Submission #16*, pp. 5-6.

Recommendations

- *Guidance for alcohol and drug use in the workplace needs to be rationalised for DECYP, with an explicit instruction that alcohol not be consumed within working hours (with exception of contained workplace-based social events), including in the professional conduct policy;*
- *The alcohol and drug use in the workplace guidance needs to be made available to the public;*
- *Use of third-party apps for school use needs some form of monitoring and data collection of usage, along with consistent statewide method of recording for all schools;*
- *There needs to be clear guidance on the usage of these apps by staff and consideration of ways to mitigate vulnerabilities.* ²⁰

²⁰ Jack Davenport, February 2025, *Submission #16*, p. 8.

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).

Phase 2 - 2026

Government Reported Status: In progress and on track for delivery

Implementation Report (August 2024) extract:

In progress and on track for delivery in Phase 2 – currently recorded as a Professional Development and Training priority area recommendation in Collaborating for Change.²¹

Committee's Assessment

The Committee notes all DECYP staff, including volunteers and external providers, are required to undertake annual training on mandatory reporting and a new specialised training module on child sexual abuse awareness.

Training has been made available during work hours, and Principals in schools are responsible for ensuring all staff in the school have completed the required training.

The Committee notes the Department is unable to accurately provide a breakdown of where staff who have completed the mandatory Safeguarding Training sit in the organisational structure.

It is reported there is an active conversation about ensuring harmonisation and consistency in child safeguarding training across government departments, and potentially for external groups

²¹ Keeping Children Safe, Implementation Report, prepared for the Joint Sessional Committee on the Commission of Inquiry Recommendations, August 2024, p. 58.

to be able to access safeguarding training provided through a government department for their volunteers.

TASSO expressed concern regarding mandatory reporting training requirements for volunteers participating in large volunteer run events held on school premises, and the risk of deterring volunteer involvement and potentially making large events unviable.

TASSO provided feedback on improving school volunteer training, noting the current training video lacks simplicity, clear messaging, and education on identifying signs of abuse, and it is disjointed and does not require any demonstrated understanding upon completion.

Laurel House was not consulted on the content of the child safeguarding training and raised concerns the content falls short. A concern raised is the insufficient emphasis on recognising signs of potential CSA perpetrators among colleagues and other adults within the school system, and also the fact the training does not adequately address the barriers children face when attempting to disclose abuse.

While the raw number of DECYP staff who have completed the training is one measure of implementation of this recommendation, more important ultimately will be measuring the degree to which the information and concepts in the training translate to knowledge, behaviour and action in staff.

The Committee finds that a comprehensive independent evaluation of the implementation and effectiveness of the mandatory training modules is required.

Government Evidence

Ms PALMER - ... All Department for Education, Children and Young People (DECYP) staff are required to undertake annual training to identify the signs of child sexual abuse and respond in a trauma-informed way - believing children, listening to them and telling them that it is not their fault.

That is in addition to mandatory reporting training, a new specialised training module on child sexual abuse awareness that was released in February 2024, which is also compulsory for all employees. That also extends to all volunteers and external providers working with children in the department and they are now required to complete a video version of the safeguarding training module and provide their certificate to their supervisor.

I am advised that progress to now is that 13,209 staff have completed the mandatory safeguarding training and an additional 13,229 volunteers and external providers have also completed the safeguard training. Optional advanced training modules are available on the department's public internet site for volunteers and external providers at DECYP sites, and anyone else in the community who wants to learn more about how to keep children and young people safe.

The University of Tasmania has mandated the Introduction to Children's Rights and Safety and Child Safety, Child Abuse Awareness and Prevention modules within the curriculum for all UTAS Education students from 2024, and these courses are available online for the community as well, free of charge.

The next steps that we'll be taking here are the training modules being reviewed and updated periodically and the department will work with the Teacher Registration Board and will continue to work with the University of Tasmania to establish minimum training requirements for teachers.

...

Mrs PETRUSMA - Minister, you said that 13,209 staff members have completed the training. What about those who haven't? What steps are in place to make sure that those who haven't do undertake it?

Ms PALMER - Where we will see that some may not have - they could, for example, be on long service leave - the requirement is that when they return, they will have to do the mandatory training. They could be on maternity leave. There could be a number of reasons why staff may not be engaged at this particular point in time, but it is mandatory for them when they return as well.

There can be exemptions that can be given, and that could be, I'm advised, for someone who could be triggered by the trauma. That's a conversation that they have and we do give an exemption there. My understanding is that there were approximately 10 staff members this year.

Ms WEBB - ... I'm interested in a more granular breakdown of numbers ... Apart from that raw overall number, I would like to have that broken down into teachers, educational support personnel, relief teachers on the HR system, and relief educational support personnel. I'm interested to know not just the raw numbers in each of those categories, but also what percentage of the total staff pool they are. Is that something you could provide?

Mr BULLARD - We'll have to take that on notice, and I just would say, on a caveat, that I'm not sure that the system knows your job. It just knows that you're an employee.

...

Mr BULLARD - So I'm not sure that we could easily get that information out of the system. ...

...

Ms WEBB - So how do we go about tracking down whether people - for example, even if the vast majority have done it, some obviously maybe haven't yet. How are we then, if we're not capturing detail about them, knowing who hasn't done it yet and taking steps to track that down?

Mr BULLARD - How about we take that on notice and just see what we can farm out of the system that might attend to the question. ²²

The Minister provided the following response to the Committee's question taken on notice:

The Department is unable to accurately provide a breakdown of where staff who have completed the mandatory Safeguarding Training sit in the organisational structure as the Department's current systems don't allow us to accurately pull this data. It requires data from multiple systems to be combined which is not easily achieved, however this is an area that the Department is actively working on.

Below we have provided the number of staff who had completed the mandatory safeguarding training as at 31 March 2024, and the number of staff employed at that same date.

Completed training: 12 532 (the number provided at the hearing was as at 31 July 2024)

Employee numbers: Whole of agency: 12 492 Relief: 4 542.

There are many factors that must be considered when comparing the staffing numbers with the training numbers, as it is not an accurate representation of the staff on the ground due to those who are on leave or secondment, and many relief staff may not be engaged.

²² Minister Palmer and Mr Bullard, *Transcript of Evidence*, 2 September 2024, pp. 26-27.

For the training numbers, if a group of staff have completed the training together, such as Teacher Assistants and Education Facility Attendants, this will be under-represented as only one version of the training will have been completed.

It is the Department's view that there is a low risk that a person who has not completed their required training would be working with children and young people on a school site as the following mitigation measures are in place:

- *It is a manager's responsibility to ensure that all of their staff have completed this mandatory training.*
- *In each school and Child and Family Learning Centre (CFLC), the School Principal and CFLC leaders, along with the Safeguarding Lead are accountable for ensuring all staff in schools and CFLCs participate in required training.*
- *Training takes place in the first weeks of the year for all staff. For staff joining after the start of the year, the training is expected to take place as soon as possible upon commencement of duties, as outlined in the Department's staff induction training.*
- *The Department's staff induction training includes a module on Safeguarding Children and Young People, and it outlines the requirement to complete the mandatory safeguarding training.*
- *All relief staff (including but not limited to Teachers, Teacher Assistants and Education Facility Attendant) are required to provide a hard copy of their completed training certificate to the site where they are employed.*
- *At the end of 2024, Principals and CFLC Leaders will be required to submit an acquittal confirming that all of their staff have completed the mandatory safeguarding training.*
- *All schools are required to complete a Safeguarding Risk Management Plan (S-RMP) to address four different types of risks:*
 - *Propensity Risk: risks arising from a disproportionate clustering of adults with an inclination to commit child abuse or harm, or children with harmful sexual behaviours.*
 - *Vulnerability Risk: factors related to a child's identity or situation that may increase the risk of a child being abused or harmed.*
 - *Situational Risk: circumstances provide opportunities that may allow a potential offender to be alone with a child or to develop and exploit an emotional relationship with the child.*
 - *Institutional Risk: characteristics of the department/school that may influence the risk of child abuse occurring.*

The Department is committed to a robust safeguarding risk management process to continuously identify, prevent and reduce risks of child sexual harm. This approach ensures a safe environment where every child and young person can thrive and grow.²³

The Committee continued:

Ms WEBB - *In terms of people being required to do the training who are working in the schools in whatever capacity that is, how has it been made available to them? Have they had to complete it within their existing work hours? Have they been provided with additional paid work hours to do it? What's been the expectation?*

Mr BULLARD - *There have been a variety of mechanisms deployed. Principals were aware at the beginning of the year that this needed to be something that staff did or undertook, and so in the 'start-up days', as we call them - the student-free days - they made arrangements for there to be time for teaching staff and teacher assistants in those staff days to undertake and complete the training.*

However, for other employment groups there have been different ways that we've approached that. For example, I know for the education facility attendants who don't have access to devices because

²³ Letter from Minister Palmer dated 16 September 2025, pp. 2-3.

they don't need them in their role, they have been brought together on school sites and, with the safeguarding leader and other senior staff member, taken through the training. Corporate, out-of-school areas - we were just expected to undertake it either in work time or our own time, which we did.

...

Ms WEBB - *I'm interested to know about how we landed on the training that we have in this space, and about consistency of safeguarding training across the department and the different areas of the department, but also across other government departments, ...*

Mr BULLARD - *We have one set of core training for all staff within the agency, absent of which part of the agency they work in, so there is a consistency. There may be additional child safeguarding training, for example, in the Ashley Youth Detention Centre because there's another level of care that's required in those settings. In terms, though, of training across government, the training around issues such as mandatory reporting is a legislative obligation; therefore the training would look similar.*

However, we need to recognise different settings. In a hospital setting, for example, your interaction with a child or young person or their family would be intermittent, whereas our interaction is on a daily basis, so it makes sense that there is some nuance across the different settings.

We do, for example, recognise Health as the other major provider of services to children and young people, and we are talking to them about the materials that we use and that they use. We're also talking to Premier and Cabinet about that. Where we can harmonise, we will certainly look to do that. However, we always recognise we have a pretty particular context with a lot of our interactions.

Ms WEBB - *So, there's an active conversation about harmonisation and consistency, and potentially for external groups to be able to look to safeguarding training provided through a government department and regard, say, their volunteer - whether a community group or a sporting group - having had done the Department of Education training, can be ticked off for them as well.*

Mr BULLARD - *Yes. Certainly we know, for example, with child safe organisations bringing on a whole range of other NGO and private providers, that the demand for easily accessible training will increase, so we didn't see any reason to hold ours back. We already had it out there on the internet available for our volunteers and other DECYP workers. When it was drawn to our attention that others may want to use it, we moved to get a whole licence so that it could be utilised.²⁴*

And further:

Ms ROSOL - *... While the training and the modules have been rolled out, how are you evaluating the effectiveness of the training so that it is not just people attending it, but we know that they are taking it on board and understanding responsibilities and requirements, and following them?*

...

Mr BULLARD - *The first question is, are people undertaking the modules? As the minister said, over 13,000 members of staff. The modules have tests within them; you can't actually complete the training without answering a number of stop points throughout the training correctly, and if you don't do that, you are sent back to the beginning of that. There is an inherent block there for people to jump through.*

The training is always being updated. We had some really good feedback from this year's, and people made suggestions about other ways it could be presented to make it more accessible or easier. They are certainly being implemented. Every single year, every member of staff needs to undertake that training.

²⁴ Minister Palmer and Mr Bullard, *Transcript of Evidence*, 2 September 2024, pp. 29-30.

Over the course of time, I'd be very surprised if there's a member of staff that doesn't understand their responsibilities to report - that is module one - but also, the other module is about safeguarding, which was introduced this year, which is looking at issues such as how you might identify, for example, grooming in the workplace.²⁵

Stakeholder Evidence

TASSO expressed concern regarding mandatory reporting requirements for volunteers participating in large volunteer run events held on school premises:

While we wholeheartedly support the mandatory reporting requirements for volunteers in classroom settings, TASSO expresses concerns regarding volunteers participating in large volunteer-run events held on school premises, such as fairs, fetes, movie nights, and similar community events. There is a need to balance safeguarding measures with parent engagement and involvement.

The logistics of mandatory reporting training for all volunteers at large events pose challenges. These events often rely on a significant number of volunteers, including parents and the broader community. It is crucial to maintain a healthy level of community and intergenerational involvement in school activities, as these events play a vital role in fundraising and fostering a sense of belonging and community connection.

Mandating mandatory reporting training has inadvertently deterred volunteers by creating a barrier to volunteering, resulting in a shortage of human resources essential to the running events. Resulting in some school community events becoming unviable.

We recommend conducting a risk assessment for community-focused activities. If an event is attended by large numbers of the community, with students primarily accompanied by family members, the requirement for volunteers to hold a WWVP card and a mandatory reporting training certificate seems excessive.

The current approach means that a volunteer parking cars or turning a sausage on a barbeque is required to complete mandatory reporting training, even though the likelihood of a child reporting to them is minimal. Creating a system that does not deter volunteer participation is essential to sustaining school-based community events.

To be clear, mandatory reporting training for volunteers in classrooms or on excursions is essential to ensure they are skilled in recognising, responding to, and reporting concerns of child abuse to the Advice and Referral Line (ARL).

Regarding the current mandatory reporting training video, we urge consideration of a module specific to volunteers in schools that encapsulates all aspects of volunteering.

The current training video lacks simplicity, clear messaging, and education on identifying signs of abuse. It is disjointed and does not require any demonstrated understanding upon completion.

TASSO recommends:

- *Creating a dedicated volunteer resource/induction.*
- *Developing a training video that clearly outlines:*
 - *Emergency protocols.*
 - *Volunteer responsibilities.*
 - *Mandatory reporting obligations.*
 - *Who can provide support within the school.*

²⁵ Mr Bullard, *Transcript of Evidence*, 2 September 2024, pp. 5-6. .

The video should also clearly state that volunteers are legally required to report concerns directly to the ARL and cannot delegate this responsibility, though they can be supported in making the call.²⁶

According to the Laurel House submission:

Regarding the training offered by DECYP to its employees including teachers, Laurel House has received feedback that the content falls short in several critical areas. Specifically, it has been described as tokenistic, meeting only a minimum standard. One concern raised is the insufficient emphasis on recognising signs of potential CSA perpetrators among colleagues and other adults within the school system, which is crucial for early identification.

Additionally, the training does not adequately address the barriers children face when attempting to disclose abuse. Feedback also highlighted the need for a stronger focus on the importance of staff fulfilling this role—not merely as a legal obligation but as a vital measure to prevent CSA and its lifelong consequences for victim-survivors. This underscores the need for training that goes beyond compliance to emphasise the profound impact of proactive safeguarding measures.

Laurel House was not consulted in the development of this training despite our expertise in this department, neither were (to our knowledge) victim-survivors, although we do recognise that many DECYP employees will be victim-survivors. Such consultations may have prevented some of the feedback outlined above and would be a welcome measure in the future.²⁷

²⁶ Tasmanian Association of State School Organisations (TASSO), 2025, *Submission #7*, pp. 8-9.

²⁷ Laurel House, February 2025, *Submission #15*, pp. 27-28.

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.

Phase 2 - 2026

Government Reported Status: In progress (DPAC)

Implementation Report (August 2024) extract:

In progress and on track for delivery in Phase 2 – currently recorded as an Incident Management priority area recommendation in Collaborating for Change. ²⁸

Committee's Assessment

The Committee notes this is a Phase 2 recommendation, and is in the planning stages, alongside the development of the Change for Children Strategy and Action Plan.

The Child-Related Incident Management Unit will sit within DPAC.

Government Evidence

Mr ROCKLIFF - ... 6.6 is directly related to the responsibility of the Department of Premier and Cabinet, myself, and the child-related incident management directorate. This phase-2 recommendation includes that the Tasmanian government should establish a child-related incident management directorate. Part of the actions to date, the Department of Premier and Cabinet has appointed a project officer whose duties include initial scoping of the Child-Related Incident Management Directorate in close collaboration with the Department of Education, Children and Young People. Over the next 12 months, the project officer will work with agencies to scope the requirements of the incident management directorate, including how it will work with existing incident management structures. A project plan will be formulated. Funding will be considered through the '25/26 Tasmanian budget process and that's where we're up to with that.

...

Ms WHITE - So this is a coordinating function essentially rather than a response function. Would that be a correct way to characterise it, Premier?

Mr ROCKLIFF - Well, yes. We've got a director. It 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. ...

Ms MORGAN-WICKS - ... noting that this is a phase two recommendation. It is early days in terms of our work on this and it's going to require some significant coordination across agencies, noting that this is about a child at the centre of the incident. We've spent a lot of time talking today about investigations of employees and the work that DPAC has done to stand up the shared capability in serious conduct unit, the work we've done around the revised ED5. We now need to pull together the recommendations of the commission of inquiry relating to the policy to form this Child-Related Incident Management Directorate and we'll be able to provide further updates when we next address the committee, but noting it's a phase two that's now starting.

...

Ms HURWORTH - ... this incident management unit is very closely interrelated with the shared capability unit in SMO as well as other processes. As the committee would appreciate, a number of the recommendations intersect together and so they need to be considered together, not only on their own merits.

...

Ms WEBB - To clarify, too, if I may, the directorate will sit within DPAC then, once it's established?

²⁸ Keeping Children Safe, Implementation Report, prepared for the Joint Sessional Committee on the Commission of Inquiry Recommendations, August 2024, p. 58.

Ms MORGAN-WICKS - Yes. The reform unit will and have a reform lead. We currently have our reform lead acting which is Courtney Hurworth. That position is currently, at the moment, out for confirmation as part of an EOI process and that will report through to me as secretary.²⁹

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.

Phase 2 – 2026

Government Reported Status: In progress (DECYP)

Implementation Report (August 2024) extract:

*In progress and on track for delivery in Phase 2 – currently recorded as an Incident Management priority area recommendation in Collaborating for Change.*³⁰

Committee's Assessment

The Committee notes while this is a Phase 2 recommendation, the Department has created two Student Support Response Coordinators to help workers in schools and Child and Family Learning

²⁹ Mr Rockliff, Ms Morgan-Wicks and Ms Hurworth, *Transcript of Evidence*, 29 August 2024, pp. 26-28.

³⁰ Keeping Children Safe, Implementation Report, prepared for the Joint Sessional Committee on the Commission of Inquiry Recommendations, August 2024, p. 59.

Centres to ensure ongoing support is provided to children and young people who are impacted by child sexual abuse or harmful sexual behaviour, and their families.

It is intended the Department will ensure existing resources are strengthened and will prepare comprehensive guidelines and resources relevant to all of the department, including child safety services, Out of Home Care, and youth justice, to provide ongoing support for victim/survivors, families, staff and school communities.

The Department will also establish the harmful sexual behaviours unit in line with the commission of inquiry's recommendation 9.28.

More broadly, the Committee inquired about subsequent and/or ongoing supports provided to victims/survivors and whistleblowers who participated in the Commission of Inquiry. It was confirmed that a range of supports have been provided on a case-by-case basis when a need was identified.

Laurel House stated that it had not been consulted about how the guidelines, policies, procedures and templates could be improved and provide clarity to DECYP staff and other stakeholders.

The experience of Laurel House indicated the response varies considerably across regions, services, schools and employees – with examples of terrific practice where Laurel House, police and school social workers are engaged early by principals, while other examples where the response is piecemeal and disjointed.

Government Evidence

***Ms PALMER** - ... In recognising the need for a consistent collaborative and trauma-informed approach to support children and young people impacted by child sexual abuse, the department has created two Student Support Response Coordinators. These coordinators help workers in schools and our Child and Family Learning Centres to ensure ongoing support is provided to children and young people who are impacted by child sexual abuse or harmful sexual behaviour, and their families. In line with recommendation 9.28 ... the department will establish a harmful sexual behaviour support unit. This unit will review the department's governance processes, training and guidance to ensure our responses to harmful sexual behaviour are clearly defined, consistent, proactive, therapeutic and underpinned by ongoing training and development across the entire department.*

All departmental staff also follow step-by-step guidance to ensure they respond to incidents of child abuse or harmful sexual behaviour in a trauma-informed way. This is supported by the completion of mandatory reporting, training and child sexual abuse awareness training for all departmental employees, safeguarding training by all volunteers, contractors and external providers, and by supporting information contained in the Safe, Secure, Supported - our Safeguarding Framework.

We know that the impacts of child sexual abuse and harmful sexual behaviours are far-reaching. In addition to the supports in place for children and their families, workers are supported to look after themselves when they are impacted vicariously. The Employee Assistance Program supports departmental staff who are impacted in this way. If we look at progress to date - remembering this is for 2026 - in February 2024, updated mandatory reporting training was released alongside the training module. These - in combination with a condensed video version for viewing by volunteers and external providers, and the updated step-by-step guidance for concerns, information and incidents of child abuse - provide departmental workers with the knowledge and tools to respond and support victim/survivors in a trauma-informed way.

The department will ensure existing resources are strengthened and will prepare comprehensive guidelines and resources relevant to all of the department, including child safety services, Out of Home Care, and youth justice, to provide ongoing support for victim/survivors, families, staff and school communities. The department will also establish the harmful sexual behaviours unit in line with the commission of inquiry's recommendation 9.28. ...

...

Ms WHITE - ...

How have you communicated with people who've been victims of child sexual abuse, particularly in the department of Education, who may have given evidence and since that time continued to struggle or have impacts on their work, so they have access to the support they need? I'm keen to understand how you've been in contact with them, but also what further efforts are being made by the department to make sure people aren't just- not ignored - that's a pretty harsh word - but some people feel like they have been ignored since participating in the commission of inquiry process.

Mr BULLARD - *There are two parts to your question. One is, how have we interacted with or supported them. The other is, how are they now being supported. The first I can talk to, because that sits within the remit of the department of Education and the victim/survivors who really bravely came forward to tell their stories. The second, though, around their ongoing support, is a question for Premier and Cabinet, as there's now centralised support.*

...

Ms WHITE - ... *You mentioned that DPAC has centralised some of those supports. How has your department connected the people you've been working with to that central support so that nobody falls through the gaps?*

Mr BULLARD - *Well, certainly in terms of ensuring that they knew other support was available. So, I'm not going to say that we substituted support. We actually just said, 'as well as this there is that', then each of those individuals was contacted and advised of that. And Premier and Cabinet, I understand, provide various levels of support to individuals depending on what they need. So, that's really for those matters pertaining to individuals that came forward during the commission.*

On this recommendation, we're very attuned to the fact that we need to properly support not only the children and young people, but the families of people who are experiencing or have experienced child sexual abuse in our contexts now. ...

...

Ms KATHRINE MORGAN-WICKS, SECRETARY, DEPARTMENT OF PREMIER AND CABINET, WAS CALLED, MADE THE STATUTORY DECLARATION, AND WAS EXAMINED.

Ms MORGAN-WICKS - ...

There has been a range of support needs that have been identified by victim/survivors ... significantly relating to medical or psychological support. So, with, for example, the release of, (a), the tabling of the final report of the commission, but also the tabling of the government's response to the report, Premier and Cabinet had stood up additional funding to community organisations, So SASS, Laurel House, et cetera and Relationships Australia. ... To make sure that there was additional support in community, particularly if it ... encouraged ... people to come forward to also share their experience or to make a complaint.

So from victim/survivors participating in the commission, so psychological support, medical support, some living expense or other supports. That's really been on an ad hoc or case-by-case basis. Some stepping in to assist with some employment arrangements ...

So, we certainly have been trying to work with people if they require some additional support and we've been working with some private employers with that respect to see if that's something that the government can assist with. Or if there are other ways that victim/survivors, for example, could be employed or contracted, because they keep telling their story and it's a huge time commitment too, and has the impact on these people's families each time they do it. But it's not a paid job, for example. And I think that's one of the key learnings coming out of the inquiry - that this is going to have impact on them for some time. They've been talked about in the media and that then has impact on their own employment prospects. So we are alive to that in trying to provide support where we can. But it is very much on an individual-by-individual basis, but we are working, picking each of those experiences and going back to the team to say, 'Right, what do we need to do on a more whole-of-cohort level, if that's appropriate?'

...

Ms WEBB - *If I can follow up, because we were focusing that conversation about support around victim/survivors but, of course, there would have been whistleblowers involved in various aspects of the commission of inquiry, so is there an update, potentially? Again, this might not be relevant to the department of Education - maybe it is, but since it's centralised and we have the head of the State Service, is there an update to provide similarly about support in that space?*

Ms MORGAN-WICKS - *Certainly we have not differentiated, as far as I'm aware, from a Premier and Cabinet perspective, between the support that we are offering to victim/survivors and key whistleblowers who have participated in the commission. Where we have received requests in relation to, for example, psychological support or medical expenses, travel or other support persons, we have responded in the same way, noting that they have both provided evidence to the commission and we believe that they require our continuing support.³¹*

Stakeholder Evidence

According to the Laurel House submission:

Despite the key role Laurel House plays in response to allegations or incidents of child sexual abuse or harmful sexual abuse, including through our role at the Arch (multidisciplinary) Centres, we remain unclear about how and when the Department of Education, Children and Young People will seek the support of Laurel House or the Arch when there is an allegation against a staff member, student or other member of a school community.

To date, we have not been consulted about how the guidelines, policies, procedures and templates could be improved and provide clarity to DECYP staff and other stakeholders including Laurel House.

It is our experience that the response varies considerable [sic] from region to region, service to service, school to school, employee to employee. We see examples of terrific practice where Laurel House, police and school social workers are engaged early by principals, while other examples where the response is piecemeal and clunky.

We continue to hear from victim-survivors that DECYP is not transparent when communicating with victim-survivors and their families when an allegation has been made or a Code of Conduct violation is being investigated.

For example, Laurel House was recently involved in the response to a matter of reportable conduct and possible abuse involving multiple children in a rural location where the alleged perpetrator had a close connection to a DECYP employee, and was possibly also a former DECYP employee. The families affected by this incident were reportedly not well supported by DECYP, and there was a lack of coordination between the services involved including police and Laurel House. As Laurel House navigated our involvement in this matter, it became increasingly apparent that more work is needed to develop and implement an integrated response that includes DECYP, police, specialist sexual

³¹ Minister Palmer, Mr Bullard and Ms Morgan-Wicks, Transcript of Evidence, 2 September 2024, pp.31-37.

violence services and other key stakeholders to support an effective whole of community response that meets the needs of those directly affected and the broader community.

We also note the need for a similar integrated response to occur where there has been harm caused by a child or young person who has used harmful sexual behaviours. We continue to hear about situations where the community becomes aware of an incident or where a victim-survivor inevitably leaves a school community due to shortcomings in the school response.³²

TASSO highlighted the issues of communication with families, noting the delicate balance between disclosing information to families and protecting an individual's right to anonymity:

We acknowledge the delicate balance between legally disclosing information to families and protecting an individual's right to anonymity. However, there is also a need to ensure that families are informed and do not feel that schools or the department are intentionally withholding information about individuals charged with crimes against children.

Recently, an individual was arrested and charged with allegedly possessing or controlling child abuse material. Students from a Northern State School saw their former student teacher on the news and mentioned it to their parents. Parents were rightly concerned. However, it took more than three weeks for communication to be sent to families.

There appeared to be no communication strategy in place for notifying families in cases where a former educator is charged with offenses against children. Parents felt that a deliberate decision was made to withhold information, creating an atmosphere of secrecy and mistrust.

Since the communication strategy is not public, we cannot comment on its effectiveness.

Further consideration needs to be given to:

- *Creating clear response timelines for DECYP to communicate with families should [an] allegation arise.*
- *Families should receive general updates on safeguarding reforms to continue to build trust.³³*

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.

Phase 2 - 2026

Government Reported Status: In progress and on track for delivery

Implementation Report (August 2024) extract:

In progress and on track for delivery in Phase 2 – currently recorded as an Incident Management priority area recommendation in Collaborating for Change.³⁴

³² Laurel House, February 2025, *Submission #15*, pp. 29-30.

³³ Tasmanian Association of State School Organisations (TASSO), 2025, *Submission #7*, p. 9.

³⁴ Keeping Children Safe, Implementation Report, prepared for the Joint Sessional Committee on the Commission of Inquiry Recommendations, August 2024, p. 59.

Committee's Assessment

The Committee notes this is a Phase 2 recommendation and DECYP are in discussion with the independent and Catholic education sectors to progress this recommendation.

Laurel House expressed a concern about the potential disparity in how child sexual abuse is addressed across different school sectors, with the risk of creating an inconsistent and unequal level of safeguarding for children and young people.

The Committee shares this concern and expects the Government to prioritise ensuring all students in Tasmania are receiving the same level of support, education, and safeguarding measures.

The Committee is concerned the Government is minimising the role it can and must play in implementing the full intent of this recommendation. The Committee expects the Government to take a more proactive approach, and for the independent and Catholic school sector to also prioritise delivering on this recommendation.

Government Evidence

Mr BULLARD - ... we're in active discussions and working closely with the independent and Catholic sectors on the delivery of aspects of the commission of inquiry. It would be foreseeable that as we've developed these curriculum resources that we would look at ways of sharing or offering those to the non-government schools. ...

Independent schools obviously make their own decisions, as does the Catholic system, but we have offered that. That really is for prep to year 10 to 11 and 12 is a TASC course that covers all sectors. The elements of 11 and 12 provision would by their very nature become available if not required to be taught in 11 and 12 because that would be the course specification.

CHAIR - When you say 'if not required', why wouldn't it be required?

Mr BULLARD - Well, required if the schools - it would depend, ...whether the course is mandated or not, or whether students choose to do the course. That's what I'm saying. The course requirements would be there, but whether or not the students are undertaking that course.

CHAIR - Yes, I understand what you mean in year 11 and 12. Do we have any expectation that we're mandatory for all schools who operate under the relevant state legislation?

Mr BULLARD - The mechanism for requiring the Catholic and independent systems to meet particular standards - it might be standards for delivery - would be through the non-government schools registration board, which sets the standards for those schools. It would be foreseeable in the future about safeguarding matters and child safety more broadly that there could be a mandated standard that that sector needs to meet. That is a matter for an independent board to make. However, the minister can, through a process of sending out a letter of expectation, set out some things that she would like that board to turn its mind to through the course of a year. That's open.

CHAIR - Without pre-empting the minister's actions, is there an intention to go down that path?

Ms PALMER - For me, it has been fantastic to see the collaboration that we are now seeing between the Catholic education system and our independents and the department. There is such goodwill on all sides. I think there's also a real acknowledgement that this can be a potential loophole when things can go wrong if we're operating in silos here. We do address this a bit more at the other recommendation, but we are working far more collaboratively in a stringent process with regular

*meetings and topics for discussion. We are absolutely identifying that we have to make sure that a child, regardless of what school they are in, that we have the same expectation that that child will be safe and heard and known.*³⁵

Stakeholder Evidence

According to the Laurel House submission:

Laurel House is concerned about the potential disparity in how child sexual abuse is addressed across different school sectors, particularly in the Catholic sector following on from problematic comments from the head of Catholic Education Tasmania saying sexual consent education as outlined in the national curriculum contains amoral information. Such precedent creates an inconsistent and unequal level of safeguarding for children and young people.

One of our key concerns is ensuring that all students, regardless of the school sector they belong to, have equal access to critical education on healthy relationships, consent, and the support systems needed to respond effectively to abuse. Without a statewide, inclusive approach, there is a risk that students in non-government schools may not receive the same level of education on these essential topics, leaving them vulnerable to harm and without the tools to identify and report abuse. Further, without a consistent approach, the staff in the Catholic and independent school sectors are less likely to have the skills and knowledge they need to challenge misconceptions and unhelpful stereotypes, and to navigate the barriers to disclosure and reporting, which have historically plagued some institutions

Additionally, it is crucial to ensure that students in non-government schools from marginalised communities such as disabled, neurodivergent, and LGBTQIA+ students, are not left without such essential education based on standards of morality, given these groups are already at higher risk of CSA. The lack of consistent and comprehensive safeguarding measures across sectors puts these students at an even greater disadvantage, leaving them vulnerable to harm without the education and support they need.

*We are eager to understand how this work is progressing and what steps are being taken to ensure that children and young people in non-government schools, especially those from at-risk or marginalised communities, are receiving the same level of support, education, and safeguarding measures as their peers in government schools.*³⁶

³⁵ Minister Palmer and Mr Bullard, *Transcript of Evidence*, 2 September 2024, pp. 11-12.

³⁶ Laurel House, February 2025, *Submission #15*, pp. 30-31.

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).

Phase 2 - 2026

Government Reported Status: In Progress and on track for delivery in Phase 2

Implementation Report (August 2024) extract:

In progress and on track for delivery in Phase 2 – currently recorded as a Harmful Sexual Behaviour priority area recommendation in Collaborating for Change.³⁷

Committee's Assessment

The Committee notes DECYP are progressing this recommendation, with training on harmful sexual behaviours being delivered to professional support staff in schools and expected to be embedded in cycles of professional learning for all staff.

Funding for any identified support required to respond to harmful sexual behaviours in students is managed and allocated on a case-by-case basis.

Laurel House expressed concern it is unclear whether those leading this specific implementation process possess the specialised expertise required to design policies and protocols that address the complexities of HSB, and indicated it would like to contribute expertise to the development and implementation of this recommendation.

The Committee questions why Laurel House, and other experts in this field, had apparently not been consulted in the implementation of this recommendation.

Government Evidence

Ms PALMER - ...The department's student support team has developed training on child sexual abuse and harmful sexual behaviours, and in September 2023 began delivering this training to professional support staff in schools, so that includes our social workers, psychologists and school nurses. The training is being offered more broadly to other education staff throughout the 2024 school year.

Progress on this: the department has commenced working with relevant business units including student support, the Office of Safeguarding Children and Young People, services for children and

³⁷ Keeping Children Safe, Implementation Report, prepared for the Joint Sessional Committee on the Commission of Inquiry Recommendations, August 2024, p. 59.

families, our out-of-home care and youth justice as well as the Department of Premier and Cabinet, to begin the unit of the harmful sexual behaviour support.

The next steps on this: cycles of professional learning will be embedded in schools to ensure that new staff are provided with the education to identify and respond to harmful sexual behaviours in schools. A harmful sexual behaviour support unit, which is recommendation 9.28, will be established and this team will review the department's governance processes, training and guidance to ensure its responses to harmful sexual behaviour across all areas of the department are clearly defined, consistent, proactive, therapeutic and underpinned by ongoing training and development.

Ms WEBB - ... There was an aspect of this that I had raised and I was interested to check. One way, potentially, that harmful sexual behaviour needs to be managed in a school environment at times is through using a tier-4 support, and the child is moved away from the school or the campus while that's occurring and supported separately, but tier-4 currently ends at the end of year 10. For example, if we are expecting to utilise tier-4 supports as a way of managing harmful sexual behaviours for a child in high school, what happens at the end of year 10 when that child transitions to college and tier-4 support is no longer available?

Ms PALMER - Yes. Tier-3 support is offered in colleges, just to let you know that. I was asked this question in regard to colleges and tier-4 support just recently, and it was something that I felt as the minister, I needed to explore a bit further. At that point that I was asked the question I wasn't aware that tier 4 only went to year 10, and I think it is something that does need to be looked at to see what is possible for years 11 and 12. That is something that is on my list.

...

Ms WEBB - Minister, at this present time, are colleges provided with additional funding in order to manage harmful sexual behaviours that they may encounter in their student groups above and beyond, or do they have to manage it within their existing resources?

Mr BULLARD - Harmful sexual behaviours are very complex and seen as such by the department. Where there are instances of harmful sexual behaviours between students, whatever their age, student support will come in and assist the school to manage that. It is not so much about having 194 individual schools with 194 individual resources. They certainly need to have a base level of training and understanding, but it is the school social workers and school psychologists, student support leaders and student support coordinators that will come in and assist the school to put those plans together and then to monitor whether or not the plans are having the intended effect.

We talked earlier about the two student support coordinators. We know that for both the family of the child that's displaying the behaviours as well as the family of the child that might be the object of those behaviours it is an incredibly stressful time, so part of the role of those two individuals is to work with those families to ensure that they know what is happening for their young people, whichever category they are in, but also to support the family to support the child.

Ms WEBB - Thank you for that information. I understand that we would not necessarily allocate a specific amount to each and every school - it is a case-by-case basis - but I just wanted to be very clear, is there additional funding available if a school finds itself in a situation of having to manage these behaviours and, by the supports and the interactions that you have just described, secretary, it has identified that there is a need for some additional support to be put in place. Is that funding available separately to the school from some source of funding that is not drawing from within their current funding?

Mr BULLARD - Certainly, if the school did not have the resource available to acquit a plan, then we would look at where that resource should come from. For example, in a primary school setting, if there is a young person who is displaying behaviours that are concerning, the plan might recommend that there is a teacher assistant that works exclusively with that young person and monitors their behaviour. If the school does not have the resource to do that, we would look at other parts of the agency to fund that. The safety of children is absolutely paramount, so we wouldn't say, 'Oh, sorry,

you can't have that teacher assistant' if that's what's been recommended by the school social worker and the psychologist.

Ms WEBB - *I'm sure you can appreciate that I'm approaching it with a slightly sceptical frame of mind because we know that often within these sorts of environments, just through practicalities, resources that need to be applied in one area can often be cribbed from another, ... Can you guarantee that's not happening, that we're not depriving support elsewhere in order to support harmful sexual behaviour responses?*

Mr BULLARD - *Can I guarantee it? No, I can't, because they are individual people making individual decisions. Is it my expectation that that doesn't happen? Yes, it is, and schools know - and student support knows - that there are other avenues of funding available for particular circumstances, especially where the safety of children and young people is at risk. I imagine if you went and audited, anyone could find an example, but again it's really important that we know of those examples so we can put them right, but the expectation is you wouldn't be cribbing from one area to attend to a harmful sexual behaviour risk management plan.³⁸*

Stakeholder Evidence

According to the Laurel House submission:

We are interested to understand the qualifications and expertise of those responsible for leading this work, and to understand how meaningful engagement with organisations such as ours, which have significant experience in delivering HSB programs and supporting schools in this space, will occur.

It is unclear whether those leading this specific implementation process possess the specialised expertise required to design policies and protocols that address the complexities of HSB. HSB requires a nuanced understanding of trauma-informed approaches, therapeutic practices, and preventative frameworks tailored to the educational context, which our work at Laurel House directly informs. It is unfortunate that our expertise, alongside the insights we could provide from working directly with children and young people exhibiting HSB, has not yet been sought in the development of these critical resources.

Furthermore, while alignment with the statewide framework and plan to address HSB (Recommendation 21.8) is noted, the absence of engagement with frontline organisations such as Laurel House raises questions about how effectively this alignment will be operationalised. Engaging with community-based organisations that deliver HSB interventions would ensure the inclusion of evidence-based practices and the lived experiences of those impacted by HSB in the development process.

We urge the Department to consider broadening its consultation process to include specialist organisations like Laurel House. This collaboration would not only strengthen the policies, protocols, and guidelines being developed but would also ensure they are robust, practical, and grounded in expertise that reflects the realities of schools and the broader community.³⁹

³⁸ Minister Palmer and Mr Bullard, *Transcript of Evidence*, 2 September 2024, pp. 37-39.

³⁹ Laurel House, February 2025, *Submission #15*, pp. 32-33.

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.

Phase 2 - 2026

Government Reported Status: In Progress and on track for delivery in Phase 2

Implementation Report (August 2024) extract:

In progress and on track for delivery in Phase 2 – currently recorded as a System Regulation and Monitoring priority area recommendation in Collaborating for Change.⁴⁰

Committee's Assessment

The Committee notes DECYP is undertaking a review of the Teachers Registration Board Act, in light of the Commission of Inquiry recommendations.

The review will be overseen by a skills-based steering committee which will make recommendations to the Minister on how to deliver the objectives of the review and the changes required to the Act.

The intention is for the review to inform legislative amendments to the Act, to be debated in Parliament prior to 1 July 2026.

Government Evidence

[NB: The following evidence was provided in relation to recommendations 6.10 to 6.16 regarding the Teachers Registration Board legislation and other relevant matters].

⁴⁰ Keeping Children Safe, Implementation Report, prepared for the Joint Sessional Committee on the Commission of Inquiry Recommendations, August 2024, p. 60.

Ms PALMER - ...

The Department of Education, Children and Young People is responsible for administering the act and is currently undertaking a substantive review of the Teachers Registration Act. A lot has changed since the act was first established, so it was timely to do a wholesale review and consider how we can better protect children and young people in schools, address concerns raised by the commission of inquiry and ensure alignment with national standards.

The key objectives of the review will be to ensure that children are safe while they learn, that early childhood teachers in early childhood education and care settings are registered as teachers, and that we have quality teachers who are well prepared to support learning and are able to contribute to delivering outcomes for all Tasmanian children.

As I said, there are five recommendations from the commission of inquiry which require specific amendments to the act, and these five recommendations will be implemented as part of the review. I will answer questions today regarding each of these specific recommendations, but I wanted to be clear from the outset that our response to delivering each of these recommendations will be to manage them all concurrently through the Teachers Registration Act review.

The terms of reference for the overarching review of the act, which will also address the commission's recommendations, will be released in the last quarter of this year. They will outline the objectives and intended outcomes of the review and the role of the steering committee. They will also step out how the process will include opportunities for children and young people, teachers, key stakeholders including Aboriginal communities, and the broader Tasmanian community to participate in the review. It is my expectation that this will be a highly consultative and collaborative process.

The review will be overseen by a skills-based steering committee which will make recommendations to me as minister on how to deliver the objectives of the review and the changes required to the act. The skills-based steering committee will ensure that the review is guided by expertise and informed perspectives, leading to meaningful improvements in the act. The review is currently in the initiation phase. Ahead of releasing terms of reference, extensive research has been undertaken. This has included early engagement with the TRB; research, analysis and jurisdictional scans on what best-practice teacher registration looks like in order to keep children safe; the role of early childhood teachers and early childhood education and care settings; the application of the Australian Professional Standards for Teachers; and professional development to support quality curriculum implementation.

Subject to the parliamentary sitting schedule, the proposed legislative amendments from the review will be considered by parliament by 1 July 2026. This means we are on track to implement all five of the commission of inquiry recommendations in relation to teacher registration, in line with our agreed commitment.⁴¹

⁴¹ Minister Palmer and Mr Bullard, *Transcript of Evidence*, 2 September 2024, pp. 39-42.

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.

Phase 2 - 2026

Government Reported Status: In Progress and on track for delivery in Phase 2

Implementation Report (August 2024) extract:

In progress and on track for delivery in Phase 2 – currently recorded as a System Regulation and Monitoring priority area recommendation in Collaborating for Change.⁴²

Committee's Assessment

[Refer to Committee assessment under Recommendation 6.10]

Government Evidence

[NB: Refer to evidence received encompassing recommendations 6.10 to 6.16 included under Recommendation 6.10]

⁴² Keeping Children Safe, Implementation Report, prepared for the Joint Sessional Committee on the Commission of Inquiry Recommendations, August 2024, p. 60.

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 noncompliance with the provisions of the Act that currently carry penalties in the form of fines.

Phase 2 - 2026

Government Reported Status: In Progress and on track for delivery in Phase 2

Implementation Report (August 2024) extract:

In progress and on track for delivery in Phase 2 – currently recorded as a System Regulation and Monitoring priority area recommendation in Collaborating for Change.⁴³

Committee's Assessment

[Refer to Committee assessment under Recommendation 6.10]

Government Evidence

[NB: Refer to evidence received encompassing recommendations 6.10 to 6.16 included under Recommendation 6.10]

⁴³ Keeping Children Safe, Implementation Report, prepared for the Joint Sessional Committee on the Commission of Inquiry Recommendations, August 2024, p. 60.

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.

Phase 2 - 2026

Government Reported Status: In Progress and on track for delivery in phase 2

Implementation Report (August 2024) extract:

In progress and on track for delivery in Phase 2 – currently recorded as a System Regulation and Monitoring priority area recommendation in Collaborating for Change.⁴⁴

Committee's Assessment:

[Refer to Committee assessment under Recommendation 6.10]

Government Evidence

[NB: Refer to evidence received encompassing recommendations 6.10 to 6.16 included under Recommendation 6.10]

⁴⁴ Keeping Children Safe, Implementation Report, prepared for the Joint Sessional Committee on the Commission of Inquiry Recommendations, August 2024, p. 61.

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.

Phase 1 - 2024

Government Reported Status: Completed

Implementation Report (August 2024) extract:

DECYP and the Teachers Registration Board will continue to advocate for a national approach that considers the risks to child safety and imposes measures to address these risks.

Advocacy to ensure that the Automatic Mutual Recognition scheme considers risks to child safety will be ongoing through the relevant Ministerial Councils and Senior Officer Forums.⁴⁵

Committee's Assessment

The Committee notes the ongoing work nationally to improve and harmonise the Automatic Mutual Recognition scheme.

Due to different definitions of unsafe behaviour between states, Tasmania has an exemption from the scheme until 1 July 2027 until the definition is resolved.

While the Government report this recommendation as being complete, the Committee notes the issues are not yet resolved and implementation is ongoing.

Government Evidence

Ms PALMER - ...I'll start with 6.14. So, the AMR, the Automatic Mutual Recognition, is a Commonwealth scheme set out in the Mutual Recognition Act 1992. It enables individuals who are registered in an occupation in one state or territory to go to work in another state or territory and use their home state registration, and teachers have been included in that scheme.

At the time that the scheme was introduced, the department and the Teachers Registration Board advocated at a national level for the Automatic Mutual Recognition scheme that takes into account the risks for child safety and allowing greater mobility within the teaching profession. In recognition of this, our Treasurer has granted the teaching profession an exemption from participating in the AMR scheme until 1 July 2027. Significant work will be undertaken before then to enable Tasmania to participate fully in automatic mutual recognition and to ensure the risks of child safety are mitigated.

The government has continued to advocate for the implementation of the scheme to take into account risks to child safety and to impose measures to address these risks through the education ministers' meetings and through associated national education architecture. In February, the Australasian Teacher Regulatory Authorities (ATRA) met to discuss national AMR actions. In March 2024, there was a ministerial level communication regarding the AMR scheme with the federal Minister for Education. In June of this year, cybersecurity consultants CyberSage commenced developing a proof

⁴⁵ Keeping Children Safe, Implementation Report, prepared for the Joint Sessional Committee on the Commission of Inquiry Recommendations, August 2024, p. 28.

of concept for an AMR information-sharing platform with the aim of creating a solution relevant to as many licensing arrangements as possible. This work was made possible with a grant under a business research and innovation initiative. In July, ATRA senior officials established a dedicated Automatic Mutual Recognition information-sharing working group to work collectively to operationalise improvements to existing mutual recognition and information-sharing practices as a basis for robust shared implementation of AMR.

We won't stop advocating and we will keep reaffirming. But I think what's really powerful here, and an example to what we're trying to do, is that we do have an exemption until 2027.

...

Mr BULLARD - *It would be other states, so we would need to accept. But we could check that quickly. The issue that we've identified is that there are slightly different standards between states and what we might judge as unsafe behaviour other states don't. Without some intermittent or intermediary where you land here and you need to go and say, 'I'm here', and without a way of sharing that information easily for our board to make its own judgement about your suitability to teach, there was a risk of mismatch.⁴⁶*

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.

Phase 2 - 2026

Government Reported Status: In Progress and on track for delivery in phase 2

Implementation Report (August 2024) extract:

In progress and on track for delivery in Phase 2 – currently recorded as a System Regulation and Monitoring priority area recommendation in Collaborating for Change.⁴⁷

Committee's Assessment

[Refer to Committee assessment under Recommendation 6.10]

Government Evidence

[NB: Refer to evidence received encompassing recommendations 6.10 to 6.16 included under Recommendation 6.10]

⁴⁶ Minister Palmer and Mr Bullard, *Transcript of Evidence*, 2 September 2024, pp. 42-43.

⁴⁷ Keeping Children Safe, Implementation Report, prepared for the Joint Sessional Committee on the Commission of Inquiry Recommendations, August 2024, p. 61.

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.

Phase 2 - 2026

Government Reported Status: In Progress and on track for delivery in phase 2

Implementation Report (August 2024) extract:

In progress and on track for delivery in Phase 2 – currently recorded as a single agency recommendation in Collaborating for Change.⁴⁸

Committee's Assessment

The Committee notes the TRB received additional funding of \$760,000 over two years in the 2022-23 Budget, to provide additional conduct and investigation officers as an interim measure post-commission of inquiry.

The Committee further notes the TRB is subject to an historic funding arrangement and a review is being conducted to determine future funding needs, which will be considered in the context of future state budgets.

Government Evidence

Ms PALMER - The TRB is funded through the collection of registration fees and funding support from the government through DECYP. Conduct and investigation officers undertake the TRB's discipline inquiries and other functions under part 4 of the Teachers Registration Act. In the 2022-23 Budget, the government provided the TRB with additional funding of \$760,000 over two years. This was to support the employment of additional conduct and investigation officers to assist with the commission of inquiry and review any pending cases. DECYP is providing funding for 5.14 FTE conduct and investigation officers and is supportive of this being continued. Ongoing funding to replace the current interim funding arrangements for these positions will be considered as part of the Budget process.

...

Ms LOVELL - That funding finishes this year, I assume? ... We're waiting to see if that's continued in this year's Budget.

Ms PALMER - We're certainly supportive of this being continued.

Ms WEBB - ... do you consider currently that the TRB is appropriately funded to perform its core function of regulating the professional conduct of teachers?

...

Mr BULLARD - We've recognised that they are subject to historic funding arrangements and so we have supported them to undertake a review of their actual cost of doing business, and so the review of Education Regulation Steering Committee report. That established the new regulatory arrangements across the TRB and the Non-Government Schools Recommendation Board

⁴⁸ Keeping Children Safe, Implementation Report, prepared for the Joint Sessional Committee on the Commission of Inquiry Recommendations, August 2024, p. 61.

recommended at the time that the Department of Education, the then department, commissioned an independent methodology with input from the boards to determine the sustainable funding of the regulators, so move them off that historic base. The procurement of the external consultancy's in the final stages of the tender process and we are talking to the Teachers Registration Board about progressing that review for and with them.

But ahead of that methodology, there is funding that the department has provided to ensure that it is sustainable. Future funding will be the subject of the state Budget.

Ms WEBB - *What is the timeframe since we passed that legislation and it came into effect, where we brought those entities together under the one, and the need to identify, to review funding arrangements was part of that. What's been the time lapse to now?*

Mr BULLARD - *The report that went up in 2020 was one recommendation of a whole lot of other recommendations that then flowed through into the legislation that then went through Parliament, which has then established the boards. The boards have now been up and running for 12 months, so we haven't had a new entity to examine, if that makes sense. TASC didn't have a board and it had quite a different operating environment. The Non-Government Schools Registration Board has been reconstituted in a different form, and the TRB likewise.*

We haven't had an entity to go in and do that review until we waited for the boards to be established and the entities to run under the new legislation. We would have been reviewing the old operating arrangements, which probably would have got us to a similar point on the historic funding that's been in place.

Ms WEBB - *In terms of the minister's confidence that the TRB is currently funded adequately to perform its legislated functions, that was back to the core question to you, minister, about that and your level of confidence that that's the case. Are they funded adequately to perform legislative functions?*

Ms PALMER - *Well, no, I am not sure, and that is why we are having it reviewed, so that we - or I - can better understand what the true cost drivers of the activity of the board actually are. That is the whole point of having the review, so we have a really good and comprehensive understanding of that.*

...

Ms PALMER - *I think there are other things as well. We now have a framework agreement which actually provides support, so while we are waiting for that funding methodology to be developed, we have a framework agreement which is actually providing support to the TRB - I guess 'in kind' would be a good way to describe it - such as HR, finance, communications, IT, et cetera, which in turn provides a budget saving to the TRB. It gives them more flexibility to review its staffing needs.*

There is support coming in from the department as well during this period of time, but it will be important to have this review done - that it looks at what needs to be done now and into the future to set the board up.

Ms WEBB - *The timeline on that review then, minister - are we expecting that to occur concurrently with the review of the legislation and whatever may come of that in terms of updating the act, or are we expecting the review of the funding arrangements to occur sooner and inform funding decisions for the TRB sooner than the timeline we have for the review of the act itself and the new legislation that might flow from that?*

Ms PALMER - *My understanding is that the funding methodology will inform the 2025-26 budget process.⁴⁹*

⁴⁹ Minister Palmer and Mr Bullard, *Transcript of Evidence*, 2 September 2024, pp. 42-48.

Chapter 9 – The way forward: 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).

Phase 1 - 2024

Government Reported Status: In progress (DECYP)

Implementation Report (August 2024) extract:

This recommendation will be considered in the 2024-25 Budget, which is due to be handed down on 12 September 2024.

Project resources are being established to progress the significant body of work required to deliver the Commission of Inquiry's recommendations related to Out of Home Care.⁵⁰

Committee's Assessment

The Committee notes the Government reports one-off funding is being used by DECYP to set up a team that will work on out-of-home care reforms. Multiple reviews are being undertaken before deciding where to allocate extra funding to ensure coordination in the implementation of reforms.

The Committee notes no evidence was provided as to whether the one-off uplift money was being allocated to increased services.

The Foster and Kinship Carers Association Tasmania submission called for increased direct funding supports for foster and kinship carers, as many carers experience financial strain due to inadequate allowances and out-of-pocket expenses for children's health, education, and wellbeing needs.

The Committee notes the Kennerley Children's Services submission called for significant and sustained additional resources to implement the OOHC reform areas, and also for a transparent and comprehensive mapping of the OOHC sector to provide an overarching understanding of the cost, sustainability and funding modality associated with each provider in the sector, and the sector overall.

The Committee strongly encourages Government to commit to increased ongoing funding for OOHC service delivery, including to relieve cost of living stress on foster and kinship carers.

⁵⁰ Keeping Children Safe, Implementation Report, prepared for the Joint Sessional Committee on the Commission of Inquiry Recommendations, August 2024, p. 29.

The Committee notes with concern, the significant inequity in the way the NGO Out of Home Care sector is funded, and supports Kennerley's proposal for mapping of the sector and a Government commitment to equitable funding.

Government Evidence

Ms WHITE - ... I'm keen to understand - obviously, the recommendation is to provide one-off funding, is that, in your view, going to help you employ more staff, or is it to provide additional direct financial payment to foster carers or those who provide out-of-home care services? It's not clear to me what that money might be used for.

Mr JAENSCH - The recommendation includes funding for delivery of commission of inquiry recommendations, but also a sustained ongoing uplift in the budgeted funding for the operation of our out-of-home care system. So it includes elements of the reforms that have been recommended, including things like the transition of more out-of-home care fund management to non-government organisations, as well as the cost and operations of our out-of-home care system as it is.

Ms WHITE - Does that also include potentially paying foster carers? ...

Mr JAENSCH - There is a review of the costs and payments to carers as part of the work that's being undertaken and that would be factored into future cost of delivering out-of-home care. I might ask Mr Bullard if he has any more to contribute on that.

Mr BULLARD - Thank you, minister. Yes, as the minister said, there are two streams. One is uplift in the amount of money provided for operations; the other is reform. The element that you refer to is in design at the moment. The question then, is whether it would be ready for this or a future budget. We know that the cost of providing care to our children and young people through our foster carers has increased. We also know there are different costs associated with individual children and young people depending on, for example, some of their medical issues or their complexities. We want to really understand that, and that's the piece of work that's underway to inform our future budgets.

...

Ms WEBB - Returning to 9.1, and under that you were talking about review of payments for carers as a piece of work being undertaken. I'm looking for more detail on specifically how is that work being done? And is it a project with a time line?

...

Ms C LOVELL - We engaged a consultant, Wise Lord and Ferguson, to do that piece of work on our behalf. They reviewed the current model we have in place for financial support for family-based carers. They have had a look at the arrangements in place in other jurisdictions across Australia and the United Kingdom. They have just come back to us with a report now with some comparisons and some recommendations for us to consider. At the moment we have only just received that and we will be considering and using that as an input to shape our out-of-home care reforms.

Ms WEBB - Did that consultant group who did that piece of work engage with carers here as part of the review?

Ms C LOVELL - They did, yes. They engaged with stakeholders across the sector directly with carers, with care providers and with the Foster and Kinship Carers Association Tasmania and our own DECYP workforce in the out-of-home care teams.

...

Ms LOVELL MP - The secretary mentioned some work being done on design of those out-of-home care reforms. Is that including all of the reforms that have come from the commission of inquiry and

its recommendations, ... How does that work in terms of what will be included in that reform package, the design work that is being done now and is there a timeline for that piece of work? ...

Mr JAENSCH - ..., there is a lot of work underway on reforms the commission has requested that have a lead time in policy development or legislation, et cetera. ...

Mr BULLARD - This recommendation in the first part, which is funding the out-of-home care reforms, is really looking at that one-off funding to set up the team that will pull all this work together. A concern we had was you could actually land each of these recommendations individually and you would not maximise the impact. If we take the move of out-of-home care into the non-government sector, we could do that today. We could start straight away and we just buy more places from the NGOs and we would move our government foster carers into those places.

What we know is that if you take a child-centric approach, you need to actually design different placement types for different young people and that means we have to take a step back. We have started that work with some different products we are buying from the NGOs. I think it's Care 2 Thrive, which is placement, where it is almost like salaried care. The foster carers are paid a wage. They are looking after young people that need higher intensity care. That is starting to show some promise. We now want to say rather than you are a young person in foster care and therefore you are just going to go into a generic placement, the reform team will be able to look at that.

There is also a recommendation and we will come to that on having an out-of-home care strategy which brings all of those elements together. That is another stream of work. The funding for foster carers is another stream. We did not want to do any of it individually. We are going to package that up and do it in a staged approach.

*Regarding time frames, we are already working on this. The teams are only just in their coming-together phase, as we are already working on the phasing of that. ...*⁵¹

Stakeholder Evidence

The FKAT submission called for increased direct funding supports for foster and kinship carers:

*Many carers experience financial strain due to inadequate allowances and out-of-pocket expenses for children's health, education, and wellbeing needs. Despite calls for increased funding, there is no clear commitment to raising carer allowances.*⁵²

...

The government has allocated over \$55 million since the 2023-24 budget for child safeguarding reforms, but no explicit mention is made regarding additional funding for foster and kinship carer payments, resources, or recruitment incentives.

By way of background, FKAT had systematically advocated for increases to the carers allowance due to the increases with cost of living in Tasmania (especially electricity). A meeting was conducted with Dr Kathryn Campbell and independent consultant from Wise Lord and Ferguson (WLF), Mrs Jo Doyle 12 months ago. WLF Consultancy had worked with Children and Families on a contemporary financial model of support for family-based carers. We were advised at the time that the Department of Education, and Children and Young People were interested in hearing carers perspectives on the allowance and how this effects your capacity to provide for a child in care. FKAT facilitated a group of carers to engage with WLF and departmental representatives to discuss this financial model of support. A detailed discussion highlighted a desperate need to increase foster and kinship carers allowance. To date, we have not been advised formally of any increases that may occur for foster and

⁵¹ Mr Bullard and Minister Jaensch, *Transcript of Evidence*, 29 August 2024, pp. 6-11.

⁵² Foster and Kinship Carers Association of Tasmania (FKAT), February 2025, *Submission #17*, p. 10.

kinship carer payments, resources. This is a huge issue that carers are facing in the Tasmanian community.

The Change for Children strategy includes new funding for child safety reforms however, does not provide specific details on increased financial support for foster and kinship carers.⁵³

The Kennerley Children's Services submission called for significant and sustained additional resources to implement the OOHC reform areas:

If Tasmania's community-based out of home care sector is to take a productive role in implementing the 13 reform areas outlined above, it will require significant and sustained additional resources, including expertise in policy, research, advocacy, service modelling, lived expertise engagement, sector engagement, operational planning and financial modelling.

Then, the implementation of reform plans (as recommended by the COI), will require an unprecedented increase in the number of expert and professionally trained carers, therapeutic care coordinators, and support staff and contractors to ensure that high quality care is established and sustained over the long term.⁵⁴

Kennerley also called for a transparent and comprehensive mapping of the OOHC sector:

At present, there is no overarching understanding of the cost, longevity and funding modality associated with each provider in the sector, or the sector overall.

This mapping should also consider the extent to which the sector has drifted away from differentiated service delivery to generalist family-based care and salaried special care.

Perhaps most importantly, the mapping should include an assessment of current client need. Kennerley contends the current service commissioning practices have not adequately considered the circumstances of families and children, resulting in foster and kinship services that have not grown and adapted to meet client need. Understanding client need is also required to minimise service replication across OOHC providers.⁵⁵

The Kennerley submission summarised the additional funding for OOHC in the 2024-25 Tasmanian State Budget⁵⁶ and requested clarification from the Government on how the additional \$120 million in OOHC funding over the next four years will be allocated and how historical inequities in funding amongst community based OOHC service providers be addressed:

Kennerley requests that the Committee ascertains, and makes public, the Government's proposed allocation of the additional \$120 million in OOHC funding over four years. In particular, Kennerley requests that the Committee clarifies the proposed allocation to internal staffing at the Department for Education, Children and Young People (DECYP), and the proposed allocation to ensuring community-based providers can deliver the Commission of Inquiry's recommendations over the long term.

Further, Kennerley requests that the Committee seek assurances from DECYP that additional funding for community-based providers will be based on current and future need, and not on historical funding arrangements.

At present, providers that have been in Tasmania for a long time (such as Kennerley, which has operated for 156 years), operate in an inequitable funding landscape.

Kennerley's funding agreements were developed and agreed upon prior to the entry of other interstate providers of foster care. The new entrants were incentivized to enter the market with more favourable funding agreements, whereas Kennerley's funding agreements have continued to roll over

⁵³ Foster and Kinship Carers Association of Tasmania (FKAT), February 2025, *Submission #17*, pp. 7-8.

⁵⁴ Kennerley Children's Services, February 2025, *Submission #2*, p. 8.

⁵⁵ Kennerley Children's Services, February 2025, *Submission #2*, p. 8.

⁵⁶ Kennerley Children's Services, February 2025, *Submission #2*, pp. 9-10.

with no or limited additional funding in real terms. Kennerley staff are also supporting higher caseloads of children, young people and carers than other providers.

At the same time, the complexity of the needs of children and young people requiring OOHC has increased, and recruitment of potential foster carers has become more difficult. Further, increased understanding of complex developmental trauma and the importance of multi-disciplinary responses has resulted in significant growth in the scope of work undertaken by Kennerley personnel. The cost of this increased scope has been met and absorbed by Kennerley, again without additional funding.

The allocation of an additional \$120 million for OOHC over the next 3.5 years provides an opportunity for historical inequities in funding to be fixed, and to ensure that all providers are operating 'on a level playing field'.⁵⁷

The Kennerley submission has developed five proposals that would give practical effect to the COI recommendations relating to OOHC, and they believe are affordable under the State Budget forward estimates:

Proposal One: Complex foster care initiative

Kennerley's Therapeutic Care Coordinators are managing foster care caseloads more than double the sector norm, and approximately 70% of children are presenting with complex needs. Kennerley proposes a complex case levy of 30%, at an approximate cost of \$400,000 per annum. It also proposes a pool of 'brokerage' funds (\$100,000) to support high risk periods of complex care, including circumstances such as:

- a long-term placement requires additional respite to be preserved*
- a long-term placement requires a higher level of wrap around support to be preserved*
- the transition of young people out of care*
- the restoration of children and young people to family.*

Proposal Two: Community and emergency respite initiative

The current State Government funding model is resulting in Kennerley providing respite care at an unsustainable loss. Top-up funding of \$100,000 per annum is required to maintain service levels.

Proposal Three: Meet the full direct costs of Tasmanian carers

Tasmanian foster, kin and respite carers are frequently 'out of pocket' thousands of dollars per annum, which impacts placement stability and carer wellbeing, and is deterring people from becoming carers. Funding to be determined upon agreement in-principle.

Proposal Four: Pilot professional models of foster care and respite care

Develop, implement, and evaluate a cost-effective alternative for complex out of home care in Tasmania, in which professional, highly trained carers are supported by an integrated team of specialist supports. This approach has been successfully trialled in other states. The pilot would include professional carers specialising in long-term foster care, and carers specialising in short-term respite care. A pilot could commence for \$400,000 per annum.

Proposal Five: Meet compliance requirements, and participate in reform processes arising from Commission of Inquiry

To ensure Kennerley has the systems, processes, and infrastructure in place to meet the standards recommended in the Commission of Inquiry, and can constructively contribute to sector reform, Kennerley requires one-off increased funding of \$120,000 and a recurrent increase of \$50,000.⁵⁸

⁵⁷ Kennerley Children's Services, February 2025, *Submission #2*, p. 12.

⁵⁸ Kennerley Children's Services, February 2025, *Submission #2*, p. 13.

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

Phase 2 – 2026

Government Reported Status: In progress (DECYP)

Implementation Report (August 2024) extract:

In progress and on track for delivery in Phase 2 – currently recorded as an Out of Home Care priority area recommendation in Collaborating for Change.⁵⁹

Committee's Assessment

The Committee notes and agrees with the Government's intention to ensure this transition is not rushed.

It was reported that formal engagement has not yet commenced, however informal conversations with stakeholders in the out-of-home care sector on reform arrangements have been undertaken. Consultation should occur through existing forums, one for family-based care providers, one for salaried care providers. The Centre for Excellence in Child and Family Welfare, a peak body supporting those organisations in Tasmania, has been invited to join those forums.

The Centre for Excellence in Child and Family Welfare supports the transition of out-of-home care to the non-government sector and calls for the Government to allocate the necessary resources for its successful implementation.

⁵⁹ Keeping Children Safe, Implementation Report, prepared for the Joint Sessional Committee on the Commission of Inquiry Recommendations, August 2024, p. 62.

The Foster and Kinship Carers Association Tasmania expressed concern regarding reforms being implemented in the absence of an overarching strategic plan for the OOHC sector.

Government Evidence

Ms WHITE - Minister, you mentioned the transition to the non-government sector of more of these types of services - one recommendation is to wholly outsource those responsibilities. I can't remember the time line to do that but I know that, despite all of us agreeing that we accept the recommendations, there has been some concern raised about that one in particular, and whether the state should abrogate its responsibility entirely to the not-for-profit sector when we're talking about these most vulnerable young people.

...

Mr JAENSCH - There are non-government organisations delivering services now. I think it's around a third of our out-of-home-care placements are managed by non-government organisations. They, like the government, face challenges in terms of recruiting carers, adding staff. They're the sorts of things that we understand we need our sector-wide workforce planning to be able to account for, so that we don't end up with a situation - and arguably we've had it in the past - where there's competition between government and non-government sectors for staff. We need to clear that up.

In terms of the way you mentioned it before, the commission of inquiry recommendation is not suggesting that the government abrogates or diminishes its responsibilities for provision of care. Rather that it specialises in the case management, quality control and regulation of care, rather than being a provider of care and a regulator at the same time. It's a better separation if government specialises ensuring that good care is happening, and that the NGO sector, as it has done successfully for a subset of our placements, is managing the day-to-day support for carers and provision of the care. That's the sentiment of the recommendation.

We have given undertakings to the sector that we are going to move at a pace that ensures there are no shocks or surprises for them. We recognise the need to develop the capacity of the sector, and of the workforce, to understand the range of different products, if you like, that are on offer to deal with young people, as the secretary was saying, with complex behaviours, as well as those who might be able to fit in easily to a family-based care setting. We'll work with them to get that transition right.

At the heart of it all, everyone who's involved across the NGO sectors and ourselves has to ensure continuity and stability of care and quality of care for the young people involved. We don't want there to be any sudden changes that affect their period in care.⁶⁰

...

Ms WEBB - Minister, have you commenced formal mechanisms of consultation with the community, with community organisations or the community sector in preparation for that transfer of out-of-home care services into that sector? If not, is there a time you will have a formal mechanism for this? What priorities are you hearing from the sector about what they will need in order for that transfer to occur?

Mr JAENSCH - Thank you. There have been conversations underway with the sector generally and with individual organisations since the recommendations came to light. Clearly, they've had questions about it and we've been trying to provide assurances around that we're going to undertake this in a methodical and step-wise approach and not land it on them in a great rush. I would ask though if Ms Lovell might be able to speak to the processes she's used so far.

Ms C LOVELL - Yes. While formal engagement hasn't yet commenced, we have been meeting with stakeholders in the out-of-home care sector and talking to them about where we're up to with establishing our reform arrangements. Today, there's been a communication go out to them on our

⁶⁰ Minister Jaensch, *Transcript of Evidence*, 29 August 2024, pp. 9-10.

*reform implementation unit that's been established now and letting them know that by the end of September we have some advisory arrangements in place, including an expert panel. We will be consulting with them through the existing forums we have, one for family-based care providers, one for salaried care providers. We've also invited the Centre for Excellence, a peak body supporting those organisations in Tasmania, to join us in those forums.*⁶¹

Stakeholder Evidence

The Centre for Excellence in Child and Family Welfare supports the transition of out-of-home care to the non-government sector, and calls for the Government to allocate the necessary resources for its successful implementation:

We have welcomed the opportunity to work closely with DECYP and the out-of-home care service providers as the conveners of the Uplifting Care Statewide Service Providers Reference Group, as well as holding roles on other governance groups.

...

*As previous efforts to reform Tasmania's out-of-home care system have not been fully realised, we believe that strong partnerships and the active involvement of organisations delivering out-of-home care in direction-setting will be essential for the success of these reforms.*⁶²

⁶¹ Minister Jaensch, *Transcript of Evidence*, 29 August 2024, pp. 11-12.

⁶² The Centre for Excellence in Child and Family Welfare, 2025, *Submission #5*, p. 8.

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 9.18)
 - 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.

Phase 2 – 2026

Government Reported Status: In progress (DECYP)

Implementation Report (August 2024) extract:

In progress and on track for delivery in Phase 2 – currently recorded as an Out of Home Care priority area recommendation in Collaborating for Change.⁶³

Committee's Assessment

The Committee notes funding for the NGO OOHC sector is already moving from grants to contracts, which have additional legal requirements on quality and accountability. DECYP is establishing a commissioning and sector engagement unit to manage relationships with non-government providers.

⁶³ Keeping Children Safe, Implementation Report, prepared for the Joint Sessional Committee on the Commission of Inquiry Recommendations, August 2024, p. 62.

In the current government-delivered OOHHC services, quality and accountability is monitored through visits and annual reviews, but it could not be confirmed with confidence that government-delivered OOHHC services were currently meeting the full requirements of this recommendation. The focus is on the transition to the NGO OOHHC sector, and ensuring its ability to deliver on the full requirements of the recommendation.

The Government expects increased funding will be required to ensure a higher level of quality and accountability can be delivered by the NGO sector, as per this recommendation.

Stakeholders such as Mission Australia suggested broadening the requirement of this recommendation to include matters such as minimum qualifications for key staff, mandatory training requirements for staff, also applying these standards to preventative and early intervention services, and implementation of evidence-based, trauma-informed therapeutic models of care as a minimum standard of practice.

Stakeholders such as Laurel House identified very clearly that this recommendation cannot be implemented under current OOHHC funding levels, and a considerable increase in government funding and investment would be required.

Government Evidence

Mr JAENSCH - ... I'm advised the department has begun the process of starting to transition service providers from services secured by grants to contract for services as those grants expire as part of these new models of funding agreements with out-of-home care providers. As at the end of July this year, the department has strengthened oversight mechanisms to give greater confidence that children are thriving in care and to ensure decision making is timely and appropriate and that care providers are adequately resourced and accountable for the care that they provide. And this has been done by establishing a commissioning and sector engagement unit to manage relationships with non-government providers. This is including recruitment of two new assessors to undertake dedicated compliance monitoring functions by actively working with providers to better understand their approaches to governance, service delivery, quality and safety with the services they provide as a first step towards qualification to participate in out-of-home care service delivery and by benchmarking providers' capacity to respond to the commission of inquiry recommendations regarding governance and service delivery, safety and quality, undertaking a gap analysis to understand where attention needs to be directed, and working with the Office of the Crown Solicitor to develop an appropriate service contract to secure out-of-home care services in the future.

The department is also contributing to a whole-of-government review being led by the Department of Premier and Cabinet, relating to grants management, and is reviewing future funding arrangements with non-government providers as well. Is there anything further to add, secretary?

Mr BULLARD - I think it is important to note that, as the minister said, we are already moving from grants to contracts. That automatically changes the relationship because the contract has legal requirements about what the quality of the service needs to be, accountability, data sharing, and monitoring requirements. We were really fortunate through the commission process that they went out and consulted young people about what they actually need from adults, and that has given us some really solid evidence about the way that we should be commissioning those services and the types of things we should be asking of those services to provide that moves beyond 'it would be great if they could have a room to sleep in'.

...

Ms WEBB - This recommendation is about incorporating into funding agreements with non-government organisations certain quality and accountability requirements, and they're listed there. What I'm interested to know: is it anticipated that they will be incorporated into funding agreements

from the next, say, iteration of signing new funding agreements with NGOs or at the time that there's a complete transfer to the non-government sector of out-of-home care services?

Mr BULLARD - *We're already updating. Some funding agreements have already come to an end, so we're already iterative. Now it's not the perfection that we'll aim for through the reform, but we are updating, placing them into contracts, ensuring another level of specificity and reporting as they're coming up so we're not waiting -*

Ms WEBB - *Does that mean this list of things would be present already in some funding agreements?*

Mr BULLARD - *They're the types of things which are being put in; probably, the thing is the measures that we want to be doing some more work on.*

Ms WEBB - *Is the expectation when we get to that point in time that the transfer has occurred in its entirety to the non-government sector that the funding agreements that apply then would include these quality and accountability requirements listed here?*

...

Mr JAENSCH - *That's the commitment that we've made to the recommendation.*

Ms WEBB - *Okay. Can I check now then that as the government sector is still delivering a large proportion of our out-of-home care services, can you confirm whether our government sector in delivering those services is meeting this list currently?*

...

Ms C LOVELL - *Funding agreements aren't the only way that we manage the quality of care and monitor that, so for our Department for Education, Children and Young People (DECYP) carers, there are mechanisms in place for us and that's one primary function for our out-of-home care teams through their visiting and their annual reviews and all of those sorts of things. They're checking on the quality of that care.*

Ms WEBB - *Thank you, but my question was about - can we say that the government-delivered out-of-home care services currently meet this list of requirements:*

- (a) compliance with the national standards,*
- (b) compliance with child and youth safe standards,*
- (c) provision of trauma-informed therapeutic models of care, et cetera.*

Are we able to say that with confidence now?

Mr JAENSCH - *I will ask Ms Lovell if she can comment further on that.*

Ms C LOVELL - *I wouldn't say that with confidence. I would say that that's something that we have been working toward and that our energy at the moment needs to go into this transition to the non-government sector. At the moment we do have mechanisms in place to make sure that children in our care are safe. We've got mechanisms in place to respond to complaints, for example, investigate and respond to wellbeing in care concerns. However, I think our energy really does need to go into our future state which is very near in the transition to the non-government sector.*

...

Ms WEBB - *... Would that indicate to you then, minister, that the expectation would be given that we are going to be expecting that higher level of accountability and quality from our non-government sector when they are delivering the services that we would naturally assume there would need to be a significant increase in investment to help them meet that expectation?*

Mr JAENSCH - I think the cost will change as the structure changes and the quality that we're seeking changes across the board, yes. I can't expect it is going to go the other way. ... - we have to invest in better qualities of care and governance for the future. We expect that will cost more money.⁶⁴

Stakeholder Evidence

Mission Australia expressed broad support for Recommendation 9.3 and recommends that its implementation be broadened to include the following:

1. Establishing minimum qualification standards for staff in key roles, along with mandatory training requirements, supported by adequate funding levels to meet these needs.
2. Ensuring that training for staff includes casework interventions, assessments, risk management, risk of harm and responding to disclosures, supplemented with ongoing professional development in areas such as problematic and harmful sexual behaviour, mental health first aid and other emerging needs. This will ensure that staff are equipped with the knowledge to intervene and appropriately support children and young people to prevent and respond to harm or risk of harm.
3. Expand the Commission's recommendations from residential and out of home care providers to include prevention and early intervention services who are working with high-risk families, children and young people.
4. Implement evidence-based, trauma-informed therapeutic models of care such as Therapeutic Crisis Intervention (TCI) as a minimum standard of practice. Using evidence-based models such as TCI supports a trauma-informed environment for children and young people. This aligns with Principle 7 of the National Principles for Child Safe Organisations.⁶⁵

According to the Laurel House submission:

Laurel House would like to highlight significant challenges faced by Out-of-Home Care (OOHC) providers in meeting the requirements outlined in this recommendation, particularly due to insufficient funding. We have received feedback from OOHC providers expressing concerns that current funding levels do not allow them to access critical training, such as the recommended Power to Kids program, for their staff. This gap directly impacts their ability to implement preventive measures for child sexual abuse (CSA), harmful sexual behaviours (HSB), and child sexual exploitation (CSE), as well as their capacity to provide trauma-informed care.

It is our recommendation that funding be attached to ensure that the MacKillop Foundation (providers of the Power to Kids program) or similar programs can be provided on a regular and ongoing basis, so that it is embedded in the culture of these organisations and ensuring that all new staff are able to receive the training as part of onboarding, in a timely fashion. Additionally, we have observed a consistent need for support and coaching among organisations to help them meet their obligations under the Child and Youth Safe Organisation Framework (CYSOF) and the Reportable Conduct Scheme. Laurel House has often stepped in to provide this guidance, and on occasion, we have had to notify the Advice and Referral Line or Child Safety, and the Office of the Independent Regulator (OIR) when we felt an organisation was unlikely to comply with their obligations. These situations underscore the critical need for ongoing investment in education, training, and resources to build the capacity of organisations to meet safety and accountability standards.

We believe this recommendation presents an opportunity for the Government to take urgent and decisive action to ensure the safety of children and young people in OOHC settings.⁶⁶

⁶⁴ Minister Jaensch, *Transcript of Evidence*, 29 August 2024, pp. 12-15.

⁶⁵ Mission Australia, February 2025, *Submission #6*, p. 4.

⁶⁶ Laurel House, February 2025, *Submission #15*, pp. 33-35.

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.

Phase 2 – 2026

Government Reported Status: In progress (DECYP)

Implementation Report (August 2024) extract:

*In progress and on track for delivery in Phase 2 – currently recorded as a Child Safe Cultures priority area recommendation in Collaborating for Change.*⁶⁷

Committee's Assessment

The Committee notes that at the time of the hearing, the departmental organisational structure was being reviewed, and the sequencing of the roll-out of the new roles required under this recommendation is being considered and planned. Implementation deadlines for some new roles may have to be extended.

A selection process for the Executive Director Child Safety and Out of Home Care was in progress (now appointed), combining Out of Home Care and Child Safety, which is at odds with the recommendation to have separate Executive Directors for these areas. A Director, Community and Custodial Youth Justice and an Assistant Principal at AYDC have been added to youth justice leadership roles.

Consultation with the Aboriginal community is to be undertaken in relation to the Executive Director for Aboriginal Children and Young People.

Government Evidence

Mr JAENSCH - ... The department is certainly committed to ensuring it has the senior leaders in critical roles who have the specific knowledge and expertise in their fields and the skills to provide strong, strategic direction and leadership across the agency and create cultural change. The new roles recommended by the commission of inquiry, the chief practitioner and the executive director for Aboriginal children and young people will be integral to the implementation of the commission's recommendations. These roles will contribute expertise and practice knowledge that will strengthen capability across the whole of the department. The update on progress so far is DECYP organisational structure is currently being reviewed. It will continue to change and evolve as the department transitions towards becoming the department where every child and young person is known, safe, well and learning.

The selection process has been completed for an Executive Director, Child Safety and Out of Home Care, which will be finalised shortly. Leadership in youth justice has been strengthened with the addition of an SES2 leadership position, Director, Community and Custodial Youth Justice, as well as the addition of an assistant principal at the Ashley School to enable the principal to have greater role in the leadership of the centre and to strengthen provision of the year 11 and 12 content. That is a subject of another recommendation and a statement of duties for the Executive Director, Youth Justice Operations and SES3 position has been finalised and creation of the office is underway.

There are more recommended positions coming, but the department has been working on ensuring we are creating and filling these positions in the right order. Where we have new positions of leadership that will have supervisory roles, management roles that include other positions that they, wherever possible, are in place first. ...

...

CHAIR - ... do you expect the entirety of the recommendation - there is a lot in it - to be delivered in 2026 acknowledging there's some link to 2029 expectations which is a little hard? ...

Mr BULLARD - You can see, and as you say, Chair, it's a very dense recommendation. There are things that are well and truly underway and others may take longer. The chief practitioner is in active discussion and we're doing some design around that. The executive director for Aboriginal children

⁶⁷ Keeping Children Safe, Implementation Report, prepared for the Joint Sessional Committee on the Commission of Inquiry Recommendations, August 2024, p. 62.

and young people - we're very aware of the fact will need to be designed with the Aboriginal community. We will do that at a pace and intensity that works for that community rather than just go off and make sure we're going to land that time frame. We are well on track with our reorganisation to ensure we are landing those roles at this point in time by 2026.

Ms LOVELL MP -... the assistant principal position at Ashley School, is that an ongoing position? Has that been permanently funded now? ...

Mr BULLARD - No, that's not permanent at this point.

Ms WEBB - To clarify, if it's not permanent, is there a particular time frame allocated for it? Fixed term?

Mr BULLARD - I am informed it is tied to the closure of Ashley.⁶⁸

Stakeholder Evidence

The FKAT submission made the following comments in relation to the DECYP restructure, noting that it is unclear whether the restructuring benefits OOHC carers:

The government has created an Office of Safeguarding within the Department for Education, Children and Young People (DECYP) to oversee child safety policies. However, it is unclear whether this includes oversight specific to foster and kinship care placements.

The Change for Children strategy reiterates this restructuring but does not clarify whether it directly benefits OOHC carers.⁶⁹

⁶⁸ Mr Bullard and Minister Jaensch, *Transcript of Evidence*, 29 August 2024, pp. 16-17.

⁶⁹ Foster and Kinship Carers Association of Tasmania, February 2025, *Submission #17*, p. 8.

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.

Phase 2 – 2026

Government Reported Status: In progress (DECYP)

Implementation Report (August 2024) extract:

In progress and on track for delivery in Phase 2 – currently recorded as a single agency recommendation in Collaborating for Change.⁷⁰

Committee's Assessment

The Committee notes a Statutory Guardian committee has been established, focused on individual risk mitigation, looking at experiences of individual young people in OOHc.

Additionally, a safety and wellbeing of children and young people executive committee has been established. This committee provides strategic direction, oversight and advice to the Secretary and executive board on safety and wellbeing outcomes for children and young people who have been, or are in, contact with services provided by DECYP.

The two committees described appear to provide governance functions that to some degree meet the requirements of this recommendation to establish a Quality and Risk Committee for Child Safety Services, OOHc and Youth Justice. The Committee notes it will need to be made clear by the implementation deadline how this recommendation has been fully met.

Government Evidence

Mr JAENSCH - ...Update as at 31 July, a statutory guardian committee has been established. The committee supports the secretary to meet their responsibilities to ensure the individual voices of children and young people are heard and acted upon, to ensure guardianship responsibilities set out in the relevant act are met for the care of children in out-of-home care.

⁷⁰ Keeping Children Safe, Implementation Report, prepared for the Joint Sessional Committee on the Commission of Inquiry Recommendations, August 2024, p. 62.

To inform and drive improvement and to oversee complaints and complaints processes relating to children and young people, the safety and wellbeing of children and young people executive committee, ... , was established reporting to the executive board. It provides strategic direction, oversight and advice to the secretary and executive board on safety and wellbeing outcomes for children and young people who have been, or are in, contact with services provided by the department. This includes monitoring and reviewing performance measures relating to the safety and quality of service delivery, including by external providers. This encompasses monitoring trends, key learnings and themes from complaints and incidents, external investigations, and the outcomes of surveys such as the student wellbeing and engagement survey. The committee also operates as the child and youth safe governance group. In this capacity, it provides oversight of DECYP's safeguarding responsibilities.

Next steps: The recommendation to establish the quality and risk committee will be progressed in the context of, and with consideration given to, the existing functions of the committees I've just described and the broader governance and structural reform recommended by the commission of inquiry. New arrangements will be implemented as required to deliver on all aspects of the commission of inquiry's recommendation. They focus on delivering a stronger and more transparent and accountable service system that protects children and young people. ...

...

Ms LOVELL MP - ... Minister, so the committees that you've outlined there, they currently - the functions that are listed there in point 3 in that recommendation - so those two committees - which of those functions would they not currently undertake?

...

Mr BULLARD - There would be elements of all of those to some degree. I think what's really important here is that at the moment, the committee - the wellbeing committee, is for the whole agency -

Ms LOVELL MP - I'm sorry to cut you off. I'm a bit confused. That was a lot of information to take in sort of across the table about two different committees. That is not quite what is in here. So, yes, I'm a little unclear on the state of play, I suppose.

Mr BULLARD - I think as a starting point, it's important to note that this committee needs to be established in phase 2 by 2026. What the minister was speaking to was that in the absence of the specific committee, there are governance arrangements in place that are, to some degree, undertaking those functions. The guardian committee, which is my committee, is looking at the experiences of individual young people in out-of-home care or in my custody, particularly where things are not going as we would hope for those young people, so that we can come up with a plan to put them back on track. I take a personal role in those decisions.

So that is individual risk mitigation. The wellbeing committee, which is all-agency, is a committee that is looking at trends and data over time for the entire agency along those parameters of our safety and wellbeing in particular. So it does attend to some of those elements. It wouldn't, at the moment, be looking at the performance against an outcome and reporting framework for out-of-home care, for example, because that needs to be designed by the out-of-home care reform team as one of the elements of the strategy.

Are we there yet? No, because we don't have to be, but have we waited until we've got this architecture all set up? We haven't. We're starting to do parts of it as we can.

...

Ms WEBB - ... Perhaps it would be useful - could you provide us with a structural diagram to show us how those things do fit? For example, when you were describing the guardian committee and what it does, I'm immediately wondering how that fits alongside, say, activities undertaken by the child

advocate or activities as an external entity that the commissioner for children's office is responsible for because they all interact into that out-of-home care space potentially and - yes, it would be good to understand how they overlap.

...

Mr JAENSCH - *We'll take that on notice as a deliverable for the Committee.*⁷¹

...

CHAIR - *Thanks, minister. I believe you have something you want to table with the Committee.*

Mr JAENSCH - *Thank you, Chair. Secretary Bullard has some documents he referred to in his contributions he would like to table, please.*

Mr BULLARD - *Thank you, minister. We spoke about the governance of the agency with regard to oversight of children and young people, particularly in out-of-home care and our monitoring of that. If I could table the current Department for Education Children and Young People governance structure that outlines all of the committees [see Appendix B]. As promised, the terms of reference for the safety and wellbeing of children and young people executive committee and the terms of reference for the statutory guardian committee.*⁷²

⁷¹ Mr Bullard and Mr Jaensch, *Transcript of Evidence*, 29 August 2024, pp. 17-20.

⁷² Mr Bullard and Mr Jaensch, *Transcript of Evidence*, 29 August 2024, p. 25.

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.

Phase 2 – 2026

Government Reported Status: In progress (DECYP)

Implementation Report (August 2024) extract:

In progress and on track for delivery in Phase 2 – currently recorded as an Out of Home Care priority area recommendation in Collaborating for Change.⁷³

Committee's Assessment

The Committee notes the expressed recognition of the need to go beyond this recommendation and to build children's voices more deeply into the culture, policies and practices of the Department.

The Committee further notes the Department has scoped the work and developed a project plan for implementation of this recommendation, and that while there are currently several avenues and mechanisms for individual children to participate and be heard, mechanisms for children's participation at system level have not yet commenced.

⁷³ Keeping Children Safe, Implementation Report, prepared for the Joint Sessional Committee on the Commission of Inquiry Recommendations, August 2024, p. 63.

The Child Advocate role has been renamed the Director of Child and Youth Empowerment, a role which is whole of agency.

No evidence was presented to confirm the establishment of a OOHC permanent advisory group.

Government Evidence

Mr JAENSCH - ...

To realise the department's strategic plan, and uphold the rights of children and young people, and meet the commission of inquiry's recommendations - it's identified a need to go beyond what the commission recommended and to develop a participation and empowerment strategy that builds the lived experience of children and young people and families into the department's culture and governance and policies and practices across all of its service delivery. The department has now scoped the work to develop a participation and empowerment strategy and developed a project plan for that.

In response to recommendation 9.6, the online 'Youth Voice' survey was implemented as a six-month trial from April to October this year.

...

Mr JAENSCH - ... *The survey is a tool for young people aged 12 to 17 in out-of-home care to share their views directly into the care-team and care-planning processes. Acting on the feedback during the trial, a paper-based version has also been created.*

...

Mr BULLARD - *The director of child and youth empowerment is a role that goes right across the agency - all schools, child and family learning centres, libraries, out-of-home care, ARL and youth justice - and it is something that we are working really hard on. We know that we can just stick some lines on a piece of paper that says, 'Yes, we do listen to children,' but we also know that when you go and consult children - and, again, this was in the commission's report - that children said that they want to be asked, they really want to be listened to, and they need adults to be authentic.*

We've started the work already, we're not waiting for the strategy. We had over 400 leaders come together this year to discuss what does it mean if we really believe that children and young people have a right to influence the decisions that affect them. That's led to some very interesting conversations about ensuring we're moving not only the minds of people to say, 'Yes, I can sign up to that', but the hearts of people, because it's not always easy. It's easy to ask what they'd like for lunch or the canteen to serve. Sometimes it's not so easy to say, 'Where would you like your placement to be?' when it might not accord with what an adult wants to happen. It's good work.

Ms LOVELL MP - *I had a question on the timeline. This is a Phase 2 recommendation, but we heard this morning from the Premier that there is a delay in establishing the commission of children of close to a year. Hopefully not that long, but could be. Are you anticipating that will impact your ability to deliver this recommendation and any others that involve some kind of work with, or consultation with, the commission?*

Mr JAENSCH - *I would have thought that we're ahead of schedule, probably.*

Mr BULLARD - *What we know in terms of this recommendation is the move of child advocacy out of the agency into the commission, which we're very supportive of, because it should be at arm's length. You shouldn't be asking children about, 'How are you finding our services?' There is already a power imbalance. Until that time, what we have done is increased the resources for the child advocate and the advocacy service, and we're ensuring that those individuals are undertaking the role in a way that is going to serve really well for two transfers, so more arm's length from the agency, regular feedback*

to me, Claire and Sue. That does not really hold us up. We're getting that team in a really good place to be able to say once the commission's ready, 'We've done the work with the team for the function to shift'.⁷⁴

...

Mr BULLARD - We are already trialling the child and youth voice survey. That asks a whole range of questions which really are experiential for the young person. There is no right or wrong answer to any of them. They're statements such as: 'I have access to the sport that I want to play, I feel that I have a space of my own'. The survey can be undertaken by young people at any point. We are currently just trialling that it works, but we have already used it on a number of occasions where we have thought, 'well I wonder how you are really going to get the young people just to fill it out really quickly and then we can look at it and see what is going well and whether there are areas for improvement'. They are the types of mechanisms I think we will do more of - actually asking what the young person's experience is rather than what we actually see as adults.

CHAIR - How is that data collected? Children have varying levels of literacy and capacity to even be digitally literate. How are you actually collecting the data?

Mr BULLARD - There are two ways. One is that you can do it online, but the other is that you can sit down with a trusted adult - doesn't necessarily have to be a child safety officer, and they can help you to complete that. It is very accessible in terms of the questions. I think one of the things in designing the questions - and a lot of care went in - they are just simple statements about, you know, what you see, how you feel, what you've got access to. In terms of the way that they're worded, very child friendly, but you have multiple ways that they can be completed.⁷⁵

...

Ms WEBB - This recommendation is about developing those higher-level policy input mechanisms for empowerment and participation from young people. In the meantime, at a more personal, individual level, it is very important for young people to be empowered and facilitated to participate in the decision-making that's affecting them personally. I am concerned about the degree to which that can happen. For example, in an out-of-home care system, where we know we are stretched for staffing and our carers are stretched, and the degree to which young people are therefore empowered and able to participate in their decision-making. Can you give me an indication about what work is being done to improve how that happens at that level?

Mr BULLARD - It's multi-streamed. Again, I have mentioned the survey as one thing.

Ms WEBB - How many kids currently in out-of-home care have utilised the survey?

Mr BULLARD - We have only just launched that. That's been going for only a number of weeks and we are encouraging -

...

Mr BULLARD - 17.

Ms WEBB - 17 kids in out-of-home care have participated in the survey so far? Again, that's not about their personal care, is it?

Mr BULLARD - It's about their experience. Absolutely personal.

Ms WEBB - To feed into, though, decision-making for their personal circumstances. Thank you. 17 of the 1000 or so, how many kids? No, we have two-thirds haven't we? Maybe 600 or 700?

⁷⁴ Mr Bullard and Minister Jaensch, *Transcript of Evidence*, 29 August 2024, pp. 20-21.

⁷⁵ Mr Bullard, *Transcript of Evidence*, 29 August 2024, pp. 13-14.

...

Mr BULLARD - In the age cohort there are 350. That's one way. We've already spoken about more child advocates. We have moved from one child advocate to three or four FTEs. We have a 400 per cent increase in number of people out on the ground. There is also the expectation that children and young people, where they're able, will be involved in their care teams and they will be involved in the decisions that impact them.

Ms WEBB - May I ask about that? Because my understanding is the child advocate has developed tools, and apparently quite well-regarded tools, for enabling children and young people to have their voices heard in those care team meetings. How frequently are those tools being used and how frequently are children actually involved in those meetings? Do you have data on that?

Ms C LOVELL - We don't have data on children's participation in their care teams. Our current system doesn't capture that. That's something that we would hope to capture in the system we're developing currently, so that we can gain a snapshot of that at any given time.

Ms WEBB - We can't really hold ourselves to account for children's participation in decision-making for their circumstances if we're not counting.

Ms C LOVELL - Not through use of data, no, but we have incorporated that through a range of other mechanisms in our operational procedures. Before a particular decision is made by a delegate, for example, it has to be evidenced that the child's voice has been included in that.

Ms WEBB - How well are we doing on that front, do you think?

Ms C LOVELL - We're quality-assured for that. When we run a quality assurance project on, for example, the decision-making forum, that's one of the things that we check and measure, and that's an improvement process, a continuous improvement process. Where we find that there might be cases where that's not happening, we would be looking at why is that not happening and what do we need to do to make sure it does.

Ms WEBB - Regarding care team meetings, though, which is that granular kind of practical decision-making for that child, we don't have any data. Do we have any way to reflect how well we think we're doing with children's involvement in those?

Ms C LOVELL - Not through data. As there's a greater uptake in responses to the Child and Youth Voice survey, that does include the child's own view of how well they're able to participate in decision-making about their own lives. That will be a way of capturing data directly from them about their experience.⁷⁶

Stakeholder Evidence

Social worker and CSA advocate Jack Davenport noted the following in relation to the use of Viewpoint:

I have experience of using Viewpoint in Western Australia child protection. While an overall positive means of acquiring the perspective of children in OOHC, there are some complications and limitations that require accounting for.

The main one is the ability of the caseworker to engage with the responses. The pressures of workload and limited care planning processes mean that often viewpoint questionnaires were being completed, but not utilised in any meaningful sense.

⁷⁶ Mr Bullard, Ms C Lovell and Minister Jaensch, *Transcript of Evidence*, 29 August 2024, pp. 20-26.

Western Australia guidance for their child protection staff on using Viewpoint is publicly available, ... I draw attention to the expectation that the data is analysed by the case manager within two days, and that a follow-up discussion takes place with the CYP to discuss the responses. There is also guidance on incorporating Viewpoint into the care planning process.

My view is that these expectations should be replicated in Tasmania. Use of Viewpoint should not be seen as an individual task, but within a wider process where discussion of the responses is as much a feature as the competition [sic] of the activity. It is also imperative to understand that a CYP using Viewpoint is not a proxy for direct contact by the worker with the CYP; it needs to be defined explicitly as a tool to aid care planning.⁷⁷

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.

Phase 2 – 2026

Government Reported Status: In progress (DECYP)

Implementation Report (August 2024) extract:

In progress and on track for delivery in Phase 2 – currently recorded as a Tasmanian Aboriginal People priority area recommendation in Collaborating for Change.⁷⁸

Committee's Assessment

The Committee notes the Minister reports consultation with the Tasmanian Aboriginal community to develop and define the scope of the role outlined in this recommendation was to commence in 2025.

⁷⁷ Jack Davenport, February 2025, *Submission #16*, pp. 11-12.

⁷⁸ Keeping Children Safe, Implementation Report, prepared for the Joint Sessional Committee on the Commission of Inquiry Recommendations, August 2024, p. 63.

Government Evidence

Mr JAENSCH - The highlights are that planning has begun for the senior executive role consultation with key stakeholders, which will include Aboriginal people. This will commence in 2025 to develop and define the scope of the role further. Recruitment for the senior executive role will proceed in accordance with the commission's time frame.

CHAIR - Minister, engaging with Aboriginal people is critical and crucial to this, how are we engaging with the Aboriginal community across the state? ...

Mr JAENSCH - With all of the matters that we'll cover across these recommendations and these chapters, where there is a requirement to engage with Aboriginal people, and for them to help inform and co-design the policies and structures and positions that we're talking about, we'll be engaging with all Aboriginal organisations across the state to ensure that we're getting a diversity of views there.

...

Mr JAENSCH - There are, in some cases, established reference groups for particular purposes, which we'll continue to use. We do note, however, that sometimes there are organisations who choose not to participate and we have to engage with them separately. ⁷⁹

⁷⁹ Mr Bullard and Minister Jaensch, *Transcript of Evidence*, 29 August 2024, pp. 26-27.

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)
 - i) establishing the outcomes and performance reporting framework (Recommendation 9.9)
 - j) building quality assurance and improvement into all activities
 - k) 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.

Phase 3 – 2029

Government Reported Status: Phase 3 (DECYP)

Implementation Report (August 2024) extract: N/A

Committee's Assessment

The Committee notes this is a phase 3 recommendation and not due for completion until 2029.

However, stakeholders have raised concern regarding sequencing of a range of OOHC recommendations. For example, FKAT expressed concern regarding other OOHC reforms being implemented in the absence of an overarching strategic plan for the OOHC sector.

The Committee urges the Government to review the sequencing of all OOHC related recommendations.

Government Evidence

Mr BULLARD - ... The out-of-home care reform team needs to be established, and this will be a core component of the work that it does. The only other thing to note is that there are a number of streams of work in that. The plan is kind of the overarching architecture, and they'll be progressed at different rates.⁸⁰

Stakeholder Evidence

The FKAT submission expressed concern regarding 9.2(2)(b), observing a lack of a strategic plan for the OOHC sector:

The Department of Education, Children and Youth Services [sic] ("Department") appear to have no consistent governance framework which is contemporary and appropriate in relation to the OOHC sector. Notwithstanding, there are various levels of 'governance' across the Department with other areas such as their overall arching strategy.

It is our understanding as of December 2024, that there is no current strategic plan developed or implemented for the Out of Home Care (OOHC). If this is the case, then there is a major breach of governance by the Department who monitors and as oversight of the OOHC sector. Notwithstanding, best practice standards will be a challenge if there is no current strategy or strategic direction from the Department responsible for this sector.

... The fact that certain strategies are being implemented before a formal strategic plan has been finalised suggests: Decision-Making Without Clear Oversight – If initiatives are already underway, who approved them? Without a strategic plan, there is no clear accountability for how priorities are set, which raises concerns about transparency in decision-making.

1. A Risk of Inconsistent or Contradictory Policies – The introduction of several policies before a framework is finalised could result in contradictions between different initiatives, creating confusion for carers, service providers, and department staff.

2. Missed Opportunities for Sector Consultation – The lack of a fully developed strategy suggests that consultation with carers and providers may not have been comprehensive, leading to initiatives that do not fully address sector needs.

3. Financial Accountability Issues – If funding is being allocated to initiatives before a strategic plan is in place, there is no clear framework for evaluating whether spending aligns.⁸¹

The FKAT submission called for clarification of the OOHC Strategic Plan timeline:

Despite significant reforms being rolled out, there is still no clearly articulated OOHC Strategic Plan guiding long-term implementation and accountability. We seek:

- A clear timeline for the development and implementation of the OOHC Strategic Plan.*
- Public reporting mechanisms to ensure stakeholders—including carers—are consulted throughout the process.*

⁸⁰ Mr Bullard, *Transcript of Evidence*, 29 August 2024, p. 27.

⁸¹ Foster and Kinship Carers Association of Tasmania (FKAT), February 2025, *Submission #17*, p. 2.

...

While the Change for Children Strategy outlines broad commitments, there remains a critical lack of detailed implementation plans, clear reporting frameworks, and financial commitments to support carers and children in OOHC. We strongly urge the Committee to seek greater accountability, transparency, and carer involvement in the reform process.⁸²

⁸² Foster and Kinship Carers Association of Tasmania (FKAT), February 2025, *Submission #17*, pp. 10-11.

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.

Phase 2 – 2026

Government Reported Status: In Progress (DECYP)

Implementation Report (August 2024) extract:

In progress and on track for delivery in Phase 2 – currently recorded as an Out of Home Care priority area recommendation in Collaborating for Change.⁸³

Committee's Assessment

The Committee notes the Department is assessing three areas of data collection – the data already collected in existing systems, the data gaps and whether they can be captured through existing systems, and whether any new systems are required to capture data.

There was an existing outcomes framework developed under the Strong Families Safe Kids reforms which will be the basis for the new framework in this recommendation.

The Committee recognises the critical need for a robust data system across DECYP to enable consistent reporting on outcomes and performance in OOHHC and better ensure the safety of children and young people. Timely implementation of this recommendation is essential.

Government Evidence

CHAIR - ... In developing some of the data capability, are you having to build a whole new system? ...

Mr BULLARD - I think there are three streams.

One is what data do we already collect and can we actually put it together? If you imagine, we've come together now as a much larger agency, we hold a lot more data about how children and young people are faring in being known, safe, well, and learning, and we have been able to do some work for individual children and young people that draws that together into a visual display, which makes it much easier for people to see how they're going.

The second is data gaps. If you think about the discussion we had earlier about wanting to measure quality of out-of-home care as the actual experience of children and young people, that doesn't necessarily exist. The question there is, can that be captured and then reported through an existing or a new system.

And the third, there will be cases where it's impossible with what we've got. I think the Child Protection Information System (CPIS) reflections about how it stores care-team information is key, that it's not doing what we need it to do, and we'll need to have an upgrade.

⁸³ Keeping Children Safe, Implementation Report, prepared for the Joint Sessional Committee on the Commission of Inquiry Recommendations, August 2024, p. 63.

CHAIR - Is the funding for that part of the forward budget planning, minister?

Mr BULLARD - Certainly in the work that we've been doing around what needs to happen. In a number of these spaces, there's an underpinning element about the collection of data and/or information to inform better decisions. We're actively looking at each of the streams and where it might need some additional support.

Ms WEBB - ... Was there any similar work to this going on already, prior to the commission's bringing down a recommendation on it? When did we begin work on something similar to this in relation to the out-of-home care sector?

Mr JAENSCH - Hasn't it been a continuously evolving thing with key data and we've just been presenting it in different forms over time?

Mr BULLARD - Yeah. It's had different manifestations over time. Certainly, when the agency came together, we had the human services dashboard, which had some reporting about out-of-home care and the performance of child safety services, and before that there's been different manifestations of those reports. A question we're asking ourselves now is: does it actually capture data or is it capturing and reporting data that makes sense in terms of outcomes for children and young people or are we just counting a lot of things?

...

Ms WEBB - Did we have something that could be identified as a framework prior to this coming down as a recommendation that we are building on or are we starting afresh with this?

...

Ms C LOVELL - There was an outcomes' framework developed under Strong Families Safe Kids.

Ms WEBB - That's what I thought.

Ms C LOVELL - That is the basis for a new outcomes' framework. At the time that was quite aspirational in that the indicators - it wasn't possible to capture data.

The one that's under development at the moment isn't starting from scratch. It is actually based on that.⁸⁴

⁸⁴ Mr Bullard, Minister Jaensch and Ms C Lovell, *Transcript of Evidence*, 29 August 2024, pp. 27-29.

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.

Phase 3 – 2029

Government Reported Status: Work is underway (DECYP)

Implementation Report (August 2024) extract: N/A

Committee's Assessment

The Committee notes this is a phase 3 recommendation and the intention is to develop a longer-term workforce strategy, alongside the transition of the OOHC service to the NGO sector.

As a shorter-term measure to address significant staff vacancies in the child safety service, particularly in the North-West, the Government undertook a nation-wide child safety recruitment campaign. The aim was to recruit at over-establishment staff allocation in the child safety system to account for vacancies and leave. The Minister indicated Budget allocation in this area would not be a problem as additional funds were being allocated.

Stakeholders identified the need to develop a workforce strategy across key sectors to ensure workforce shortages do not threaten the effectiveness of reforms.

TasCOSS called for the workforce strategy for the child and family welfare sector to be developed in partnership with key agencies, and stakeholders indicated the need for a comprehensive ten-year Workforce Strategy to establish a strategic, long-term approach to workforce planning and professional development, building on, but beyond the scope of the COI recommendations.

The FKAT submission expressed concern regarding the lack of clear workforce strategy for recruiting and retaining more foster and kinship carers.

The Committee notes that strategies such as these require extensive planning and lead time and urge the Government to progress work on this critical recommendation for completion at an earlier stage.

Government Evidence

Mr JAENSCH - ...there's a there's a lot of different dimensions to this. Clearly, when we're talking about the transition of management of out of home care to the non-government sector, there's a need for them to be able to grow their workforce capabilities. So that's the longer term workforce strategy and we've undertaken to be working with the sector on that. It's not something that which is the government alone doing that. Clearly, this is going to help us plan our trajectory for that transition

to a 100 per cent NGO provision. The suggested timeframe is out there as 2029, but I think there is work already underway from the department and maybe the secretary can speak to that in a little bit more detail. In the immediate term, the other thing we need to do is ensure that we are doing everything we can to fill the positions that we have right now and deliver the services that are needed across our sector. ...

...

Mrs PETRUSMA - ... I was just interested in understanding what the department was doing to increase staff numbers and retention in regard to the welfare sector.

Mr JAENSCH - That is part of the broader workforce planning across the sector. I might ask if the secretary can comment on the process there.

Mr BULLARD - In terms of where we want to get, we want to look across the whole life cycle of employees, look at training and we are already in discussions with the University of Tasmania about different pathways into child safety roles. We want to look at the recruitment and as the minister said, we have had a very good response. Induction and then how we retain. That is about really meaningful pathways. The other thing to note too is there is a lot of work going on in the delineation of roles.

Ms LOVELL MP - I am interested to know - because clearly that is a workforce strategy that is coming online down the track in phase three. You have a strategy now to try to put things in place to increase staffing because we are desperately short, particularly in the north-west. Do you have a straightforward way to tell us what the unmet need is now in terms of staffing? What should we be at and what are we at now in each region?

...

Ms C LOVELL - For our most recent pay period, 80.7 % of child safety officer roles were occupied statewide. The vacancies that we had in the north-west, there was a vacancy rate of 47.9 % which was 11 vacancies. The north was 6 %, which was one vacancy and the south was 16 %, 9.4 vacancies. They are true vacancies, they are unoccupied positions and that is not factoring in where we have staff absent on leave, for example. It can seem much lower than that vacancy rate that I have just cited when staff hear those figures.

Ms LOVELL MP - Do you have figures including leave?

Ms C LOVELL - Yes, I do. They are less reliable figures because there can be some lag time in that with reconciling leave. We go with the actual occupancy.

Ms LOVELL MP - Would the leave that you are talking about include long term leave?

Ms C LOVELL - The majority is unplanned leave and recreation leave. There are some workers compensation vacancies in there. That is a very low number. The majority of it is recreation leave and unplanned.

Ms LOVELL MP - Is there data collected on how, appreciating that unplanned leave can often be a day or two at a time, might not be extended periods? How frequently that is happening and what kind of impact it has on the workforce generally over an extended period of time? What we are hearing is that you have 47.9 % in the north-west. That was the vacancy rate, is that right? That is still very high. That is not including leave. If you have two or three people off every day, sick or taking a mental health day or whatever they need to do, that obviously has a much more significant impact on the workforce, which I believe the issue here is not necessarily the number of vacancies we have but the effective workforce.

Mr JAENSCH - That is why we are aiming at over-establishment recruitment in the areas where we have shortages and focusing in on them.

....

Ms LOVELL MP - Minister, once you've done that work and have worked out what that figure will be, how will those positions be funded if you're recruiting at above establishment? Given that there's some significant pressure on the Budget, other departments are having to cut from their establishment figures. How will that work in child safety?

Mr JAENSCH - We're funded for every child to have a child safety officer, a primary worker. Now, our problem is not having those positions filled. Keeping them filled is going to require us to have a buffer and have extra staff.

Ms LOVELL MP - You would anticipate there will be an additional allocation of funding in the Budget to allow you to recruit with that buffer?

....

Mr JAENSCH - Budget allocation isn't our challenge at the moment. We have just added enough; \$4.5 million to ensure we can get the people we need.

...

Ms WEBB - May I double-check with this recommendation 9.10, where we're talking about the workforce strategy for the child and family welfare sector. We're talking about more than just the out-of-home care space. In terms of the child and family services, does it also extend into the family and sexual violence services as well, in terms of this workforce strategy? What are the parameters that this workforce strategy is going to cover?

Mr BULLARD - From our perspective, that strategy relates to services that our department provides, and we would like to do that in collaboration with the sector. It's also where those services are similar or mirrored by the sector that we're building the strategy together, because we know that if the sector benefits, we benefit. Certainly, that's the approach we're taking, that we would have a sector approach primarily focused on services that would traditionally be seen as child safety or ARL services, but might extend to other allied health professionals within the agency as well. We're having that discussion internally at the moment.⁸⁵

Stakeholder Evidence

Kathryn Fordyce, CEO Laurel House made the following comments regarding workforce shortages:

*We have significant workforce shortages across the sector, leaving big gaps in terms of safeguarding children and young people. The forensic medical workforce remains critically underdeveloped. The family and sexual violence sector is stretched beyond capacity, with services like ours struggling to recruit qualified staff to meet increasing demand.*⁸⁶

The Centre for Excellence in Child and Family Welfare submission advocated for:

the government to invest in a workforce strategy to improve staff numbers, retention, workplace conditions, and staff wellbeing. This strategy should ensure that staff have the skills and knowledge required to effectively support the children and families in their care.

...

⁸⁵ Mr Bullard, Minister Jaensch and Ms C Lovell, *Transcript of Evidence*, 29 August 2024, pp. 29-36.

⁸⁶ Kathryn Fordyce, *Transcript of Evidence*, 27 February 2025, p. 2.

Like many jurisdictions in Australia, Tasmania is experiencing challenges with attracting and retaining staff in the child and family workforce. This issue is further compounded by the state's rural and remote geography, the absence of competitive workplace conditions, and a shortage of the skills and resources needed to manage the complexity of trauma—and vicarious trauma—that the workforce faces.⁸⁷

According to the TasCOSS submission, a workforce strategy for the child and family support sector should be developed in partnership with key agencies:

... we also recommend urgent consideration of issues raised by TasCOSS and other organisations in relation to action needed to ensure a strong and sustainable community services industry – suggested actions include standard five-year funding contracts across the child and family support sector, a transparent and appropriate indexation formula for all community service organisations, the development and implementation of an outcomes-based funding framework and the development of initiatives designed to promote industry sustainability.⁸⁸

SASS called for the Government to develop a comprehensive ten-year Workforce Strategy to establish a strategic, long-term approach to workforce planning and professional development, building on, but beyond the scope of the COI recommendations:

The Commission of Inquiry made a substantial number of recommendations to strengthen the capacity and capability of the Tasmanian workforce to support children and families. While many of the recommendations focussed on the Government workforce, others also considered the needs of the non-Government workforce. This includes Recommendation 9.10 which calls for the development of a workforce strategy for the child and family welfare sector. The Commission of Inquiry emphasised that this strategy should equip the broader workforce with the knowledge and skills required to respond effectively to the needs of children and young people and should increase staffing and retention. Additionally, it should aim to improve workplace conditions, and reduce unplanned vacancies, particularly within DECYP.

We strongly believe that a strategic, well-resourced workforce strategy should be developed in partnership with key stakeholders from the community services sector, including specialist sexual assault services, to ensure the Tasmanian workforce is well positioned to prevent and respond to children sexual harm in all settings. It should address critical workforce needs such as minimum qualifications and accreditations, supervision requirements, cross-sector learning, peer workforce development, and lived experience within the workforce. The strategy should also support professional pathways and ongoing development for workers who engage with children and families, such as specialist sexual assault practitioners, lawyers, forensic examiners, medical staff, disability support workers, and early childhood education professionals.

It should proactively plan for and mitigate current and future workforce shortages; incorporate forward budgeting to sustain workforce growth and stability; be informed by research and data, and be accompanied by a robust monitoring, evaluation and learning model.⁸⁹

The FKAT submission expressed concern regarding the lack of clear workforce strategy for recruiting and retaining more carers:

The Keeping Children Safe report mentions a workforce strategy focused on child safety services albeit does not explicitly mention strategies to recruit or retain more foster and kinship carers.

The Change for Children strategy acknowledges the need for recruitment, training, and retention strategies across the child safety workforce albeit does not explicitly mention targeted recruitment strategies for foster and kinship carers.

2. Addressing Workforce Shortages and Carer Retention (Rec 9.10)

⁸⁷ The Centre for Excellence in Child and Family Welfare, February 2025, *Submission #5*, pp. 9-10.

⁸⁸ Tasmanian Council of Social Service Inc (TasCOSS), February 2025, *Submission #8*, p. 13.

⁸⁹ Sexual Assault Support Service (SASS) Inc, February 2025, *Submission #10*, p. 8.

The shortage of foster and kinship carers is reaching crisis levels, placing significant strain on existing carers. Recruitment efforts remain fragmented, and retention is undermined by inadequate financial support, inconsistent case management, and a lack of structured respite options. We ask:

- *What steps are being taken to recruit and retain foster and kinship carers?*
- *Will there be financial incentives or support measures introduced to stabilise and sustain the carer workforce?⁹⁰*

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.

Phase 3 – 2029

Government Reported Status: Work is underway (DECYP)

Implementation Report (August 2024) extract: N/A

Committee's Assessment

The Committee notes implementation of this recommendation is a work in progress and the intention is that mandatory core knowledge requirements will build on the training already delivered. Once in place, the Chief Practitioner will put together a practice approach and models of care, which staff will be trained in as well.

The Committee is concerned that these processes are not already embedded within the Department's policies and practices. The Committee is concerned implementation of this recommendation will not occur until 2029, given its elements are fundamental to the work Child Safety Services and the OOHC sector do to ensure the safety of Tasmanian children.

⁹⁰ Foster and Kinship Carers Association of Tasmania (FKAT), February 2025, *Submission #17*, p. 6.

Government Evidence

Mr BULLARD - Every staff member in the department has already undertaken mandatory safeguarding training. That occurred this year. I think there were 13,000-plus staff right across the agency that did that training. We've also got wellbeing and care procedure that we're currently updating to ensure that it includes Tasmania's Reportable Conduct Scheme. Again, staff will be trained in their obligations. We are also working with the Office of the Independent Regulator about that reportable conduct. That's the starting point. What this will mean when it's working well is that there's a much greater depth of understanding, not only in relation to dealing with child sexual abuse, but dealing with elements of trauma, et cetera. The mandatory core knowledge requirements will build on the training that we've delivered. This is a work in progress. Obviously, the chief practitioner coming on will have an impact, because they will put together practice approach, models of care, which we'll need to make sure staff are trained on as well. Again, we've started to do some work in this area, but it will build over time.

CHAIR - Minister, it's not like a set-and-forget, you do it once and you're done? There'll be annual or more frequent updates and mandatory requirements about that?

Mr BULLARD - We started off with - we don't like calling it mandatory reporting, but how to report to the ARL was the first module.

CHAIR - I'm talking about mandatory training. Training you have to do.

Mr BULLARD - We started off with that last year, then this year everyone's done that again, but they've also done safeguarding training looking for signs of grooming or inappropriate conduct. We've also rolled out a version of that which is a public-facing version for volunteers and other workers in our settings. Every year you have to refresh and do that.⁹¹

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.

Phase 2 – 2026

Government Reported Status: In progress (DECYP)

Implementation Report (August 2024) extract:

⁹¹ Mr Bullard and Minister Jaensch, *Transcript of Evidence*, 29 August 2024, pp. 36-37.

In progress and on track for delivery in Phase 2 – currently recorded as an Out of Home Care priority area recommendation in Collaborating for Change.⁹²

Committee's Assessment

The Committee notes FKAT has been engaged to scope the required updates to the existing handbook.

FKAT indicated it is working on updating the Handbook, including professional conduct policies. A draft was provided in November 2024, and a final draft of the updated Handbook was circulated to key stakeholders with the objective of having the Handbook updated and published by the end of April 2025.

An additional resource has been developed for carers called Who Can Say OK, as a guide on matters relating to consent for children to participate in various activities and decision-making.

Government Evidence

Mr JAENSCH - ... the Foster and Kinship Carers Association Tasmania (FKAT) was engaged in May this year to scope required updates to the handbook and to get early information to carers relating to any changes arising from the commission of inquiry recommendations. The FKAT will be providing a proposed plan and scope of work by the end of August, so that's imminent. That is on track for delivery by the commission's suggested reform timeframe. Another update I'm able to provide is that there has been a reference guide developed which I think is called ...

...

Mr JAENSCH - Who Can Say OK? This is a ready reference for carers and people who may need to gain consent for young people on orders in care to have a haircut, a piercing, go on an excursion, undertake a medical procedure and a range of things like that. ... You will see that being published and promoted over coming weeks.

...

Mrs PETRUSMA - On it [the Handbook] being a practical guide, how do you perceive that it will support carers to keep children safe? How do you see it will be used to help the kids?

Mr JAENSCH - In the current version that I've seen that was produced maybe three or four years ago, it includes a lot of practical tips and links to services and resources available to carers that they may not have known about, particularly those who are entering the caring sector for the first time and that can get out of date, that information. That is why the updates are necessary but we are very much seeking to get that from the carer perspective, which is why FKAT is involved in that because they have the questions or the people that they represent and advocate for have those questions. Sometimes they are quite simple things that we might overlook from this end of the service system. Therefore, it is meant to be a practical guide. ...

Ms WEBB - Are you envisaging this to be an online portal or something like that? I'm just thinking there's probably quite a deal of information and as soon as you print something into a hard copy, it's out of date by the next week. Is this an online portal that will have the policies and procedures and the information?

Mr JAENSCH - As I understand it's previously been hard copy and online, so it can contain things like links as well.⁹³

⁹² Keeping Children Safe, Implementation Report, prepared for the Joint Sessional Committee on the Commission of Inquiry Recommendations, August 2024, p. 64.

⁹³ Minister Jaensch, *Transcript of Evidence*, 29 August 2024, pp. 36-38.

Stakeholder Evidence

Tasmania Legal Aid supported updates to the Handbook which would ensure that the information made available to a foster carer is consistent and updated in accordance with any relevant changes to policy:

As part of the role of representing the best interests of children who are under a Care and Protection Order, a Separate Representative (SR) lawyer provided by Legal Aid will often talk with the foster carer to learn more about how the child is settling into the foster home, to explore the foster carer's ability to promote a relationship with the birth family when in the child's best interests, and to gain an understanding of what support is needed for the child. It is the foster carer who can offer a unique insight into the child's day-to-day life and any challenges that the child faces. In those conversations, foster carers often have limited information provided to them about the court process and about the intended path forward for the child. TLA supports updates to the Handbook which would ensure that the information made available to a foster carer is consistent and updated in accordance with any relevant changes to policy. This in turn may assist with the recruitment and retention of foster carers.⁹⁴

The FKAT submission noted the following action is being taken to update the Handbook:

The government has committed to publishing policies publicly, including mandatory reporting and professional conduct policies for education settings. FKAT is working on updating this Handbook including professional conduct policies (we have been provided with a draft form in November 2024). A final draft of the updated Handbook has been circulated to key stakeholders with the objective of having the Handbook updated and published by the end of April 2025.⁹⁵

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.

Phase 3 – 2029

Government Reported Status: Phase 3 (DECYP)

Implementation Report (August 2024) extract: N/A

Committee's Assessment

The Committee notes this is a phase 3 recommendation and little information has been provided on progress to date.

⁹⁴ Tasmania Legal Aid (TLA), February 2025, *Submission #4*, pp. 5-6.

⁹⁵ Foster and Kinship Carers Association of Tasmania (FKAT), February 2025, *Submission #17*, pp. 5-6.

Government Evidence

Mr BULLARD - As a department, we are a learning organisation having education in the title but if we put that to one side, there is a lot going on in terms of being much more explicit about our expectation of staff and then putting the supports in place. One of the things that we launched in 2023 through Services for Children and Families was a new practice approach, *Feel Safe Are Safe*, and this is a really practical guide that says the types of knowledge and behaviours that we need our frontline practitioners to hold and what we expect to see. That then has provided a foundation for training and professional learning to ensure that where some of that knowledge, skill or capability is missing that we can support our workforce to obtain that. That will only be built on as we move forward. If we come back to the chief practitioner, the chief practitioner will be seen as the pre-eminent expert in the agency on what we see as quality practice in terms of child safety and the support of out of home care. We'll be able to continue to build our training and professional learning capability on resources that they develop.⁹⁶

⁹⁶ Mr Bullard and Minister Jaensch, *Transcript of Evidence*, 29 August 2024, p. 38.

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.

Phase 2 - 2026

Government Reported Status: In progress (DPAC)

Implementation Report (August 2024) extract:

In progress and on track for delivery in Phase 2 – currently recorded as a Tasmanian Aboriginal People priority area recommendation in Collaborating for Change.⁹⁷

Committee's Assessment

The Committee notes early discussions have taken place with the DPAC Aboriginal partnership team and Tasmania's member of the national Coalition of Peaks, the Tasmania Aboriginal Centre, to help inform the development of the new role. The Department has also initiated discussions with representatives of the Tasmanian Regional Aboriginal Community Alliance.

Consultation on the Commission for Children and Young People Bill will include targeted engagement with key stakeholders, including Tasmanian Aboriginal communities.

The Committee further notes the Government is committed to bringing this recommendation forward from 2029 to 2026. It is expected that the role of the Commissioner for Aboriginal Children and Young People will commence in 2026 at the same time as the Child Advocate, however the timing of the commencement and process for engagement will be subject to consultation with Aboriginal communities.

Government Evidence

Mr ROCKLIFF - ...

Work is under way on the legislative and administrative arrangements to establish the new commission for children and young people and its statutory roles, including: the commissioner for aboriginal children and young people. A working group comprising senior representatives from the Department of Premier and Cabinet, the Department of Justice, the Department of Education, Children and Young People, the Independent Regulator and Acting Commissioner for Children and Young People have been established and is continuing to inform the development of the legislation and support the establishment of the new commission.

Early discussions have taken place with the DPAC Aboriginal partnership team and Tasmania's member of the national Coalition of Peaks, the Tasmania Aboriginal Centre, to help inform the development of the new role. The Department has also initiated discussions with representatives of the Tasmanian Regional Aboriginal Community Alliance.

⁹⁷ Keeping Children Safe, Implementation Report, prepared for the Joint Sessional Committee on the Commission of Inquiry Recommendations, August 2024, p. 64.

The Department of Premier and Cabinet will continue to work with the Department of Justice and the Office of Parliamentary Counsel to finalise the consultation draft of the Commission for Children and Young People Bill 2024, in consultation with the working group. Our consultation plan for the draft bill is currently being developed and will include targeted engagement with key stakeholders, including Tasmanian Aboriginal communities. The consultation draft of the bill was expected to be tabled in parliament in mid-September 2024, marking the start of the public consultation period.

...

Mr ROCKLIFF - *It is anticipated that the final bill will be tabled in parliament during the first session next year, 2025, following many full and respectful consultation with children and young people, people with lived experience, and Aboriginal communities. The commencement of the various roles and functions within the Commission for Children and Young People is expected to be staged consistent with the commission of inquiry's recommendations. While the commission of inquiry's suggested timeframe for delivery of this recommendation was 2029, the government committed to bringing this forward to 2026. It is expected that the role of the commissioner for Aboriginal children and young people commence in 2026 at the same time as the child advocate, and if not, before. The timing of the commencement of the commissioner for Aboriginal children and process for engagement will be subject to consultation with Aboriginal communities.*

...

Ms HURWORTH - *Yes, we are already engaging with Aboriginal communities. Part of that engagement is about designing the actual consultation in partnership with the community so it can be an Aboriginal-led process about what they want their commissioner to be able to do and the way in which they need to be able to do that. The intention is to uphold the priority reforms and principles of Closing the Gap through that process.*⁹⁸

⁹⁸ Mr Rockliff, Mr Healey and Ms Hurworth, *Transcript of Evidence*, 29 August 2024, pp. 28-31.

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.

Phase 3 – 2029

Government Reported Status: Phase 3 (DECYP)

Implementation Report (August 2024) extract: N/A

Committee's Assessment

The Committee notes this is a phase 3 recommendation, with little information provided on progress. The Minister states that to effectively meet the requirements of the Aboriginal and Torres Strait Islander Child placement principle, more Aboriginal carers and more Aboriginal community-controlled organisations who are in a position to provide supports for those carers and those families will be needed, and this capacity building work is happening with individual organisations around the State.

TasCOSS highlighted the fact that progressing recommendations such as this one requires a deep level of understanding, trust and collaboration between Government and community organisations, as well as adequate resourcing and support for community organisations to assume additional responsibilities for Tasmanian children.

The Committee notes that the implementation of this recommendation will require adequate resourcing, i.e. increased funding, particularly for Aboriginal community-controlled organisations.

Government Evidence

Mr JAENSCH - No specific updates except for particularly acknowledging the over representation of Aboriginal children and young people in the out-of-home care population. That is partly a function of the availability of - sorry, effectively meeting the requirements of the Aboriginal and Torres Strait Islander Child placement principle means that we need more Aboriginal carers and more Aboriginal community-controlled organisations who are in a position to provide supports for those carers and those families. There are some that are doing an excellent job and we need to be working with them. These are topics that are being advanced not only through the context of the out-of-home care strategies, but through the Closing the Gap processes as well and capacity building work that's happening with individual organisations around the state.

Ms LOVELL MP - Minister, how many Aboriginal and Torres Strait Islander children are in out-of-home care at the moment?

Mr JAENSCH - I am happy to see if we have a number.

Ms LOVELL MP - As a follow on from that, how many of those children are in placements in accordance with the principles?

Mr JAENSCH - Similarly, I'll see if we can provide that advice at the table. If we can't, we'll take it on notice.

Mr BULLARD - On openings, about 12 months ago we did significant work to properly understand whether children and young people identified as Aboriginal - and we updated the record so we've got a much more forensic record. It is around 40 per cent, but that's going to give you the percentage and you probably want the number which I think Ms Lovell is trying to find.

...

Ms C LOVELL - 42 per cent.

Ms LOVELL MP - Do you have a number?

...

Ms C LOVELL - The number of children in out-of-home care - let me get my daily average correct - 938.

Ms LOVELL MP - It's 42 per cent of that.

...

Ms C LOVELL - That's the total number of children in out-of-home care and 42 per cent of those are Aboriginal.

Ms LOVELL MP - Of those Aboriginal and Torres Strait Islander children, how many of them are in placements currently in accordance with the principles?

...

Mr JAENSCH - Sorry, Chair, we can just update the number regarding Aboriginal children in out-of-home care placed in accordance with the Aboriginal and Torres Strait Islander child placement principle.

Ms C LOVELL - The Aboriginal Child Placement principle has five components: prevention, partnership, placement, participation, and connection. If we're narrowing it down and talking about placement alone of the number of children that I mentioned just earlier, 56.1 per cent of children and young people are placed in accordance with the Aboriginal placement principle.

Ms LOVELL MP - That's 56.1 per cent of those ... 42 per cent.

Ms C LOVELL - Who identify as Aboriginal. Yes.⁹⁹

Stakeholder Evidence

According to TasCOSS, many of the commitments made by the Government in relation to the findings and recommendations of the COI require a deep level of understanding, trust and collaboration between Government and community organisations, as well as adequate resourcing and support for community organisations to assume additional responsibilities for Tasmanian children. In the context of Recommendation 9.15:

... to fully implement all elements of the Aboriginal and Torres Strait Islander Child Placement Principle - includes partnership with Aboriginal communities in decision making about out of home care and child safety processes, models of transfer of child safety decision making authority to recognised Aboriginal organisations, and investment to fully resource recognised Aboriginal organisations. Examples from other Australian jurisdictions demonstrate actions that governments have taken to effectively partner with Aboriginal communities and organisations to ensure they have the resourcing to assume responsibilities in a way that is culturally safe, consistent with the principle of self-determination and supportive of the needs of community organisations.¹⁰⁰

⁹⁹ Mr Bullard, Mr Jaensch and Ms Lovell, *Transcript of Evidence*, 29 August 2024, pp. 39-41.

¹⁰⁰ Tasmanian Council of Social Services (TasCOSS) Inc, February 2025, *Submission #8*, p. 11.

Social worker and CSA advocate Jack Davenport noted:

There has been a persistent problem with CSS failing to determine the cultural identity of children prior to applying for care orders. This leads to CYP [Children and Young People] being taken into care without their cultural status identified, and raises the risk of poor care planning outcomes and placements not in-keeping with the Placement Principle.¹⁰¹

¹⁰¹ Jack Davenport, February 2025, *Submission #16*, p. 12.

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.

Phase 2 – 2026

Government Reported Status: In progress (DECYP)

Implementation Report (August 2024) extract:

In progress and on track for delivery in Phase 2 – currently recorded as an Out of Home Care priority area recommendation in Collaborating for Change.¹⁰²

Committee's Assessment

The Committee notes the workforce issues in Child Safety Services have resulted in a significant proportion of children and young people in care who don't have their own child safety officer and instead are being 'team-managed'. Figures provided to the Committee indicated, at the time of taking evidence, statewide there were 457 children directly allocated to a child safety officer and 658 not allocated to a child safety officer.

Further, the Committee notes that workforce challenges mean a significant proportion of children and young people in care are not receiving visits in required timeframes. Figures provided to the Committee indicate for children on orders during 2023-24, the proportion of visits conducted within required timeframes for those allocated to a child safety officer was 45 per cent, and for those not allocated to child safety officers, 16 per cent.

The Committee finds this data alarming and unacceptable. This situation is deeply concerning and it is clear that implementation of this recommendation within the current timeframe will be difficult.

The Commissioner for Children and Young People reviewed and raised concerns about the 'team-managed' model of care in Child Safety Services and made recommendations, which the

¹⁰² Keeping Children Safe, Implementation Report, prepared for the Joint Sessional Committee on the Commission of Inquiry Recommendations, August 2024, p. 64.

Department states it is committed to implementing. These recommendations are closely linked to the implementation of this COI recommendation.

Stakeholders expressed concern the case management and caseload monitoring within CSS contained significant deficiencies, which have a direct impact on worker function and outcomes for children and young people. Tasmania Legal Aid noted its experience that the children they represent have been negatively impacted by changes in case management away from working one on one with the child to a team approach. Laurel House noted many of the children and young people they support in the North West do not have a Child Safety case worker, which denies them access to critical support.

The Committee is concerned the Government will not meet this recommendation within the scheduled timeframe.

The Committee notes the Workforce Strategy (Recommendation 9.10) is a stage 3 recommendation, but strongly urges this be brought forward to enable the full implementation of this Recommendation 9.16 as soon as possible.

Government Evidence

***Mr JAENSCH** - ... We touched on a couple of elements of this in previous discussions and I think Ms [Claire] Lovell gave a recommended caseload limit. We've also spoken about workforce matters in ensuring that we have existing positions filled. We also have spoken about care teams and the proportions of young people in out-of-home care with active care teams.*

...

***CHAIR** - Do you have an indicative timeline for this to be completed? It is phase two, so it's not due until 2026.*

***Mr JAENSCH** - I understand the department's committed to delivering that within the recommended time frame.*

***Mr BULLARD** - Without making it too complicated, it does come right back to what we were talking about regarding designing different products for children in out-of-home care as well. There is - it's interesting that we've given a measure of one to 15 as a relevant caseload at the moment. The system doesn't currently delineate the attributes or experiences of those children and young people. You could have 15 very complex young people, you could have 15 young people who are in stable foster care. Part of what we want to do, in terms of designing that, is not come out with a blunt measure.*

If you are a worker who is experienced in supporting stable foster-care placements, you may have more because those children are stable, they're in a home that's caring for them and what you're doing is liaising with the foster families about the particular needs, the interstate holiday, the passport, et cetera. If you have a cohort of young people who are very complex, you might have less. That's part of the design work that we want to do.

***CHAIR** - Trying to be child-centered.*

***Mr BULLARD** - Very child-centred, rather than just come out with a blunt measure and say, 'Well you're in with another 14 children'.*

***Ms ROSOL** - ... Given the vacancies you've talked about across the state at the moment, what are the caseload levels like for case managers at the moment? Ideally, they would have 15. How many do they actually have?*

Ms C LOVELL - The caseloads are less than 15 at the moment for workers who have children and young people directly allocated to them. What we've done in this period of staffing shortages is not overload our workers with a higher caseload than they would ordinarily have. We've made other arrangements for the children and young people who can't have the direct allocation. The caseloads are lower than what that trigger point is, but there are children and young people who don't have their own child safety officer.

Ms ROSOL - ... How are they being managed in that situation? Is that their teams that we've talked about, the case management teams?

Ms C LOVELL - It's a little bit different in each region. In the north and north west they have what they refer to as 'team-managed'. They - various members of their service, their office - provide support to those children who don't have an individual child safety officer. In the south, the numbers were far greater and two of the case management teams, over the last few years, have adjusted their practice so they don't have individual allocations. A whole team supports a number of children undertaking the tasks that they need but without that individual one-to-one relationship.

Ms ROSOL - How many children at the moment are in those teams?

Ms C LOVELL - ... Statewide we have 457 children directly allocated to a child safety officer and we have 658 not allocated to a child safety officer.

Ms ROSOL - 650 across the state in the team management?

Ms C LOVELL - It doesn't mean that they're not receiving a service, that means they're not allocated to their own discrete child safety officer.

Ms ROSOL - This talks about reporting quarterly once the quality and risk committee is established, I'm assuming you're gathering figures on these kinds of things already about the average frequency of case manager visits and that kind of thing. What's the longest time at the moment that children are waiting between visits?

Ms C LOVELL - We don't record the longest time. We have some other measures about child visits that I can provide you when I find the right page. ...

...

Ms C LOVELL - The proportion of visits conducted within required timeframes for children on orders during 2023-24, of those allocated to a child safety officer, 45 per cent had visits within the required timeframes and for those not allocated to child safety officers, 16 per cent.

Ms WEBB - Can I pick up on the answer that was provided to Ms Rosol about the team's approach to ensure that they might not have an allocated person but have a team. We know the Commissioner for Children and Young People looked into that and reviewed that model and made a raft of recommendations. I haven't got them in front of me at the moment, is the department implementing the recommendations from the commissioner to make improvements to that system? Where are we at in making those changes?

Ms C LOVELL - Turning that around will rely on recruitment and filling those vacancies so that we can allocate children and young people back to an individual worker.

Mr BULLARD - The outcome we seek is that each child and young person has an individual worker and hence the increase in the number of child safety FTE. We are looking to fill those. That doesn't mean no teams either, does it? There's still a group of people who have responsibilities to provide supports and services to the young person.

Ms C LOVELL - Yeah, that's right. The children who are allocated to case management teams within the Child Safety Service, they have their own child safety officer, but then there are the members of that team who support them as well.

Ms ROSOL - The goal is that every child will be allocated to an individual child safety officer?

Ms C LOVELL - An individual worker, yeah. That might look different for children depending on their needs. For example, if it's a young person who has a youth worker who is their main contact point, their child safety officer might have less frequent contact with them and less direct involvement. They'd still be overseeing their case, but they might not be that go to person. We're finding that is the case at the moment with youth workers that are a recent addition to the service, they're providing a lot of individual support to our young people. In those figures, where I've said that those children and young people aren't allocated to a child safety officer, that doesn't mean they're not receiving a service, some of them are receiving a fantastic service from these youth workers who are seeing them very regularly and meeting all of their needs. The child just doesn't have their own child safety officer.

...

Ms WEBB - I just wanted to clarify, are these seven recommendations from the Commissioner for Children and Young People's report being implemented or are we just hoping through recruitment to be able to transition away from the model full stop?

Mr BULLARD - We actively accepted all of them and we're progressing them.

...

Mr BULLARD - ... We certainly understood the recommendations and the concerns that were raised by the commissioner. We've discussed them with her in detail and we are working to implement them.

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Stakeholder Evidence

Tasmania Legal Aid noted their experience that the children they represent have been negatively impacted by changes in case management away from working one on one with the child to a team approach:

In December 2022, the Children's Commissioner for Tasmania carried out an own motion investigation into the change to case management of children and young people in care. The concern was that the case management of children in out of home care was to move from a dedicated Child Safety Officer working one on one with the child or young person to a team approach within the Child Safety Service.

The Commissioner's report outlined the impact on the child's right to participate in decisions that affect them which is fundamental to their safety. The children and young people affected by the change in case management indicated that their voice felt lost, they felt sadness, and they felt frustration. In speaking with children in care as their Separate Representative (SR), TLA's experience from our inhouse SRs is that they receive the same message from the children they represent. In many cases, the child or young person had worked with the same Child Safety Officer over a lengthy period, building a rapport which enabled them to feel safe in raising any concerns that they had. For some, the Child Safety Officer was the only consistent person in their life and for that person to be replaced by a team of new workers was negatively impactful.

In many cases, once a long-term Care and Protection Order is made, the role of the SR ends, which takes away an opportunity for the child or young person to raise their concerns with someone who is "on their side". The importance of the Child Safety Officer cannot be overstated and to ensure the

¹⁰³ Mr Bullard, Minister Jaensch and Ms C Lovell, *Transcript of Evidence*, 29 August 2024, pp. 41-45.

participation of children and young people in their Care Plan, a case manager is needed for each child or young person. The out of home care system must actively nurture and support children to help them reach their full potential in life.¹⁰⁴

According to the Laurel House submission:

Regarding the implementation of this recommendation, it is our experience that many of the children and young people we support in the NW don't have a Child Safety case worker, denying them access to critical support.

We acknowledge that targeted initiatives to address these workforce shortages including providing incentives to improve workforce attraction and retention (e.g. market allowances) are being implemented. Further, we fear that a reliance on deprofessionalising qualifications of Child Safety Officers will affect the quality of service, and we believe considerable work is needed on the culture within Child Safety if there is truly to be improvements in workforce attraction and retention.

We note that Laurel House expressed concerns with Minister Jaensch about the impact of these measures on the broader child and family services system including on non-government organisations like Laurel House, calling for a more comprehensive approach to workforce development across the whole system. We need to address this crisis with a whole of community, collective, cross agency, and cross sector response that spans the full professional pipeline to bring local people into local jobs. We have provided more detail on such approaches to workforce planning elsewhere in this document as well as in our 2025-26 Budget Priorities Statement. We also note that the Tasmanian Family and Sexual Violence Alliance has sought funding in its 2025-26 Budget Priorities Statement to develop a Tasmanian FSV Sector 10-Year Workforce Development Strategy.¹⁰⁵

Social worker and CSA advocate Jack Davenport made the following comments in relation to case management and case load:

The case management and caseload monitoring within CSS contains significant deficiencies, which have a direct impact on worker function and outcomes for CYP (whether in OOHC or not).

In terms of team organisation, CSS case management exists in three basic categories:

- *ARL, who manage initial notifications and reports;*
- *Response, who manage child safety assessments at the first point of local investigation;*
- *Case Management, who manage both children in OOHC and also CYP and their families involved in longer term work but not under orders.*

This use of this system, while understandable on a basic organisational level, belies the reality of a CYP progression through the stages of child safety intervention.

The process, administratively and emotionally, of taking a child into care is intense, profound and highly complex. Critical decisions are often made prior to the application for a care order, which have significant impact on the subsequent proceedings. In many instances, systemic issues have a direct impact on whether or not a child comes into care in the first place, and can unduly affect the assessment process.

It is important to understand this process in the context of the COI recommendations relating to OOHC, because it can be the case that decisions to bring children into care and protection are being made erroneously, resulting from poor practice and an uncritical risk averse approach. Delays in undertaking prompt assessments - resulting from a combination of factors including lack of staffing,

¹⁰⁴ Tasmania Legal Aid (TLA), February 2025, *Submission #4*, p.6.

¹⁰⁵ Laurel House, February 2025, *Submission #15*, pp. 35-36.

poor training/expertise, and poor leadership and organisation - further increase the risk of care and protection orders being sought.

It is established that coming into care and protection can be a traumatic experience for a child, and can increase the impacts of abuse or neglect suffered. The process for care and protection, as undertaken by CSS, is not trauma-informed, and lacks sufficient rigour in practice to be considered safe.¹⁰⁶

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 nongovernment 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).

Phase 3 – 2029

¹⁰⁶ Jack Davenport, February 2025, *Submission #16*, pp. 16-17.

Government Reported Status: Commenced (DECYP)

Implementation Report (August 2024) extract: N/A

Committee's Assessment

The Committee notes this is a phase 3 recommendation but welcomes it being brought forward for earlier implementation as it is required for implementation of a range of other recommendations.

It is reported that planning and design of the role has commenced.

Government Evidence

Mr JAENSCH - *The update I've been given is that the planning and design of the role has commenced, and that the next steps are development of statement of duties and the fit to the department's reviewed organisational structure. That's meant to be happening next year, so that's significantly in advance of the commission's recommended timeframes.*

Mr BULLARD - *It's one that's out of step, in terms of that you need that person to be doing a lot of the other work. We're moving on that earlier so that we can get the harmful sexual behaviour unit set up, and the practise approach, et cetera.¹⁰⁷*

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.

Phase 2 – 2026

Government Reported Status: In progress (DECYP)

Implementation Report (August 2024) extract:

In progress and on track for delivery in Phase 2 – currently recorded as an Out of Home Care priority area recommendation in Collaborating for Change.¹⁰⁸

¹⁰⁷ Mr Bullard and Minister Jaensch, *Transcript of Evidence*, 29 August 2024, p. 45.

¹⁰⁸ Keeping Children Safe, Implementation Report, prepared for the Joint Sessional Committee on the Commission of Inquiry Recommendations, August 2024, p. 64.

Committee's Assessment

The Committee notes this recommendation is complementary to a broader shift to develop trauma-informed models of care across the whole Department.

No detailed evidence was presented as to how implementation of this recommendation is being progressed.

It is acknowledged that greater funding and investment will be required from Government to move to this model of care and meet the requirements of this recommendation.

Stakeholders raised concerns that the Keeping Children Safe report and Change for Children Strategy do not explicitly confirm that all foster and kinship carers will receive formal trauma-informed training.

Government Evidence

Mr JAENSCH - *This leans strongly into the development of models of care for a number of different settings that come under DECYP's responsibilities and the commission of inquiry's purview as well, to ensure that there is common language, values and elements embedded in those, particularly as our young people move across our services and our systems. We don't want there to be confusion. We need them to know what to expect from the care they're going to get. We need it to be all up to date and contemporary, so that we have the ability to do case management and a smooth handover and transition as young people move through our systems. ...*

...

Ms WEBB - *.... Moving to that sort of model of care will cost more to deliver. Would that be a fair comment? Are we anticipating that and intending to invest in that?*

Mr JAENSCH - *I don't know if it's necessarily explicitly going to cost more to deliver, but it's about alignment and ensuring that we have a consistent approach across the board.*

Ms WEBB - *Even meeting point three of 9.18, doing a trauma assessment as part of a holistic assessment as every child enters, is more than we do now. Therefore, it will cost more to deliver on this recommendation, just from that.*

...

Mr BULLARD - *There are other streams that are attending to that as well. You're looking at a DECYP approach come up with a model of care, however there are Child and Adolescent Mental Health Service (CAMHS) reforms that are underway, there are the paediatric clinics and assessments for children in out of home care, there is the Sure Start initiative to provide specialised services for children and young people in out of home care. There is resource that is around and coming online. What we're doing at the moment is ensuring that we are talking to those other agencies, or even within our own agency, with youth justice, to ensure that we're aligning all of that work, and that there are really clear pathways and approaches so that the young person isn't bouncing between different approaches as they come into contact with different services. I think the guardian committee had a briefing from Brett McDermott the other day around CAMHS, that looks like a very positive reform, and some support for children in out-of-home care and on orders, that will pick some of this up, absolutely.*

Ms WEBB - *My question was about an expectation that we will be required to invest in delivering this outcome, and I'm not raising that because I think that's wrong. I think we absolutely should be. If you look at point two under this, it's also about requiring non-government out of home care providers, whom we expect to be the providers entirely after phase two, to be doing that. That is likely to be a higher level of investment required from the department to fund that in the non-government sector. I am just clarifying that that's a shared expectation that we have.*

Mr JAENSCH - It links to earlier discussions that we had about standards, training, and capability across the sector. I think there's truth in what you say. Whether it is a defined, separate item to invest in those things or if it's distributed across a range of other -

Ms WEBB - I wasn't speaking of it as a defined item, just that to deliver that in a holistic sense. If we're expecting NGOs to do that, we'll have to fund them to do it.

Mr JAENSCH - Yes.¹⁰⁹

Stakeholder Evidence

The FKAT submission noted the Change for Children strategy does not explicitly confirm that all foster and kinship carers are receiving formal trauma-informed training:

The Keeping Children Safe report outlines mandatory trauma-informed training for state employees and investigators and mentions the Care2Thrive pilot program to provide better family-based care options. The Change for Children strategy prioritises trauma informed approaches across multiple systems, including youth justice, child protection, and therapeutic responses to harmful sexual behaviours. However, it does not explicitly confirm that all foster and kinship carers are receiving formal trauma-informed training.¹¹⁰

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.

Phase 2 – 2026

Government Reported Status: In progress (DECYP)

Implementation Report (August 2024) extract:

¹⁰⁹ Mr Bullard and Minister Jaensch, *Transcript of Evidence*, 29 August 2024, pp. 45-47.

¹¹⁰ Foster and Kinship Carers Association of Tasmania, February 2025, *Submission #17*, p. 5.

In progress and on track for delivery in Phase 2 – currently recorded as an Out of Home Care priority area recommendation in Collaborating for Change.¹¹¹

Committee's Assessment

The Committee notes the Minister reports that a draft conduct and behaviour policy and draft general conduct standards for all workers have been developed, and a draft additional set of conduct standards for workers in child safety and out-of-home care settings has been commenced.

FKAT notes the new professional conduct policy does not make specific mention of how it applies to foster and kinship carers.

The Committee highlights the importance of professional conduct standards as key to ensuring accountability and child safety.

Government Evidence

Mr JAENSCH - *My advice is that the department has completed the development of a draft conduct and behaviour policy and a draft general conduct standards for all workers, and has commenced drafting an additional set of conduct standards for workers in child safety and out-of-home care settings.*

Consultation with subject-matter experts has commenced and I understand that this is on track to be delivered by the commission's suggested reform time frame.

CHAIR - *And that will be published?*

Mr JAENSCH - *I expect so. That would be publicly available, yes.* ¹¹²

Stakeholder Evidence

The FKAT submission noted the new professional conduct policy does not make specific mention of how it applies to foster and kinship carers:

The government is developing a new professional conduct policy for education staff and child safety workers, but there is no specific mention of how this applies to foster and kinship carers at this stage. The Change for Children strategy highlights strengthened professional conduct policies for government workers and community partners but does not confirm a specific policy for foster and kinship carers. ¹¹³

¹¹¹ Keeping Children Safe, Implementation Report, prepared for the Joint Sessional Committee on the Commission of Inquiry Recommendations, August 2024, p. 65.

¹¹² Mr Jaensch, *Transcript of Evidence*, 29 August 2024, p. 47.

¹¹³ Foster and Kinship Carers Association of Tasmania, February 2025, *Submission #17*, p. 6.

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.

Phase 3 – 2029

Government Reported Status: Phase 3 (DECYP)

Implementation Report extract: N/A

Committee's Assessment

The Committee notes this is a phase 3 recommendation, however sequencing of this recommendation in relation to other key recommendations in this area, for example the transition of OOHC to the NGO sector in phase 2, may benefit from reconsideration.

It is reported scoping for a carer register is underway. The Committee notes investment will be required to ensure existing foster and kinship carers are supported to undertake the training and meet the requirements of the registration system.

While the Department indicates it will consult with peak groups, FKAT's submission clearly states it has not been consulted on the development of a carer register.

FKAT indicates it has been advocating to the Government for over a decade to develop and coordinate a comprehensive Carers Register and expressed disappointment at the lack of consultations to date on this, and is concerned the timeline for its implementation is too far into the future.

TLA expressed a view that the process for becoming a carer or a guardian of a child or young person in the out of home care system is unclear, as are the training criteria, remuneration and processes for maintaining accreditation

Government Evidence

Mr JAENSCH - ...it requires legislative change, I understand, to establish it formally. That will be part of the review of the Children, Young Persons and Their Families Act, which will be proceeding in stages as well.

Scoping for the carer register is underway, looking at the different types of care arrangements and services that are provided across the sector for children and young people across government and non-government providers. Best practice approaches and learning from other jurisdictions are being considered in developing both the accreditation framework and the carers register. There is liaison underway with other jurisdictions to understand what their systems and processes are. That has the dual benefit of learning from their work and investment and being up to date with that, and also, if there is some interoperability or consistency nationally, it goes to the mobility of the carer workforce and the ability for us to refer with confidence across jurisdictions where we've got families and young people who are mobile.

CHAIR - Is it DECYP's responsibility to keep the register current? Whose responsibility is that?

Mr BULLARD - I think that will be dictated by design, which is where we are now. It's got to live somewhere, doesn't it?

CHAIR - It needs to be kept up to date.

Mr BULLARD - People are going to have to be registered on it and it's going to have to be kept up to date. Where that lives will need to be looked at moving forward.

Ms WHITE - I touched on this earlier, the fact that we don't have paid foster carers in most instances in the state. Obviously, these are a lot of requirements for people to meet. I'm in agreement with the

necessity to do that, but there is a cost associated, there is a time element associated with doing, particularly, some of the education and the training. How will people be supported to make sure they are compliant? Especially noting that the age of some kinship carers might make it difficult for them to do online courses, for instance. How will the department work with them to make sure they're not disadvantaged?

Mr JAENSCH - Thank you. No, you're right. There are supports for foster carers and other out-of-home care workers now. There are reviews, as we discussed earlier in this session, underway now to determine what's needed, what's adequate, and how it should be effectively resourced as well. That will continue as we adopt the changes that have been proposed through these recommendations.

Ms WHITE - In the work you do about that, who do you consult with? Who are the peak groups that you talk with?

Mr JAENSCH - I'll leave that to Ms Lovell.

Ms C LOVELL - Designing the out-of-home care system. Yes, one of the peak groups will be the newly expanded Centre for Excellence and the Foster and Kinship Carers Association of Tasmania (FKAT).

Ms WEBB - Just for clarity, this recommendation is a phase three, so it is not expected to have this register in place and up and running until potentially 2029. By that stage we know, because it is a phase two deliverable, we are looking to actually transition the carers to a non-government sector. Presumably, what we are talking about here is going to have to be facilitated through funding agreements with the non-government providers who will be then responsible for those carers.

... It will need to be, presumably, the department that holds the register and works with the funded providers to maintain the register. Is that a fair assumption to make? That would be the model?

Mr BULLARD - I think we need to look at who holds the register. I am not going to make any assumption. I am not saying we wouldn't, but we know there are a number of registers. You register with the teacher registration board, you register with RWVP, ... One of the things that we'll want to look at is that underlying principle about if you have one or more of those other registrations, what addition does this give you and where would it sit? If there is experience that we can gain from other jurisdictions about how they have managed it, we will be using that.

Mr JAENSCH - It should be noted as well that the Tasmanian government committed some years ago to the creation of a carers register as part of the child and youth safe organisation framework and outcomes from the Royal Commission into Institutional Responses to Child Sexual Abuse, so this is not a new concept.

...

Mr JAENSCH - It has been reflected again and it needs to also be viewed through the lens of how our new commission structure evolves and what some of the separations of roles are that emerge from that as well.

I think the expectation is that the registration applies to the individual carer rather than to say NGO managers of a group of clients under that, so it would come down to the individual regardless of whether they were working under a government- or NGO-managed structure.

Ms WEBB - Given that this has been in the mix for quite a while, we have already invested significantly into this space across that time, theoretically to develop pretty much this very thing. What has been the barrier to it coming to fruition already, before having to be a recommendation here?

Mr JAENSCH - One of the things that we are faced with is that there are waves of recommendations and reviews that we adopt components of, then they are doubled-down on by the next one, and we have to ensure alignment of what we have got with what the next one has recommended as well.

...

Ms WEBB - Okay well in terms of a register, my understanding is we have not had a register in this sort of idea even at a smaller scale than this, at any point.

Ms C LOVELL - No. At the moment the system doesn't include registration, it includes approval. All approved carers, we hold all their records in DECYP in our child-protection information system that was referred to earlier. That could be considered a register, but it is bringing in all of these components about the expectations of carers that will actually create a process of formal registration with some independent oversight and increased visibility.¹¹⁴

Stakeholder Evidence

The FKAT submission expressed concern regarding the lack of consultation with FKAT as peak body in relation to the Carer Register and that the carer register timeframe is too long to implement:

FKAT has been advocating to the government for over a decade to have a centralised system of carers for multifactorial reasons. FKAT has been lobbying to develop and coordinate a comprehensive Carers Register to ensure transparency, accountability, and consistency in the recruitment, screening, and ongoing support of foster and kinship carers. We are disappointed not only that we have not been included in any consultations to date on the development of the Carer Register, and the timeline for its implementation is too far into the future when this has been a live issue for the Department for over a decade.¹¹⁵

Tasmania Legal Aid expressed a view that the process for becoming a carer or a guardian of a child or young person in the out of home care system is unclear, as are the training criteria, remuneration and processes for maintaining accreditation:

These requirements are designed to ensure that carers and guardians remain suitable and qualified for the role, safeguarding the well-being of children and young people that they are responsible for, and should be publicly available, with a well understood accountability framework established.

Part of the accountability framework, as well as requirements for maintaining accreditation as a carer should in our view include training in trauma-informed practice.¹¹⁶

¹¹⁴ Mr Bullard and Minister Jaensch, *Transcript of Evidence*, 29 August 2024, pp. 47-49.

¹¹⁵ Foster and Kinship Carers Association of Tasmania, February 2025, *Submission #17*, p. 5.

¹¹⁶ Tasmania Legal Aid (TLA), February 2025, *Submission #4*, pp. 6-7.

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)).

Phase 3 – 2029

Government Reported Status: Phase 3 (DECYP)

Implementation Report extract: N/A

Committee's Assessment

The Committee notes this is a phase 3 recommendation and little detail was provided on its progress.

FKAT raised concern that information about third party guardianship support is not currently mentioned in key documents and strategies.

Government Evidence

***Mr BULLARD** - It fits in with the work that we're also doing around permanence and stability. Again, it's where can we find a permanent or stable placement for a young person, and often kinship care is the place for that. As you say it's off in the future to be delivered, but we are thinking about it now in terms of those care types and where is the most appropriate placement for you.¹¹⁷*

Stakeholder Evidence

The FKAT submission expressed concern that third party guardianship support is not mentioned:

No direct reference was found in either document regarding ongoing support for carers who transition to third-party guardianship.¹¹⁸

¹¹⁷ Mr Bullard and Mr Jaensch, *Transcript of Evidence*, 29 August 2024, pp. 49-50.

¹¹⁸ Foster and Kinship Carers Association of Tasmania, February 2025, *Submission #17*, p. 6.

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.

Phase 2 – 2026

Government Reported Status: In progress (DECYP)

Implementation Report (August 2024) extract:

In progress and on track for delivery in Phase 2 – currently recorded as an Out of Home Care priority area recommendation in Collaborating for Change.¹¹⁹

Committee's Assessment

The Committee notes information about progression of this recommendation is limited.

The FKAT submission noted the Keeping Children Safe report requires support for children in diverse cohorts and the Change for Children strategy highlights equity and inclusion, although specific plans for diverse placement matching remains unclear.

Government Evidence

CHAIR - *When you're surveying young people, I expect there are controls to ensure that you get the voice of children with disability, for example, children with mental illness and children from the LGBTQIA+ community. It's controlled to the point that you make sure you hear a variety of voices?*

Mr BULLARD - *That will be the intent. I think that one thing that has strengthened in terms of coming together as an agency is some of the experience from, for example, our support schools about how you would best engage with young people who have a disability, and the ways that you can communicate and get their views involved in decisions that impact them. It's a work underway. I think if you put that child-centric, children are truly engaged. Go back to the engagement and empowerment strategy - children are truly engaged in decisions that affect them. This will naturally come to the fore because there will be elements of them as individuals that need to be attended to.¹²⁰*

¹¹⁹ Keeping Children Safe, Implementation Report, prepared for the Joint Sessional Committee on the Commission of Inquiry Recommendations, August 2024, p. 65.

¹²⁰ Mr Bullard and Minister Jaensch, *Transcript of Evidence*, 29 August 2024, p. 50.

Stakeholder Evidence

The FKAT submission made the following comments regarding tailoring care for individual children:

The Keeping Children Safe report ensures culturally appropriate support for children in care, including those from Aboriginal, culturally diverse, LGBTQIA+, and disability communities.

The Change for Children strategy highlights equity and inclusion for these groups and emphasises Aboriginal partnerships and cultural safety commitments, albeit specific plans for diverse placement matching remain unclear.¹²¹

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.

Phase 2 – 2026

Government Reported Status: In progress (DECYP)

Implementation Report (August 2024) extract:

In progress and on track for delivery in Phase 2 – currently recorded as an Out of Home Care priority area recommendation in Collaborating for Change.¹²²

Committee's Assessment

The Committee notes the Department reports every child entering out-of-home care receives a holistic assessment through out-of-home care paediatric clinics and appropriate referrals, where necessary. Disability liaison officers are being recruited to assist with access to assessments related to disability.

The Committee is concerned that it is not clear the extent to which the department's claims of health assessments, both initial and subsequent regular assessments, are currently occurring in practice.

¹²¹ Foster and Kinship Carers Association of Tasmania, February 2025, *Submission #17*, p. 6.

¹²² Keeping Children Safe, Implementation Report, prepared for the Joint Sessional Committee on the Commission of Inquiry Recommendations, August 2024, p. 65.

Current data collection is not able to provide information on unmet health needs of children in the OOHHC system, for example the number of children that have an identified need to be assessed for NDIS support, but have not yet had that assessment.

Government Evidence

Mr JAENSCH - I'm advised that every child entering out-of-home care receives holistic assessment through out-of-home care paediatric clinics that are being expanded across the community. We're calling them kids' care clinics. They include behavioural health screening and making necessary referrals and recommendations regarding appropriate care and support for those children. We can unpack that a little bit more.

I understand that we've now recruited disability liaison officers in all regions to help young people access the assessments and assistance they need to manage issues related to their disability. The Sure Start inter-agency escalation process has been referred to by the secretary previously. I understand this is one that we're also intending to bring significantly forward from where the Commission was recommending.

Ms WEBB - It's phase two, 2026. I mean, it would be delightful if it could be implemented by 2026 because I think we're far short of this right now, minister. You mentioned the kids' care clinic. That's only in the south of the state, as is my understanding. The assessments that you said every child receives who comes into the system - can you just clarify that that was correct? Perhaps you'd like to correct the record that that's in the south.

Mr JAENSCH - I'm working from advice that I've been given, but those who know more about it can bring more information to the table.

Ms C LOVELL - It might be a terminology issue, I think. All children in out-of-home care for many years have been receiving services through the paediatric out-of-home care clinics. Those clinics are being expanded or adjusted to become kids' care clinics throughout the community, so children do receive those health assessments upon entering care and then at regular intervals through the period that they are in care.

Ms WEBB - Every child at regular intervals, and how regularly?

Ms C LOVELL - Yes, so every child has regular health assessments at - I am not sure what the interval is, but I believe that it is annually unless it is required more often, dependent on their need.

Ms WEBB - Do you collect data on that?

Ms C LOVELL - I believe so, yes.

Ms WEBB - Wow. Speaking to people who are carers in the system, that is wildly at odds with what is described to me - people at the table can speak up if they have personal experience to speak to - wildly at odds from what the reality is in terms of what the children they are caring for are receiving in terms of a health assessment. How would it be, if you are collecting data that tells you that every child in our out-of-home care system receives an annual check through a paediatric care clinic - if that is the data that we have and if people in the system felt that that was wildly incorrect -

Mr JAENSCH - I said initial, I think.

Ms WEBB - No, subsequent to you saying that, minister, I have just heard that theoretically, or according to data, we are getting annual checks through that system.

Ms C LOVELL - Every child certainly has that initial check, and then their referrals are made to attend to the identified needs there. It may be that only children who have ongoing needs for a paediatrician have those checks scheduled at the regular intervals. I might have to come back to you on that, but we do have data that we work with the Department of Health on those services. We also have liaison

officers in each region that facilitate access to the paediatric clinics at regular intervals for the children in out-of-home care.

Ms WEBB - Is there a mechanism whereby the carers in the system are asked to identify unmet need in these areas in terms of the health needs of the children they are caring for, and in that, I would also include the disability care needs of the children they are caring for - are they invited to or able to provide information about the unmet need there so that you would have a picture of what that was?

Ms C LOVELL - Yes, that is what care teams do. They look at the needs of children and young people across all domains, health being one of those domains. Any unmet needs and health goals would be determined there through that group and arrangements put in place to respond to that need or achieve that goal.

Ms WEBB - Would we know then, right now, for example, how many children in the system have a need to be assessed, say, for the NDIS, and they haven't yet had that been facilitated, and their carers would have identified that we need this to be done? Would we know what that number was, what that figure was, for example, through that system of collecting those needs through the care teams?

Ms C LOVELL - No, I don't think that we would have data on that without reviewing individual matters. We do have the new disability liaison officers at the moment though, who are supporting care teams to attend to that and make sure that children can access the NDIS or can access the assessments required to become NDIS participants, and then where they do have plans to support them to be able to make the most of the plan that they have to fully utilise it.

Ms WEBB - Does the initial assessment as they come in include assessment relating to whether they need to be referred to the NDIS?

Ms C LOVELL - Yes, it does identify disability needs; it does identify trauma needs and health needs.

Ms WEBB - If that was identified at the initial intake assessment of health, do we know for sure that there is follow-up to assist in accessing NDIS for the carers to be able to make that happen?

Ms C LOVELL - I believe there has been a gap there, and that that is why we have brought these disability liaisons on board to help navigate that and make sure that there are not delays and obstacles preventing children from accessing NDIS.

Ms ROSOL - I find this all very interesting. I know this Committee is not about my personal experience, but some of what you are saying does not match my personal experience, so I do have some questions. When did the initial assessments for all children coming into care commence? Has that been a recent thing? Was there a start date for that?

Ms C LOVELL - No, this goes back many years. The paediatric out-of-home care clinics have been in place for a long time.

Ms ROSOL - Do you have statistics on the number of children who are assessed in that? Because that doesn't match my experience, which goes back many years now, which is why I was curious about when there might be a start date.

Ms C LOVELL - I don't have that at the table with me today. We do collect some data on that. We work with the Department of Health in regard to reporting to do with kids care clinics and access to the paediatric out-of-home care clinics.

Ms ROSOL - How do you inform carers about the paediatric care clinics? This is something fairly recent that I've found out about and I've been a carer for over a decade now. How is that information passed on to carers? How do they know where they can go to get medical care for the children in their care?

Ms C LOVELL - The child safety service facilitate access to those clinics, so they would be liaising with the carer, because it's the carer that takes the child to the clinics in nearly every circumstance. Care teams would be the best way of a carer knowing what support is available to meet the child's individual health needs.

Ms WEBB - Do the care team have to meet for that to be identified.

Ms C LOVELL - Either meet or be networked. Otherwise, the child safety officer would provide that information. We do have the liaison roles that specialise in that who would also be providing advice.

Mr JAENSCH - That would also be information included in the carers handbook, wouldn't it?

Ms C LOVELL - And provided by staff in out-of-home care.

Ms WEBB - It's astonishing what a mismatch this discussion is to what I hear directly from people involved in the sector. That is a piece of feedback I'm putting to you.

Mr JAENSCH - I'm happy for you to refer those cases to us so that we can track through and see where there's been a disconnect, if there is one.

...

Mr BULLARD - Just a point of clarification, there are kids' care clinics across the state now.

Ms WEBB - There are, as from when?

Mr BULLARD - I haven't got that date, but that's the advice that we've got through.

Ms WEBB - That operate fully like the southern one has for some time?

Mr BULLARD - The advice that I've got is that there are kids care clinics now available across the state.

...

Mrs PENTLAND - What would the follow-up be for a child who has a holistic assessment and does not have anything that's identified as far as a need? What would be the follow-up for that child if there's nothing that's needed as a measure whilst they're in care to ensure there's no trauma that's happened whilst they're in care. Is there a follow-up assessment that happens for people that don't need it at all?

Ms C LOVELL - No, there is no formal follow-up that's triggered at a point in time. The follow-up would occur as observed. If the carer identified that there was an issue, that they're observing an issue and that there was a service needed, that is what would trigger a referral.

Mr JAENSCH - Or any care team member.

Ms C LOVELL - Or any other care team member, yes.

Mrs PENTLAND - If a child is in care for three years and they've had the holistic assessment done, you wouldn't have a follow-up for that child in that three years' time if they didn't identify a need at that first assessment?

Ms C LOVELL - Not generally, no.

Ms LOVELL MP - Can I clarify? I thought you said earlier that all children in care did get an annual health check.

Ms C LOVELL - Only if they have an identified need.

...

...

Ms WEBB - It's an interesting one, isn't it? Part of the reason to dig into it is if the picture that the department has now about the support and health care that is there and available is at odds with what is being experienced in the sector, then even if we get to a point where the department ticks off that, 'Yes, we have done this', how can we have confidence that that will be the reality that is being experienced out there amongst the carers?

Mr JAENSCH - Point made, but if there are cases that you can direct us to of where that appears not to be the case, it will help us to understand where there may have been a deficiency. Overarching that, in the context of this discussion, the government is committed to delivering the recommendation in full, as it was presented by the commission. That is the outcome that we have committed to and we will deliver it. How far that is from what is being delivered right now is a matter for the department to work through and to ensure that we are meeting the recommendations.

Ms WEBB - These are not issues that the department has ever heard from the representative organisations for carers in the sector?

Mr JAENSCH - Is that a question?

Ms WEBB - Yes. Have you not had these issues raised about the adequacy of health support that is available or about the adequacy of the assessments available? Has that never been raised by the organisations that represent carers?

Mr JAENSCH - I do not know if that is a question that the department would be able to answer definitively - 'Has there never been anything?' - I am sure that in our conversations with carers over the years, there would be a range of matters identified from time to time. I do not know if any carer themselves has specifically asked for the things that the commission has recommended, but they are what we have committed to delivering.¹²³

¹²³ Mr Bullard and Minister Jaensch, *Transcript of Evidence*, 29 August 2024, pp. 50-55.

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.

Phase 2 – 2026

Government Reported Status: In progress (MHW)

Implementation Report (August 2024) extract:

In progress and on track for delivery in Phase 2 – currently recorded as an Out of Home Care priority area recommendation in Collaborating for Change.¹²⁴

Committee's Assessment

The Committee notes funding allocated in the State Budget to deliver on this recommendation.

Within Child and Youth Mental Health Services a specialist consultant psychiatrist has been employed to start working with out-of-home care children. Recruitment for the Children and Youth Mental Health Services working specifically with out-of-home care is planned to be 40 FTE at the end of the 2026-27 financial year.

To meet the workforce challenge of recruiting staff to these roles, the Department states it continues to innovate the way recruitment programs are packaged and promoted and incentivised, including building the reputation of its services.

The current process to access the out-of-home care Child and Youth Mental Health Service is either via a referral from a GP or health service provider, a self-referral or via a multi-agency panel.

The Committee notes with concern, it appears not all current foster and kinship carers have been provided with information and contact details for the out-of-home care Child and Youth Mental Health Service.

The Department reports children and young people in OOHC are provided with information and contact details for the out-of-home care Child and Youth Mental Health Service only on an individualised basis or as part of the transition to independence process.

The Committee considers it essential as standard practice that all carers and children and young people in OOHC (at an appropriate age) are provided with information and contact details for OOHC mental health services.

Laurel House identified the need for more comprehensive mapping of how referrals are made for children in out of home care and in AYDC who have experienced CSA, and how their services work

alongside other specialist trauma and mental health services, noting that there has not yet been any consultation on this.

Government Evidence

Mr JAENSCH - ...in relation to Recommendation 9.24, funding allocated is \$11.6 million over the next four years. That was in the Budget Papers, to support the implementation of this. It's spread out across the Forward Estimates \$298,000 in this financial year, and climbing to a bit over \$4 million in 2027-28 at the other end.

CHAIR - I'm interested in what the particular deliverables are for the funding - this increase in funding - to meet the recommendation.

...

Mr WEBSTER - The CYMHS reforms - Child and Youth Mental Health reforms - that have been underway now for four years, one of the programs identified in those reforms was the fact that we weren't providing sufficient services to out-of-home care. So, we've started a program within CYMHS and we've employed specialist consultant psychiatrists in the space to start working with out-of-home care kids. In 2024-25, the current financial year, we're revisiting that program and aligning it with changes that are happening in out-of-home care programs, which are also being reviewed and updated post-commission of inquiry.

If you like, there's a review period in this financial year. Then, in the out years, it's building the out-of-home care team to match the needs across the state of out-of-home care kids, with the intent, as the reforms were intended, is that any child that has trauma has some level of access to CYMHS services. We've clearly identified out-of-home care as children that could possibly be in trauma. In fact, there's almost an underlying assumption that they will be, hence we need to build the services to actually match the need for that area.

In a sense, we're four years ahead of the commission of inquiry in that we actually started our out-of-home care reform program as soon as it was funded, approximately four years ago now.

CHAIR - ... Can you give us the staffing numbers prior to the introduction of these measures, and what the current levels are, and then over the next two to three years, as to the actual staffing numbers? ...

...

Prof McDERMOTT - Well, probably 2022, 2023, there was no child and youth mental health out-of-care service, and the model was built based on its then-finances and had no capacity to provide service to this group.

In the first round of the reforms, this had increased to approximately 12 FTEs.

CHAIR - In what year was that?

Prof McDERMOTT - That was 2023-24 funding and recruiting to that at the moment. So of that, we approximately have six people at the moment.

Ms WEBB - Is that six FTEs?

Prof McDERMOTT - Six FTEs, thank you. By the end of this financial year, we are aiming to have 12 and these FTE, the 28 just mentioned, are over and above that.

...

Ms LOVELL - So at the end of the 2026-27 financial year, the aim is to have 40 FTE, specifically children and youth mental health services working within out-of-home care?

Mr WEBSTER - Yes.

...

CHAIR - Can we go back to the skills of the people who have been and are being employed?

Prof McDERMOTT - Chair, the skills reflect the new model of care. The new model of care is intensive, up to two to three times per week. In the past you might have been seen once a fortnight; so it's intensive and it's much greater duration. In the past you might get six weeks of care. I am extremely comfortable with people getting one to two years of care and it's a much greater role in terms of intersectoral collaboration with our forensic team, our future inpatient day program with department of Education.

These people clearly need to have core child and adolescent mental health skills. We need a group who have more seniority because these people, these consumers, generally have more complex needs. We need people with probably greater parent effectiveness and caregiver effectiveness skills because you can't just intervene with the young person, you will intervene with their system and you need to help their parents.

...

CHAIR - ... Where are they geographically located? If they're doing outreach to the child and the family, where are they?

Prof McDERMOTT - Our general model is a population-based model: 50 per cent south, 25 per cent north-west, and 25 per cent north. That's as a generalisation. There is generally somewhat of a loading to the north-west ...

...

Ms WEBB - ... As you said, the challenge here is going to be recruiting appropriately trained, qualified and experienced staff. It sounds like the funding that was available for 2023-24, which we're well out of, was for 12 FTE. You've only recruited six. Does that already indicate that we're struggling to meet the goals here for workforce? If that's so, realistically looking ahead at adding another 28 plus the six we're behind on already, seems ambitious.

Are we offering, minister, particular sorts of inducements to have people come to the state for these particular roles? Are we recruiting out of the NGO sector actually, and perhaps depleting the workforce there in certain areas? It's particularly sensitive in the north-west, that often when government goes into recruit new positions within government, it pulls wonderful people out of the NGO sector and leaves them a bit bereft.

Mr JAENSCH - Thank you. You would have seen across out-of-home care as well as in our health system, we continue to innovate the way we package and promote and incentivise our recruitment programs to overcome some staffing challenges that are being felt right around the country at the moment. We'll continue to do that to ensure that we're competitive in the market.

One of the things that I was briefed on when I first arrived in the portfolio is that possibly the key strategy that the department, before my time, has engaged to ensure that we can attract quality

people is sitting at the table here in the form of Professor McDermott himself. His reputation, the body of other work and experience that he brings and the reforms that are underway here are known nationally as part of a practice that people are going to want to be part of. There's an attraction for people to come and work here under his leadership as well to be part of a very innovative program of reform, particularly for mental health concerning young people.

Mr WEBSTER - The minister's right. We needed to build reputation for our services. CYMHS is one of those areas where we went about rebuilding the reputation of the service. It was a brand new model of care for Tasmania that we've built over the last few years and that's starting to have effect on attracting people.

The other important role that we identified - in fact, Brett identified early in his tenure - was we needed a chair of psychiatry at University of Tasmania. We've worked with the university to bring in David Castle to be the chair of psychiatry there so that we can lift the reputation of the medical school in psychiatry. Also, that's allowed us to create a centre for mental health service innovation at the university with David and Brett as co-directors of that. That's a collaboration.

All of that is about growing workforce and growing innovation within mental health services, including CYMHS, so there's that part of it. I should point out the reason for the upscaling of the budget is acknowledgement of we wouldn't get the recruitment, so why would we get the money early? We've actually said very clearly to Treasury, we need to scale-up the money to match our ability to recruit rather than give us all the money and then not be able to spend it in those first couple of years. There is a scale up in the Budget which reflects our need to recruit and the fact that it takes a while.

The other thing I'd say in terms of attracting people is that within mental health services, because of the amount of reform across all areas of mental health services, we have our own workforce development unit. Part of their role is attracting international medical graduates, international nursing graduates and allied health graduates, I should add as well, but also looking at innovative ways such as, as Ruth would know, mental health nursing is a postgraduate qualification. So we're doing things like bringing in graduate nurses and actually putting them through the postgraduate while they're working for us. ...

...

Ms O'CONNOR - We've heard a lot of 'will': that things 'will' happen and change is coming. Given that the stated intent is that any child with trauma in out-of-home care has some level of access to services, when will that intent be fulfilled?

Mr WEBSTER - The reform agenda that we set had three major stages. The first two of them were fully funded from 2022-23, so they're already rolling out. The third stage actually matches to the commission of inquiry (COI) recommendations in that the CYMHS inpatient unit extending [to] out-of-home care so it's fully comprehensive, as well as extending our youth forensic mental health.

I have to emphasise that the recommendations of the COI in this space actually match to reforms that were already underway. It's an ability to supercharge them, if you like. In terms of having that, obviously, the word is giving access to them. We would be confident with once we open the 12-bed unit, then we're probably getting to the point where we can actually say, 'Let's look at what's the next step', if you like, because I don't think we'll ever stop needing to move forward in this space with models of care to match to current need and things like that.

Our aim is to deliver the services to, every kid with trauma can get access. Then once we've actually got all the built environment as well as service environment in place, we'd probably give that a tick. I don't think we can stop there, is what I'm trying to say. The answer is never, in a sense. But being able to say we've got the services we've designed in place and now we've got to grow the awareness, we've

got to re-adapt the models and things like that. It's almost an aspiration that we'll never achieve, but we will continue to build towards.

...

Prof McDERMOTT - ... *I think children in out-of-home care are, as of today, getting much more services than they were in the last two or three decades. I can give you some practical examples.*

...

Prof McDERMOTT - *A practical example is that when I arrived in Tasmania, in the south, we had one child psychiatrist in public service. We now have eight.*

...

Prof McDERMOTT - *In the last 18 months we've employed 75 CYMHS staff, overwhelmingly clinical. ... another practical example is I was on multi-disciplinary team meetings on the north-west with three practitioners, and over the last month I've been on those meetings with 12 or 13 CYMHS practitioners. So, our capacity in our current reform is possibly not exponentially but has a major increase. Most of those patients, because of need, are complex care patients, many of those out-of-home care.*

...

Ms O'CONNOR - ... *What I was looking for was timelines for when the aspiration might be achieved. But if we take on board what the secretary said, it may never be achieved. Is that a resourcing issue, or is that because the need will always be great?*

Mr JAENSCH - *My understanding of what the secretary said is: are we ever going to draw a line that says enough care, or everyone's fixed, or there are no new complexities emerging in our population? I don't think that's ever going to happen.*

...

Mr WEBSTER - *But if the question is, 'If that's the aspiration of the current reforms, what is the timeline?', then we're on a timeline to have everything that we've set out to roll out by 2029.*

...

Ms ROSOL - *I have a question on how the six FTEs currently in place and how those services are accessed. What are the pathways into those services at the moment for children in care? Given we've agreed that pretty much every child in care will have some kind of trauma that needs support, care and therapy, how are you triaging those services at the moment, and in going forward?*

Prof McDERMOTT - *Through you, minister, at the moment, the recruitment strategy is to recruit senior people, team leaders and clinical leads. Those people are then giving us more capacity to recruit others. At the moment there is a relative emphasis on people in leadership positions. We anticipate that, again, over the next 12 months most of those clinicians will be employed. The service is strongly integrated with CAMHS. There is now a statewide CAMHS referral line. Anyone can ring that. If you're an out-of-home care consumer, you'll go straight to that team.*

We are also reforming our assessment structures. In the past there have been very lengthy assessments. In fact, some people had five hours of assessment, which, in my view, is incredibly inefficient. We are now having an internationally-benchmarked assessment where on the mainland and New Zealand, and other places, it has eliminated waiting lists for CAHMS. You can get an

assessment that is one hour through two clinicians and that can be presented to a child psychiatrist. We hope the overall system will be incredibly more efficient, no waiting lists and out-of-home care people will be identified easily and quickly and sent directly to their team.

...

Prof McDERMOTT - Just to qualify that, I don't have the documentation in front of me, but the pathways will be more complicated in out-of-home care. There will be, also, a panel where child safety police - mental health people - will be on a panel to quickly stream people into that service. A GP or a consumer can self-refer or there'll be a panel which can get you also in that way as well.

...

Ms WEBB - So they have to apply to the panel?

Prof McDERMOTT - No, there are two paths. You can ring a referral line or if there is someone in particular need, their service can send them to a panel and that can streamline the process.

Ms WEBB - That service being any health service they're accessing?

Prof McDERMOTT - Yes.

...

Ms WEBB - ...The foster carers, for example, across the state who are caring for children who, as Cecily quite rightly said, and you've said as well, minister, are highly likely to be in need of these services, most of them, how would they know right now how to access support for the children in their care? Have you communicated with them directly and provided all of them, consistently, with information about this service and how it's evolving and growing?

Mr JAENSCH - Those primary carers are absolutely central to the child's wellbeing and them being loved and safe and having their domains of wellbeing met as the recipients of that care. But those carers aren't alone in the management of the case and the care of that young person. There is a range of people who are important to that child's life, stage of life and their particular needs. ...

Mr JAENSCH - ... all children in out-of-home care have a team of people around them who are there to understand the child's needs and ensure they're connected. The foster carer, I'm saying, doesn't need to be the one who knows all the links. They know the child. The child's needs and wellbeing are met through a team of people who are well networked into all these services and pathways.

Ms WEBB - I'm asking about communication with the foster carers, minister. If I'm a foster carer out there in the community, have you told me how to access these services if I feel the child in my care requires specialist therapy for their trauma? Do I know how to access that? The question is about communication. What communication has occurred?

Mr WEBSTER - It's important that the two systems integrate, which is why we're working to make sure that we are fully integrated. As part of that, as the minister said, part of the team that supports the foster care, we're making sure that we're talking to the team within DECYP that can pass on that information.

Do we actually communicate direct to the foster carers? Probably the answer is 'no' at this point, but as we integrate our systems - we're both changing our systems and model of care at the moment - that's how we need to build those sorts of things into it. What we're saying is, the commission of inquiry said and in fact the reform report said we've got a flawed system, so we're

actually rebuilding. The idea of it is to make sure we're integrated so there isn't a gap the foster carer has to find out about the health service. It's actually part of what they're told about in terms of the support services that are available.

Ms O'CONNOR - The question is right now if a foster carer felt a child needed specialist support or intervention of some sort, for example, do all caregivers, foster carers know what the CAHMS referral line number is?

Mr JAENSCH - If they don't, I think their primary contact would be the child safety worker who has carriage of case management of a young person.

...

Ms O'CONNOR - I'm curious to know, because you would think it was a basic thing, there's almost a kit that would be provided to caregivers formal or informal, and one part of that would be 'here are the numbers to call should you or the child in your care need some support'.

Mr JAENSCH - There are handbooks for the carers, yes. Professor McDermott?

Prof McDERMOTT - In my view, there's nothing worse than not meeting someone's expectations and we are managing that. As we increase our capacity, we will be much more broadly advertising these services. At the moment I would advise caregivers and foster parents to go through their typical lines and talk to their child safety/child protection workers because at the moment our capacity is emerging.

Ms O'CONNOR - So if someone knows what the statewide CAHMS referral line number is now and they bypass their caseworker in child safety, what happens? What's the response? How is that as, back to Cecily's question, it's a triage issue partly as well.

Mr JAENSCH - My hope would be, and I'll ask professor to respond in terms of practice as he sees it, that the system should know the child and so there should be a feedback so that there's no wrong door into these services for children. The whole idea of aligning models of care and networking services is that child is known by everyone involved with their care.

Prof McDERMOTT - Another reform, in the last 12 months we've had two child mental health professionals manning that helpline and so they would be answered by a clinician and they would be triaged, irrespective of their background.

...

Ms LOVELL MP - ... What about information directly to young people in out-of-home care? Are they given this information about where they can contact services directly themselves?

Mr JAENSCH - It is very important that children and young people, wherever possible, have the opportunity to have their voice heard in decision-making that affects their lives. That's a fundamental principle. It's embedded in our approach to models of care these days. Not all children, given the age range we deal with, will have capacity to do that. Again, it's an approach that we're trying to foster that young people have agency and their ability to access services they need as well.

Ms LOVELL MP - My question specifically is, what steps are taken to make sure that those young people know where they can turn for help if they need these services - what numbers they can call, that sort of thing.

Mr JAENSCH - I think it would be a similar answer to that regarding how their closest to carer can access that. There's information available to them. There is a care team approach they participate in. I would say for most of those children, particularly younger ones, it would be by asking the trusted adults around them who are involved in their care, their foster carer, their caseworkers.

Ms LOVELL MP - When young people are coming into care, particularly older children, because there are a number of older children who might not feel comfortable going to their carer, are they given an information kit or something where they are directly given numbers for these sorts of support services? Healthcare, mental healthcare, anything, but mental health care specifically.

...

Ms LOVELL MP - The question was fairly specific. Are young people in care given the information about how they can directly contact Child and Youth Mental Health Services themselves?

Ms C LOVELL - The point that children and young people would receive that would be where they're doing their transition to independence work. As adolescents, they would be provided that directly. Most children and young people enter care as very young children, rather than adolescents, so that wouldn't be suitable information for us to provide directly to a child upon entering care. As they do become older, they are provided with that information on an individual basis. But there is no point where we hand out a package that tells them that. It tends to be on an individualised basis, through their care team and directly through their child safety officer.¹²⁵

Stakeholder Evidence

According to the Laurel House submission:

*We note that the Commission of Inquiry report references the work of the Australian Childhood Foundation, the Child and Adolescent Mental Health Service and private psychologists and psychiatrists in relation to this recommendation. As a specialist sexual violence service that provides specialist trauma counselling for child sexual abuse and with projects focused on disability, we believe there is a need to undertake a more comprehensive mapping of how referrals are made for children in out of home care and in AYDC who have experienced CSA, and how our services work alongside other specialist trauma and mental health services. To date we have had no discussions with government about Laurel House's perspective or role.*¹²⁶

¹²⁵ Minister Jaensch, Professor McDermott, Claire Lovell, Transcript of Evidence, 14 November 2024, pp. 3-18.

¹²⁶ Laurel House, February 2025, *Submission #15*, p. 36.

Recommendation 9.25

The Department for Education, Children and Young People 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).

Phase 2 – 2026

Government Reported Status: In progress (DECYP)

Implementation Report (August 2024) extract:

In progress and on track for delivery in Phase 2 – currently recorded as an Out of Home Care priority area recommendation in Collaborating for Change.¹²⁷

Committee's Assessment

The Committee notes the Department is piloting a new foster care model, Care to Thrive, and has a permanency and stability policy.

FKAT expressed concern about the placement matching improvements and sought assurance that placement matching criteria are based on comprehensive assessments of children's needs, backgrounds, and carer capacity, and that carers receive adequate support when placements experience instability.

Laurel House raised concerns there have been examples of carers not being provided with critical information on the history of abuse in relation to a child in their care.

Laurel House experience challenges obtaining information from child safety services in instances where children have been referred to Laurel House.

Government Evidence

Mr JAENSCH - *On a couple of occasions today, the secretary has referred to the Care to Thrive pilot, which has been trialling a new, more intensive or professionalised foster care model. As we discussed previously, the aim of this is to prevent there being young people rattling around in the system with a succession of failed placements where they've got more challenging behaviours.*

We have also touched on, in the context of guardianship, the permanency and stability policy, which aims to ensure that we do not treat out-of-home care as a holding place for young people, where our aim is to get them into a permanent, loving home arrangement, whether that is through reunification

¹²⁷ Keeping Children Safe, Implementation Report, prepared for the Joint Sessional Committee on the Commission of Inquiry Recommendations, August 2024, p. 66.

*with their natural family or with kin or with other carers who can offer a forever placement for them.*¹²⁸

Stakeholder Evidence

The FKAT submission expressed concern the placement matching improvements are not well defined:

The government has acknowledged placement stability as a concern and has started a media campaign to recruit more foster carers, however there are no details provided in relation to placement matching improvements or support services for carers dealing with disruptions.

The Change for Children strategy includes a focus on placement stability within the Out of- Home Care Priority Area but does not specify improvements in the carer-child matching process.

5. Prioritising Placement Matching and Stability (Rec 9.25)

Frequent placement breakdowns cause significant distress for children and carers, highlighting the need for a robust and trauma-informed placement matching system. We seek assurance that:

- Placement matching criteria are based on comprehensive assessments of children's needs, backgrounds, and carer capacity.*
- Carers receive adequate support when placements experience instability, including access to professional therapeutic intervention services.*¹²⁹

According to the Laurel House submission:

We are aware of a number of relatively [sic] circumstances where carers have not been provided with sufficient information about a child in care's history of abuse and their specific needs in relation to this. This has been particularly troubling where details related to sibling sexual abuse has not been shared with foster carers in circumstances where siblings continue to have contact with each other.

*We also continue to on occasions experience challenges with getting information from Child Safety about the child's history of abuse where the child has been referred to Laurel House.*¹³⁰

¹²⁸ Mr Bullard and Minister Jaensch, *Transcript of Evidence*, 29 August 2024, p. 55.

¹²⁹ Foster and Kinship Carers Association of Tasmania, February 2025, *Submission #17*, p. 8.

¹³⁰ Laurel House, February 2025, *Submission #15*, pp. 36-37.

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.

Phase 2 – 2026

Government Reported Status: In progress (DECYP)

Implementation Report (August 2024) extract:

In progress and on track for delivery in Phase 2 – currently recorded as an Out of Home Care priority area recommendation in Collaborating for Change.¹³¹

Committee's Assessment

The Committee notes the Minister and Department report working on initiatives such as Sure Start and the Youth Voice Survey, however these initiatives are not directly relevant to the development of individual care plans and decisions affecting care.

The Committee notes the lack of information about progression of this recommendation.

FKAT noted that while care plans are critical to children receiving tailored support and are in the process of being reviewed, there is no confirmation that all children in OOHC have an individualised care plan.

Laurel House raised concerns that reforms in this area are not moving quickly enough to protect the most vulnerable of children, and there is a failure to listen to the advice of specialists who know children, their families and understand the dynamics of child sexual abuse.

Government Evidence

Mr JAENSCH - We have had various conversations about care plans. We have talked about the Youth Voice survey and the Sure Start escalation process.¹³²

Stakeholder Evidence

Tasmania Legal Aid strongly supports a model where each child in OOHC is involved in developing their care plan and any changes to it, throughout the time they are in out of home care:

Every child has a right to participate in decision-making processes that affect them as it has a significant bearing on whether that child feels understood, valued and believed. Article 12 of the UN Convention on the Rights of the Child provides that children have the right to say what they think

¹³¹ Keeping Children Safe, Implementation Report, prepared for the Joint Sessional Committee on the Commission of Inquiry Recommendations, August 2024, p. 66.

¹³²¹³² Mr Bullard and Mr Jaensch, *Transcript of Evidence*, 29 August 2024, pp. 55-56.

*should happen when adults are making decisions that affect them and to have their opinions taken into account. For a child in out of home care, this provides them with some ownership over their life, and any decision that needs to be made in their best interests is more likely to be accepted by the child if they feel heard, even when the ultimate decision that is made might not be the one that they indicated they wanted.*¹³³

The FKAT submission noted that while care plans are critical to children receiving tailored support and are in the process of being reviewed, there is no confirmation that all children in OOHC have an individualised care plan addressing their developmental, educational, cultural and emotional needs:

*The government has committed to a more child-centered approach with its “Feel Safe. Are Safe.” practice model, albeit there is no explicit confirmation that all children in OOHC have individualised care plans addressing specific risks like sexual abuse and exploitation. The Change for Children strategy highlights the implementation of trauma-informed case management however, does not confirm that all children in OOHC currently have individualized care plans.*¹³⁴

According to the Laurel House submission:

We are concerned that reforms in this area are not moving quickly enough to protect the most vulnerable of children, and that the advice of specialists who know children, their families and understand the dynamics of child sexual abuse are not being listened to.

*We note a recent situation where despite advice from school social worker and other service providers, including Laurel House, a child who was in care was returned to a family member where there was a risk of harm, and subsequently an allegation of abuse about that family member was received and investigated. It seemed in this instance that there was insufficient care planning and a failure in assessing risk which ultimately led to the young person being subjected to further abuse.*¹³⁵

¹³³ Tasmania Legal Aid (TLA), February 2025, *Submission #4*, p. 7.

¹³⁴ Foster and Kinship Carers Association of Tasmania (FKAT), February 2025, *Submission #17*, p. 8.

¹³⁵ Laurel House, February 2025, *Submission #15*, pp. 37-38.

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.

Phase 3 – 2029

Government Reported Status: Phase 3 (DECYP)

Implementation Report extract: N/A

Committee's Assessment

The Committee notes this is a phase 3 recommendation, and is connected to the implementation of other phase 3 recommendations.

The Government reported child safety staff currently do attend court when a child or young person in out-of-home care is required to appear in the Magistrates Court youth justice division.

An intensive case management team approach is in place for children and young people both on orders and who are not on orders but have very complex needs and where the child safety service being involved alongside other services will help to meet those needs, such as transition and exit planning in the youth justice system.

Government Evidence

Mr JAENSCH - ... The advice I have is that child safety staff do attend court when a child or young person in out-of-home care is required to appear in the Magistrates Court youth justice division. There are also reforms being made to ensure that the child safety and youth justice components of the department are working together on consistent care team approaches for young people who are

moving across our different systems. That is very much the ethos of that consistent underlying model of care and the DECYP joined-up approach.

The other thing that I wanted to reference in this one is in regard to the reform timeframes. This is one where we've had to navigate carefully. The recommendation itself refers to the new specialist children's division of the Magistrates Court, which, in itself, is a phase three delivery but is embedded in this one, which has a phase two delivery. As I understand it, apart from that section, substantially we've committed to the delivery of the components of it ... -

...

Mr JAENSCH - *We need to acknowledge that there is a bit of an accounting issue there with the timeframes for that element.*

Mrs PETRUSMA - *Minister, in regard to that, have there already been improvements for children on orders who become involved in the youth justice system?*

Mr JAENSCH - *Yes, that is as I understand it. There is a more joined-up case of care team approach working across the two services, also an intensive case management service that's provided both for children on orders and those who are not on orders, but don't have an effective guardian in their life.*

Mrs PETRUSMA - *That's current? That's what's happening now?*

...

Ms C LOVELL - *That's right. That's the intensive case management team for children and young people both on orders and who are not on orders but have very complex needs and where the child safety service being involved alongside other services will help to meet those needs.*

Mr JAENSCH - *That will include things like transition and exit planning and that notion of through-care emerging there. There are teams of people and case management that extends across the services but also their pre-entry, their time in detention and where they go to next so it's not a cold exit, if you like, from the service.*

Mrs PETRUSMA - *What is your expectation? What sort of improvement do you see that that, holistically, is going to lead to? More kids exiting and not coming back in?*

Mr JAENSCH - *..., as we progress through these reforms, ultimately and potentially sentencing options that include phases of stepdown back into community with supports intact around those young people so they've got a chance of making that transition successfully. A bit in the same way as we were talking about with young people leaving out-of-home care. For different young people, their capabilities to fend for themselves or find their own way after a period in detention will vary greatly and a whole therapeutic approach is designed to wrap around them and ensure it is successful at each stage.*

Ms WEBB - *Would it be fair to say that we wouldn't expect to see a young person in the youth justice system who is also under orders who ends up on remand in Ashley for the reason of not having somewhere else to be cared for and at home?*

....

Mr JAENSCH - *And this is where the intensive case management approach comes in.*

...

Ms C LOVELL - *For the majority of children in out-of-home care, they do have an approved placement. It's seldom that we don't have a placement for a child. When that happens, it's for a short period of time and, in nearly every case, it's because the young person's behaviour is so violent that it places the*

carers and any other children and young people in that care environment at risk. Often, the incident which has catalysed a young person being before a court, that situation has occurred.

It can be very challenging in some of those circumstances to be able to produce an alternative placement immediately, because of the risk that young person is posing to the community. The magistrate will make a decision to place them on remand, not so much because they're without a home but because they are so escalated at that time that there is no place where they could safely live where they're not going to be a risk to themselves or others.

Ms WEBB - *We're not providing them with a place that's safe to live.*

Ms C LOVELL - *What can become challenging is when they are on remand and we do need to establish a care arrangement for them, and that's what this intensive case management team has been put together to do - has been established to do. We don't want to say that there is nothing in the system. We actually need to actively create something in the system that's bespoke and meets their individual needs.*

Ms WEBB - *Is that a new development in the intensive case management team and, if so, when was that established?*

Ms C LOVELL - *Yes, that was established last year. We appointed a youth practice manager in DECYP to coordinate that process.*

Mr BULLARD - *There was a recognition that young people exiting Ashley were being expected to turn up in the other services and that was the education services, as well as the child safety services, and that was not happening. Therefore, there was bounce back into Ashley. This was the expectation of me as the guardian, is that every young person has a well-developed plan about where they are going to live, where they are going to access some kind of learning, and what other supports they are going to have.*

The other thing we have done there is that we have allowed that team to be quite creative in the way that they come up with those pathways. For example, I know that we have worked with kin and looked at what supports they would need to be able to support the young person to live with them rather than just say, 'We would not pay for that and you are not on this and you,' et cetera. That now sits as an expectation that the plan is in place well before you are exiting.

Are you going to get stability in every one of those instances? No, but I think we are showing that we have a better chance.

Ms WEBB - *Does it work out into the community services space as well, knowing that those services in that space are going to be encountering these kids and providing support to them often, too? The SYP or the TYSS? In a formal sense or is it just a case-by-case?*

Mr BULLARD - *They are part of the plan.*

Ms C LOVELL - *Yes, so where they do have a worker from TYSS, SYP or JCP youth, they are involved in that care team and support the strategies that are needed for the young person to exit detention and remain out of detention.*¹³⁶

¹³⁶ Mr Bullard, Minister Jaensch and Ms Lovell, *Transcript of Evidence*, 29 August 2024, pp. 57-60.

Harmful sexual behaviour

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.

Phase 2 – 2026

Government Reported Status: In progress (DECYP)

Implementation Report (August 2024) extract:

In progress and on track for delivery in Phase 2 – currently recorded as a Harmful Sexual Behaviour priority area recommendation in Collaborating for Change.¹³⁷

¹³⁷ Keeping Children Safe, Implementation Report, prepared for the Joint Sessional Committee on the Commission of Inquiry Recommendations, August 2024, p. 66.

Committee's Assessment

The Committee notes the creation of the Harmful Sexual Behaviours Support Unit within DECYP has commenced, and the Government expected it to be achieved by the phase 2 deadline of 2026.

Laurel House raised concerns that it has not been sufficiently consulted or included in the planning or development of this unit despite having expertise and extensive experience in delivering HSB programs.

Government Evidence

Mr JAENSCH - ... the department has commenced working with relevant business units, including student support in the department itself, the Office of Safeguarding Children and Young People, services for children and families, out of home care and youth justice to commence creation of the harmful sexual behaviours support unit within the department, as recommended by the commission.

...

Mr BULLARD - We have really solid bones for the unit. Over the past two or more years, we have built the capacity in our student support service, the student supports in the education side of the business, to have a specific expertise around harmful sexual behaviours and then run, for example, through our nursing service, psychs and social workers, our specific training and professional learning.

That is well underway; the next step is how you bring some of that resource and expertise centrally so that it is available and accessible by all of the agency. This one is also contingent on establishing the chief practitioner because in the recommendations they would be reporting to the chief practitioner.¹³⁸

Stakeholder Evidence

According to the Laurel House submission:

Laurel House acknowledges the importance of establishing a Harmful Sexual Behaviours (HSB) Support Unit as outlined in the recommendation. We believe this initiative has the potential to drive significant improvements in the prevention, identification, and response to harmful sexual behaviours across critical sectors such as education, child safety, out of home care (OOHC), and youth detention. However, we wish to raise several considerations to ensure its success and effectiveness.

Firstly, while we recognise the intent to create a unit informed by best practice, we are concerned that Laurel House, despite our expertise and extensive experience in delivering HSB programs, has not been sufficiently consulted or included in the planning or development of these efforts. As an organisation working directly with children, young people, and families affected by harmful sexual behaviours, our insights could contribute significantly to shaping the policies, protocols, and guidance this unit will develop. We strongly advocate for our inclusion in these processes to ensure they are informed by lived experiences and grounded in evidence-based therapeutic practices.

We also emphasise the need for staff within the Harmful Sexual Behaviours Support Unit to possess specific qualifications and expertise. This should include advanced training in trauma-informed practices, therapeutic responses to HSB, and a deep understanding of the systemic and individual factors (e.g. a comprehensive knowledge of autism and ADHD) that can contribute to these behaviours. Staff should also demonstrate experience in working collaboratively with organisations like ours, ensuring alignment between policy development and on-the-ground practice.

¹³⁸ Mr Bullard and Minister Jaensch, *Transcript of Evidence*, 29 August 2024, pp. 60-61.

As previously mentioned, we have received feedback from OOHC providers highlighting the lack of funding to access critical programs such as Power to Kids. These programs, which address heightened risks of harmful sexual behaviours in OOHC settings, are essential for equipping carers and staff with the tools they need to prevent and respond to these behaviours effectively. Without adequate funding, organizations are unable to implement these evidence-based strategies, leaving significant gaps in the protection and support available to children and young people. We urge the government to allocate sufficient resources to ensure programs like Power to Kids, or equivalent approaches, are accessible to all organizations in need, especially those in OOHC and youth justice settings.

*Finally, we wish to underscore the urgent need for targeted professional development and training for all staff working in relevant roles, including Child Safety Officers, carers, and school staff. Tailored training that addresses the complexities of HSB, particularly in OOHC and youth detention contexts, must be prioritized. Laurel House also highlights the importance of addressing the needs of marginalised groups, such as LGBTQIA+ or disabled and neurodivergent children and young people, who are disproportionately at risk of child sexual abuse and harmful sexual behaviours in these settings.*¹³⁹

¹³⁹ Laurel House, February 2025, *Submission #15*, pp. 38-40.

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.

Phase 3 – 2029

Government Reported Status: Phase 3 (DECYP)

Implementation Report extract: N/A

Committee's Assessment

The Committee notes this is a phase 3 recommendation which requires the role of the Chief Practitioner to be in place, and therefore detailed evidence was not presented in relation to the implementation of this recommendation.

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.

Phase 1 - 2024

Government Reported Status: Completed (DPFEM)

Implementation Report (August 2024) extract:

A training package in the use of sections 95 and 96 has been completed and is being delivered to all police officers who hold a supervisory role. This includes delivery through promotional and investigative courses. Use of the sections will be monitored ongoing to assess whether there are barriers to their use and continual improvement.¹⁴⁰

Committee's Assessment

The Committee notes the Police Commissioner's confirmation that the training package has been rolled out, and the Government's commitment to ongoing monitoring to identify any barriers and improvement required.

Government Evidence

***Ms ADAMS** - ... we are leading eight recommendations and one of those has been completed, which is recommendation 9.30 in relation to offences in section 95 and 96 of the Children, Young Person and Their Families Act 1997.¹⁴¹*

¹⁴⁰ Keeping Children Safe, Implementation Report, prepared for the Joint Sessional Committee on the Commission of Inquiry Recommendations, August 2024, p. 29.

¹⁴¹ Commissioner Adams, *Transcript of Evidence*, 19 August 2024, p. 2.

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.

Phase 2 – 2026

Government Reported Status: In progress (DECYP)

Implementation Report (August 2024) extract:

In progress and on track for delivery in Phase 2 – currently recorded as a Complaints priority area recommendation in Collaborating for Change.¹⁴²

Committee's Assessment

The Committee notes the Complaints Management Oversight Unit is being established and phase one of their work is setting up the complaints management procedures and responsibility for reportable conduct in the agency.

DECYP acknowledges complaints management is a whole of government theme and will require harmonisation of arrangements across government or potentially a centralised model

FKAT noted there is no direct mention of a complaints process for foster and kinship carers.

¹⁴² Keeping Children Safe, Implementation Report, prepared for the Joint Sessional Committee on the Commission of Inquiry Recommendations, August 2024, p. 67.

Government Evidence

Mr JAENSCH - I understand that the complaints management oversight unit has been established and recruited to as of March this year, and the recommendation is on track for delivery as recommended by the commission.

Mr BULLARD - The unit itself is well advanced and phase one of their work is setting up the complaints management procedures and obviously it's also responsible for reportable conduct in the agency. It is intersected with the Independent Regulator which has been established and is now in operation, which is really positive. I think Ms Morgan-Wicks may have previously referred to the fact that complaints management is also a whole of government theme. We will want to look at how we either harmonise the complaints management arrangements across government or even look at some kind of centralised model so that members of the public who want to make a complaint aren't having to deal in different manifestations depending on which agency they're intersecting with.

...

Mrs PETRUSMA - Minister, will this all lead to greater transparency and accountability for the department? Do you see that it will improve transparency?

Mr JAENSCH - I believe it is a strong theme emerging from the commission of inquiry and also some of the requirements of the Child and Youth Safe Organisations Act that has come through. They have a common theme of multiple avenues for people to raise concerns that they don't involve having to go through the people you've got concerns about, for example, and that was a strong theme in some of the commission of inquiry reporting regarding Ashley and out-of-home care as well. Transparency as well, but also a culture and an expectation that people's rights to raise concerns about their care and well-being are upheld.

Mrs PETRUSMA - Have there been any visible improvements or outcomes that you can point to?

Mr BULLARD - It's only been in existence for a number of months, but I have been closely involved and I think they've done an amazing job to get established and put in place some parameters. They don't want to be dealing with every single dinner or light lunch served at school last Tuesday, there is an escalation process that sits in there. One of the things that struck me is that the unit centred themselves as a learning unit as a place where people can come and make criticism of the way that policies and procedures haven't been met. That feeds back into an improvement cycle about our policies and procedures or approaches. It's also provided an avenue for some very - I know it's dealt with one incredibly complex matter because you've got dedicated experienced officers who are working in it being able to, with some rigour, go and look at what didn't work.¹⁴³

Stakeholder Evidence

The FKAT submission noted there is no direct mention of a complaints process for foster and kinship carers:

The government has committed to improving reporting mechanisms in education and health settings, including a new online system for raising child safety concerns, however, ... no specific reference is made to how complaints from foster and kinship carers are handled.

The Change for Children strategy outlines a strengthened complaints system across child safety services, albeit it is unclear if this specifically applies to OOHC carers.¹⁴⁴

...

¹⁴³ Mr Bullard and Minister Jaensch, *Transcript of Evidence*, 29 August 2024, pp. 61-62.

¹⁴⁴ Foster and Kinship Carers Association of Tasmanian (FKAT), February 2025, *Submission #17*, p. 7.

Carers often face unclear and inconsistent processes when raising concerns about placements, agency decisions, and systemic issues. Current mechanisms lack transparency, leading to delays, frustration, and a lack of resolution. We request:

- *A clear, standardised complaints process that is accessible to all carers.*
- *Defined response timeframes and accountability mechanisms to ensure carers are heard and supported.*¹⁴⁵

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.

Phase 3 – 2029

Government Reported Status: Phase 3 (DECYP)

Implementation Report extract: N/A

¹⁴⁵ Foster and Kinship Carers Association of Tasmanian (FKAT), February 2025, *Submission #17*, p. 9.

Committee's Assessment

The Committee notes this is a phase 3 recommendation and is contingent on implementation of the recommendations relating to the establishment of a Chief Practitioner and the Quality and Risk Committee.

Government Evidence

Mr JAENSCH - There are a series of existing safeguarding frameworks and policies and procedures that have been developed over recent years. The well-being in care procedure that ensures any concerns relating to safety and well-being of children in care are responded to appropriately, which has been implemented with information sessions for all staff. It is being updated, I understand, in consultation with the Office of the Independent Regulator, a new creation as part of the roll out of the Child Safe Organisations framework, which means the procedure will be further strengthened to incorporate recommendations arising from this commission of inquiry - including, oversight by the child-related incident management directorate and the chief practitioner. I think that is probably a feature of this recommendation's time line - that it links to the chief practitioner, as proposed.

Mr BULLARD - Again, it's a phasing issue that it's got to report through to the chief practitioner and it has to go to the risk committee.

Ms WHITE - They have to exist first.

Mr BULLARD - Yes, they have to exist first. Certainly, there is a wellbeing and care policy that has been in place since 2023, but the architecture that sits around that doesn't accord with this recommendation, hence the motive for a different time frame. ¹⁴⁶

¹⁴⁶ Mr Bullard and Minister Jaensch, *Transcript of Evidence*, 29 August 2024, p. 62.

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).

Phase 2 - 2026

Government Reported Status: In progress (DPAC)

Implementation Report (August 2024) extract:

In progress and on track for delivery in Phase 2 – currently recorded as an Out of Home Care priority area recommendation in Collaborating for Change.¹⁴⁷

Committee's Assessment

The Committee notes legislation to establish the new Commission for Children and Young People, including the role of the Child Advocate is being developed, with input from the existing non-statutory Child Advocate for OOHC.

While not directly related to this recommendation, the Committee notes evidence from FKAT about the absence of any role or mechanism for individual advocacy for foster and kinship carers and urge the Government to consider this matter.

Government Evidence

Mr ROCKLIFF - ...Work is underway on the legislative administrative arrangements to establish the new commission for children and young people and its statutory roles, including the child advocate. A working group comprising senior representatives from the Department of Premier and Cabinet, the Department of Justice and the Department of Education, Children and Young People, and the independent regulator, and acting commissioner for Children and Young People has been established and is continuing to inform the development of the legislation and support the establishment of the new commission. DPAC has also met with DECYP's existing non-statutory child advocate for out-of-home care to help inform the design of the new child advocate role.

The next steps in this particular recommendation will be that DPAC will continue to work with the Department of Justice and Office of Parliamentary Counsel to finalise the consultation draft of the commission for children and young people bill 2024 in consultation with the working group. It is expected that the commencement of the various roles and functions within the commission for children and young people will be staged, consistent with the commission of inquiry's recommendations, and that the role of the child advocate will commence in 2026, if not before.¹⁴⁸

¹⁴⁷ Keeping Children Safe, Implementation Report, prepared for the Joint Sessional Committee on the Commission of Inquiry Recommendations, August 2024, p. 67.

¹⁴⁸ Mr Rockliff, *Transcript of Evidence*, 29 August 2024, p. 32.

Stakeholder Evidence

The FKAT submission noted while the new statutory position of Child Advocate is to be established, there is no direct advocacy role for carers in the OOHC system:

*The Change for Children strategy confirms the establishment of a Child Advocate within the new Commission for Children and Young People, which may provide support for children in OOHC, but direct advocacy for carers is not mentioned.*¹⁴⁹

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.

Phase 3 – 2029

Government Reported Status: Phase 3 (DECYP)

¹⁴⁹ Foster and Kinship Carers Association of Tasmania (FKAT), 2025, *Submission #17*, p. 7.

Committee's Assessment

The Committee notes this is a phase 3 recommendation, and will be legislated, designed and implemented after the new Commission for Children and Young People and new statutory Child Advocate role has been legislated and established.

Government Evidence

Mr JAENSCH - *The update is that the required legislative reforms enabling the implementation of a community visitor scheme are being developed and progressed in conjunction with the establishment of the new commission for children and young people and the new independent child advocate. Work on those two areas is a DPAC delivery so that it is working across the different departments to deliver this one.*

Ms WHITE - *I'm keen to understand whether these positions will be employed and are they to report to the commissioner for children or to DPAC, or is there another arrangement?*

Mr BULLARD - *They're still in design. How they will operate needs to be designed. My understanding is that they will report into the commission for children and be part of that child advocate stream, so the deputy commissioner around the child advocate in the new commission.*

Ms WHITE - *Would that be the same for the legally trained child advocacy officers, who are also referenced in this recommendation?*

Mr BULLARD - *My understanding is that the intent of the commission was to set up the feedback loop that you would be getting from children and young people in out-of-home care, and to set it at arm's length from the agency that was commissioning that service. So, yes.*

...

Ms WHITE - *When do you think we might have some more details about the design of this particular recommendation? ...*

Mr JAENSCH - *The next steps will shine a fair bit of light on it because they involve consultation with service providers in the out-of-home care and youth justice sectors, carers themselves, Aboriginal organisations, importantly, Aboriginal community-controlled organisations, also victim/survivors and young people in out-of-home care themselves who can speak to the benefits they want.*

Ms WEBB - *...The recommendation to the government here is to introduce the legislation that provides for the establishment of the scheme, which you've said is coming along in train with the legislation to establish the new commission.*

At that point, though, does the design of the scheme and the responsibility for the scheme then sit with the new children's commission? ...

Mr JAENSCH - *I think that's the broad overview, but as with all these things, they're not operating in isolation. Work can commence to assist them with that establishment. Otherwise, it all starts later down the track.*

Ms WEBB - *Then on the other side of that coin, though, is if the government legislates the new commission, legislates a basis for a community visitor scheme, has already done consultation and some design work for it, hands that over to the new commission when it exists and the new commission and the commissioners... turn around and say, 'Well, actually, that's not the way we see it should happen. We're going to redesign it.' That could also occur if you went too far down the design path.*

Mr JAENSCH - Exactly. It ends up being a bit of a loop. You have to do consultation to create the enabling legislation to make the basic provisions in the first place.

...

Ms WEBB - So just for clarity, the consultation that's occurring at these early stages is more to do with the enabling legislation for the community visitor scheme, not necessarily the full design of what will come.

...

Mr JAENSCH - It's an inexact science, but the legislation should be enabling rather than prescriptive, I suppose is the angle.

Mr BULLARD - I understand, minister, that the draft legislation as it stands provides the child advocate with the power to establish the scheme.¹⁵⁰

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.

Phase 3 – 2029

Government Reported Status: Phase 3 (DECYP)

Implementation Report extract: N/A

Committee's Assessment

The Committee notes this is a phase 3 recommendation but will need to be incorporated in the development and legislation of the new Commission for Children and Young People.

Government Evidence

Ms WHITE - You might not know the answer to this yet, but it might be that those contracted services, if there is a child advocacy officer who is legally trained, who might then represent that child's needs because they might have a grievance with the government, for instance.

Mr BULLARD – Absolutely. The child advocate, although sitting within the agency, has taken that role on. That's not foreign. It obviously is not best practice governance because that person is in the agency, but one of the roles that Sonya Pringle-Jones has played is being an advocate where a child believes that things haven't gone according to plan - being an advocate for that child.¹⁵¹

¹⁵⁰ Mr Bullard and Minister Jaensch, *Transcript of Evidence*, 29 August 2024, pp. 62-65.

¹⁵¹ Mr Bullard and Minister Jaensch, *Transcript of Evidence*, 29 August 2024, p. 63.

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.

Phase 3 – 2029

Government Reported Status: Phase 3. Work has commenced.

Implementation Report extract: NA

Committee's Assessment

The Committee notes this is a phase 3 recommendation and while work has commenced, various legislative reforms relating to other recommendations (amendments to TASCAT and legislation for the new Commission for Children and Young People) provide the groundwork for this recommendation.

The reform in this recommendation is welcomed by stakeholders.

Government Evidence

Ms ROSOL – ... I understand that this is a phase 3 recommendation for implementation down the track, but the distress that many people go through relating to decisions made by DECYP is very real and current. I'm wondering if any action has been taken to start to address this recommendation.

Mr BARNETT - Thank you for the question. It's phase 3 as you've correctly noted and the answer is yes, the work has started. ...

The work to implement this recommendation crosses over with other recommendations and with legislative reform projects that are currently underway. Great care is being taken during these preliminary stages to ensure that related reform projects are aligned legislatively and that implementation occurs in a way that will result in the best outcomes for children and young people.

Given the complex reforms which our government's undertaking to enhance the safety of children and young people, I'm advised it will be important to understand how these reforms operate and interact. Related TASCAT reforms and reforms in out-of-home care must all work together harmoniously in creating a cohesive system as a key priority. In the interim, TASCAT Additional Jurisdictions Bill 2024 establishes ... an administrative stream of jurisdiction within TASCAT for various administrative appeals that currently lie in the Administrative Appeals division of the Magistrates Court. It also

creates a new community, children and family stream where matters relating to children will generally be located.

Provisions have been drafted to ensure that TASCAT members hearing certain matters within this stream have relevant knowledge, expertise or experience in relation to the matter, including, but not limited to, expertise or qualifications in the prevention or identification of child sexual abuse, neglect or family violence. Similar provisions will be considered for TASCAT members hearing matters related to children under the custody or guardianship of the secretary.

.... This recommendation is not yet fully funded, however, elements of capacity expansion are being considered as part of the 2024-25 budget.¹⁵²

Stakeholder Evidence

Tasmania Legal Aid suggested that having a review mechanism available through a jurisdiction such as the Tasmanian Civil and Administrative Tribunal would offer independent oversight of disputes and a more streamline and timely review of decisions:

Applications for Care and Protection Orders are heard by a Magistrate exercising jurisdiction under the Children, Young Persons and Their Families Act 1997 (Tas). An Order will include provision for custody and guardianship but will rarely include any further detail as to how these roles are to be exercised. If a dispute arises about where a child is to live (for example), decision making currently occurs at the Care Team level and rarely does TLA see any further application brought before the Magistrates Court. The court lists in the Magistrates Court are congested, and to have a review mechanism available through a jurisdiction such as the Tasmanian Civil and Administrative Tribunal would, in our view, offer independent oversight of disputes and a more streamlined and timely review of the decisions. Consideration would need to be given as to who could bring the application for review, and whether in the circumstances the best interests of the child or young person and their ability to participate would require the re-appointment of a Separate Representative lawyer when one is not still in place.¹⁵³

¹⁵² Mr Barnett and Ms Bourne, *Transcript of Evidence*, 19 August 2024, pp. 97-98.

¹⁵³ Tasmania Legal Aid, 2025, *Submission #4*, p. 7.

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.

Phase 2 – 2026

Government Reported Status: In progress (DECYP)

Implementation Report (August 2024) extract:

In progress and on track for delivery in Phase 2 – currently recorded as an Out of Home Care priority area recommendation in Collaborating for Change.¹⁵⁴

Committee's Assessment

The Committee notes this recommendation requires the legislating and establishment of the new Commission for Children and Young People before it can be progressed.

Government Evidence

Mr JAENSCH - *Is there anything to report there, Tim, that you can speak to?*

Mr BULLARD - *No. You need the commission to be established and the information sharing - either a requirement or an ability to request or a requirement to deliver that information. ...*

...

Ms WEBB - *Is there any oversight like this that occurs now though while we're waiting for this to be in place? If we think about the intent of this recommendation, are we giving effect to that intent in some way now?*

Mr BULLARD - *Who don't we tell is probably the question.*

CHAIR - *You can't tell the commission right now.*

Mr BULLARD - *We can't tell the commission, but it is reportable conduct, so we do tell the independent regulator, we tell our WVP [Working with Vulnerable People], the police, we tell the Integrity Commission, so there is a range of reporting that goes on at the moment.¹⁵⁵*

¹⁵⁴ Keeping Children Safe, Implementation Report, prepared for the Joint Sessional Committee on the Commission of Inquiry Recommendations, August 2024, p. 67.

¹⁵⁵ Mr Bullard and Minister Jaensch, *Transcript of Evidence*, 29 August 2024, pp. 65-66.

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.

Phase 3 – 2029

Government Reported Status: Phase 3 (DECYP)

Implementation Report extract: N/A

Committee's Assessment

The Committee notes this recommendation requires the legislating and establishment of the new Commission for Children and Young People before it can be progressed.

Government Evidence

No specific evidence was taken on this recommendation.

Chapter 12 – The way forward: 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.

Phase 2 - 2026

Government Reported Status: In progress (DPAC until 30 June 2025, DECYP)

Implementation Report (August 2024) extract:

In progress and on track for delivery in Phase 2 – currently recorded as a Youth Justice priority area recommendation in Collaborating for Change.¹⁵⁶

Committee's Assessment

The Committee acknowledges the closure of AYDC is one of the most urgent and sensitive of all 191 recommendations made in the COI Report. Indeed, it was the testimony of whistle blowers and victim survivors of abuse at AYDC that led in significant part to the establishment of the Commission of Inquiry.

The Committee notes the Minister and DECYP report a design process has commenced for a new youth justice model and the new Pontville youth detention centre. Additionally, the implementation of a range of new initiatives in prevention, early intervention and bail support is required prior to the closure of AYDC.

While the COI Commissioners clearly regarded this recommendation as urgent, progress on its implementation has been slow, resulting in delays and the failure to meet the phase 2 timeframe, or even possibly the phase 3 timeframe.

While the Minister and DECYP state they are progressing this recommendation 'as soon as possible', there has been no commitment to a firm timeline for closure, and an unwillingness or inability to provide a definitive list of actions to be taken in order to close AYDC.

The Government is unable or unwilling to commit to a timeline for the design, planning approval and construction of the new Pontville youth detention facility, with the Government identifying various factors that may cause further delay.

Stakeholders from the community sector expressed significant concern for the safety of children in AYDC and the implications of delaying this recommendation. They strongly reiterated the need to close the facility as a matter of urgency.

The Government claims it is acting to ensure that AYDC is as safe as possible in the interim, and claims it has introduced a more therapeutic model of care.

¹⁵⁶ Keeping Children Safe, Implementation Report, prepared for the Joint Sessional Committee on the Commission of Inquiry Recommendations, August 2024, p. 68.

The Minister pointed to the introduction of additional security monitoring within the centre and changes to search procedures, and also additional oversight from the Commissioner for Children and Young People, Custodial Inspector and a new Child Advocate onsite. The Australian Childhood Foundation is also present onsite as an independent monitor and to provide feedback and advice.

The Committee shares concerns raised by stakeholders about the increase in the number of children detained at AYDC - the majority of them unsentenced, recent reports highlighting a lack of therapeutic supports available, and the ongoing impact of practices such as lockdowns and extended periods of isolation.

The Committee notes questions raised on the sequencing of the closure of AYDC in phase two as being out of step with the timing of phase three recommendations to raise the age of criminal responsibility and the urgent need to change the *Youth Justice Act 1997* in order to provide comprehensive bail supports and comprehensive and resourced diversionary strategies.

The Committee is deeply concerned by the apparent inertia on the part of Government in implementing this foundational recommendation.

The Committee urges the Government to expedite all recommendations required to ensure the closure of AYDC as a priority.

Government Evidence (verbal, 29 August 2024)

***Ms WEBB** - The Premier, when he spoke with us this morning, spoke about a 12-month period of time to design the new youth justice model that would replace Ashley and then a 24-month construction period for the new facilities needed for that ...*

...

***Ms WEBB** - ... my question here is... if there is a 12-month design phase, where are we at in that 12-month period? Are we in month one of that 12-month period? Are we in month six or where are we because I am then trying to then add those periods up to take us to when it will be ready?*

***Mr JAENSCH** - I do not have an exact start date for a 12-month design phase, but there has been work underway for many months on the development of things like the model of care, which will inform the design of the new facility, also investigative work and site work to do with how we are going to place the new facility on the site and what we might need to accommodate in that design.*

So, there have been professionals engaged to assist in that process ...

***Ms WEBB** - ...in terms of the design phase, how much longer is there of that design phase? If it is a 12-month period and you cannot tell me where we are in that time line -*

***CHAIR** - When would the design be finalised, perhaps?*

...

***Mr JAENSCH** - In the information that you received this morning, there was sort of a laying out of the components of that work and that is what you would expect for an infrastructure project of this scale and complexity; normally on paper, where we are aiming, still, for this to be delivered as soon as possible. We are bringing extra resources and different approaches to bear on it than would normally be used in an infrastructure project like this, including, for example, our secretary for the Department of Premier and Cabinet convening a taskforce of heads of agency creating an authorising environment to be able to recruit people, be they infrastructure experts, policy developers, people from any department, any part of government needed to crash this process through in far shorter than the*

usual time frames. So we remain ambitious to be doing better than the time frame that the Premier laid out this morning.

We believe that can be done. We have advanced into the process already and we are working in parallel with other elements of what are needed to enable this facility to be delivered and for Ashley to be closed and it is something that is often overlooked in the commentary that what we are aiming to deliver on the site of Pontville is a far smaller facility than Ashley, designed predominantly for young people who have been sentenced and who are 16 or older.

In order to be able to use that as planned, we need to modify everything upstream of detention and transform what is happening at Ashley now to be able to reduce the number of young people in our detention component of our youth justice system and meet a point where we have got a new facility which is set up just for them.

This is something which requires a lot of work across government and with parties external to government, our service providers, our expert group, expertise from around the world to land this and, therefore, we are running many work streams in parallel, they are informing each other. We need to deliver it as soon as possible, but we need to deliver on two or three different fronts at once to deliver the outcome that we have planned.

Ms WEBB - All I am trying to do is understand the time line the Premier laid out. You just said you are hoping to do it sooner. I accept that. He laid out 12 months to design, 24 months to construct, which is three years, so I am trying to figure out if it's three years from now, you're going to miss your deadline of the end of 2026. What I'm trying to establish is where are we in that process, in that time that he laid out this morning?

Mr JAENSCH - I think that the Premier's use of a 12-month period for design is a rule of thumb period. I don't think it is measured in days and if we set a start date for it with some specific point that you can measure from. We are into the design phase now. We will continue to progress through it as fast as we can. As elements of that come into clear view, we will commence the next steps of seeking the relevant planning and approvals, et cetera, for delivery of this building. We can run a number of streams of work alongside each other.

Ms WEBB - For example, when do you expect to get to the planning approval side of things?

Mr JAENSCH - As soon as we've got our initial designs that identify the footprint and the features of the facility that are required for council's processes. That may not include all of the service delivery designed to be completed at that stage. We'll work on the different stages as they're completed.

Ms WEBB - What's the risk you're going to miss the deadline, minister?

Mr JAENSCH - It's possible. But our intention is to drive to the deadline as best we can. I don't want to set another arbitrary deadline and then have to speak to you every six months about how close we are to that. ...

...

Ms LOVELL MP - I don't think anyone wants an arbitrary time line. We want a time line that we can be confident that you're going to deliver on. I'm getting some very mixed messages from you across the table around the fact that you're trying to get it done as quickly as possible, you're going to do things in parallel, there are things you can do to make it happen more quickly. But then at the same time you're saying it's very complex, it involves a lot of work, and there are many other aspects to this. Again, nobody's disagreeing with that. I think we all understand this is a complex project.

I think two years for a construction time line is actually fairly ambitious for any major infrastructure project at the moment. How confident are you that construction will start by the end of this year? I think it's likely that you're going to need at least that amount of time to meet your deadline of the end of 2026. I'll just draw you back to the fact that this commitment was made almost three years ago now. I'm understanding and not disputing that there's a lot of work that needs to be done, but we're

three years in already. I guess the question is: why are we still talking about planning, construction and design, and not ready to start construction?

Mr JAENSCH - Three years ago, the former premier committed to closing Ashley and establishing two smaller facilities, one in the north and one in the south. Two smaller Ashleys.

...

Mr JAENSCH - In Ashley, at the moment, there are 13 young people. Only five of them are sentenced. Our challenge is to design a facility for only sentenced, over 16. That requires a significant reform of the system. There has been a lot of work done on that over the intervening years. There has also been the commission of inquiry, during which time we did receive strong advice to say that the commission of inquiry was considering the future of youth justice layout, and that we should be taking into account their findings as they are delivered. That process in itself extended out over another six months or so further than what it was planned to. All of these things have contributed to the time frame you're talking about. I think the reforms that we are taking on are more ambitious and more valuable than the ones that were talked about in 2021. They have the potential to benefit the lives of more young people and to reduce youth offending in Tasmania, which is what everyone ultimately wants. You are seeking time frames on this; we have a time frame in the commission of inquiry report, we have a broader time frame laid out by the Premier this morning, which is a rule-of-thumb type time frame. There are probably 12 months that separate the two which we are aiming for as soon as possible. There is a target period where we'll definitely be aiming to deliver.

...

Ms LOVELL MP - I'm not disagreeing with you on the reforms that we're working towards are more valuable. I agree with you on that; they will deliver much better outcomes for young people. But, with respect, minister, as soon as possible is not a time frame. When will we know?

Mr JAENSCH - Sooner than possible is dangerous.

Ms LOVELL MP - When will we know what the time frame is for delivery? When will you have a plan for construction where you can say this project is underway and it's due to finish on this date?

Mr JAENSCH - I'll have a delivery time frame once I have contracted a builder for the facility. We are not there yet.

Ms LOVELL MP - When will that be? How close are you to that?

Mr JAENSCH - We are commencing the design process for the site and what we know of the footprint and requirements of the building, but we don't have that in hand just yet. I don't want to make a date for you today to just answer your question.

...

Ms LOVELL MP - I understand and I appreciate the position you're in. My last question is, I know you've said you're aiming for it to be done before the time line, as soon as possible. How confident are you that it will be delivered by the end of 2026? Really?

Mr JAENSCH - I'm confident we're throwing everything at it. I'm not the expert.

Ms LOVELL MP - That is not the question.

...

Ms WEBB - Have you been presented by your department with an alternative therapeutic model to Ashley that could be brought into play prior to the new facilities being online?

Mr JAENSCH - What the department is working towards, including the model of care that is currently drafted and hoping to be finalised by the end of September, is a model of care that can be brought into play in Ashley and in any other setting where we have young people in our youth justice system, as soon as it is formed and we are able to deploy it and train staff, we will recruit staff to it.

So, young people should get the benefit of every part of this model as soon as it becomes available to them. The model of care, the approach to education, the approach to the cultural sensitivity for Aboriginal young people who are in detention, ultimately a built environment for those in detention that supports that as part of its design ethos. That's what we're looking for.

...

Mr JAENSCH - In the meantime, we will bring online the elements of that model as we can, so that we're giving as many young people as possible the benefits of a better approach as soon as possible.

Ms WEBB - Yet we know that AYDC is not a safe environment. The commission told us that very clearly. That's why they made it a matter of urgency to close it. In fact, the expert report you've just had done recently by Dr Morag MacSween, Experts by Experience, identified that Ashley was markedly distinct in terms of the sexual abuse that occurred there. That report said it was organised, collective and collaborative. That's a site where the people involved in that site have delivered organised, collective and collaborative child sexual abuse through to the commission time.

You can't imagine that a therapeutic model can be fully implemented there. That's why I'm asking about whether you would contemplate an earlier transfer to an alternative therapeutic model, and have you been presented with a model of that sort?

Mr JAENSCH - If we had an alternative therapeutic model that could deliver better outcomes for young people, we'd be using it already.

...

Mr JAENSCH - ...

As I've said, we want to move to a therapeutic model of care in a facility that's designed for that purpose. In the meantime, we will do everything in our power to ensure that Ashley is as safe as possible. When you refer to the commission and other commentary, if that's referring to a period of 20 years or more, and the combined assessments of what's happened in there, we accept that assessment and that's why we've committed to closing Ashley and moving away from it. In the meantime, what we've done is vastly increased the number of closed-circuit TV cameras -

...

Mr JAENSCH - We've introduced body-worn cameras, we've introduced a whole-body scanner, we have dramatically changed the way that searches of individual young people are undertaken, we've introduced the Australian Childhood Foundation onsite as an independent monitor and provider of feedback and advice on the integrity of our system and the way that we care for young people.

We've got the Commissioner for Children and Young People, who was a regular visitor, and the custodial inspector, both of whom have got powers now that this government gave them to be on the ground there. We've introduced a new advocate for children in detention as well, in order that, from everything we can learn about the history of what's happened at this place, we are addressing those risks and doing everything we can to ensure young people there are safe.

*We will give them the benefit of a progressively more sophisticated, informed therapeutic model of care as soon as we possibly can, culminating, ultimately, in young people not being placed in Ashley, but being placed in a new facility that's designed just for that therapeutic care.*¹⁵⁷

The Committee scheduled a second hearing with the Minister on 14 November 2024 to complete scrutiny of the Children and Youth portfolio. The evidence received at the second (continued) hearing is presented below.

Government Evidence (verbal, 14 November 2024):

Ms O'CONNOR - *It's now nearly the end of November. Mr Gregory said before that there was an expectation that some architectural design work on the new facility, with a particular lens on a therapeutic response, and making sure we're looking after the mental health and wellbeing of young people. It should be available to you, I presume, in early 2025. Are we talking over the next two or three months this architectural work being finalised?*

...

Mr JAENSCH - *I should imagine we'll work through iterations. I also understand that there is a difference between sufficient information to inform what we're going to need to commence a planning approval process, which is a little bit different from all the detail of what happens inside the volume that we're going to need to place on that site for the purpose of planning.*

Ms O'CONNOR - *It'll be your expectation that it would go through a proper planning process rather than having a bill developed to fast track it ...*

Mr JAENSCH - *We're mapping out those planning processes now. I've asked the department for timelines and all the 'what ifs' that come with a normal planning process because it's a discretionary use under the zoning that we've got for this site, which means it has to be subject to public processes because they could be appealed. It can also have councils and others asking for more information, but it's a good issue that you raise because, given the very strong support, I think, for this to be done as quickly as possible, if I thought that there was support for an expedited process that had safeguards built into it and that had support - was likely to be supported in the parliament - I'd grab it.*

...

CHAIR - *..., I think at a previous hearing you were talking about assessments of the proposed site, including Aboriginal heritage and other assessments. Where has that progressed? If you're considering that sort of approach, I think parliament would need to be assured that those matters have been fully considered.*

...

Mr GREGORY - *... Those assessments are largely complete and it is now more about feeding the outcome of those assessments into the planning for the site. I would use the small 'p' planning rather than the statutory planning term there. It is really about thinking about how those assessments impact on our design. So, the assessments are essentially complete.*

CHAIR - *So, in realistic terms then, early next year we get the concept drawings, designs and then lodging under the usual process - lodging a DA by May, June perhaps - that's according to what you've said. How long would you expect a regular development application process to take at that point?*

¹⁵⁷ Minister Jaensch, Ms Burgess, Ms Morgan-Wicks and Ms Hurworth, *Transcript of Evidence*, 29 August 2024, pp. 66-76.

Mr JAENSCH - We're in the middle of that conversation right now because Mr Gregory's brought me a timeframe which includes a very long time in parliament, which we couldn't account for properly, we had to get some more advice on it.

CHAIR - Can you provide that sort of timeline to the committee?

Ms O'CONNOR - Why would it be a long time in parliament?

Mr JAENSCH - I'm sorry, not parliament, in council processes.

...

Mr GREGORY - Through you, minister, we would be seeking to work through the normal statutory planning timeframes of the 42 days. What the minister is referring to is that we've provided a timeline that suggests, given the nature of the facility, that there are likely to be submissions and given it's a discretionary use, it is quite possible that there would be -

...

Mr GREGORY - ... We have factored in that there may be appeals that we would have to work our way through. Now, if we're able to work really effectively with stakeholders, and through that process of consultation during the design development -

...

Mr GREGORY - ... - that we're able to work through that effectively, we certainly minimise the risk that there are appeals. I don't think that can ever be eliminated, given the nature of the facility.

CHAIR - Can you provide that proposed timeline to the committee, acknowledging that there's a lot of uncertainty in it?

...

Mr GREGORY - Yes, I can undertake to do that when we believe we've got it resolved. I'll just reiterate the point, if in conversation across the parliament, if there was a will or an interest in pursuing project specific legislation for this to get it done as soon as possible and to ensure that all parties were fairly considered and the process was rigorous, I'm open to that

Ms WHITE - ... Minister, I wanted to ask about the consultation with young people through the design phase. You've spoken about some of the people you are taking advice from, but there are at Ashley currently different opportunities to engage those young people... If you want to create a home-like environment, perhaps the best people to ask about what that looks like and how you create a trusting environment are the young people who are currently detained. Do you intend to consult with them?

Mr JAENSCH - Yes. The voices of young people are critical to this, including those who've lived experience and who are in our processes at the moment.

Ms HURWORTH - Specifically, in relation to the facility, we've already had some engagement with young people at Ashley on some early matters, particularly how they want such a facility to be described, and how they think it needs to be conceptualised for people to understand and what that would mean for them.

In terms of the forward planning for the facility, of course we'll be engaging with children and young people. As part of the overall implementation of the commission of inquiry, we have provided funding to the Commissioner for Children and Young People to establish the Voices for Tasmanian Youth as a way for us to have direct engagement with young people. We intend to work with her and that group throughout all different elements of the commission of inquiry.

We also work directly with young people on the model of care, which is in its final stages, to get their thoughts on what a whole-of-youth justice system model of care should look like. We're working

directly with young people on the diversion framework that will look at pro social pathways and ways to make sure that young people avoid engaging in the youth justice system.

...

Ms WEBB - *As you've already said, the timelines have been bumped out because it's not just a matter of building one facility to replace the first -*

Mr JAENSCH - *Yes.*

Ms WEBB - *It's the whole model, including the supported-bail facilities in the regions. My question is, can you give us a definitive list of things that need to be achieved and in place in order for Ashley to close? Of course, the new facility in the south is one, but what else is on the list that we need to tick off to reach the day we can say Ashley's closing? ...*

Mr JAENSCH - ...

I know you like definitive lists. On this one, I don't have a definitive list for you. The cohort of young people who are currently in detention needs to be smaller. There needs to be fewer people in there who could be supported outside of a detention environment, particularly for younger age groups as well. That's where the majority of our effort and resources are going right now, to assess not only the capacity in the service sector to provide that, but also the pathways by which the needs of young people are assessed and the referrals are made, and those sets of supports are being brokered.

...

Ms WEBB - ... *Forever, we could say: 'We're not quite there yet, we haven't quite got everything lined up yet, we haven't quite got this to the extent we need.' I want to know what's the extent that we need those things you just described, what's the extent we need them to be done to be completed in order to say, yes, we can close the door at Ashley with no one in it anymore? You could spend the next 20 years saying you're meeting this recommendation and yet not close Ashley.*

...

Mr JAENSCH - *I really have to invite you to come on the journey with us. I could say, to answer your question in an empirical way, that once we've got the number of young people down to 10 in Ashley, then that'll be the time to make the move because we have a new facility that's been built just for 10, or optimally for 10. The thing is, this system, we don't control all the numbers in it because it can go from 10 to 16 overnight. We know that. We need to be able to have pathways for young people, who would have traditionally gone to Ashley, well established and working. We also need to have our new facility ready. We also need to have staff and models of care ready to accept young people into that new setting and a therapeutic approach.*

These things have to happen in parallel. The answer to your question is not a simple list and a set of numbers. It's bringing together several streams of work. ...

Ms WEBB - ... *When will we be at the point, when will you be able to point to, 'Here's our service system in place with sufficient pathways for that'?*

Mr JAENSCH - *What I want to see with that is that the arrangements that we are developing with those service providers are being used as soon as they are ready to roll. In a lot of cases, they will be better than the default that we have now.*

Ms WEBB - *I'm not asking for a description.*

Mr JAENSCH - *I expect to see - there's not a date when we just turn on those extra services. They will commence as soon as they're able.*

Ms WEBB - *What are the criteria? That they have capacity to service 25 kids through those pathways? That there are X number of services with X number of staff ready to go?*

...Ms HURWORTH - Through you, minister, we have put out a Youth Justice Taskforce Action Plan, which is online. It does provide a range of timeframes and deliverable dates related to the sorts of outputs we've been talking about. ...

Ms WEBB - ...

How will you know, minister, when you can close the door on Ashley for the final time with no children in it? How will you know we've reached that point? I'm asking about that specifically. How will we know that the service systems are in place? ...

Mr JAENSCH - *When we can be confident that the combination of the facilities and services that we have available present a safe and improved therapeutic environment for us to use instead of Ashley. As soon as something better than Ashley is ready to go is when we close Ashley.*

...

Ms WEBB - *What I'm concerned about is, we're here to scrutinise whether you're delivering on these recommendations. This recommendation says 'as soon as possible'. What you're describing provides us with nothing definite to hook onto, to hold you to account to. You could keep continuing to be delivering on this recommendation for the next 20 years and still be saying the same things you're saying: 'One day when we've got this in place to the extent that we need it to be, we will do it.' Unless we know what is the extent you need it to be ...*

...

Mr JAENSCH - *Ginna, do you have any more information that you could use to try to answer Ms Webb's question?*

Ms WEBSTER - *I think one of the ways of doing that is actually through the individual recommendations. What we've heard this morning around mental health support starts to do that. There are very clear accountabilities and FTEs and appointment of staff that we can actually work to: drug and alcohol services, bail diversion, the JCP model of youth that we're talking about, and the other diversionary services.*

The commission of inquiry has given us timeframes for those that will be in place and are being monitored. We also have the implementation monitor who will do that as well.

I think all those points - we are being held to account to those points, but they all actually lead to the building blocks of the system. As individual recommendations, we are scrutinising them, obviously individually, but they actually lead to a better system. There are very clear accountabilities under each of those.

The release of the Youth Justice Reform Action Plan actually does have completion dates under it. As we work through those, the Department of Premier and Cabinet, in partnership with the Department for Education, Children and Young People will also be held to account around those outputs.

I'm not sure if it does go to the level of detail that you require, but as we go through those outputs and we talk through some of these recommendations, it may give you a little bit more comfort that there are clear indicators and clear steps that we're taking that lead us to that piece of work.

Ms WEBB - *I absolutely accept that there are clear steps laid out across the suite of recommendations, and they're excellent ones, but a lot of them are in Phase 3, that aren't deliverable by 2029. This particular one that we're talking about - closure of Ashley - is actually in Phase 2, deliverable by 2026.*

...

Mr JAENSCH - I would like to table the Youth Justice Reform Taskforce Action Plan 2024-25, which is a public document. I table it for the committee's reference. It does include timeframes for various elements of the taskforce's work which are directly related to the recommendations sought.

The other thing that I will add is I would expect that our new youth justice facility, apart from all these system elements being in place, will also need to satisfy some other requirements. For example, a custodial inspector will need to be satisfied that the facility and the services provided are fit for purpose to be commissioned as a detention facility, et cetera. There is a range of technical matters that need to be dealt with, as well as system reforms, that change the workflow and the journeys that young people take through our youth justice system.

...

Ms O'CONNOR - To check, if you don't mind, Chair, I thought the timeline for closing Ashley was about the middle of 2026?

Mr JAENSCH - That's what the commission's recommendation is. We've accepted that recommendation and will do everything we can to deliver the youth justice facility as soon as possible.

Ms WEBB - It's not just that, is it? It's the other elements.

Mr JAENSCH - It's all the other elements of the system.¹⁵⁸

Stakeholder Evidence

According to the Laurel House submission:

*Laurel House urges the setting of a clear and urgent timeline for the closure of AYDC. In the meantime, we highlight the critical nature of allowing us access to AYDC to provide education, training and support to staff and residents as outlined in relation to recommendations 12.21 and 12.3.*¹⁵⁹

In evidence provided during a public hearing, Kristin Wylie, Director, Tasmania Legal Aid stated:

We commend the decision to close Ashley as soon as possible, and we note the recommendation that an alternate facility be small and home-like with a therapeutic model of care. However, against that backdrop, we are currently seeing these tough-on-crime taskforces and the number of people in Ashley increasing again, with the continuing issue that the majority of the children detained there are unsentenced.

Our view is that the closure of Ashley can't occur out of step with the need to change the age of criminal responsibility, and we're significantly concerned that that is a phase 3 recommendation.

It can't occur without the urgent need to change the Youth Justice Act 1997, including how bail is considered, because that is not working for children and young people presently.

It is impossible to achieve without offering comprehensive bail supports. It is impossible to achieve without offering comprehensive and resourced diversionary strategies.

*We would like to see an escalation for the date for the change of the age of criminal responsibility, and also for diversionary strategies and resources, access to bail and bail support - as these will decrease the number of children in detention so that the small and home-like facility that's been recommended can be realised. If we don't do it, what we're just going to end up with is Ashley built somewhere else, and nobody wants that.*¹⁶⁰

Tasmania Legal Aid also welcomed the opportunity to deliver a duty lawyer service at AYDC to provide an additional layer of service and protection for children and young people in AYDC:

¹⁵⁸ Minister Jaensch, Ms Webster and Ms Hurworth, Transcript of Evidence, 14 November 2014, pp. 30-43.

¹⁵⁹ Laurel House, 2025, *Submission #15*, p. 40.

¹⁶⁰ Kristen Wylie, TLA, *Transcript of Evidence*, 28 March 2025, p. 1.

*TLA welcomes the opportunity we have advocated for to deliver a duty lawyer service at AYDC. Our new service provides an additional layer of service and protection for children and young people in AYDC. The service is delivering free, face to face legal advice and representation for children and young people having received funding in the 2024-25 State Budget.*¹⁶¹

In relation to the duty lawyer at AYDC, Kristen Wylie and Rebecca Lancaster, TLA, provided more detail during a hearing on the challenges faced in providing legal support to children and young people in AYDC, the value of having a duty lawyer on site, and funding of the program. They pointed to: teething problems in being able to access children at times due to staffing issues; their success in more effectively facilitating bail when able to meet with their young clients face-to-face rather than relying on phone contact which lacks consistency or privacy; and indicated the funding for the service began in 2024-25 and is provided for three years, presumably through to the expected closure of AYDC.¹⁶²

TasCOSS expressed concern regarding AYDC:

*TasCOSS remains extremely concerned for the safety and wellbeing of children currently detained at Ashley Youth Detention Centre (AYDC). The latest data shows an increase in the number of children detained at the centre, and recent reports highlight the ongoing lack of therapeutic supports available to children at the facility, and ongoing concerns about the impact of practices such as lockdowns. We continue to advocate for the urgent transfer of all children currently detained at AYDC into community-based care, and the prioritisation of Recommendation 12.1.*¹⁶³

The United Workers Union submission supported the immediate closure of AYDC and the construction of a new youth detention centre:

UWU members want to see a clear commitment, in line with the overall themes arising from the recommendations of the COI, that the Tasmanian Government will cease the use of adult custodial facilities for the detainment of young offenders and will ensure the construction of purpose-built facilities for that purpose at the new Pontville youth detention facility.

*The COI recommendations also focused on ensuring that Tasmania has a child-focused youth detention system. This included recommendations that facilities for youth detention are small and homelike, and help to promote trauma-informed and therapeutic interventions for children and young people. The continued use of adult custodial facilities for youth detention is completely antithetic to this recommendation. Children and young people at the earliest point of their detention, at the time that they are most vulnerable, are instead being exposed to trauma, violence, and abuse by being detained alongside adult prisoners. UWU members consider that there is a serious safety risk associated with this continued practice, and that it likely contributes to setting these young people up to fail in later interventions.*¹⁶⁴

Alysha Rose, former AYDC Clinical Practice Consultant, whistle-blower and key witness in the COI, called for the urgent closure of AYDC.¹⁶⁵ Alysha Rose's submission details her then-current knowledge of the situation at AYDC,¹⁶⁶ leadership at AYDC,¹⁶⁷ suspensions and investigations at

¹⁶¹ Tasmania Legal Aid, 2025, *Submission #4*, p. 2.

¹⁶² Ms Wylie and Ms Lancaster, *Transcript of Evidence*, 28 March 2025, pp. 8-11.

¹⁶³ TasCOSS, 2025, *Submission #8*, p. 19.

¹⁶⁴ United Workers Union, 2025, *Submission #9*, p. 5.

¹⁶⁵ Alysha Rose, 2025, *Submission #19*, p. 121.

¹⁶⁶ Alysha Rose, 2025, *Submission #19*, pp. 75-92.

¹⁶⁷ Alysha Rose, 2025, *Submission #19*, pp. 77-85.

AYDC,¹⁶⁸ the use of isolation and other perceived breaches of Human Rights Conventions (e.g. OPCAT) at AYDC,¹⁶⁹ and allegations of destruction of evidence:¹⁷⁰

DECYP Cannot tell us when it will be closed. But the ten-year blueprint that fails to talk about a new facility – is clear. It won't be in the next ten years if left in DECYP's hands.

The Minister said that the process underway now is a focus on diverting youth from detention. They have rethought bail facilities in different parts of the state which could have also provided a speedy interim option to close AYDC. They have a 'better approach' now. Which would all be well and good if we have a mediocre Youth Justice System in need of tweaking. We don't. We have Ashley, an acutely dangerous institution with rates of offending unlike another institution in Australia. We know it is currently staffed by some alleged child sex offenders. Now, is not the time to dawdle off on a diversion path. There is immediate risk, which was outlined in no uncertain terms by the Commissioners. What needs to happen, has been laid out in excruciating detail. Why it is not, is where we need to be now. Who is looking after them?

...

What presents the most significant barrier to the most URGENT recommendation being implemented?

The Department in charge of it, is 'putting its efforts in' to other things. Whilst the children at AYDC suffer abuse and become further collateral to a failed system.

Again, these are choices. There is a reason that people are being protected on full pay, a reason AYDC is open, a reason this funding was given to an inappropriate recipient without the necessary accreditations. They are all choices, and we have the right to know on what basis they have been made.

And tangible risk has and is occurring as a result of them.

Below, I detail more concerns and reasoning behind reaching the conclusion that the greatest barrier to any Youth Justice Recommendations, is DECYP.¹⁷¹

...

I am gravely concerned that what we are seeing is a battle between one arm of government if you will, 'the old guard' and another, 'the new'. It is my observation that DPAC is demonstrating a clear readiness for not just change, but action. They have formed a team, created action plans and commenced actioning them in a very short space of time, all things considered. They have also achieved more movement in the AYDC alleged offender's being investigated, than has occurred in the previous four years.¹⁷²

According to Jack Davenport's submission:

The government has failed to demonstrate good faith in the progression of this recommendation. No satisfactory explanation has been given for the delay in progressing AYDC closure despite the announcement by then Premier Gutwein in 2021.

The continued failure of the government to satisfactorily account for its sluggish approach to building new facilities undermines confidence in the willingness and desire to progress this recommendation.

¹⁶⁸ Alysha Rose, 2025, *Submission #19*, pp. 86-87.

¹⁶⁹ Alysha Rose, 2025, *Submission #19*, pp. 88-91.

¹⁷⁰ Alysha Rose, 2025, *Submission #19*, pp. 90-92.

¹⁷¹ Alysha Rose, 2025, *Submission #19*, pp. 124-125.

¹⁷² Alysha Rose, 2025, *Submission #19*, p. 126.

I compare the delays in progressing this matter with the enthusiasm for constructing a football stadium, or the rigour with which the government continues to flog a dead horse with a highly unpopular and unviable cable car proposal for kunanyi.

The closure of AYDC is neither an abstract exercise nor is it a superfluous process. The COI itself highlighted the continuing risk from the facility, and the settlement of a legal claim for 129 former detainees illustrates the human impact of the abuses carried out.

*AYDC has repeatedly been exposed as a site of abuse and harm. Past behaviour is the best predictor of future behaviour; on that basis it is not feasible to allow this site to continue in operation. The Tasmanian Government can and should undertake a speedier closure than it is doing at present.*¹⁷³

Richard Connock, Tasmanian Custodial Inspector, and Sam Christensen, Principal Inspection Officer (Custodial Inspectorate), responded to concerns regarding issues raised about AYDC, including access to lawyers, phone access at AYDC, the use of isolation, and staff wellbeing and workers compensation rates. They also discussed the establishment of a collaborative network of the various oversight bodies with responsibilities in relation to AYDC, and a working group established to develop a guidebook for young people to provide information on the role of the oversight bodies and where to take particular complaints.¹⁷⁴

Isabelle Crompton, Interim Commissioner for Children and Young People, was asked whether she had noted any tangible improvement at AYDC since the COI handed down its findings:

Ms CROMPTON - *There have been visible shifts and changes. The incident review committee is an example of something that is new. I have a standing invitation to attend and the advocate can attend and advocate for the young person in that context when they are looking at an incident. I mean it's not obviously beyond my role to inquire into the specifics, but it is absolutely within my remit to ensure the young person's experience is known to the review committee. Of course, having that ability to then take a matter outside of the centre, where the young person wants us to and/or if I have a child safety concern, though some of those processes are incredibly welcome and they assist to shine a light, but they are our starting point. I think the bigger question is, as government starts that really important work to develop the new operating model for the new facility, which hopefully will be housing a very, very small number of young people once it is built because we are getting all of these other settings right, that what we are learning in that space, we really need to be starting to roll that out within the current environment as well. I spoke with some departmental reps about that last week. I understand that is the intention, which is good, but it is a closed environment, albeit with greater transparency and a greater presence not only of our office, but also the custodial inspector's office. There have been pressures in terms of numbers, which have implications, especially when staffing levels are low.*

Ms O'CONNOR - *This is what a government tough on crime policy delivers is more young people going into Ashley, isn't it?*

Ms CROMPTON - *There are times, where, there is a palpable sense within the environment that the consistency of approach, notwithstanding goodwill, can be very challenging to achieve. The short answer is on some days when I attend, there is a general sense of young people being engaged in program. Things feeling at least more like what we would expect and sort of headed towards that far more therapeutic, purposeful, child-centred model we would all hope to see. There are other days when staffing levels are low, young people with complex behaviours -*

Ms O'CONNOR - *Locked in their rooms.*

Ms CROMPTON - *Spending additional time in their rooms because of that.*

CHAIR - *You are seeing some positive change, but there is still a way to go?*

Ms CROMPTON - *I am certainly seeing some positives, but I am also saying the accelerator needs to stay very firmly on maintaining that momentum. There are some good things happening in terms of a*

¹⁷³ Jack Davenport, 2025, *Submission #16*, pp. 31-32.

¹⁷⁴ Richard Connock and Sam Christensen, *Transcript of Evidence*, 1 May 2025, pp. 29-33.

new approach to de-escalation training, which is great. It's just been rolled out over the last few weeks, so I'm yet to really see for myself what that actually -

CHAIR - *That's for all staff?*

Ms CROMPTON - *I understand that's for all staff engaging with young people on the floor in terms of youth workers. That's new. It's very welcome. I was briefed on it and had the opportunity to have some input into the training.*¹⁷⁵

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.

Phase 2 – 2026

Government Reported Status: In progress (DoJ)

Implementation Report (August 2024) extract:

*In progress and on track for delivery in Phase 2 – currently recorded as a Youth Justice priority area recommendation in Collaborating for Change. This recommendation is contingent on the establishment of new youth justice facilities.*¹⁷⁶

Government Evidence

No specific evidence was taken on this recommendation to date.

¹⁷⁵ Isabelle Crompton, *Transcript of Evidence*, 28 March 2025, pp. 53-54.

¹⁷⁶ Keeping Children Safe, Implementation Report, prepared for the Joint Sessional Committee on the Commission of Inquiry Recommendations, August 2024, p. 68.

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.

Phase 2 – 2026

Government Reported Status: In progress (DoJ)

Implementation Report (August 2024) extract:

In progress and on track for delivery in Phase 2 – currently recorded as a Youth Justice priority area recommendation in Collaborating for Change.¹⁷⁷

Government Evidence

No specific evidence was taken on this recommendation to date.

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.

Phase 2 – 2026

Government Reported Status: In progress (DOJ, DECYP)

Implementation Report (August 2024) extract:

In progress and on track for delivery in Phase 2 – currently recorded as an Information Sharing priority area recommendation in Collaborating for Change.¹⁷⁸

¹⁷⁷ Keeping Children Safe, Implementation Report, prepared for the Joint Sessional Committee on the Commission of Inquiry Recommendations, August 2024, p. 68.

¹⁷⁸ Keeping Children Safe, Implementation Report, prepared for the Joint Sessional Committee on the Commission of Inquiry Recommendations, August 2024, p. 68.

Committee's Assessment

The Committee notes progress on implementation of this recommendation.

Government Evidence

***Mr JAENSCH** - ... the department is working closely with the Office of the State Archivist to establish a comprehensive process for recovering, restoring, digitising all historical records relating to Ashley Youth Detention Centre. This initiative is critical to ensuring that records are preserved, accessible and secure, particularly those that are essential for victim/survivors seeking redress or pursuing legal actions.*

The department has undertaken an audit to identify the state of record-keeping practices and hard copy record management for children in state care - a related matter.

We've made substantial progress with the majority of records held in the Tasmanian Archives relating to Ashley Youth Detention Centre already digitised. This digitisation effort addresses the past inadequacies by ensuring that records are now searchable, retrievable and protected against loss or corruption.

In addition to digitising records, we are storing and retaining surveillance data - CCTV - records from Ashley, in line with established retention periods. The data is vital for both historical and current accountabilities.

There is also an integrated IT system under way for Ashley, replacing our current IT systems. Through the implementation of these changes, procedures and processes that currently involve capturing and recording data offline will be reduced. Relevant policies and procedures and related documents will be updated to align with the new Youth Justice Plus processes, and staff will need to be inducted to their use.

That will give us a unified data set and provide an integrated view of the young person, across both the community and custodial youth justice services.¹⁷⁹

¹⁷⁹ Minister Jaensch and Ms Webster, *Transcript of Evidence*, 14 November 2014, pp. 43-44.

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.

Phase 2 – 2026

Government Reported Status: In progress (DoJ)

Implementation Report (August 2024) extract:

In progress and on track for delivery in Phase 2 – currently recorded as an Information Sharing priority area recommendation in Collaborating for Change.¹⁸⁰

Committee's Assessment

The Committee notes progress on implementation of this recommendation.

¹⁸⁰ Keeping Children Safe, Implementation Report, prepared for the Joint Sessional Committee on the Commission of Inquiry Recommendations, August 2024, p. 69.

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.

Phase 2 – 2026

Government Reported Status: In progress (DECYP)

Implementation Report (August 2024) extract:

In progress and on track for delivery in Phase 2 – currently recorded as a Youth Justice priority area recommendation in Collaborating for Change.¹⁸¹

Committee's Assessment

The Committee notes the Government has established three new roles: Director Community and Custodial Youth Justice (SES 2), Assistant Principal at the AYDC school, and Director, Youth Justice Operations (SES 3). Also, leadership training was to be provided for managers and supervisors at AYDC.

The Committee notes with concern there are currently people in senior roles at AYDC who have been employed there for many years, including during the period the Commission identified AYDC as having a culture of physical and sexual abuse perpetrated against children. It was not clear from questioning how these senior leaders at AYDC have been assessed, as per this recommendation, as having the knowledge, skills, aptitude and core capability to effectively manage people and lead a child safe organisation.

Implementation of this recommendation will require ongoing monitoring of the performance of all staff in leadership positions, as well as ongoing skill development as required.

¹⁸¹ Keeping Children Safe, Implementation Report, prepared for the Joint Sessional Committee on the Commission of Inquiry Recommendations, August 2024, p. 69.

Government evidence (written, 13 September 2024)

The Tasmanian Government is committed to ensuring children and young people in youth detention are supported by a skilled, capable and supported workforce that demonstrates the changes in attitudes and behaviours required for child safety and child-centred practice.

- *Leadership in Youth Justice has been strengthened with the addition of an SES 2 leadership position (Director Community and Custodial Youth Justice) as well as the addition of an Assistant Principal at the Ashley School, to enable the Principal to have a greater role in leadership across the centre.*
- *The creation of the Executive Director, Youth Justice Operations (SES 3) position is underway.*
- *Leadership training for managers and supervisors in youth detention will occur in 2025.*
- *Achieving cultural change requires a strong commitment from leaders, including a willingness to embrace change and take informed risks as well as implement key performance measures for the Secretary, Associate Secretary, Executive Director and other Executives.*

Implementation of this recommendation will be completed by 1 July 2026.¹⁸²

Government Evidence (verbal, 14 November 2024)

Ms LOVELL - *You mentioned in that update the leadership training for managers and supervisors in youth detention occurring next year. Can you elaborate on what that training will look like and assuming or hoping that there's specific training to working in a trauma-informed youth justice environment. Can you outline a bit more on that please?*

...

Mr WOODFALL - *... So it's part of a broader package where not only leadership, but all staff are engaging in that leadership training and trauma-informed training and probably some of the immediate actions because ultimately, we want to get to an end point, but it is a continuum. The immediate actions that have occurred is that we've brought two ex-education principals and leaders have come into the youth justice space who are part of the leadership team at Ashley. They are working there at different levels, but certainly the current principal of school is part of the leadership team. We've put in an assistant principal at the school to allow him to be able to be more part of the leadership team.*

That development of all staff is what we're working on including leaders and staff and the tangible things that are occurring and have occurred is the youth worker training that's occurring currently right now, which is seeing tangible benefits too.

Ms LOVELL - *Two questions: who's delivering the youth worker training, and then who delivers the leadership training that we talked about?*

Mr WOODFALL - *The youth work training has been the focus of the initial thing and we know that we're moving towards Cert IV training as well. That's now in place and we've secured people to do - and I won't mention numbers because I need my data in front of me. But by the end of 2024, we will have people who have completed that and it will be rolling through with the notion that we would want all youth workers to have participated in Certificate IV training. The other training -*

Ms LOVELL - *Sorry to interrupt, so who's delivering that Cert IV training?*

¹⁸² Letter from Minister Jaensch to Hon Ruth Forrest MLC, Chair dated 13 September 2024, p. 1.

Mr WOODFALL - The Cert IV training - I just looked that up for you quickly, thank you, and I did, no - I will come back to that, sorry. I have a name on the top of my list, but I don't want to get that wrong.

The other training for youth workers, it's across. For example, we're bringing in the appropriate people at the appropriate time. We've got someone from workplace safety who's now come on board. They deliver the workplace safety. We have just had trauma informed practice which was delivered by the Australian Childhood Foundation. So we're getting the, I guess, subject matter expertise and those with deep understanding to do that training.

The Circular Head Aboriginal Corporation worked with the inductees around cultural awareness. We've had the Office of Ombudsman come in and they deliver their - the custodial inspector and health complaints commissioner come and talk about their roles and their expectations.

The managers will meet with the youth workers and talk about our roles, our expectations and what change we want to see. And I guess suicide and self-harm. We've got the health service, correctional, primary health nurses and I guess it goes along this first aid fire warden training operation. So all that is -

Ms LOVELL - So that's all part of your ongoing regular training package. The program, the leadership training that's been referenced in this update from the minister, which I appreciate you might not have with you - leadership training for managers and supervisors in youth detention. Is that included in what you've been talking about now, or is that something in addition?

Mr WOODFALL - Yes. Frontline Mind is undertaking the leadership training. I couldn't think of the company delivering it at the centre. I think it's also a - once again, it's a continuum.

...

Ms WEBB - ... the recommendation is about 'appropriate process in place to ensure leaders in youth detention have the knowledge, skills, aptitude and core capability requirements to effectively manage people and lead a child-safe organisation'. So training of leaders to be able to do those things is different from leadership training. ... Are they delivering leadership training, or are they delivering training in the aptitude and core capability requirements for leading a child-safe organisation and managing people?

Mr WOODFALL - That is leadership training and what I think the experienced staff who have come into or have strengthened the leadership through a Director of Community and Custodial Youth Justice, the principal position we talked about, they are certainly on the ground building leadership, and those leaders in particular have had extensive experience in working in environments, schools in this instance, with at risk or dysregulated young people on a number of different fronts...

Ms WEBB - ... At the present time, the most senior on the ground role at Ashley is which position?

Mr WOODFALL - That would be the Acting Director of Youth Detention depending on whether I am considered on the ground role at three days a week or not, so I'm not sure.

Ms WEBB - Let's go with the position you just mentioned, the Acting Director of Youth Detention. What are the knowledge, skills and qualifications expected in that role?

Mr WOODFALL - In that statement of duties, off the top of my head, there's certainly a strong emphasis on culture and developing culture, building culture, but also oversight of the effective running of the centre ...

Ms WEBB - Is there a qualification in that role that's expected to be held in order to be well-equipped to do it?

Mr WOODFALL - I'm not sure what the qualifications for SES positions are other than to meet the essential criteria, the leadership capabilities.

Ms WEBSTER - There's obviously an SES leadership capability framework that we have as well.

The other thing I would say that the leadership and culture, and absolutely picking up your point that the strategic leadership piece and training for that is different from leadership and management training on the ground. Those sorts of things that Mr Woodfall mentioned are really important. Some of that leadership development work was being led by our People and Culture branch. So what are the skills and qualities that we want? It's across the agency because we want that consistency across the agency and then specialisation in areas like youth justice services and child safety and education. We're currently doing that work with that training to kick off in 2025 and that's being managed by the People and Culture branch. It is broader than that very specific training.

In terms of SES though, as I said, there is a leadership capability framework for SES and then it's a matter of working through and the department itself has a number of principles and pillars that we expect our leaders to maintain.

...

Ms WEBB - ... *In terms of the senior leadership roles and our confidence that they have, as this recommendation says, 'the knowledge, skills, aptitude and core capability to effectively manage people who need a child safe organisation', if those roles are all currently still held, for example ... by people who have been employed at Ashley since before the commission of inquiry was held, and therefore across the time that we now know a dreadful culture that perpetrated abuse against children was in place, they are the people now expected to lead culture change. It doesn't give me enough confidence hearing your answers about this, ... if those people haven't in other ways been assessed as being appropriate.*

Mr JAENSCH - ... *The Ashley Youth Detention Centre and the youth justice system that we have now, compared to the majority of the period that was examined by the commission of inquiry, is a transformed place in terms of the scrutiny, the oversight, the compliance requirements that sit around it. When we talk about child and youth safe organisations, that framework has only existed in a formal sense for a period of months. All our workforce and all the workforces that we deal with are expected to comply with it. We evolve and change, we train, we change culture and we bring people through that change as well.*

It's not a case of every time we have a new set of expectations that we change all the people and introduce new ones because we don't know where they've come from either.

Ms WEBB - I'm not suggesting that. The question didn't suggest that.

Mr JAENSCH - *We have a responsibility and the secretary has the responsibility of making sure that people in the various roles that we have are adequately qualified for those roles, that they're suitable people -*

Ms WEBB - *That's what I'm asking.*

Mr JAENSCH - *We will also continue to invest in our people as we learn more about what their roles require and will support them to meet our expectations and the community's expectations.*

Ms WEBSTER - *If I can add two things, minister, regarding the people and leadership at the top. Can I just say that there have been two really tangible examples with the addition of the Director Community and Custodial Youth Justice, a senior level, which is Mr Woodfall's position. I know, Ms Webb, you mentioned the assistant principal, but that is a really important role because it allows the principal to then focus on leadership. They are part of the team of improving culture and leadership at the centre. The other position that I neglected to mention is the Director of Clinical Services. I'm not sure if the minister mentioned that at the last scrutiny hearing, but that position is key in the development and implementation of the therapeutic models of care in Ashley Youth Detention Centre. That does go to culture quite clearly because the implementation of those models is really important.*

*The next most important position, I believe, is the recruitment of that Executive Director of Youth Justice Operations. We have just recruited the Executive Director of Child Safety Services. We've just finished that and that person will commence next week. We are working through that process. We want to get it right. We want to make sure that the right people are in the roles. I wish it could be sooner, but we are working through that.*¹⁸³

Stakeholder Evidence

According to the Laurel House submission:

*Laurel House has repeatedly sought to provide training and support to staff and residents at AYDC. Over the last 3 years, we have provided training to new staff on one occasion and to residents on another single separate occasion, both times in conjunction with SiSTas (Tasmanian Aboriginal Legal Service's family and sexual violence program).*¹⁸⁴

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 ie. 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
- e) 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.

Phase 2 – 2026

Government Reported Status: In progress (DECYP)

Implementation Report (August 2024) extract:

*In progress and on track for delivery in Phase 2 – currently recorded as a Youth Justice priority area recommendation in Collaborating for Change.*¹⁸⁵

¹⁸³ Mr Jaensch, Mr Woodfall and Ms Webster, *Transcript of Evidence*, 14 November 2024, pp. 45-54.

¹⁸⁴ Sub 15, pp. 41-42

¹⁸⁵ Keeping Children Safe, Implementation Report, prepared for the Joint Sessional Committee on the Commission of Inquiry Recommendations, August 2024, p. 69.

Committee's Assessment

The Committee notes there are currently few specific mechanisms and measures reported as being in place to monitor and evaluate cultural change in youth justice and youth detention. Therefore, the implementation of this recommendation will require explicit inclusion of such mechanisms and measures in the Youth Justice Blueprint, its associated action plans, and the ongoing governance structures of the youth justice system and youth detention.

The Committee notes the Government has established three new roles to strengthen leadership in youth justice (as noted in previous recommendation) and has planned for the recruitment of a Cultural Change lead, which will lead change and facilitate cultural change at AYDC, and ensure leaders have the appropriate skills and core capabilities required to facilitate change.

Laurel House reports it has repeatedly offered to provide staff for regular onsite support of children and young people and staff to help facilitate culture change.

Government Evidence (written, 13 September 2024)

The Tasmanian Government is committed to developing a Youth Justice System that achieves better outcomes for young people and their families and keeps our community safe.

- Departmental leaders in youth justice are engaging in a continuous cycle of improvement with a major focus on culture. This includes development of an agreed set of cultural drivers aligned with the Department's values. These will provide an important foundation for future work which will be driven by the new cultural change lead being recruited.*
- The Youth Justice Blueprint 2024-2034 will be monitored and evaluated over its ten- year life, with a plan that details how we measure progress against the intent of the Blueprint and short and long term outcomes across each of the five strategies.*
- Evaluation is also being considered as part of individual actions associated with the Blueprint. To inform the community on progress on the Blueprint, reports will be released containing information about implementation of actions and the success and effectiveness of actions.*
- The Youth Justice Reform work is underpinned by a Governance Framework which supports a co-ordinated and collaborative response from all stakeholders for the implementation and monitoring of the Youth Justice Blueprint.*
- The Youth Justice Reform program of work is currently placed with the Department of Premier and Cabinet and is occurring through a Youth Justice Taskforce. DECYP is continuing to work with the Taskforce to ensure a collaborative approach to youth justice system reform.*
- Leadership in Youth Justice has been strengthened with the addition of an SES 2 leadership position (Director Community and Custodial Youth Justice) as well as the addition of an Assistant Principal at the Ashley School to enable the Principal to have a greater role in leadership across the centre.*
- A Statement of Duties for the Executive Director, Youth Justice Operations (SES 3) has been finalised and creation of the Office is underway.*
- Planning for the recruitment of the Cultural Change lead has commenced. This position will lead change and facilitate cultural change at AYDC, and ensure leaders have the appropriate skills and core capabilities required to facilitate change.*

- Youth justice leaders have worked with staff and young people to develop positive centre-wide behavioural expectations aligned with the department's values. This work is foundational to establishing a child safe culture.
- DECYP will develop measures to monitor and evaluate cultural change at the Youth Detention Centre to deliver a therapeutic model of care, and child safe organisation, which may include the development of surveys of staff and key stakeholders.

Implementation of this recommendation will be complete by 1 July 2026.¹⁸⁶

[See also evidence under previous recommendation.]

Government Evidence (verbal, 14 November 2024)

Ms WEBSTER - In terms of the personnel and the culture change, I think some of the matters and some of the answers to the former questions relate to this. One of the things that the Department of Premier and Cabinet is doing with their youth justice reform and our youth justice blueprint will actually have key indicators in there regarding improvements at Ashley that we will have to monitor and evaluate against. I think we also have a governance framework that supports the implementation and monitoring of the youth justice blueprint and there's a program of work that currently sits within DPAC.

Through all that work, and I don't want to speak for DPAC, but part of that will be a monitoring and evaluation framework, and part of that will be our input into the cultural change. They are interrelated and we are working with DPAC as they develop things like the model of care, working in the Youth Justice Reform Action Plan, but all of that will include a monitoring and evaluation framework.

Ms WEBB - ...I'm interested in, right now, given that we have a detention centre that's still open, that's under a massive cloud from the commission of inquiry and a lot of that's to do with an entrenched culture of abuse of children, how are we monitoring and evaluating cultural change currently? I'm not interested in what we're going to do in the future, or what will happen under a new framework or blueprint, but right now. ...

...

Ms WEBSTER - There are a range of measures that we would use and one of them is what we just talked about regarding complaints. I think if young people and staff are happy to speak up and say where things aren't working, whether they are minor things in procedure and practice, or more serious things, then we would like to see initially that people are coming forward and saying if they're not comfortable or if they're making a complaint. Mr Woodfall might be able to talk about certain things about - there is a number of forums that are in place in terms of asking young people because it really is important to ask the people who are in the centre if they believe that things have improved. I think there's a range of measures, including datasets, that we can look to, including the number of complaints that are raised, how quickly they might be resolved, how they're resolved to the satisfaction of the person who's making the complaint, how we're interacting with Ashley School - for example, the number of young people engaging in those sorts of activities.

So, there is a range of that data that we already collect. I think it is a matter of bringing that together and developing, as it says within the recommendation before us, how that all fits together in terms of the indicators that we are seeing, where we're seeing improvement regarding that sort of behaviour.

Ms WEBB - I'm particularly interested to hear about how we're measuring and monitoring culture change amongst staff and the staff group. For example, in that respect, I'd be interested to hear about

¹⁸⁶ Letter from Minister Jaensch to Hon Ruth Forrest MLC, Chair dated 13 September 2024, pp. 1-2.

exit interviews being done by staff who are leaving - especially who have been recruited and then left in recent times; numbers of staff on workers' compensation and whether that's moving over time; people returning to the workforce from workers' compensation because they feel they can return to the workplace. Those kinds of indicators about staff culture. Clearly, staff culture was an issue that was raised in the commission's work.

Ms WEBSTER - ... There are a couple of things. One is the Whole of State Service Survey.

...

Ms WEBSTER - Then there is also a survey - a staff engagement and wellbeing survey - that the Department for Education, Children and Young People also do. My understanding is that's undertaken each year. There is that survey, where we can measure staff satisfaction and staff engagement from work area to work area.

In terms of separations, resignations and retirements in ... separation interviews are undertaken. Obviously, not everyone that separates from the department wants to undertake an exit interview, but many do. In terms of the custodial youth justice, and I mean across the youth justice continuum, between 1 October 2023 to 31 October 2024 we have had 16 separations - resignations. That's by headcount. We've had two retirements and one person move to another agency.

That information is tracked and, as I said, we do have that individual agency staff engagement and wellbeing survey as well.

Ms WEBB - I'm particularly interested in the AYDC situation and staff culture change there. Are these sufficient measures, do you think, to be monitoring whether culture change is occurring, and has occurred already, minister? Are you satisfied that we have enough measures in place to track that and understand whether it has occurred?

Mr JAENSCH - It's an important area of work. It is clearly referenced in the recommendation. The recommendation also recommends a delivery of 2026 for this. You've had advice from the department today about steps that have been taken and work yet to be done as well. This is a work in progress, on track as far as the commission of inquiry's recommendation goes. It's the sort of thing which will need to be continually evolving and being refined.

...

Ms WEBB - My question isn't about descriptions about what's been put in place to help culture change happen, although that's important and good. The question is about how we give ourselves confidence that it has occurred. I'm asking about monitoring and evaluation and purposeful tracking of that - not necessarily just through general surveys.

...

Mr JAENSCH - ... we're speaking about something which is an evolving response to a future delivery date. It's not necessarily all there yet, and it will probably always be subject to review and refinement.

....

Mr WOODFALL - Yes, we certainly understand it's on the continuum and it's a work in progress. The monitoring will require: what are we monitoring, how we're monitoring, and the foundation of cultural change. We are looking at introducing ... while on that continuum, a positive behaviour support system within the place where we're rewarding positive behaviours. We've flipped that around to make those cultural drivers. That was led by the principal of the school, where he consulted with cafeteria staff, youth workers, young people.

...

I'd finally say that, while no formal monitoring and processes are in place to do that yet, we are seeing improvements throughout IRC, which will probably come up later, which is our incident review

*committee. We're just seeing the responses of youth workers changing in the way that they deal with situations. I think that's a great measure of cultural change.*¹⁸⁷

Stakeholder Evidence

According to the Laurel House submission:

We have expressed our ability and willingness to visit fortnightly to build relationships with the children and young people and staff, and in doing so contribute to the culture change expressed in this recommendation. Despite these multiple approaches, we are yet to have received the go ahead from AYDC for visits to commence.

Embedding Laurel House staff within AYDC would be an advantageous step in creating the cultural change necessary to keep children safe. The presence of Laurel House as an external, trauma-informed service reinforces a child-safe environment by ensuring that young people have access to confidential, specialist support and that disclosures of harm—whether past or present—are taken seriously and responded to appropriately.

Regular engagement from our staff would normalise conversations about safety, consent, and respectful relationships, which are essential in challenging harmful attitudes and behaviours that contribute to abuse. It also acts as an accountability measure, demonstrating to staff and leadership that independent oversight and support are integral to ensuring children's wellbeing. Beyond direct support to young people, Laurel House could play a key role in training and educating AYDC, equipping them with the skills and awareness to identify risks, respond appropriately to disclosures, and foster a culture where safety and dignity are prioritised.

*Our staff being at AYDC would send a clear message that children's safety is non-negotiable, contributing to the systemic change necessary to create an environment where harm is prevented, and victim-survivors feel believed and supported. In contrary, the continued roadblocks to the presence of Laurel House on site, signals a continued failure to prioritise child safety, transparency, and of the cultural change necessary to protect vulnerable young people from harm.*¹⁸⁸

¹⁸⁷ Mr Jaensch, Mr Woodfall and Ms Webster, *Transcript of Evidence*, 14 November 2024, pp. 55-61.

¹⁸⁸ Laurel House, 2025, *Submission #15*, pp. 41-42.

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.

Phase 2 – 2026

Government Reported Status: In progress (DECYP)

Implementation Report (August 2024) extract:

In progress and on track for delivery in Phase 2 – currently recorded as a Youth Justice priority area recommendation in Collaborating for Change.¹⁸⁹

Committee's Assessment

The Committee notes the Department's expressed recognition that an empowerment and participation strategy must go beyond the Col recommendations, to build the lived experience of children, young people, and families into the Department's culture, governance, policies, practices and service delivery across all services.

The Committee further notes a Young People Consultation Group has been established at AYDC, with a Terms of Reference developed in consultation with young people at the Centre, the Office of the Commissioner for Children and Young People and the Custodial Inspector. This group has met monthly since commencing in June 2024.

¹⁸⁹ Keeping Children Safe, Implementation Report, prepared for the Joint Sessional Committee on the Commission of Inquiry Recommendations, August 2024, p. 70.

Additional opportunities for children and young people at AYDC to raise issues or concerns are provided through the regular onsite presence of the Advocate from the Office of the Commissioner for Children and Young People, and the Custodial Inspector.

Laurel House highlighted the need to ensure members of the advisory group, particularly those with lived experiences of youth detention and intersecting vulnerabilities, such as CSA, were provided with access to therapeutic supports.

Government Evidence

To realise the Department's Strategic Plan and uphold the rights of children and young people, the Department has identified the need to go beyond the Col recommendations and to develop a Strategy that builds the lived experience of children, young people, and families into the Department's culture, governance, policies, practices and service delivery across all services.

- *The Department has scoped the work to develop a Participation and Empowerment Strategy for children and young people in out of home care and detention (Recommendations 9.6 and 12.8).*
- *This work will benefit children and young people by giving them more opportunities to contribute to decisions that affect their lives. When they have input into these decisions, they are more likely to be kept safe, well and thriving by the organisations and individuals that provide services and support to them.*
- *Recommendation 12.8(b) from the Commission of Inquiry required a review of the Resident Advisory Group at Ashley Youth Detention Centre (AYDC), which has led to the establishment of the Young People Consultation Group.*
- *This group has met monthly since commencing in June 2024. The group provides a safe and inclusive environment for young people in detention to form and express their views, make requests, and raise questions and concerns. The young people's views are actively sought and taken into account in decision-making processes, e.g., in relation to policy and procedure development.*
- *The AYDC Young People Consultation Group Procedure and Terms of Reference have been developed in consultation with young people at Ashley Youth Detention Centre, the Office of the Commissioner for Children and Young People and the Custodial Inspector.*
- *The meetings are chaired by an independent chairperson who has a therapeutic focus and experience engaging with young people and facilitating meetings, to ensure that young people are empowered to express their views freely. The Advocate for Young People in Detention is also invited to attend each meeting to support the young people.*
- *The new Procedure and Terms of Reference align with Commission of Inquiry Recommendation 12.8 and Article 12 of the UN Convention on the Rights of the Child and is informed by the Lundy Model of Child Participation to ensure that young people at AYDC can effectively participate in all matters that affect them.*
- *The Department's Participation and Empowerment Strategy will document and build on existing work across the Department and also include the co-design of:*
 - *an overarching and comprehensive guide that outlines best practice principles, ethics, and models for children and young people's participation at the individual and systemic levels.*

- *a Rights of the Child education and awareness campaign that builds understanding of children's rights within the DECYP workforce, and with parents, carers, children and young people.*
- *a lived experience advisory model that represents all the distinct groups we serve - young people with experience of out of home care and youth justice; students; parents and carers. Once the model of advisory groups is co-designed, we will establish them in future stages of the Participation and Empowerment Strategy.*
- *The Strategy and its range of supporting activities previously mentioned, will enable the lived experience of children, young people and families to be reflected in the Department's culture and ways of working to better deliver services that meet their needs.*
- *Updated induction and information resources will be developed in consultation with children and young people at Ashley Youth Detention Centre to support their understanding of their rights, available supports, and relevant programs and processes while in detention.*
- *These resources will be provided to young people on admission to the Centre and to their families or carers.¹⁹⁰*

Government Evidence (verbal, 14 November 2024)

Mr WOODFALL - *One of the commission of inquiry recommendations ... is that we would revise the resident advisory group. We've done that. The terms of reference, that's been consulted with all the relevant stakeholders - commissioner for children advocate, Custodial Inspector - but mostly the young people, so that young persons can advise. A young person consultation group occurs monthly, and young people are elected to it and they come. We have found that often our system wants lots of answers and feedback. We're trying to scale that back a little bit and find the balance so that we're actually hearing from the young people: 'What do you want to talk about?'*

...

CHAIR - *I'm trying to understand how you actually collect the data to then see how the culture's changing from the young person's perspective.*

Mr WOODFALL - *Yes, certainly, that's one avenue. We know that we've just authorised, and we've spoken to the children's commissioner about their young people's voices project. I might have the name incorrect - but certainly we've agreed to fully participate in that. We've done one previously. That's about to commence.*

Then we also have the advocate from the commissioner for children, who's onsite three days a week and constantly engaging those conversations, reporting back and collecting data that goes through. Then we also have the custodial inspectors who have free range of the centre and speak to young people, and that data is collected and brought back. They put that in their reports, like the Custodial Inspector reports talk about what they're seeing and changes in culture and changes in practice.

CHAIR - *Is all this data sort of synthesised into a report reflecting the views of children and young people in the centre, or engaging with the service, I guess, or the centre? Such that there's a consolidated report that helps you track whether the young people are noticing a cultural change? We're talking about cultural change.*

Mr JAENSCH - *We also have a lot of churn of young people through the centre, so in terms of them being able to reflect on cultural change there's some limitations to that...¹⁹¹*

¹⁹⁰ Letter from Minister Jaensch to Hon Ruth Forrest MLC, Chair dated 13 September 2024, pp. 2-3.

¹⁹¹ Mr Woodfall and Minister Janensch, *Transcript of Evidence*, 14 September 2024, pp. 58-59.

Stakeholder Evidence

According to the Laurel House submission:

We strongly advocate for Laurel House to be consulted in the development of this strategy, but this has not sufficiently been the case thus far in other initiatives under the CoI recommendations. This strategy is critical to the include [sic] of LE [Lived Experience] in the implementation of the recommendations and this inclusion must start from the infancy of this process rather than at later stages.

...

We also urge that members of the advisory group, particularly those with lived experiences of youth detention and intersecting vulnerabilities, such as CSA, be provided access to therapeutic supports. These supports should be delivered by specialist organisations, such as Laurel House, to ensure that participation does not inadvertently retraumatise members and that their well-being is prioritised throughout their involvement.

While the establishment of an advisory group is a positive step, it is vital that the strategy extends beyond this format to avoid restricting engagement to a single forum. Advisory groups, while valuable, are not always inclusive or accessible for all children and young people, especially those with diverse needs and lived experiences. To ensure comprehensive engagement, the strategy should consider additional forums such as:

- *One-on-one consultations with children and young people, guided by trauma-informed practitioners, to provide safe spaces for those who may not feel comfortable speaking in a group setting.*
- *Creative expression workshops (e.g., art, storytelling, or digital media) that allow young people to share their experiences and perspectives in non-verbal and empowering ways.*
- *Peer-led engagement sessions, where young people with similar experiences facilitate discussions, helping participants feel understood and validated.*
- *Anonymous surveys or feedback tools, ensuring input can be collected from those who may not wish to participate in formal meetings or groups.*
- *Culturally safe spaces specifically designed to meet the unique needs of Aboriginal children and young people and others from marginalized or disproportionately affected groups.¹⁹²*

¹⁹² Laurel House, 2025, *Submission #12*, pp. 43-44.

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.

Phase 3 – 2029

Government Reported Status: Phase 3 (DECYP)

Implementation Report (August 2024) extract: N/A

Committee's Assessment

The Committee notes this is a phase 3 recommendation, however due to ongoing staffing challenges at AYDC, there have already been concentrated recruitment efforts to increase the number of Youth Workers.

The Committee further notes that while this recommendation is phase 3, it contains actions the Commission have deemed urgent (e.g. (i)) and are relevant to challenges in the current youth detention environment. The Committee urges work on this be accelerated.

DECYP reports a Workforce Strategy for Youth Justice and a Youth Justice Workforce Action Plan are being developed. Further, it is reported improvements have been made to the onboarding program, more robust policies and procedures have been implemented, and progress made on procurement for contextualised Certificate IV training to ensure youth workers have the appropriate skills.

The Department also reports clinical support including supervision is provided on an ongoing and regular basis, including from two staff onsite from the Australian Childhood Foundation. However, the Committee notes this is not compulsory and there may not be high levels of engagement by frontline staff with the available clinical support and supervision.

Government Evidence

The Department is committed to recruiting and maintaining an appropriate level of staff in youth justice and ensuring that the youth justice workforce has the aptitudes, attitudes and capabilities to deliver a therapeutic model of care.

- *A concentrated effort to recruit more Youth Workers to Ashley Youth Detention Centre has occurred. Since October 2022, there have been six Youth Worker recruitment campaigns, with an additional recruitment round underway.*
- *Improvements to the youth worker onboarding program have already been implemented, along with the ongoing implementation of more robust policies and procedures.*
- *The positive impact of the implementation of other recommendations, including strong leadership and governance arrangements to drive cultural change, and the implementation of appropriate qualifications, training and support for all youth workers, will be important considerations in determining the approach to this recommendation.*
- *The Department is finalising procurement for contextualised Certificate IV training to ensure youth workers have the appropriate skills and training to build positive relationships and work therapeutically with children and young people in detention.*
- *The recent staffing changes have resulted in a shift in the staffing demographic relating to cultural diversity, age, gender, qualifications, and experience, particularly at AYDC.*
- *A Youth Justice Workforce Action Plan is being developed for staffing youth justice. This will include workforce planning, marketing and recruitment and ongoing workforce management. The Action Plan will have a strong leadership focus, have values and capability-based recruitment and include clinical supervision.*
- *Clinical support including supervision for youth workers at AYDC is provided on an ongoing and regular basis. This supervision is focused on how to support young people at AYDC with intensive support needs.*
- *Leadership in the youth detention system has been strengthened to drive and support cultural change, including improving governance arrangements for youth detention and establishing means to ensure accountability for cultural change and links to the DECYP strategic directions and values.*

- *A customised package of staff wellbeing supports is available for AYDC staff including after critical incidents. This includes critical incident debriefing through the Department's Employee Assistance Program.*
- *A dedicated Work Health and Safety consultant is based at AYDC to coordinate Centre response and supports. Ongoing proactive supervision is in place for staff, whilst coaching and supervision is available for leaders to build their capability to manage their staffs wellbeing and support their teams. following critical incidents and after allegations of sexual abuse against a colleague.*
- *Youth justice leaders have worked with staff and young people to develop positive centre-wide expectations or cultural drivers and are currently working through the behaviour attributes of these expectations. This work is a foundational element of establishing the culture we want and the culture we are working to achieve.*
- *Planning has begun on the development of a Workforce Strategy for Youth Justice. This strategy will draw on appropriate levers to strategically attract, employ and retain a safe, well and qualified workforce.*
- *A 12-hour roster for youth workers that incorporates dedicated training days is currently under development. This aims to ensure that staff training can be carried out without affecting operations of the centre.*
- *The Department for Education, Children and Young People will be evaluating the level of resources needed to support ongoing delivery of onboarding and training both in Ashley Youth Detention Centre and any future detention facility.*
- *Further work will be done to refine induction and professional development programs to provide staff with appropriate qualifications, training and support.*

Development and implementation of this recommendation is progressing as part of the broader Youth Justice Services Workforce Action Plan.

Implementation of this recommendation will be complete by 1 July 2029.¹⁹³

Evidence (verbal, 14 November 2024)

Ms ROSOL - *I have a question about the clinical support, including supervision that's mentioned in the information we received. I am wondering if you could give some information about what that supervision involves, how often it happens, who provides it - what it looks like and if staff are required to participate in that?*

Mr WOODFALL - *One of the recommendations was to put this into place and employ our own staff to do that. We made an operational decision to outsource that to ACF [Australian Childhood Foundation] because we thought there was greater transparency. We have two staff onsite. We have a person who works with young people, and we have a support person from ACF who supports staff. The thinking behind that was it stays outside the workplace; it's a step removed; they can probably have more open conversations with that person.*

Certainly in speaking to the ACF staff members at times, we're still developing the culture that people want to go in and speak about what's happening for them, and so we've asked leaders to model that and have those conversations. ...

...

¹⁹³ Letter from Minister Jaensch to Hon Ruth Forrest MLC, Chair dated 13 September 2024, pp. 3-5.

Mr WOODFALL - ... One of the things we are exploring under Dr Kristen Webb's leadership as Director of Clinical Services is, can we provide support, supervision through that team and what that would look like. We have recruited some positions for that team, but we're still determining what is the most effective makeup of that team and how we get the best bang for buck, I guess, for young people, staff, et cetera.

Ms WEBB - ... It's not compulsory for all staff to participate in clinical supervision sessions on a regular basis?

Mr WOODFALL - It's compulsory to - clinical supervision, if we're talking about wellbeing and welfare, no. In relation to practice with the briefings and the updates and the meetings with their operations coordinators, yes, definitely compulsory.

Ms WEBB - I'm making a distinction between - I'm not talking about performance management, which would happen through your line manager. That's a very different thing and needs to happen appropriately, of course.

Clinical supervision and, as you've described, can appropriately be done by an outside entity because it's about how you go about your work and do it well, not in a performance way, but in terms of your understanding of the things you need to apply when you're doing your role and how you need to bring a thoughtful approach to trauma-informed care, for example. That sort of supervision - clinical supervision - is everyone required to do that on a regular basis across the staff team?

Mr WOODFALL - Everyone is exposed to that in their morning meetings. What's the priority, what we need to be aware of, reminding of focuses of the work, what the correct trauma-informed response to a certain situation which might evolve today. That's practice reminders.

In terms of specific wellbeing, 'I am struggling. I would like some support on that', that part is not compulsory. The practice part is in part of the normal structures and operating of the centre.¹⁹⁴

[See also evidence provided under Recommendation 12.6]

¹⁹⁴ Minister Jaensch, Mr Woodfall and Ms Webster, *Transcript of Evidence*, 14 November 2014, pp. 62-65.

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.

Phase 1 – 2024

Government Reported Status: Complete (DECYP)

Implementation Report (August 2024) extract:

DECYP has drafted a professional conduct policy, with supporting conduct and behaviour standards for workers at the Ashley Youth Detention Centre and in residential youth justice, to put in place a clear structure and practice for safeguarding children and young people. The policy will apply to employees, volunteers, contractors and sub-contractors.¹⁹⁵

Committee's Assessment

The Committee notes DECYP reports consulting on and developing a Conduct and Behaviour Policy, General Conduct Standards for all workers, and an additional set of conduct standards for workers in detention centre and residential youth justice settings.

DECYP further reports compliance with the policy and standards will be achieved through instructive communication with employees, a professional learning module being developed, guidance material and information sessions for children in youth detention, and a communication campaign to staff and other workers.

The Committee notes a commitment has been made to ensure the policy is regularly reviewed, publicly available and communicated to children and young people and their families.

The Committee notes there is a need for ongoing monitoring of the implementation of the Professional Conduct and Behaviour policy and its effectiveness.

[NB: see also Recommendation 6.4]

¹⁹⁵ Keeping Children Safe, Implementation Report, prepared for the Joint Sessional Committee on the Commission of Inquiry Recommendations, August 2024, p. 30.

Government Evidence (written, 13 September 2024)

- *The Department has completed the development of a Conduct and Behaviour Policy, General Conduct Standards for all workers and an additional set of conduct standards for workers in a detention centre and residential youth justice settings.*
- *These documents have been developed with key internal stakeholders which enabled identification of areas for improving and strengthening of the existing framework to provide a clear structure and practice for safeguarding children and young people from abuse.*
- *The Policy and Standards clearly describe expected standards of behaviour for workers who have contact with children and young people, reporting obligations and the consequences of a breach of the policy, including that a breach of the policy may be a breach of the Code of Conduct.*
- *The Policy and Standards applies to all workers, including employees, volunteers, contractors, sub-contractors, and, where relevant, trainees and work experience students.*
- *Compliance with the Department's Conduct and Behaviour Policy and Standards for staff who have contact with children and young people in Youth Detention and Residential Youth Justice settings will be achieved through instructive communications with all employees, ongoing professional learning and work by the Office of Safeguarding Children and Young People to provide direction on the Department's culture and systems as they relate to protecting children and young people from harm.*
- *The Department will develop guidance material and information sessions for children in youth detention or youth justice facilities about the expected behaviour of staff, volunteers and adults in their lives.*
- *A communication campaign to staff and all other workers will be implemented to ensure awareness of understanding of the required standards of conduct and behaviour.*
- *A professional learning module will be developed in the second half of 2024.*
- *The Department will also ensure the policy is regularly reviewed, publicly available and communicated to children and young people and their families.*
- *The Department is working closely with the Department of Premier and Cabinet to ensure this work aligns with the whole of Government approach under recommendation 20.2.*
- *The Conduct and Behaviour Policy and Standards sit alongside other work to strengthen DECYP's status as a Child Safe Organisation which is captured in 'Safe. Secure. Supported - Our Safeguarding Framework'.*

Implementation of this recommendation was due on 1 July 2024. The documents were finalised on 29 August 2024 and have been published on the [DECYP website](#).¹⁹⁶

¹⁹⁶ Letter from Minister Jaensch to Hon Ruth Forrest MLC, Chair dated 13 September 2024, p. 5.

Government Evidence (verbal, 14 November 2024)

Ms ROSOL - In the information we were provided, it says a professional learning module will be developed in the second half of 2024 ... so I'm wondering if you can give an update on that professional learning module, and if it's being finished and introduced, or what's happening with it, please?

...

Ms WEBSTER - ... My understanding is that professional training module to support the delivery of the conduct and behaviour policy and standards for staff is still currently under development and is expected to roll out in early 2025.

...

Ms O'CONNOR - Can I ask on 12.10 ... '(a) separate professional conduct policy for staff who have contact with children and young people in detention ... and other residential youth justice facilities'. Can we have some detailed update on that? I know we've been presented with some documentation, but for the committee broadly. Is that in place?

Ms WEBSTER - Yes, it is ... and that policy is on the department's website, Ms O'Connor.

Ms O'CONNOR - ...How does that work in practice? Is it a policy that staff are told is there for them to look at? Or, is there a higher level of expectation for staff that they read this professional conduct policy? How can you make sure they are?

Ms WEBSTER - Certainly, my expectation - and Mr Woodfall might be able to talk about what happens with induction for staff at Ashley Youth Detention Centre - that staff would be made aware of it as part of the induction, but the training module that's rolling out to accompany that is scheduled for implementation in 2025 - early 2025.

Ms O'CONNOR - Early 2025. Is that intended to meet point (a) of this recommendation? So, you have a policy, and then you have a training module, and then you make sure that all staff who are coming through Ashley read the policy, commit to adhering to it, and undertake the training?

Ms WEBSTER - That would be my expectation ... and also that it's not just a 'set and forget', because some people might come into the organisation and three years later, and it's a bit like when we sign into our computers, there's a reminder that we have to do and comply with certain things. There's obviously mandatory training that we undertake now through child safeguarding and mandatory reporting, work health and safety.

My understanding would be that would be part of a suite of training that's provided specifically for youth workers working in Ashley Youth Detention Centre, which might be different from a teacher working in a school or something like that, different. They're bits of training that's across the department and then bits that are specific to particular work areas. This is one that's specific to Ashley Youth Detention Centre.

Ms O'CONNOR - Thank you. Finally, how do you have oversight to ensure that staff actually understand the policy and are doing whatever refreshers in training that they need?

Ms WEBSTER - We have an electronic training system that tracks whether you've actually done the training; that's one way. You asked about understanding and complying and that's really on the ground supervisors, the leaders of the centre, the culture change that we're doing and identifying where there are people who may need to have a refresher training and those sorts of things. The performance development plan that people have - within my expectation and my previous experience

- has been that each person has certain training that they're required to do each cycle of their performance development plan. It would be captured in those sorts of things.¹⁹⁷

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.

Phase 3 – 2029

Government Reported Status: Phase 3 (DOJ lead, DECYP)

Implementation Report (August 2024) extract: N/A

Committee's Assessment

The Committee notes this is a phase 3 recommendation, and the Government points to the need to develop a range of community-based health, welfare, disability, and diversionary programs as a prerequisite to raising the age of criminal responsibility to 14 years.

The Committee agrees with stakeholders, including the Interim Commissioner for Children and Young People and Tasmania Legal Aid, who have called for the greater prioritisation of this recommendation and stated that it should occur concurrently with the closure of AYDC, and as soon as possible.

The Committee also notes an issue associated with the age of criminal responsibility, raised by United Workers Union and the Custodial Inspector, of children inappropriately being detained in police lock-ups and watch-houses, to their detriment and that of workers who are not trained or supported to work with juveniles.

The Committee supports the call for greater prioritisation of this recommendation.

Government Evidence (written, 13 September 2024)

Recommendation 12.11(a) and (b) are being led by the Department of Justice. Recommendation 12.11(c) is being led by the Youth Justice Reform Taskforce.

This Government has committed to raise the minimum age of detention to 16 years as part of our comprehensive reform of the Youth Justice System in Tasmania.

¹⁹⁷ Mr Jaensch and Ms Webster, *Transcript of Evidence*, 14 November 2024, pp. 65-66.

- *Raising the minimum age of detention will require legislative amendment to the Youth Justice Act 1997. This will occur together with a suite of amendments identified as part of our whole system reform.*
- *The Youth Justice Reform Taskforce is considering service impacts of this proposed change as part of its service and facility planning process, consistent with the Commission's suggested reform timeframe.*

Implementation of this recommendation will be complete by 1 July 2029.¹⁹⁸

Government Evidence (verbal, 14 November 2024)

Mr JAENSCH - *As I've mentioned earlier, our planning and trajectory for reform and the specifications for our new youth justice facility assume that we are working to a smaller cohort with changed minimum age being a factor in reducing that cohort. ...*

...

Ms O'CONNOR - *With respect, I'd like to understand why this recommendation is going to take more than five years to implement when it's a legislative response that a number of other jurisdictions have implemented or are implementing. Why does it take five years to introduce legislation to increase the minimum age of criminal responsibility?*

...

Mr JAENSCH - *I think that the commission of inquiry set the timeframes. ... To achieve it, Ms O'Connor, we need to ensure that we have developed, as the recommendation also goes to, alternative mechanisms for dealing with young people below 16 and below 14 who have offended and who have caused harm, who have offending behaviours, because the offending still happens, the damage is still done and the factors that have driven those behaviours are still there.*

We need to deal with them and we need to have adequate ways of dealing with them that keep the community safe and that offer those young people an appropriate way of addressing the fact of their offending and the causes of it.

We don't have all that in place just yet. What we're going to need to be able to do by the time we turn off a detention as an option, we're going to need to be able to convince our community. Our community needs to be confident that that doesn't just mean that offending behaviour isn't responded to, that there will be more offending, that there will be young people with no consequences from the community's perspective of offending. That's a real concern that we're going to need to deal with as a parliament when this matter is before us.

By the time we get there we need to be able to show the community we've got better ways: intercepting those young people earlier; intervening; diverting them from offending; addressing the causes of their offending behaviour so that the matter of whether offences are recorded as a criminal act or how that young person is responded to becomes less the most important thing. The thing we have to deal with is how do we prevent offending and how do we deal with offending behaviour in young people at age 14-15 that works better than what we've got now.¹⁹⁹

Government Evidence (verbal, 19 August 2024)

Mr BARNETT - *... In terms of the commitment to the minimum age of detention of 14 and undertaking work on the minimum age of criminal responsibility, which is a phase 3 recommendation through to 2029, we are progressing those and looking at how best to deliver the commission of inquiry's recommendations by that timeline. These include raising that minimum age of criminal responsibility*

¹⁹⁸ Letter from Minister Jaensch to Hon Ruth Forrest MLC, Chair dated 13 September 2024, p. 6.

¹⁹⁹ Minister Jaensch, *Transcript of Evidence*, 14 November 2024, pp. 66-67.

and having programs and services for children under 14 and working towards raising the age of detention to 16. There is a crossover, obviously, with minister Jaensch with respect to the latter, which you would understand. The timeline allows us to consider the experience of other jurisdictions which have started those reforms by first raising the age to 12 with the intention to later progress to 14. This progressive implementation is certainly one possible approach and all options should be considered.

It's a very complex matter. These important issues go far beyond the change of the age in our Criminal Code. For example, removing children aged 10 to 13 from the criminal justice system and those aged 14 and 15 from detention and remand means developing and resourcing a range of alternative responses to fill that gap so that those children and the community are safe and have their needs met.

As the recommendation states, 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 who are found guilty of serious violent offences and who may be [a] ... danger to themselves or the community. As I say, that's a matter for minister Jaensch and no doubt the Minister for Police, Fire and Emergency Management as well, so we'll be working on these matters across government. They are very important and getting that balance right ensuring that community safety and ensuring better outcomes for our children remain our top priority.

Ms WHITE - Thank you, Attorney-General. I am keen to understand what your timeline is for the consultation on the legislation that falls within your responsibility of raising the age, and is it your expectation that Tasmania would move to an interim age of 12, lifting it from 10, before moving to 14?

Mr BARNETT - We've got a long way to go to phase 3. That's our commitment as a government and it's a very important matter. As I say, we'll be looking at other jurisdictions in terms of their experience. Some of those are moving faster than us and other jurisdictions, so there's a lot to learn. This is a very complex matter. We need to develop community-based health, welfare and disability programs to provide support for children in that situation. It's a very complex matter and we'll be taking all those matters into account as we consider very carefully this major reform.

Ms WHITE - ... Is the government still committed to raising the age of criminal responsibility to 14?

Mr BARNETT - The answer is yes. We support all 191 recommendations. We support the criminal age of responsibility being increased to 14 by phase 3....²⁰⁰

Stakeholder Evidence

The Interim Commissioner for Children and Young People, in her submission, called for the prioritisation of this recommendation:

I also take this opportunity to draw to your attention my observation that important legislative reforms arising from the Commission of Inquiry's recommendation regarding raising the minimum age of criminal responsibility (rec.12.11) should be ascribed far greater prioritisation than is evident currently. This is important to ensure that other reforms proposed by government (e.g. regarding police powers and responsibilities) are in line with and indeed advance the government's unequivocal commitment to implementing non-criminalising and individualised therapeutic responses for the small number of children who come to the attention of police - thereby making lasting change for young Tasmanians and our broader community.²⁰¹

Isabelle Crompton, Interim Commissioner for Children and Young People, commented further on raising the age of criminal responsibility:

²⁰⁰ Mr Barnett, *Transcript of Evidence*, 19 August 2024, pp. 99-100.

²⁰¹ Commissioner for Children and Young People, 2025, *Submission #12*, p. 2.

Ms CROMPTON - In practical terms, what would need to happen is for that very small number of young people who were unable to be supported simply within families, within their communities, we would need an alternative mechanism to ensure that they're receiving the support that they need should that be required.

...

Ms CROMPTON - We're talking about switching on a whole range of earlier interventions and supports. The whole shift requires that, and the evidence would indicate that over time we all benefit from that.

In terms of the practical reforms that would need to occur there, the advice that the former commissioner provided was informed by some work by the Tasmania Law Reform Institute which talked about the potential to adjust the Children, Young Persons and Their Families Act 1997 to enable the provision of supports for children and young people who would fall below the new minimum age. It would effectively be a child safety and child wellbeing response where family, for whatever reason, is unable to assist and where services and supports are required to meet the inherent needs of the child. Very individualised, therapeutic, community-based, and obviously a reception prison would no longer be the place where a young person would be taken. I would argue that no young person should be taken to a reception prison in any event. They should be taken to a safe place that is child-centred and a child-safe place.

There are examples in other jurisdictions of how this can be done. There may still need to be some sort of forensic-based work undertaken, but that would be done in a completely different environment.²⁰²

Tasmania Legal Aid has advocated for an increase to the age of criminal responsibility and supports the Government's commitment to do so. TLA also believes this recommendation should be prioritised and completed sooner than Phase 3:

TLA holds that this must be prioritised, in line with the closure of AYDC and occur concurrently in Phase 2 of the Government's implementation of reforms and actions. It is currently planned for implementation in Phase 3—July 2029. In order to effectively reduce the number of children and young people coming into contact with the youth justice system and potentially entering detention, the age of criminal responsibility, and the age of detention, must be increased as soon as possible.

...

There is a myriad of reasons that children involved in the youth justice system should be treated differently than adults and most importantly not incarcerated.

Youth offending in Tasmania had been reducing over the past decade, and reducing the involvement of a young person in the justice system is mutually beneficial to children and the community—it reduces the number of victims of crime as well as being more cost effective. However, recently, there has been a significant increase in the rates of arrests of youths and the lodging of complaints. The impact of this is more children and young people are being exposed to the justice system and remaining there longer. This is evidenced by the increase in the youth justice backlog in the Magistrates Court (Youth Justice Division) which increased by 18.5 percent in 2022-23. The number of criminal complaints lodged in 2023-24 similarly increased by another 18.4 percent. (Source – Magistrates Court Annual Report 2022-23, 2023-24).

Fortunately, for most children, their contact with the youth justice system is for a brief period of time and limited in matters. However, a small number of children become entrenched in the youth justice system, reinforcing disadvantage and leading to poor long-term life outcomes.

TLA's Children First report drew on a decade of data to support advocating for the raising of the minimum age of criminal responsibility to 14 years old. Currently, in Tasmania a child as young as 10 years old can be charged with a criminal offence. Whilst the total number of children under 14 who are charged is small, this change would have a significant overall long-term benefit including children and young people being diverted from the justice system. The earlier that children are involved in the system, the more entrenched they become. Moreover, research indicates that children who become

²⁰² Isabelle Crompton, *Transcript of Evidence*, 28 March 2025, pp. 51-52.

involved in the youth justice system before the age of 14 are more likely to become 'chronic adult offenders'. This is also the case with respect to children and young people who are exposed to detention – with research finding that detention is damaging and criminogenic and results in young people being further entrenched in disadvantage. Similar studies have also found that the younger children receive their first sentence, the more likely they are to reoffend violently, more frequently and to receive a sentence of adult imprisonment before their 22nd birthday. The majority of children who are charged with criminal offences are from disadvantaged backgrounds and have multiple and complex needs that would be more suitably addressed outside the criminal justice system.

TLA considers that the youth justice system must treat all children as children and recognise and respond to their individual circumstances. It must recognise the impacts of trauma and neglect on children's development. It must be therapeutically focussed. It must help stop the cycle of disadvantage experienced by those at risk of long-term engagement. Rehabilitation, education and support must be the focus, with punishment serving a secondary and more limited last resort function.²⁰³

Carolyn Frohmader, Human Rights Consultant, made the following comments regarding the implementation of the Convention on the Rights of the Child, with particular reference to the low age of criminal responsibility:

In September 2019, the Committee on the Rights of the Child reviewed Australia's implementation of the Convention on the Rights of the Child. In its Concluding Observations of Australia, the Committee on the Rights of the Child expressed its regret that previous recommendations to Australia had not been implemented. In relation to the administration of child justice, the Committee expressed its serious concern about the very low age of criminal responsibility; the enduring overrepresentation of Indigenous children and their parents and carers in the justice system; the continuing overrepresentation of children with disability in the justice system; children in detention subjected to verbal abuse and racist remarks, deliberately denied access to water, restrained in ways that are potentially dangerous and excessively subjected to isolation; the high number of children in detention, both on remand and after sentencing; children in detention not being separated from adults; the continuing existence of mandatory minimum sentences applicable to children in the Northern Territory and Western Australia; and children's lack of awareness about their rights and how to report abuses.

...

The Committee recommended that Australia bring its child justice system fully into line with the Convention by: raising the minimum age of criminal responsibility to an upper age of 14 years; immediately implement the 2018 recommendations of the Australian Law Reform Commission to reduce the high rate of incarceration among Indigenous peoples; explicitly prohibit the use of isolation and force, including physical restraints, as a means of coercion or to discipline children under supervision, promptly investigate all cases of abuse and maltreatment of children in detention and adequately sanction the perpetrators; actively promote non-judicial measures, such as diversion, mediation and counselling, and wherever possible, the use of non-custodial sentences such as probation or community service; if detention is unavoidable, ensure that children are detained in separate facilities; repeal mandatory minimum sentences for children in the Northern Territory and Western Australia; ensure that children with disability are not detained indefinitely without conviction and that their detention undergoes regular judicial review; and provide children in conflict with the law with information about their rights and how to report abuses.²⁰⁴

Mr Phillip Pregnell, Correctional Supervisor, United Workers Union, provided the following verbal evidence in relation to children or youth entering the justice system:

What we want to present is a section that we believe is missing or is not covered correctly within the commission of inquiry, and that's probably the first two steps in relation to children or youth coming into the justice system. The first step obviously is where they are met with Tasmanian Police, and then

²⁰³ Tasmania Legal Aid, 2025, *Submission #4*, pp. 2-3.

²⁰⁴ Carolyn Frohmader, 2025, *Submission #18*, pp. 3-4.

they are brought into an adult watch house, and then they are dealt with by Justice under the correctional officers on behalf of Tasmanian Police. We hold them before they go out for interview. We hold them when they come back and before they go to court. If they're remanded, we then hold them until such time as a vehicle can travel down from Deloraine or Launceston, wherever it is to pick them up and take them to Ashley at Deloraine.

That process can be anything from one hour up to three days that they're held within an adult watch centre. That watch house houses up to 25 - some days more - adult detainees, sentenced prisoners, watch house detainees. Some of them are in the worst condition they've ever been in. They may be coming heavily down from drugs. They may be suicidal. They will be screaming, abusing, yelling. This is in a small confinement of the Tasmanian prisons watch house, Launceston or Hobart. Everything that is being heard or can be seen is being heard by these young people -10- to 17-year-olds.

They are going into an environment that is not necessarily trauma-informed. It's not set up for juveniles. It's an environment that should have been stopped and closed, according to past premier Gutwein. December last year, I believe, was the date that he gave for closing Ashley and opening up three reception centres for youth, so they did not have to come in contact with adults.

We, as correctional officers, are also struggling with processes that we have to deal with. Comparing them - adults and juveniles - it's vast in the difference on how you deal with them, how you may search, how you interact and so forth.

This is an environment that is one of the noisiest environments that I've ever worked in in my life. It's in an environment that 99.99 per cent of the population never sees, and that's great, and shouldn't see. I believe it's not a safe environment for these juveniles.

From United Workers' point of view, like Amy has said, we look after correctional officers in Tasmania and other states. We're a union that is made up of mothers, fathers, brothers, sisters, grandparents. We don't like to see what's happening to the future adults in Tasmania. We're putting them into an environment where they can be abused, where they can be set up to fail further on in life.

...

Mr PREGNELL - From a United Workers' point of ... we'd like to look at that second step where they come into the adult watch house as part of that process when they're dealing with the justice system. That's something that we 110 per cent push should be stopped, and a new environment started.

CHAIR - Shouldn't the priority here be having a separate reception centre, not even having that interaction?

Mr PREGNELL - Definitely, yes. That's what we've been pushing. ... It is something that our members are very committed to, making sure that there is another centre and there is another process available so that we're not putting them into that environment, and the threats that may be happening yelled out under the door to them, what they're hearing.

Ms LOVELL - ... Just for clarity, Phil, you're using the terminology 'watch house'. Is that the same as reception centre? When you say watch house do you mean remand essentially as people understand it?

Mr PREGNELL - Not necessarily remand. The remand centre is a separate section in the same building or a remand centre over at the Southern Remand Centre, which is the new building over in Risdon. What we're talking about is a watch house, a police watch house that Justice looks after.

...

Ms LOVELL - In your submission you've talked about how correctional officers are employed to work with adult prisoners, essentially adult detainees or people in custody who are adults. You've identified lack of training, lack of skills, and you talked about that today in terms of dealing with young people, and that that's a very different skill set.

Since we've had some pretty significant changes in the last couple of years, there's been the commission of inquiry, there's been the child and youth safe organisational framework that's been legislated, there's a lot of shifts around dealing with children and young people. Has there been anything for correctional

officers in terms of additional training? Any kind of guidance on how to deal with the young people that you're dealing with?

Mr PREGNELL - Very minimal. What we've had is some of us who are in the reception area or work in the watch house, we've had a day of trauma-informed training for juveniles-specific. That's about it. Other than there's been changes to policies and processes that have come out from that inquiry and from the framework as well. They are changes that have just been made and, here you are, here's your new change.

The issue is that we haven't got any youth-trained people in that centre who are there specifically to look after juveniles when they do come in, or available to come in and talk to them and work them through that process. Like I said before, there could be up to 25 to 27 people in a very small environment that we're trying to get out for courts and running nonstop, and so forth.²⁰⁵

Further, Richard Connock, Custodial Inspector commented on the issue of children in police watch-houses:

Mr CONNOCK - ...I can indicate that our findings support most of what Mr Pregnell was saying in his evidence to this committee that yes, they are being held there. They are being held there for longer than they should - well, they shouldn't be there in the first place, but they're being held longer than they should be when they are in there. There are a number of factors involved in that, but these watch-houses are entirely unsuitable for children and young people and they shouldn't be there in the first place. The staff are not trained.

...

Mr CONNOCK - Their training, their strategic approach, their policies are all aimed at managing adult offenders, not youth, which is completely different. They're sort of out of their depth a bit, and I can understand why they're stressed doing this. To clarify, we haven't been able to go into the police lock-ups, watch-houses, before, we haven't had that jurisdiction. We now have that with the NPM -

...

Mr CONNOCK - While young people and adults are segregated and they're not mixed, there's no soundproofing. You've got people at a particularly low ebb, often, being dragged in by police, coming down from drugs, violence, mentally unstable. The young people are hearing all of this and perhaps seeing it through the - the only window they get is in the cell door so they can see what's going on outside. For first timers, and really young kids, this will be a terrifying experience....²⁰⁶

²⁰⁵ Amy Brumby and Phillip Pregonll, *Transcript of Evidence*, 28 March 2025, pp. 15-17.

²⁰⁶ Richard Connock, *Transcript of Evidence*, 1 May 2025, pp. 18-20.

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.

Phase 2 – 2026

Government Reported Status: In progress (DECYP)

Implementation Report (August 2024) extract:

*In progress and on track for delivery in Phase 2 – currently recorded as a Youth Justice priority area recommendation in Collaborating for Change.*²⁰⁷

Committee's Assessment

The Committee notes reviews are underway of the *Youth Justice Act 1997* and the *Children, Young Persons and Their Families Act 1997*, and these reviews include research on contemporary understandings of child development and a child-centred, trauma-informed and rights-based approach.

Government Evidence

The Department for Education, Children and Young People has a broad Legislative Review Program already underway including substantive reviews of both the Youth Justice Act 1997 and the Children, Young Persons 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 or in care.

- Extensive research has been undertaken on contemporary understandings of child development and models to underpin the updated Act including public health, child-centred, trauma informed and rights-based approaches to youth justice.*
- DECYP is committed to working with the Department of Justice, the Youth Justice Taskforce, key stakeholders including people with lived experience and the community to implement all relevant legislative amendments recommended by the Commission of Inquiry.*
- This process will include public consultation opportunities at various points.*

*Implementation of this recommendation will be complete by 1 July 2026.*²⁰⁸

Stakeholder Evidence

Tasmania Legal Aid supported amendment to the *Youth Justice Act 1997* to reflect current scientific understanding of child development:

Its principles should articulate the desire to divert children away from formal court-based legal proceedings and where possible, to take a trauma-informed approach and focus on rehabilitation

²⁰⁷ Keeping Children Safe, Implementation Report, prepared for the Joint Sessional Committee on the Commission of Inquiry Recommendations, August 2024, p. 70.

²⁰⁸ Letter from Minister Jaensch to Hon Ruth Forrest MLC, Chair dated 13 September 2024, p. 6.

strategies in order to minimise harm. A review of the law should be evidence-based and help connect children and their families to support services that can help address the root causes of offending behaviour. It would be an opportunity to provide for culturally appropriate and safe proceedings including for Aboriginal and Torres Strait Islander children, as in the case of the Koori Court in Victoria.

The current Youth Justice legislation principles focus on punishment, rather than rehabilitation. For example, nine out of ten of the principles in section 5(1) focus on sanctions, taking responsibility and punishment. The principle that children should be treated no more harshly than an adult is a good example of a focus in the current legislative principles that ignores the evidence about significant and critical differences in development of the human brain from child to adult. TLA considers that this principle should be positively reframed to require that children are to be treated more leniently than adults.

While some of the current principles are important, such as any sanctioning of a youth is to be appropriate to the age, maturity and cultural identity of the youth; there is a heavy emphasis on sanction and punishment, rather than rehabilitation, restoration, and reintegration. TLA supports adoption of principles that recognise the systemic and multi-faceted failures that have led to children being before the youth justice system, and clearly articulate that the overriding consideration for youth justice is rehabilitation are important. They orientate the system towards rectifying problems and addressing the root causes of offending behaviour, rather than the behaviour alone.²⁰⁹

²⁰⁹ Tasmania Legal Aid, 2025, *Submission #4*, pp. 3-4.

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.

Phase 3 – 2029

Government Reported Status: Phase 3 (DECYP)

Implementation Report (August 2024) extract: N/A

Committee's Assessment

The Committee notes this is a phase 3 recommendation, although Part (2) of the recommendation specifies the beginning of statewide delivery of new diversion programs by 2025.

The Committee further notes it would appear full implementation of this recommendation may need to precede the closure of AYDC, therefore any delay in implementing this recommendation will risk delaying the closure of AYDC.

In line with Part (2) of this recommendation, the Government gave evidence it had begun to deliver new diversionary programs, while developing the Diversionary Services Framework, with the expectation these programs would align with the Framework once completed. This included funding to JCP Youth's BEAST Program and some 'place-based initiatives.' However, the Government did not provide sufficient evidence in hearings or in response to questions taken on notice to demonstrate the services delivered by JCP Youth would comply with the Framework.

The Minister and DECYP report JCP Youth's BEAST program has been funded as a result of an election commitment as a statewide diversion program to deliver high impact interventions for male children and young people aged 11- 17 years, by providing outreach and mentorship available 24 hours a day, seven days a week.

The Committee considers it highly inappropriate that public funds would be committed to the delivery of critical services to vulnerable children and young people via an election commitment by a political party, rather than an accountable, rigorous, competitive tender process conducted by DECYP.

Of further concern the Committee notes the apparent lack of clarity on key matters relating to the JCP Youth's BEAST program, including its evidence base, model of care, qualifications of staff, and lack of independent evaluation.

Government Evidence (written, 13 September 2024)

This Government is committed to developing a youth justice system that achieves better outcomes for young people and their families and keeps our community safe.

Election Commitments

- *Work is underway to progress operationalisation of two diversion programs that were committed to during the 2024 State Election.*
- *Our 2030 Strong Plan investment of \$3.7m in JCP Youth and \$2.3m in local, place-based initiatives will seek to divert and prevent young people from offending.*
- *JCP Youth's innovative BEAST program delivers state-wide, high impact interventions for children and young people by providing outreach and mentorship that is available 24 hours a day, seven days a week.*
- *The program works with at risk children and young people, and those who have offended, to build the life skills they need to be happy, healthy and positive members of their community.*
- *The new diversionary programs (JCP Youth and Place-based Initiatives) will commence delivery by 2025, in line with recommendation 12.13.*

Youth Justice Diversionary Services Framework

- *The Youth Justice Reform Taskforce has commenced development of the Youth Justice Diversionary Services Framework (the Framework) which will identify criteria and measures for diversionary programs to ensure they are effective, evidence-based, and regularly monitored and evaluated.*
- *This is being developed in consultation with:*
 - *Government agencies that deliver programs and services to children and young people*
 - *Non-government organisations*
 - *Aboriginal Community-Controlled Organisations*
 - *Children and young people with lived experience of the youth justice system, including Tasmanian Aboriginal children and young people.*
- *The Youth Justice Diversionary Services Framework will be released later this year, along with an implementation plan.*
- *In addition to developing the Framework, the Government will also commence examining the exercise of police discretion for cautioning and community conferencing, as well as commissioning research to examine the effectiveness of these processes.*

Implementation of this recommendation will be complete by 1 July 2029.²¹⁰

Government Evidence (verbal, 14 November 2024)

Ms WEBSTER - ... *A diversion framework is being developed as one of the recommendations of the commission of inquiry to have a shared and joint understanding of what we mean when we talk about diversion and what the best, most evidence-based and quality approach to those services can be. We've*

²¹⁰ Letter from Minister Jaensch to Hon Ruth Forrest MLC, Chair dated 13 September 2024, pp. 6-7.

been co-designing a framework with the community services sector, funded services, experts and academics in children and young people to develop that framework.

The intention of which is then when we fund services to deliver those things, they use the framework as a way of making sure that they're quality and they deliver outcomes. We're doing that at the same time as delivering on some of the commitments you referred to in your question, but our expectation will be that the services that receive funding through those commitments, that their service models align with the diversion framework and they sit within a broad spectrum of services in an integrated system.

Mr JAENSCH - *I'm also advised that we are progressing through the process of contracting JCP Youth. We made a commitment - \$3.7 million over three years - to book more places and capacity in their programs to make them available statewide as well. They have a great track record and sometimes have been successful where other services and more traditional approaches have failed. ...*

Ms O'CONNOR - *.... That contract, is that for young people in remand? What cohort of people will JCP have responsibility for?*

Mr JAENSCH - *There's some detail probably to come out from Ginna in terms of the contracting process, but they're not in the business of providing a secure, non-detention environment. It's more about supporting young people to meet their obligations under bail orders or in a diversion setting or an exiting detention setting to keep them on track, meet their obligations, and continue there to connect with their supports. ...*

...

Ms WEBSTER - *... To answer Ms O'Connor's question, the program that JCP Youth deliver is the BEAST Program. They work with young people who are on bail, but they also work and deliver statewide interventions for children and young people, providing outreach and mentorship 24 hours a day.*

We're currently working with JCP Youth to implement a wider service delivery early in 2025. In terms of the specifics of the program, we can certainly provide more specific detail about the program, but we are working with them currently to determine what and how we'll deliver that statewide early in 2025. ²¹¹

...

Ms WEBB - *... I wanted to follow up on the things we made reference to earlier and could pick up again here around that election commitment funding. I think it was \$3.7 million over three years - it sounded like to extend programs that are already in existence rather than to implement new programs, as I understand it. ... you mentioned that it applied to young people who are on bail but also, potentially in a broader sense, it was an outreach and mentorship program. I want to be really clear about who this program applies to and how it intersects into the youth detention and the youth justice system?*

Mr JAENSCH - *... This sits in the context of around \$15 million investment in intervention and diversion. So this doesn't sit alone. There's \$3.757 million for the expansion of and building the capacity of one service and one provider to be able to provide that more - where that's the right solution. There needs to be a range of other solutions and interventions as well.*

The Youth Justice Task Force also has resources to invest in intervention and diversion solutions in different settings with other service providers. Our Youth Justice Task Force and Mr Harbottle has been leading a lot of that work. We also have an allocation in the Budget of \$2.3 million for what we're calling place-based initiatives, which is another way for us to respond because the JCP solution may not be the solution everywhere. Glenorchy and Brighton, where there is evidence of our high levels of youth offending which has come to the attention of the community and has been in the media which

²¹¹ Mr Jaensch and Ms Webster, *Transcript of Evidence*, 14 November 2014, pp. 35-36.

police are dealing with, is an area we need to look at - not a solution-led approach but rather a place-based approach. What is the cohort of young people, what are the driving factors for their offending and what interventions do we need there?

The JCP \$3.7 million contract is something which has a track record which in a number of settings and circumstances is the right solution, and we want to be able to do more of that with a known, proven response which works across, currently, youth justice and some of our child safety services, but it's not the only thing.

...

Ms WEBB - ... Who specifically is being worked with and how would those people enter the program, without having to talk about the whole program in detail?

Ms WEBSTER - What we're doing is expanding the current program. We are currently working with JCP to make sure that we can get the program across the state and deliver those services through additional placements. They deliver to young people who are at risk or vulnerable in the community.

I can provide a little bit more detail later around what that criteria specifically looks like, but I hope that it will be a fairly open criteria because I imagine that those who are at risk or vulnerable can change at times, but it certainly includes young people who may be on bail and it's open to males aged 11 to 17 years.

Ms WEBB - ...whose decision is it to direct young people on bail into the program? The pathways in, for example. I'm particularly interested in the ones that connect to our youth justice system.

Ms WEBSTER - That is, to my understanding, working with the youth worker and their case manager directing them to a variety of programs... What we need is a continuum of service where every young person has an option for them. The pathway to JCP Youth will be through a referral process. My understanding is it could come from Ashley Youth Detention Centre; it could come from a case manager. I'm not sure if they come from the courts at the moment, so I don't want to mislead the committee. What the program offers young people is access to mentorship, outdoor recreation programs, and community-based support, seven days a week, 24 hours a day.

Ms WEBB - Is it a child-safe accredited organisation?

Ms WEBSTER - I'd have to check that. We have been using them so they would fulfil certain criteria, but I'd have to check on their accreditation details.

Ms WEBB - I'd appreciate if you would. Do they use what we would understand to be a therapeutic model?

Ms WEBSTER - That is my understanding, yes.

Ms WEBB - Is it a requirement of the funding that they do?

Ms WEBSTER - The requirements of the funding would be that they are a therapeutic, trauma-informed organisation. That's my understanding.

Ms WEBB - Is there a picture you can give us of the staffing of that program around qualifications and accreditation of staff, particularly child-safe accreditation?

Ms WEBSTER - Not here in front of me.

Ms WEBB - Can I put questions through on notice?

Mr JAENSCH - I'm happy with that. I expect that, as with any service that our department engages to provide services to young people, it would meet all the requirements of them. It would need to, to be funded.

Ms WEBB - You mentioned the service being able to support young people 24/7. Does it involve providing accommodation for young people?

Ms WEBSTER - Yes, emergency and respite accommodation.

Ms WEBB - In what context is that provided? Where do the kids go to sleep?

Ms WEBSTER - I don't have that information on me, but we can certainly provide that on notice.

Ms WEBB - Is it in private residences at times?

Ms WEBSTER - I don't have that information on me, Ms Webb. I'm sorry. I'm happy to provide it, but I just don't have it in the brief in front of me.

Ms WEBB - It's not something that you're aware of, minister, that you're contracting a service that -

...

Mr JAENSCH - I'm aware that the JCP has some accommodation it uses for this purpose, but they are not principally an accommodation provider. More of a program provider.

Ms WEBSTER - I should say that what we're looking at the moment, what I'm describing is the future. We're negotiating a future model as well. Some of what I described and because I don't have that brief on me may be what they currently provide versus what we're looking at in the future. We're currently negotiating with them with that extra funding.

...

Ms WEBB - Can we put a series of questions through to you about details relating to that program?

Mr JAENSCH - I ask if you could flesh those details out during the hearing so that we know what we're accepting.

Ms WEBB - I've already mentioned: are they child-safe accredited? Do they use the therapeutic model? If so, what is it? What are the qualifications of their staff that we expect them to have? Do they provide overnight accommodation to young people? If so, in what settings do they provide that? What is the departmental oversight of the organisation and the services it's providing expected to be under the contracted services? It'll be relating to those areas.

...

Ms ROSOL - ... I'm interested to know what the research base or the evidence base is for the work that JCP does. I think it's probably covered by the question Ms Webb asked about the therapeutic model, but I'm wondering if you have any information about the evidence and research base that JCP uses in its programs or to develop its programs, please?

Mr WOODFALL - All programs require risk management and certainly, not to be unfair, but external programs, external agency, I think that we have to have greater rigour around that. Our lead director of clinical services is working with JCP. Our procurement services are working on how we fund the program and the risk management around that, around the evidence base, what the key indicators will be, what their evidence base is to their work, how we can be sure it's child safe - all those parts of due diligence because, ultimately, we feel responsible, as we're referring young people on to a service like that.

Furthermore, we know we have young people in our care who are currently engaging with that service and there have been some really good programs. And the referral process is likely, as we get better at working together with children and families, and it's what we currently do, we would have those escalated cases where we would consider that's where the referral would sit between children and families and [inaudible] for young people at risk.

But, we're doing all the due diligence and that's why it probably won't be signed or ready until February 25 once I have all that ticked off and we're really comfortable.

...

Mr JAENSCH - *At the risk of taking up the committee's time, I do think it's important to put on the record that we need a wide range of tools at our disposal. I've been told on various occasions by our child safety staff and by youth justice workers that JCP has been called on and engaged and has got results sometimes where nothing else has worked.*

With highly disengaged young people who have left their placement, which is broken down, who have refused contact with their child safety officer and worker who have - self-selected is a clumsy term, but who have evaded all attempts to provide them with safe, secure places to be and supports and JCP has gone and found them in the middle of the night and been able to give them a safe place to be, something to do the next day, a change of clothes, and a group of people to belong to, doing something constructive. So they can then report back to the service, and say, 'We know where the young person is, they're okay, they're going to be able to come to their meeting with their child safety officer, we'll work through this with them'.

Every young person is different and we're dealing with young people with very complex lives and behaviours. We need access to a wide range of different solutions. Not forever, but for the moment, and JCP has been a solution where nothing else has worked on a number of occasions. We want access to more of that while we're building all of the far more permanent structures around because we're always going to need to deal with these very dynamic situations. This is one of them.

Mrs PENTLAND - *You said that JCP Youth is going to cater for males, 11 to 17; are you looking at diversion programs that will cater for females?*

Mr JAENSCH - *Similarly, we already have a number of providers that offer services and supports for very specific groups of people, including Karinya, who you'd be aware of in the Launceston area, that I visited recently, which provide specialised services for young women and girls and those who are young mums as well. We need to have a range of services in place for different cohorts. It may be that Ms Hurworth can refer to some more of them.*

...

Ms HURWORTH - *There is currently a range of diversion programs: 54 Reasons runs some and they include girls in their cohort. One of the things that our diversion framework is focusing on is how to better equip services to work with diversity, so it's not only girls and boys, but a whole range of diversity that is starting to come through. Most certainly, it's an area that we need to build in capacity.*

Ms WEBB - *Can I clarify on the record? I appreciate what you said, minister, that we do need a range of services and, as you said, we have a range of services that are in similar spaces already. The ones I'm most familiar with over time have been the TYSS [Targeted Youth Support Service] and SYP [Supported Youth Programs] programs for highly vulnerable kids out there in difficult circumstances. Their funding was always restricted, I believe, within work hours, not necessarily for picking kids up in the middle of the night, for example. I'm interested in a service that does pick kids up in the middle of the night that we fund.*

This was an election commitment. I'm trying to confirm. Was there some due consideration given to describing what the service gap was and then providing some sort of open and transparent way that a range of service providers might tender for that service gap and be able to, for example, in a very transparent way, put forward their model of care, their staffing arrangements, their accreditations and that sort of thing and be selected as the most appropriate? I'm assuming 'no' because it was an election commitment.

Mr JAENSCH - *In the context of an election, we wanted as a government to put out a package there that showed Tasmanians that, as part of our policy platform and what we intended to deliver, we were*

not only going to embark on a wholesome reform of the whole youth justice system and develop a model of care and a therapeutic this and that, we were also committed to taking action to deal - in the 'right now' - with those complex situations where we had young people at risk and in need of supports, including investment in being able to go into areas that have had a particular peak of youth offending and concern. That's what our place-based initiatives were about; including also the ability to take something that has been outside of the government's service provision with child safety and youth justice, et cetera; a model that has been a solution for a number of young people, which has transformed lives and has succeeded where our institutional responses and our traditional service provision has failed -

Ms WEBB - *Not failed. We don't actually fund our services to pick kids up in the middle of the night, for example.*

Mr JAENSCH - *Where young people have chosen not to respond to - find something that they can respond to.*

Now, JCP has a track record of being able to do that. We want more of that. To have that available to fill those gaps and to deal with those young people who have not been responsive to the other programs and services that we've offered. We make no apology for that.

Matters regarding their accreditation, the circumstances under which we engage them, the rules of providing services that are funded by the government, are matters that will be dealt with through the contracting process the department is in now.

Ms WEBB - *Make no apologies that they didn't have to do this through a competitive process. The leader of JCP is -*

Mr JAENSCH - *The election is a fairly competitive process.*

Ms WEBB - *Sorry. What I meant was not competitive in a popular sense during election, competitive in terms of putting forward the best model to fill an identified gap in government-delivered services with public money; which is normally what we expect a government of the day to do when it comes to sensitive areas like this and the expenditure of public money, minister.*

Mr JAENSCH - *There are millions and millions of dollars being invested; unprecedented investment, \$15 million in diversion and early intervention under our current Budget. We are in the process of developing all the right pathways and recruitment, but we need to act now with things that work.*

Ms WEBB - *Sure, \$3.7 million is a great amount of money. You could have tendered for it and seen what came out of the woodwork in terms of an offer. It may have been that JCP Youth put forward the best arrangement. It would have been great to be able to see that happen through an identified appropriate process.²¹²*

A series of Questions on Notice were taken by the Minister for Children and Youth, Hon Roger Jaensch MP, at the hearing on 14 November 2024 in relation to the JCP Youth organisation. The Committee wrote to the Minister on 20 November 2024 and the Minister provided a response on 29 November 2024 (see Appendix C).

The Committee wrote to the Minister for Children and Youth, Hon Roger Jaensch MP, on 31 March 2025 with a series of questions arising out of the stakeholder engagement conducted by the Committee in February and March 2025. The Minister provided a response on 24 April 2025 (see Appendix D).

²¹² Minister Jaensch, Ms Hurworth, Ms Webster and Mr Woodfall, *Transcript of Evidence*, 14 November 2024, pp. 68-73.

The Committee again wrote to the Minister for Children and Youth, Hon Roger Jansch MP, on 1 May 2025 seeking clarification in relation to the Minister's previous responses. The Minister provided a response dated 11 June 2025 (see Appendix E).

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) 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.

Phase 3 – 2029

Government Reported Status: Phase 3 (DECYP)

Implementation Report (August 2024) extract: N/A

Committee's Assessment

The Committee notes this is a phase 3 recommendation and the Government has commenced scoping a model for a statewide 24-hour bail support system, which will include consultation.

The Committee further notes it would appear full implementation of this recommendation may need to precede the closure of AYDC, therefore any delay in funding and implementing this recommendation will further risk delaying the closure of AYDC.

The Committee supports calls from stakeholders for immediate efforts to be made to provide safe and secure housing for children so that no child is remanded because they are homeless or do not have a safe or secure address.

Stakeholders such as Tasmania Legal Aid and Save the Children (54 Reasons) stated they are ready to assist in the delivery of a 24-hour bail support service, and emphasise the need for this service to connect effectively with existing statewide bail support services and other relevant services.

The Committee urges the prioritisation of this recommendation.

Government Evidence

This Government is committed to developing a youth justice system that achieves better outcomes for young people and their families and keep our community safe. We are also committed to reducing the number of children and young people in detention and, in particular, on remand.

- *Scoping for a model to deliver a state-wide 24-hour bail support system has commenced.*
- *Work will continue to identify a model for the bail support system, which will include consultation with relevant agencies and community sector stakeholders.*

Implementation of this recommendation will be complete by 1 July 2029.²¹³

Stakeholder Evidence

Tasmanian Legal Aid supports maximising bail opportunities for young people, noting that young people are sometimes refused bail for reasons outside their control.

TLA is very supportive of this position and welcomes the opportunity to continue providing our Duty Lawyer Service into AYDC. While this service provides considerably [sic] capacity to address the bail issues experienced by children and young people in AYDC, access to bail supports are limited for other children and young people throughout the State. The Commission of Inquiry reported that absence of safe accommodation and support options were key reasons for children and young people being denied bail. We also know from the COI report and data that the number of children unsentenced or on remand is significantly higher than those serving a period of detention. Children in Tasmania are often refused bail because of problems with accommodation that are outside their control. Immediate efforts should be made to provide safe and secure housing for children so that no child is remanded because they are homeless or do not have a safe or secure address.²¹⁴

Tasmania Legal Aid also supports the establishment of a 24-hour bail support service:

TLA supports the establishment of assisted bail programs to support young people in meeting bail conditions. We also support the establishment of 24-hour bail support service, noting the importance of such a service which could provide timely assistance and prevent unnecessary detention due to the unavailability of support afterhours. TLA has the expertise to contribute to this if resourced to do so – an experienced youth justice legal practitioner could be part of the support services offered with the aim of reducing and ideally preventing the unnecessary detention of young people.²¹⁵

Save the Children (54 Reasons) provides the statewide 'Supporting Young People on Bail' program and refers to the Tasmanian Aboriginal Legal Service's supportiveness of the program:

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

²¹³ Letter from Minister Jaensch to Hon Ruth Forrest MLC, Chair dated 13 September 2024, p. 7.

²¹⁴ Tasmania Legal Aid, 2025, *Submission #4*, p. 5.

²¹⁵ Tasmania Legal Aid, 2025, *Submission #4*, p. 5.

- *The statewide bail support service delivered by 54 reasons is a mature and well-evidenced program that plays an essential role in reducing rates of detention and reoffending.*
- *There is significant unmet demand for the service across the state, and the program is readily scalable to expand its capacity to meet this demand, subject to adequate funding being available.*
- *The Commission of Inquiry's Final Report raises a question, in passing, about whether the service is available for children and young people with child protection involvement. We confirm that the services does work with children and young people with child protection involvement.*
- *The Final Report also recommends that the Government "establish and fully resource a statewide 24-hour bail system for children and young people". We understand the Government is in the process of establishing this 24-hour system. There would be value in ensuring appropriate referrals and other connections between the new 24-hour system and the existing (or any expanded) statewide bail support service and other relevant services.*

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

In our experience, adequately resourced throughcare support that is integrated with support for children and young people to transition from detention and post-release services is critical. It should be available to all young people who are exiting detention. However, this support is not currently consistently available.

54 reasons' existing Reboot program includes a Supporting Young People on Bail stream (the statewide bail support service described above) and a Transition from Detention stream. The Reboot program is also designed to provide integrated throughcare support, and our teams are experienced in working within Ashley Youth Detention Centre. The program would be well placed to provide support that integrates across bail support, throughcare, and post-release services, resulting in more consistent, integrated and effective support and intervention.

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

Lastly, we highlight that children and young people are too often spending a disproportionate amount of time in legal 'limbo' as they await their matter to be processed through court. Through our bail support program, we work with children and young people on a daily basis who are waiting extended periods for the outcome of their court matter or sentencing. We have consistently recommended that community conferencing is used more widely by police as a first resort diversionary option.²¹⁶

Ms Thorne and Ms Lennon, 54 Reasons provided evidence at a hearing on 28 March 2024:

Ms WEBB - *You talk about engaging with the review team currently looking at the bail support program. I note recommendation 12.1(4) ... is a phase three recommendation finishing by 2029. Is it your understanding this recommendation is being progressed quicker than that? ...*

Ms THORNE - *We haven't been given a definitive timeline, but we have engaged with the consultants who've been appointed and are reviewing the REBOOT program at the current time. That has involved us providing a number of documents, our standard operating models, our service delivery reports and a number of interviews have taken place with our leadership, our staff on the ground. They're looking at interviewing children and young people and their families who are involved or have been involved, as well as either stakeholders and I understand magistrates as well. We are in the middle of that process and we're having regular review meetings with DPAC and the consultants.*

²¹⁶ 54 Reasons, 2025, *Submission #14*, pp. 1-3.

Ms WEBB - And so, the intention of that review is to arrive at a decision about scaling the program up. Is that your understanding?

Ms THORNE - That's our understanding as one of the potential outcomes.

Ms WEBB - What other potential outcomes?

Ms THORNE - As the recommendation states, it's a review of the supporting young people on bail program to see what the evidence base is and to see if there's potential for it to either to be upscaled and increased, or if another service -

Ms WEBB - Are there other services being reviewed alongside 54 reasons?

Ms THORNE - We are not aware of any others.

Ms WEBB - ... You talk about significant unmet demand for these services. Can you quantify that in some sense for us? You said you've got 3.2 FTE currently, which is four people around the state. In terms of unmet need, even broadly, is unmet need there to the extent that could be doubled and we'd still be perhaps not getting there?

Ms THORNE - Yes.

...

Ms WEBB - In the submission, you also talk about the recommendation in the final report about establishing and resourcing a statewide 24-hour bail system, which may, if and when we get to it being in place, address some of the issues about children coming into watch houses and spending too much time there before they go to something else.

... If there's a 24-hour bail system in place and an organisation like 54 reasons is delivering it, and a child comes into that system after hours, you would be the ones to come and respond and be able to provide that support. Is that something that you can do now under your current funding, or is it just not there at all?

Ms THORNE - Not under our current funding. No.²¹⁷

²¹⁷ Claudia Lennon and Clare Thorne, 54 Reasons, *Transcript of Evidence*, 28 March 2024, pp. 31-33.

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.

Phase 3 – 2029

Government Reported Status: Phase 3 (DECYP)

Implementation Report (August 2024) extract: N/A

Committee's Assessment

The Committee notes this is a phase 3 recommendation, although part (a) of the recommendation refers to legislation to amend or replace the *Youth Justice Act 1997* which is also key to recommendations 12.12, 12.31, 12.32 and 12.33, all of which are to be implemented in phase 2.

The Government reports substantive reviews are in progress of both the *Youth Justice Act 1997* and the *Children, Young Persons and Their Families Act 1997*.

Stakeholders have called for this recommendation to be brought forward to Phase 2, and occur concurrently with Recommendation 12.11.

The Committee questions whether there is a need for greater clarity on the sequencing of this recommendation and its alignment with other recommendations, including its relationship to the timeline for closure of AYDC.

Government Evidence

The Department for Education, Children and Young People has a broad legislative review program already underway including substantive reviews of both the Youth Justice Act 1997 and the Children, Young Persons and Their Families Act 1997.

- *The review is in the initiation phase.*
- *Extensive research has been undertaken on contemporary understandings of child development and models to underpin the updated Act including public health, child-centred, trauma informed and rights-based approaches to youth justice.*
- *DECYP is committed to working with the Department of Justice, the Youth Justice Taskforce, key stakeholders including people with lived experience and the community to implement all relevant legislative amendments recommended by the Commission of Inquiry.*
- *This process will include public consultation opportunities at various points.*

Implementation of this recommendation will be complete by 1 July 2029.²¹⁸

Stakeholder Evidence

Tasmania Legal Aid supported the position that rehabilitation is the primary purpose of sentencing a child. TLA also believes this recommendation should be brought forward to Phase 2, and occur concurrently with Recommendation 12.11:

... the Youth Justice Act 1997 is outdated and requires modernising to ensure that rehabilitation, rather than punitive measures, are prioritised.

Additionally, TLA suggests that this recommendation should also include the establishment of a specialist Children's Court in Tasmania to promote a consistent state-wide therapeutic approach. We also consider if a specialist children's court is established that critically it must provide for culturally appropriate and safe proceedings for Aboriginal and Torres Strait Islander children, similar to the successful Koori Courts in Victoria.

TLA also considers that notification of access to critical legal advice and services should be included as a mandatory positive requirement for every child and young person in amended or alternative provisions for the Youth Justice Act 1997. Section 24A states that a responsible adult be notified and then refers to Section 6 of the Criminal Law (Detention and Interrogation) Act., which states that police must inform that a detainee can communicate with a friend or relative, and that they may communicate with a lawyer. The lack of a positive duty to ensure that that one of the most vulnerable groups of people due to their age and developmental immaturity, upon arrest and before questioning or investigation, receive legal advice, and have access to legal advice must also part of the implementation of recommendation 12.15.²¹⁹

²¹⁸ Letter from Minister Jaensch to Hon Ruth Forrest MLC, Chair dated 13 September 2024, pp. 7-8.

²¹⁹ Tasmania Legal Aid, 2025, *Submission #4*, p. 4.

Ms Wylie, Tasmania Legal Aid provided the following evidence at a public hearing:

Ms WEBB - ... In terms of that recommendation 12.15, compared to what we have now and compared to what you're suggesting in establishing a children's court, where do they all line up together? ... What's the difference you're suggesting to the recommendation?

Ms WYLIE - It would look very different to how it does currently. At the moment we have children going into adult courts and waiting areas where there are adults. There are no separate entrances. There is not a courtroom that is set out differently with children's needs in mind. They are very, very different.

Ms WEBB - That's what it looks like now when there's just a youth division in the Magistrates Court. Under the recommendation 12.15 where they talk about a new division are they talking about setting something up like what you're suggesting - a children's court that is entirely separate? ...

Ms WYLIE - Yes.

Ms WEBB - ... Is what's being put forward in recommendation 12.15 sufficient or is there something beyond that that you're suggesting when you make the recommendation about a children's court?

Ms WYLIE - I think it is different because I've had the benefit of going to Victoria and seeing some of the setups there which are very child-focused, therapeutic; it's better practice for youth justice.

Mr STREET - What does that look like?

Ms WYLIE - They have a completely separate building or a separate arm of a building that's set aside for youth justice and they don't look like courthouses.

Mr STREET - Less confrontational?

Ms WYLIE - Sort of, lots of relaxed furniture, nice colours, breakout rooms. It's just completely differently set out, which is amazing, but whether or not Tasmania has the resources to be able to achieve that, but at least as a start, being able to have children have separate waiting areas and separate entrances and not coming into contact with adult offenders, would be a really good start.²²⁰

²²⁰ Ms Wylie, Tasmania Legal Aid, *Transcript of Evidence*, 28 March 2025, pp. 11-12.

Creating a child-focused 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.

Phase 2 – 2026

Government Reported Status: In progress (DECYP)

Implementation Report (August 2024) extract:

In progress and on track for delivery in Phase 2 – currently recorded as a Youth Justice priority area recommendation in Collaborating for Change. ²²¹

Committee’s Assessment

The Committee notes implementation of this recommendation will need to precede the closure of AYDC, and is concerned the apparent delays in design and construction of the new detention facility will further delay the closure of AYDC.

The Committee notes the Government reports a model of care is being developed with expert input, which will guide the physical design of the new detention facility.

The Committee urges the prioritisation of this recommendation.

Government Evidence (written, 13 September 2024)

This recommendation was discussed at the 29 August 2024 Scrutiny Hearing. ²²²

Evidence (verbal, 29 August 2024)

Mr ROCKLIFF - So, 12.16 relates to the new youth detention facility, which we need before we close Ashley Youth Detention Centre, which is 12.1. We are progressing our plan to close the Ashley Youth Detention Centre and transition to a new youth justice facility that supports a therapeutic model of care as one component of our comprehensive reform of the entire youth justice system.

²²¹ Keeping Children Safe, Implementation Report, prepared for the Joint Sessional Committee on the Commission of Inquiry Recommendations, August 2024, p. 71.

²²² Letter from Minister Jaensch to Hon Ruth Forrest MLC, Chair dated 13 September 2024, p. 8.

We have already committed \$50 million to commence the transition to a new contemporary fit-for-purpose facility in the south of the state. The statewide centre will provide the opportunity for intensive intervention and rehabilitation through a therapeutic model of care. The model of care will be used to design a detention centre that both incorporates therapeutic design elements and facilitates the ability of staff to practise in therapeutic ways. The facility will be more home-like than the current Ashley Youth Detention Centre and incorporate design features that reflect best practice international youth detention facilities.

Importantly, to ensure cultural connection and safety, we will co-design the new centre with Tasmanian Aboriginal people. Attention is also being paid to how the site will prioritise the safety of young people and promote connections between them, their families, and communities. By ensuring the new facility reflects the best practice international youth detention facilities, we aim to develop a more therapeutic approach to the youth justice system in Tasmania.

...

Key youth justice reform stakeholders will continue to be consulted throughout the design process. This will occur through the establishment of the expert reference panel, community advisory group, and Aboriginal heritage reference group and other relevant working groups, as required throughout the project. ²²³

...

Ms MORGAN-WICKS - ... *The critical thing that needs to be landed here is the model of care for the facility, and if I may speak to the experience, for example, from the Department of Health in building facilities without a settled model of care agreed by clinicians, that then requires major pieces of re-work and wasted cost. We really need to settle and for many, many months the department has been working through the model of care.*

This has now come over into our Youth Justice Task Force environment. We are settling and getting that up for final approval and these are the requirements that are fed through to an architect to settle the design. The biggest mistake we could make is to rebuild Ashley and that is what we are attempting to avoid and we want to do it in the right way, but we must settle that model of care first and we have learned from many, many years of experience in doing that. Once we have that, we already have been visiting and speaking to experts across the system to actually identify if there are designs that are already built that we can pick up and use. Why start again exactly from scratch?

...

CHAIR - *With the work that is required in the planning of the model of care, do you have an anticipated time line for that - acknowledging what Ms Morgan-Wicks has said?*

...

Ms HURWORTH - *We are aiming to have the model of care finalised by the end of September. We are concurrently looking at a practice around guidance on how you would operationalise that to a high degree.* ²²⁴

Government Evidence (verbal, 14 November 2024)

Mr JAENSCH - ... *In the case examples that we've been given, that I've seen and that I've been briefed on, the small, therapeutically relational security-based units, or settings, are a smaller part of a larger system -*

²²³ Mr Rockliff, *Transcript of Evidence*, 29 August 2024 (Part 1), p. 33.

²²⁴ Ms Morgan-Wicks and Ms Hurworth, *Transcript of Evidence*, 29 August 2024 (Part 2), pp. 70-71.

...

Mr JAENSCH - whereas here, it's going to be the whole thing. This adds a complexity, but this has to be incorporated in the design so that there may be ways that we can have some different approaches in different parts of this design, to deal with young people who are at different stages of their therapeutic care. It's a tricky thing.

...

Ms O'CONNOR - ... When you say 'relational security', you mean a home-like environment, do you?

Mr JAENSCH - A home-like environment is what the commission of inquiry referred to. There is, it has to be said, a fair bit of work going on to unpack that definition, including with the advice of our expert panel, which includes one of our former commissioners, so that we have some access to the intent behind the recommendations and the wording in there.

As I understand it - I'm not trained in this area - but as it's been explained to me, to make a therapeutic care approach work, we need to have the young people who are entering this system from the beginning brought into a situation where they have a level of trust in key people involved in their care - who they can then accept care from and who can go with them through their journey.

The idea is that we are building up a team of people who the young people accept are there to help them and to make sure that they're safe, rather than people who are there to contain them and keep other people safe from them. Rather than relying on the physical security of a prison-like environment, a therapeutic facility needs to be able to support and uphold that relational security that we're trying to introduce.²²⁵

²²⁵ Minister Jaensch, *Transcript of Evidence*, 14 November 2024, pp. 31-32.

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.

Phase 2 – 2026

Government Reported Status: In progress (DECYP)

Implementation Report (August 2024) extract:

In progress and on track for delivery in Phase 2 – currently recorded as a Youth Justice priority area recommendation in Collaborating for Change. ²²⁶71

Committee's Assessment

The Committee notes implementation of increased security measures at AYDC is progressing, in particular: the use of body worn cameras being trialled and subject to external review; additional CCTV cameras installed to ensure no black spots in the facility; and smart key features installed on bathroom viewing panels to control and monitor access.

The Committee recognises these as important safety measures for children and young people and staff at AYDC, however, from the evidence provided by the Government it is not clear that consistent operation of body worn cameras in line with the policies and procedures is occurring.

The Committee notes the overall effectiveness of these new security measures will require demonstration of appropriate policies and procedures, effective operational use, monitoring and auditing of these tools.

²²⁶ Keeping Children Safe, Implementation Report, prepared for the Joint Sessional Committee on the Commission of Inquiry Recommendations, August 2024, p. 71.

Government Evidence (written, 13 September 2024)

The Tasmanian Government is committed to ensuring the safety of children and young people in youth detention. Enhancing electronic surveillance is one way to ensure that the risk of harm to these children and young people is reduced.

These safety measures will also be considered in the design of the new youth detention facility, replacing Ashley Youth Detention Centre.

Body Worn Cameras

- *Body Worn Cameras were introduced in a trial capacity in Ashley Youth Detention Centre in December 2023 to support the safety and security of young people and staff.*
- *Their introduction was supported through jurisdictional research, consultation with key internal and external stakeholders, staff training, and appropriate infrastructure.*
- *An independent evaluation of the trial is underway and planned to be completed by the end of 2024, to determine the effectiveness of the Body Worn Cameras in supporting the safety and security of young people and staff in the Centre. Input from young people at the Centre, together with feedback from key internal and external stakeholders will form part of the evaluation report.*

CCTV

- *There are more than 170 CCTV cameras operational throughout Ashley Youth Detention Centre, which ensures there are no black spots in any communal and public spaces.*
- *The Department is committed to continuous improvement, which includes the CCTV system, to ensure the safety of young people and staff at the Centre.*
- *CCTV and Body Worn camera footage assists to thoroughly investigate formal complaints and reported incidents at the Centre.*
- *The Department will continue to monitor, evaluate and improve the use of Body Worn Cameras and CCTV cameras within the Centre.*
- *Planning is underway on the installation of an integrated control room to support the monitoring of surveillance systems throughout the centre.*
- *The Department is developing a policy for managing and retaining surveillance footage in line recommendation 12.17(d).*

Viewing Panel Swipe Readers

- *Implementation of the electronic access control re-keying system on all bathroom viewing panels has been completed.*
- *The technology solution uses a smart key that is programmed to the individual locks, to control and monitor access.*

Implementation of this recommendation will be complete by 1 July 2026.²²⁷

²²⁷ Letter from Minister Jaensch to Hon Ruth Forrest MLC, Chair dated 13 September 2024, pp. 8-9.

Government Evidence (verbal, 14 November 2024)

Ms WEBB - ... Regarding the body-worn cameras that are being introduced, are they thoroughly implemented now, a policy in place, regularly being worn, always being used, what we would consider to be bedded down and implemented consistently in a way you can demonstrate?

...

Mr WOODFALL - Yes, body-worn cameras are part of everyday operation practice. In fact, I don't recall seeing a youth worker or anyone working directly with young people apart from roles like mine where there are youth workers in the presence not wearing one.

There's a review because it is a trial, and currently there is an external review being conducted by a consultant on how well they're being received, what is the purpose of them, and that will include the voice of young people.

Ms WEBB - It's a trial, but everybody is wearing them and using them all the time?

Mr WOODFALL - Yes, using them. Certainly, a lot of work on procedures and policies to enable them to be allowed to be used. When we say using them on all time, they're on all the time, but they have to notify a young person when they're going to put them on. They have to activate them, yes.

Ms WEBB - When I'm saying 'are they on all the time?', I'm asking about operational. Not just that they're sitting on a piece of clothing, but they're actually being used as in they are recording. No? They are just recording when they're activated.

Mr WOODFALL - Yes, when they are activated. That's out of respect for the young person. They have to advise the young person when they're turning them on. That was the legal advice you received.

Ms WEBB - There's a policy on when it's expected they will be turned on?

Mr WOODFALL - Yes.

Ms WEBB - How is it being monitored that that is being complied with?

Mr WOODFALL - Whenever there's any form of incident through IRC, all that footage would be checked and reviewed. If there are - I mean, we're talking with people, we're only as strong as, you know, if someone hasn't activated a body-worn camera, admittedly there'll be two or three others. Often, it's when there's a lot happening, they'll say 'Oh, I forgot', but at those times there are two or three others with their body-worn camera on.

Ms WEBB - Are we capturing how reliably they're being turned on under the trial at the present time? Can you give us a bit of an indication?

Mr WOODFALL - It would be a qualitative assessment, but I feel in the current climate youth workers would almost like to use them more than what they're allowed, because I feel they often feel at risk themselves. I feel they feel very strongly about using them. I would definitely say they are well used. But are we measuring that? Only through the IRC or through events and when we get feedback. But, certainly used a lot.

I guess we would be able to find the data because all that footage is extracted and kept, so it would be in evidence.com²²⁸ I believe. We would be able to get that data about how many times they've been activated and used, but I don't have it on me.

Ms WEBB - Would the evaluation of the trial, in some sense, evaluate the effectiveness of the body-worn cameras and any 'skewing' that may occur? Of course, it's useful to record an incident - but at

²²⁸ A secure cloud-based digital evidence management system designed for law enforcement and legal professionals.

what point in the incident you turn it on and at what point in the incident you turn it off is, of course, critical as to how well it fully provides us with information about the incident. If you turn it on well into an incident at the time that a child is absolutely going into some form of meltdown, without having seen what led to that point, it could be easy for that footage to portray that child as very -

Mr JAENSCH - Misrepresent it.

Ms WEBB - Yes, misrepresent the child's situation. Do the policies and the training for this address that, and are we evaluating that?

...

Mr WOODFALL - Certainly, in that there's over 170 CCTV cameras onsite now at the centre, so there's not an un - ...

...

Mr WOODFALL - Monitored - that would be the word - site in the centre. Therefore, all forms of footage are used...

...

Mr WOODFALL - ... And so, that would indicate, 'Well, why at that point wasn't a body-worn camera turned on? Obviously, it was getting tense, or something was happening, and it should have been turned on'. That independent review committee is chaired by independent people, independent chair, who offer frank and fearless advice about what we should have done better.

...

Ms WEBB - The CCTV that's being installed now around the centre - is there monitoring of that from an offsite location, or is there only monitoring of that at an onsite location?

...

Mr WOODFALL - Yes, monitored onsite. Very limited people have access to that monitoring of the offsite footage that's stored - that is very difficult to access. ... limited people have access to be able to retract that footage, for good reason.

The live footage that's happening around the place - once again, that's from a control room - a temporary control room, while those works occur - and if there's a code called, because there are new emergency management procedures coming in, whoever is the leader of that emergency management would go into that room and say, 'I need these cameras here, here', and the person who's got access to that would bring those up and we'd be watching those.

Ms WEBB - So, the room is staffed constantly, and then during an incident, someone goes in to direct where to be looking? Or it's not staffed?

Mr WOODFALL - No, the room isn't staffed constantly. The control room which we're implementing - that is what we're implementing in the new model, and I would suspect the new detention centre would look at having.

Ms WEBB - Okay. So, in terms of access to the control room at the present time, is a record kept of who accesses the control room and spends time in there?

Mr WOODFALL - Yes.²²⁹

²²⁹ Mr Jaensch, Ms Hurworth, Ms Webster and Mr Woodfall, *Transcript of Evidence*, 14 November 2014, pp. 75-77.

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.

Phase 2 – 2026

Government Reported Status: In progress (DPAC to DECYP)

Implementation Report (August 2024) extract:

In progress and on track for delivery in Phase 2 – currently recorded as a Youth Justice priority area recommendation in Collaborating for Change.²³⁰

Committee's Assessment

The Committee notes the Government reports the introduction of a non-punitive, incentive-based positive behaviour program at AYDC, progress on a new Youth Justice Model of Care, and the expectation that any new behaviour program will be trauma-informed and therapeutic.

The Committee is concerned that a behavioural management system based on colour grading remains in use at AYDC and it is not clear whether the use of such a system is in compliance with this recommendation.

However, the Committee also notes evidence has not been presented to demonstrate the degree to which staff in AYDC 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.

²³⁰ Keeping Children Safe, Implementation Report, prepared for the Joint Sessional Committee on the Commission of Inquiry Recommendations, August 2024, p. 71.

It is positive to note the Custodial Inspector and OPCAT NPM indicated additional staffing resources have been provided for a two-year period to ensure a more regular on-site monitoring presence at AYDC. The Committee urges the Government to ensure the Custodial Inspector continues to be appropriately funded to continue to undertake its statutory role in youth justice facilities.

Government Evidence (written, 13 September 2024)

Behaviour Development Program

- *The Commission of Inquiry recommended abolishing the current Behaviour Management Program in Ashley Youth Detention Centre and work has commenced towards this.*
- *A Risk Benefit Analysis has been conducted which includes a jurisdictional scan to identify best practice model elements that should be considered as part of a replacement program.*
- *The Principal at Ashley School has developed and rolled out centre-wide behavioural expectations in consultation with both young people and staff.*
- *The expectations outline the expected modelled behaviours we want to see in the centre. Posters and other supporting materials have been developed and are displayed, along with examples of what the modelled behaviours look like as reminders to staff and young people throughout daily practice.*
- *A new incentives-based program for positive behaviour that aligns with the centre-wide expectations is also being considered.*
- *Behaviours that fall outside of the expected behaviours would be addressed separately as part of a Therapeutic Support Plan tailored to each young person.*
- *Any new program will be trauma-informed, therapeutic and non-punitive. It will not include a punishment connotation, nor infringe on the rights of young people - for example to access physical exercise, education or contact with family and community support groups.*
- *Any new program will also be fair, equitable and predictable to support young people in developing positive behaviours.*
- *The development of any new program will include consultation with experts and incorporate the voice of children and young people in detention.*

Model of Care

- *One of the key actions the Tasmanian Government is progressing under the Youth Justice Blueprint is the development of a Youth Justice Model of Care.*
- *The Commission of Inquiry's recommendations are informing work on the development of the Model of Care for children and young people engaged in the youth justice system.*
- *The Model of Care is being developed with children and young people, Aboriginal communities and staff from government and non-government organisations across the youth justice system.*
- *We are also working closely with the community services sector and have held two workshops with the Youth Justice Community Engagement Group in July and August, with a further meeting planned shortly.*

- *The model of care is in its final draft and is currently undergoing further targeted stakeholder consultation.*
- *Progress has already been made in working towards a therapeutic approach across the youth justice system. Some of the key projects already underway across community and custodial youth justice that align with a therapeutic approach include:*
 - *increased recognition of the voice of young people through the reintroduction of the Resident's [sic] Advisory Group within the Ashley Youth Detention Centre*
 - *work to support a contemporary approach to case management of young people under youth justice supervision, including identification of evidence-based assessment tools to support case planning and goal setting for young people*
 - *a review of the organisational structure and governance arrangements to support continuous practice improvements across Services for Youth Justice*
 - *the establishment of a clinical services team to provide specialist assessment, interventions, and advice for young people with the most complex needs.*
 - *The model of care will also support the design of our new youth justice facilities to ensure they incorporate both therapeutic design elements and support the ability of staff to practice in therapeutic ways.²³¹*

Government Evidence (verbal, 14 November 2024)

Ms WEBB - *The commission report, as we are aware, highlighted a lot of issues about behaviour management programs that were being used. Are there any behaviour management programs currently being used that put kids into different categories and then that determines, for example, any particular privileges they have, or arrangements for their day? I'll give you a specific example - that they're put into a category and that determines what their bedtime is.*

Mr WOODFALL - *....The future of the behaviour development program is one of PBS (positive behaviour support), where we put in support positive behavioural expectations, so everything's framed in the positive, and everyone in the centre would be expected to behave in those ways. Because of the crossover, we have named them as cultural drivers. Our positive expectations are respect, safety, communication and consistency. We unpack what all those things mean for young people and then incentives, or rewards, or encouragements can be gained from people who actually exhibit or act in those positive ways, which is the basis of PBS, positive behaviour support.*

In relation to the bedtime question, the standard room time, which I prefer to call it because I don't know that they go to bed - there are movies and there's food delivered after that time and all that sort of thing, but room time is a set time. However, if you've been able to lift your behaviour colour, which that's been consulted with the young people, we looked at changing that. They're very comfortable - they want to stay with colours, they understand it. They're a little bit competitive about that and they aim for it. If someone is able to improve the colour they're on, then they can receive extra time. That's a reward for positive behaviour, rather than looking at the other way, as a punishment for negative behaviour.

Ms WEBB - *What is the standard room time, where people are then confined into their rooms?*

Mr WOODFALL - *Since COVID it's been 6.00 p.m., and that stays consistent.*

Ms WEBB - *The standard is 6.00 p.m., and if you've exhibited good behaviours, you might be able to stay outside your room for longer?*

²³¹ Letter from Minister Jaensch to Hon Ruth Forrest MLC, Chair dated 13 September 2024, pp. 9-10.

Mr WOODFALL - In most cases, nearly in all cases, the operations of the centre does allow that, but it's subject to operational constraints and what's happening. Yes, generally that's been the case. You've earned extra time and, therefore, other programs outside of your own – basketball, maybe extended time in the pool or something - yes.

...

Mr JAENSCH - Just to be clear for the record again the programs that Mr Woodfall referred to are trauma-informed, therapeutic, and non-punitive. This is not a punishment or a denial of rights under any circumstances. It's about a positive behaviour reinforcement, strength based and seems to be well supported by the young people as well.

So, in terms of the matter that the commission of inquiry recommended about behaviour management, the process that Mr Woodfall has referred to is clearly not being used as a form of disciplinary action, it's about developing positive behaviour programs and respectful conduct of young people in the centre, which are good life skills for them, too.²³²

Richard Connock, Tasmanian Custodial Inspector and Sam Christensen, the OPCAT National Preventative Mechanism (NPM) officer, spoke about the actions they have taken in relation to oversight and inspection at AYDC:

Mr CONNOCK - ... we, the two officers, custodial and NPM, have worked together to produce a new suite of expectations in relation to youth in detention, which covers off on most of this stuff. They've been published on the website and we will be using those in all future inspections of the youth detention facility.

Ms WEBB - When is the next expected inspection, or are these just random?

Mr CONNOCK - They're sort of random.

Ms WEBB - You don't have set ones on any schedule?

Mr CONNOCK - Sam can tell you what the program is in a minute. As you know, we're not resourced to do full omnibus inspections of each facility every three years. What we do is themed inspections. We will be talking a little bit today, our most recent inspection was really a review, and that was of young people in prison aged 18 to 25, also under-18s, and in particular youth in watch-houses. ...

Mr CHRISTENSEN - I think in terms of Ashley Youth Detention Centre, we've sort of established a strategic direction given there's quite a lot of reform work going on at Ashley Youth Detention Centre. There's the commission of inquiry, which was obviously a significant amount of work. We've decided to focus on areas that come up -

Mr CONNOCK - Be a bit responsive.

Mr CHRISTENSEN - Yes, but still having a proactive approach. We were really fortunate to get a temporary 0.7 role, and we've filled that role for a two-year contract. That's allowed us to increase our visiting to Ashley Youth Detention Centre quite significantly. We're going up there at least twice a month now. Two of my team are up there right now, they've been there yesterday and today. That visit at the moment, they're doing work around a review that we're doing into staffing at Ashley Youth Detention Centre, because whenever we look at issues and issues pop up at Ashley Youth Detention Centre, it always comes back to staffing. We've sort of really started to hone in on that.

Obviously, again, there's quite a lot going on in the staffing space as we're navigating all those other different bodies that are doing work on different things. I think by the end of today we should have spoken basically to all - most of - the youth workers at Ashley Youth Detention Centre as part of that review, which is really fantastic. That's one piece of work.

²³² Mr Jaensch, Ms Hurworth, Ms Webster and Mr Woodfall, *Transcript of Evidence*, 14 November 2024, pp. 77-81.

We're also doing another piece of work at the moment around transport - transport of young people to and from Ashley's detention centre. We're hoping to have a review report out about that in the not too distant future as well.

Ms WEBB - *That additional funding you mentioned, is that commission of inquiry specific additional funding to assist with the implementation of this recommendation?*

Mr CONNOCK - *No, not to assist specifically, to assist with this recommendation. What it was was the Premier wanted a greater presence at Ashley.*

...

Mr CONNOCK - *We weren't funded to do that until fairly recently - we were not really funded to do anything much. That's been addressed now, we're not in a bad place in terms of staffing. In particular, a greater presence at Ashley was wanted because we weren't in a position to – what, we were going there every three months or something, if that - we couldn't get up there, just didn't have the staff to do it.*

This extra position was created as the Deputy Principal Inspection Officer, and her focus is almost exclusively on Ashley. As Sam said, it's a fixed term because we don't know: (a) what's going to happen with Ashley and what sort of facility it will be and what sort of inspections will be required; and (b) because the commission of inquiry has recommended that the new Children's Commission be the inspection entity for youth justice. That's sort of balls in the air there, which is why we haven't created a permanent position.²³³

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.

²³³ Mr Richard Connock, *Transcript of Evidence*, 1 May 2025, p. 16-18.

Phase 2 – 2026

Government Reported Status: In progress (DECYP)

Implementation Report (August 2024) extract:

In progress and on track for delivery in Phase 2 – currently recorded as a Youth Justice priority area recommendation in Collaborating for Change.²³⁴

Committee's Assessment

The Committee notes the Government reports progress on the development of a Case Management Policy Framework to support case planning and service delivery. The Committee also notes progress in implementation of a new Clinical Services team within Services for Youth Justice to undertake specialist assessments and evidence based interventions to young people in detention.

As a phase 2 recommendation, due for completion in 2026, the Committee recognises demonstration of full implementation of this complex recommendation will require significantly more evidence than has been provided to date.

Government Evidence

Through the comprehensive reforms outlined in the Youth Justice Blueprint 2024-2034, responses across the entire service system will be enhanced to ensure a collaborative, multidisciplinary and therapeutic approach.

- *Work is currently underway on the development of a Case Management Policy Framework to support case planning and service delivery to young people in detention, as well as those under community supervision orders.*
- *Implementation of the case management framework will ensure a coordinated approach to assessing and responding to the individual needs of young people and will maximise access to services and supports that address each young person's needs in a therapeutic and culturally safe manner.*
- *The Department is also implementing a new Clinical Services team within Services for Youth Justice. This new team will undertake specialist assessments and evidence-based interventions for young people where required to inform services involved in the throughcare of the young person.*
- *The Director of Clinical Services has commenced. Planning is underway to determine the appropriate structure and roles required for the Clinical Services team.*
- *The Clinical Services team will provide services statewide across both community and custodial youth justice services. It will provide professional advice and practice support for young people with the most complex and intensive needs and will drive the delivery of safe and high-quality therapeutic services across Services for Youth Justice.*

Implementation of this recommendation will be complete by 1 July 2026.²³⁵

²³⁴ Keeping Children Safe, Implementation Report, prepared for the Joint Sessional Committee on the Commission of Inquiry Recommendations, August 2024, p. 71.

²³⁵ Letter from Minister Jaensch to Hon Ruth Forrest MLC, Chair dated 13 September 2024, p. 10.

A Question on Notice was put to the Minister seeking a detailed list of external/non-government service providers providing services to young people detained in AYDC. The response is attached at Appendix C (Question #8).

Stakeholder Evidence

According to the Laurel House submission:

... Laurel House has attempted on numerous occasions to provide education, training and support to staff and residents as AYDC and, although meeting twice, numerous emails and calls to discussing and implement (begin) the ongoing support we could provide, AYDC will not collaborate or respond.

We are also unclear if AYDC residents are able to call the Laurel House 24-hour crisis line or if residents are informed during their initial assessment or follow up care about the availability of Laurel House counsellors, including to visit them for counselling or support on site at AYDC. We have not received a single referral for counselling support for a resident of AYDC from staff at AYDC since the conclusion of the CoI, despite repeated reminders to AYDC management. ²³⁶

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.

Phase 3 – 2029

Government Reported Status: Commenced (MHAW)

Implementation Report (August 2024) extract: N/A

Committee's Assessment

The Committee notes this is a phase 3 recommendation, with the Government reporting Budget allocations to fund enhancements in the Child and Adolescent Youth Forensic Mental Health Service and progress the mental health inpatient unit for children and adolescents, both of which align with this recommendation.

The Committee notes the Government provided evidence that children in AYDC have access to a specialist youth forensic clinical psychologist 0.5 FTE position to provide in-reach services to young people in AYDC.

²³⁶ Laurel House, 2025, *Submission #56*, p. 44 – 45.

It is further noted significant recruitment will be required in coming years to secure the mix of appropriately qualified and experienced clinical and allied health practitioners to fully implement the planned youth mental health services and provide for this recommendation.

Government Evidence (verbal, 14 November 2024)

Ms LOVELL - ... Going back to the psychiatry services, so there's a psychiatrist there one day a month, and then in addition to that, through CYMHS, there's an additional one day a fortnight service. Is there a waitlist for accessing those services currently, or is that meeting the needs of young people in detention? How long are people waiting before they can access those services?

Mr WEBSTER - ...and also a psychologist on site 50 per cent of the working week, if you like. So 0.5 are psychologists, it's not just psychiatry services. In terms of a waitlist, given the number, I don't think there is one. Confirmed by Professor McDermott, there's no waitlist there.

Ms WEBB - To be very clear on it, a psychiatrist one day a month, plus another one day a fortnight. The psychologist 0.5: the minister mentioned a 0.5 psychologist and you mentioned a 0.5 psychologist. Is that one and the same, or in addition?

Mr WEBSTER - It's the same.

Ms WEBB - Okay. You said there's no waitlist. The way we were discussing before, children in out-of-home care are likely to have experienced trauma and have a need for mental health assistance. Children who are incarcerated in Ashley are highly likely to be in need of those services. Are you saying that every child there is receiving all the mental health support they need through a psychiatrist and a psychologist under the current arrangement?

Mr WEBSTER - I'm definitely not saying that, but I'm going to go to the clinician to answer the question.

...

Prof McDERMOTT - If I can clarify that. In terms of intensive trauma therapy, you could strongly argue you should not get that at Ashley because the length of time you are there is so brief. For trauma therapy you need to make a really strong, trusting therapeutic relationship. You can't suddenly do that and then be sent away from the centre. There is no waitlist for a comprehensive assessment and needs analysis and working out a therapeutic program. Intensive trauma therapy should happen back in the community.

Ms WEBB - Then, under the current arrangements, noting that staffing that's there doing those assessments and apparently doing them with no waitlist, therefore everyone's being assessed as required, what then are we doing to make sure those assessments on children exiting Ashley go out with them and they are linked directly to a service and trauma therapy is delivered to them?

Prof McDERMOTT - One of the fantastic things about starting the reform before the commission of inquiry is the forensic psychiatrist that does those assessments is sitting eight feet away from the out-of-home care team at Watchorn Street here in Hobart in the same service. There is no service gap. There is no place that you can fall. That person, our forensic psychiatrist, is integrated in the new CAMHS, the new CYMHS. We anticipate there will be no loss. If there is a loss, I'm responsible for both teams.

Ms WEBB - We're not just talking about kids who would be exiting into an out-of-home care system -

Prof McDERMOTT - No, I know the forensics psychiatrist has visibility, physical visibility, to the out-of-home care team, the youth team, the community team, all in CYMHS. It is one service.

Ms WEBB - I'm trying to understand. You're saying that no child who's being exited from Ashley into the community having been thoroughly assessed and have a plan clearly laid out for what trauma therapy they need - no child is being exited and not delivered a service?

Prof McDERMOTT - No child that is assessed by the forensic youth psychiatrist, who has service needs, are not offered those needs.

Ms WEBB - This is different then. What does, 'offered' look like?

Prof McDERMOTT - 'Offered' means that a consumer is within their rights to accept or not accept what is offered. They would be offered services commensurate with that assessment.

...

Mr JAENSCH - A really important principle of the model of care being developed through the youth justice reforms is the principle of 'through care'. So we are able to provide young people with supports, therapeutic care in various settings, within our system that also can go with them back to the community.

At the end of the day, however, we are still at the moment dealing with young people exiting our youth justice system who when they don't have obligations to that system anymore, they are free people. They have the option of making their own decisions of the options provided to them and the supports that are available to them that they utilise. It's important that we are, wherever we can, ensuring that those supports go with them back into life in the community. We cannot compel them, because once they're out of that system -

Ms WEBB - ... the data that would help, then, is do we know, for example, over the last year that we would have data for, how many children exiting Ashley who had an assessment for requiring mental health and trauma support and a plan laid out, how many took that up and are being provided a service through any of the relevant areas whether they're out-of-home care or not, in the community subsequent to exiting Ashley?

...

Prof McDERMOTT - If I can assure the committee as of yesterday - and I'm under oath here - as of yesterday, the forensic psychiatrist asked my permission to audit every case they've seen at Ashley over the last 12 months, to which I roundly said absolutely. So, they have ongoing quality assurance processes to audit every case and see the outcome of every case. This is not an unusual quest. This is something that we ourselves are incredibly interested in finding out and I approved that audit.

...

Prof McDERMOTT - Our service is undertaking - and this will be ongoing - I anticipate we'll be doing this at least yearly, if not six monthly to see how our new system works.

...

Mr WEBSTER - ... given that we're about to do that audit, it may be that when we're next coming here, it's almost we foreshadow that we'll then have a session where we can talk about the audit and what happened. Obviously, some of it in camera -

...

Ms O'CONNOR - ... I'm interested to understand how you measure success. One way of tracking cases, for example, is recidivism, the return to Ashley - and we know that's an issue. I hate the term KPIs, but what kind of indicators do you have in place to measure not just the service system's capacity and success, but the actual social outcomes?

...

Mr WEBSTER - ... in this program area, specific things we're measuring are the percentage who don't get rearrested. We have that rather than recidivism, it's the rearrest, with a target of 90 per cent and currently running at 79.63.

Ms O'CONNOR - So 80 per cent are not being rearrested currently, within what, a 12-month period or -

Prof McDERMOTT - There is a 130-day treatment average.

Mr WEBSTER - So during that 130-day treatment program.

Ms O'CONNOR - So within about four months, about 80 per cent of the young people who were released did not get rearrested. That's one short-term measure. It's not really an outcomes measure, but it would be something to aspire towards.

Mr WEBSTER - Percentage completing the treatment programs that we've designed for them. The percentage discharged due to lack of engagement, which obviously we are targeting as a low percentage, the percentage that are living in a stable home, the percentage of the young people in the programs that are engaged in school and/or employment. Also we monitor the length of the intervention.

Ms O'CONNOR - Okay, so when did this set of indicators come into effect? Are you saying that the department already has some data attached to those indicators?

...

Mr WEBSTER - ... 1 January 2023 we started tracking it and yes, we already have data against those.

Ms O'CONNOR - Is there any relevant data that you wish to share with us to show some positive outcomes or any hints of change?

Mr WEBSTER - Through you, minister, 94.4 per cent of participants have completed treatment; the rate of discharge due to lack of engagement is at 3.23 per cent; stable home 92.59 per cent in the program; and the number of young people engaged in school or employment is 68.52 per cent.

...

Mr WEBSTER - ... and the average length of the intervention with the young person is 130.94 days, so 130-odd days.²³⁷

And further:

Mr WEBSTER - This is another area of the reform that was already identified. We've already actually appointed our first clinical consultant in forensic youth mental health, so a psychiatrist in that space. So, we've got a head start. What we're doing at the moment is, again, making sure we're aligning with youth justice reforms and then, as the forward Estimates show, we then grow the service and it grows to match the changing service model within Youth Justice over the forward Estimates. At the moment, the focus of the model has been on Ashley but, obviously, as the model changes and we see services delivered more across the state, then we actually grow the services to match what's happening across the state.

²³⁷ Minister Jaensch, Professor McDermott and Mr Webster, *Transcript of Evidence*, 14 November 2024, pp. 22-27.

CHAIR - What are the staffing expectations? You've talked about having recruited your forensic mental health psychiatrist. Can you give us a profile of that expectation and the funding that sits in this particular area?

Mr JAENSCH - The budget provided \$9.8 million to fund enhancements in the Child and Adolescent Youth Forensic Mental Health Service aligned with this recommendation. The allocations are \$298,000 in the current financial year, rising to \$2.3 million in next financial year; \$3.2 million and then \$3.9 million in the subsequent years. The funding reflects a phasing-in of the FTE requirement over the Forward Estimates. Out of the full 65 FTEs required, 26 FTEs will be onboarded by the end of 2027-28.

...

Ms O'CONNOR - You expect to recruit almost 40 more staff in the last year?

Mr WEBSTER - Yes. That last bit aligns with the build of the inpatient unit. We'll need to start recruitment and have them onboard, ready to run the unit when it's finished being built. Initially the ask, if you like, in the community is 20 FTE, but as soon as we open that inpatient unit we'll need 45 staff to staff the unit.

CHAIR - Can you give us the skill mix of the workers that you have appointed, and are seeking to recruit?

Mr WEBSTER - I'll pass to Professor McDermott for the 'have recruited', but the workforce profile for youth forensic will be a consultant psychiatrist lead, include clinical leads, which is senior allied health; four specialist nurse or allied health professionals; four registered nurse level or allied health professionals, also base level; four youth workers; three lived experience and then support staff for those.

CHAIR - Does that include staff to cover the inpatient unit?

Mr WEBSTER - No. The inpatient unit, separately. Obviously, nurse unit manager (one); five nurse unit assistant or associate nurse unit managers; 10 registered nurses; 10 enrolled nurses; 1.5 assistants in nursing; 1.5 consultant psychiatrists; two registrars in psychiatry; 1.5 psychologists, 1.5 OTs [Occupational Therapists]; two diversional therapists; 1.5 social workers; two lived experience and peer workers, and then support staff.

...

Mr WEBSTER - The question about, are we expecting to recruit them all in one year, the answer to that is no. The unit actually opens the year after the forward Estimates. There is another step up one year out from the forward Estimates.

Ms O'CONNOR - Oh, okay. That aligns with the 2029 reform finalisation timeline.

Mr WEBSTER - Yes, that's right.

Ms WHITE - Do you imagine that you'll open all the beds at once?

Mr WEBSTER - Our normal process in commissioning a unit is to grow it over a period of time. We haven't done the planning of how quickly we'll grow this unit, but if we take the Peacock unit, which is our most recent, we grew that over an eight-month period to full strength.²³⁸

²³⁸ Minister Jaensch and Mr Webster, *Transcript of Evidence*, 14 November 2024, pp. 20-21.

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
- c) have a say in their mental and physical health care.

Phase 2 – 2026

Government Reported Status: In progress (MHW)

Implementation Report (August 2024) extract:

In progress and on track for delivery in Phase 2 – currently recorded as a Youth Justice priority area recommendation in Collaborating for Change.²³⁹

Committee's Assessment

The Committee notes the Government provided evidence that children in AYDC receive a health assessment on admission and that there is a nurse on site 12 hours per day, 7 days a week, and on call for the remaining 12 hours per day. Further, it was reported General Practice clinics are held weekly at AYDC and access to a psychiatrist is provided one day per month.

[See also evidence under 12.20]

Government Evidence

Mr JAENSCH - ... The department, through the Correctional Primary Health Service, provides primary health services to children and young people in detention, in this case the Ashley Youth Detention Centre.

Children and young people have access to 24/7 medical care through a nurse, available 12 hours per day and on-call for the remaining 12 hours of the day. General Practice clinics are held weekly at Ashley Youth Detention Centre for approximately 2.5 hours per week. Children and young people in detention also have access to a psychiatrist one day per month utilising the commission of inquiry funding so far.

A specialist youth forensic clinical psychologist 0.5 FTE position was created and has been filled in the north to provide in-reach services to young people in Ashley. This will continue, with funding allocated through the Correctional Primary Health Service. This model will be expanded to provide in-reach services to fit the new youth justice reform model of care as well. This will see an expansion of the current workforce to include 1.5 FTE GPs with a special interest in child health assessments, and six FTE registered nurses to support a statewide service model. There will be administrative supports for those as well.

CHAIR - What's the timeline for the recruitment of those staff, or have you already recruited some of them?

²³⁹ Keeping Children Safe, Implementation Report, prepared for the Joint Sessional Committee on the Commission of Inquiry Recommendations, August 2024, p. 72.

Mr WEBSTER - For Ashley, we don't need all of those, though as we expand across the state we'll increase staff. At the moment, through Correctional Primary Health we have just over three FTEs of RN [Registered Nurse], we have 0.2 of a nurse unit manager, and 0.2 of a GP.

In addition to the Correctional Primary Health Services, we're also supplementing services at Ashley from within CYMHS. So, in addition to the one day a month that the Minister mentioned, CYMHS is providing one day a fortnight of a psychiatrist. We also have 0.5 of a psychologist attached now to Ashley Youth Detention Centre. We've grown the services in CYMHS, too, as we've grown the services in correctional primary health.

CHAIR - ... in terms of the physical health assessment, do you have data on the numbers of young people who enter Ashley - do they all have a physical health assessment?

Mr WEBSTER - Yes, and because we've now expanded our services so we have nurses on site we can say with certainty that seven days a week we're having that physical assessment. We've increased the services. Originally it was three hours a day delivered from Launceston Remand Centre, but we've actually now attached nurses direct to the centre.²⁴⁰

²⁴⁰ Minister Jaensch, Professor McDermott and Mr Webster, *Transcript of Evidence*, 14 November 2024, pp. 22-29.

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.

Phase 2- 2026

Government Reported Status: In progress (DECYP)

Implementation Report (August 2024) extract:

In progress and on track for delivery in Phase 2 – currently recorded as a Youth Justice priority area recommendation in Collaborating for Change.²⁴¹

Committee's Assessment

The Committee notes progress on this recommendation, including the appointment of an Assistant Principal to the Ashley School with particular focus on Years 11 and 12, and alignment with TASC achievement and assessment. Further, the introduction of a multi-tiered program of literacy support, a new Pathways subject offered at the school to support individual career planning, and plans for a Trade Training Week at AYDC and work with Beacon Foundation to support career readiness.

Government Evidence (written, 13 September 2024)

The Ashley School offers access to education for all young people in youth detention or on remand. It offers an array of specialist subjects and highly differentiated literacy and numeracy opportunities. Young people work towards individualised learning plan goals in which they have a voice.

- *Ashley School has appointed an Assistant Principal with extensive experience in Years 11 and 12. This has supported the development of scope and sequences aligned to all curriculum areas and increased the school's capacity to monitor Tasmanian Assessment and Standards Certification (TASC) achievement and assessment. This alignment of curriculum allows evidence of learning for students transitioning to an 11/12 program to be shared to support TASC attainment.*
- *Ashley School is engaging with statewide Year 11-12 moderation days to further support the effectiveness of their TASC planning and assessment.*
- *An education engagement, monitoring and transition team has been established, including the involvement of Youth Justice Education Liaison Officers, AYDC Case Management and Student Support Coordinators, to support student engagement and attainment, and more effective education transitions. Ashley School also provides "at the*

²⁴¹ Keeping Children Safe, Implementation Report, prepared for the Joint Sessional Committee on the Commission of Inquiry Recommendations, August 2024, p. 72.

elbow support" to young people and families to facilitate transition visits and meetings with prospective schools offsite.

- *In February 2024, Ashley School introduced Pathways as a subject. Pathways is offered for 100 minutes a week. This is a work preparation class that supports young people to work towards their individual career goals through attainment of vocational qualifications, job application preparation and employment coaching.*
- *Ashley School has worked with an external Literacy Coach to deliver Professional Learning for all school staff on tiered reading interventions. This work has led to the development of an explicit multi-tiered system of supports to increase reading outcomes for young people. This includes significant investment in high-quality classroom practice and the explicit teaching of reading across all curriculum areas.*
- *A more structured and rigorous baseline data procedure is proving very effective in gathering evidence to inform teaching and learning. Some initial data has indicated some young people engaging in tier 3 reading intervention have increased their reading age by up to 1.5 years in just one month of participation. As many young people have not accessed mainstream education for an extended period, this data is also crucial in supporting educational transition future planning.*
- *Ashley school is ensuring high-quality educational and vocational training programs are accessible for children and young people in detention, with developed employment and training opportunities made available when they leave detention.*
 - *As AYDC staffing levels increase, the school will have more opportunities to facilitate offsite transition and explore workplace and vocational experiences.*
 - *A Trade Training Week is being planned, with representatives from various trades coming onsite to talk with young people about their jobs and the required training and pathways.*
 - *Ashley School has had some initial engagement with Beacon Foundation to further support their work in this space. Beacon Foundation is a not-for-profit organisation that works with schools, businesses and communities, delivering career readiness programs and services.*

Implementation of this recommendation will be complete by 1 July 2026.²⁴²

²⁴² Letter from Minister Jaensch to Hon Ruth Forrest MLC, Chair dated 13 September 2024, pp. 11-12.

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.

Phase 1 – 2024

Government Reported Status: Completed (DECYP)

Implementation Report (August 2024) extract:

A new policy and procedure has been developed and implemented in relation to building and maintaining connections with family and community. This followed consultation with key stakeholders, including capturing the voice of children and young people currently in detention.

The new policy and procedure provides for:

Increased financial assistance for families and Aboriginal (and other) community group members to visit children and young people in youth detention.

Clear direction to staff that visits and access to visits that are therapeutically important cannot be denied on the basis of behaviour.

Increased technology-facilitated access for children and young people in detention.²⁴³

Committee's Assessment

The Committee notes this recommendation is reported by Government as complete, with the new Connection with Family and Community policy and Financial Assistance Procedure in place.

The Committee further notes monitoring of the implementation of the policy and measuring any improvement in access to family and community visits will be key to assessing the full effectiveness of this recommendation.

Government Evidence (written, 13 September 2024)

Implementation of this recommendation is complete.

A new policy titled Connection with Family and Community Policy and a procedure titled Financial Assistance Procedure was implemented on 24 June 2024. The purpose is to provide a foundation for

²⁴³ Keeping Children Safe, Implementation Report, prepared for the Joint Sessional Committee on the Commission of Inquiry Recommendations, August 2024, pp. 30-31.

children and young people in detention to build and maintain connections with family and community, which is recognised as being critical for wellbeing.

The policy and procedure were informed by consultation with key stakeholders including capturing the voices of children and young people currently in detention.

The new policy and procedure information has been incorporated into internal staff practice manual resources, and information sheets are being provided to young people in admissions packs and placed around the centre.

...

The Connection with Family and Community Policy and Financial Assistance Procedure are available to staff on the Department's intranet. To support DECYP's work on recommendation 12.23, the following information was published on the DECYP website in June 2024: Custodial and Community Youth Justice brochure.

Review of the policy and procedure will occur in accordance with DECYP's policy review schedule and in line with other related recommendations, including recommendation 12.29 regarding admissions procedures and case management frameworks.²⁴⁴

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.

Phase 3 – 2029

Government Reported Status: Phase 3 (DPAC to DECYP)

Implementation Report extract: N/A

²⁴⁴ Letter from Minister Jaensch to Hon Ruth Forrest MLC, Chair dated 13 September 2024, p. 12.

Committee's Assessment

The Committee notes this is a phase 3 recommendation, and throughcare across the youth justice continuum, including the transition out of detention, is being considered as part of the development of the Youth Justice Model of Care. The government reports throughcare will also underpin the development of supported accommodation options for young people bailed or transitioning out of detention.

The Committee further notes monitoring the implementation of throughcare services and supports for children and young people exiting youth detention, and measuring any improvement in provision of safe and stable accommodation, access to physical and mental health support, assistance with education or employment after release, and successful reintegration into the community will be key to assessing the full effectiveness of this recommendation.

Government Evidence (written, 13 September 2024)

This Government aims to achieve a throughcare approach for children and young people in touch with the youth justice system in Tasmania that facilitates and supports transition between services, facilities and the community in a responsive and child and young personcentred manner.

- *Custodial Youth Justice staff 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.*
- *Continuity and consistency of support for children and young people with trauma is incredibly important and the care team works to connect young people with supports such as 54 reasons, child safety services, the advice and referral line, and their parents and relatives that can continue to support them when they leave custody. If the child or young person is engaged with an Aboriginal service, that service will be invited into the care team to continue to support them*
- *The importance of throughcare across the youth justice continuum, including the transition out of detention, is being considered as part of the development of the Youth Justice Model of Care.*
- *Work has also commenced on the development of practice frameworks for different elements of the youth justice continuum, detailing how the model of care should be implemented in different settings, and how services need to work collaboratively, including with government and non-government service providers and Aboriginal communities.*
- *A small group of community sector providers has also been convened in a case management-focused workshop to collaboratively identify the elements of an intensive case management model as a potential option for young people who otherwise may have been remanded to AYDC.*
- *Throughcare will continue to be a focus across the youth justice reform project, particularly in the development of operational service models for community and custodial youth justice.*
- *Throughcare will also underpin the development of supported accommodation options for young people bailed or transitioning out of detention.*
- *Consultation on an intensive case management model with the intention to bring a proposed model for consideration to key internal and external stakeholders during September.*

Implementation of this recommendation will be complete by 1 July 2029.²⁴⁵

Save the Children (54 Reasons) commented on throughcare services they were well placed to provide at AYDC:

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

In our experience, adequately resourced throughcare support that is integrated with support for children and young people to transition from detention and post-release services is critical. It should be available to all young people who are exiting detention. However, this support is not currently consistently available.

54 reasons' existing Reboot program includes a Supporting Young People on Bail stream ... and a Transition from Detention stream. The Reboot program is also designed to provide integrated throughcare support, and our teams are experienced in working within Ashley Youth Detention Centre. The program would be well placed to provide support that integrates across bail support, throughcare, and post-release services, resulting in more consistent, integrated and effective support and intervention.²⁴⁶

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.

Phase 2 – 2026

Government Reported Status: In progress (DECYP)

Implementation Report (August 2024) extract:

In progress and on track for delivery in Phase 2 – currently recorded as a Youth Justice priority area recommendation in Collaborating for Change.²⁴⁷

²⁴⁵ Letter from Minister Jaensch to Hon Ruth Forrest MLC, Chair dated 13 September 2024, pp. 12-13.

²⁴⁶ 54 Reasons, 2025, *Submission #14*, pp. 1-3.

²⁴⁷ Keeping Children Safe, Implementation Report, prepared for the Joint Sessional Committee on the Commission of Inquiry Recommendations, August 2024, p. 73.

Committee's Assessment

The Committee notes DECYP was scoping a new process for transfers of young people from youth detention to an adult prison facility that takes into consideration the Commission's recommendations, including approval and notification processes.

Government Evidence (written, 13 September 2024)

The Tasmanian Government is committed to delivering child-centred policies and services that show children compassion, protect them from harm and uphold their rights.

This includes ensuring that a transfer of a young person from Ashley Youth Detention Centre (AYDC) to an adult facility is only made once all options have been considered, through processes that ensure their best interests have been adequately taken into consideration.

- *The Department is scoping a new process for transfers that takes into consideration the Commission's recommendations, including approval and notification processes.*

Implementation of this recommendation will be complete by 1 July 2026.²⁴⁸

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.

Phase 1 – 2024

Note: This recommendation is assigned to an independent statutory officer, the Auditor-General

Committee's Assessment

The Committee has not taken evidence from the Auditor-General on this recommendation.

²⁴⁸ Letter from Minister Jaensch to Hon Ruth Forrest MLC, Chair dated 13 September 2024, p. 13.

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.

Phase 2 – 2026

Government Reported Status: In progress (DECYP)

Implementation Report (August 2024) extract:

In progress and on track for delivery in Phase 2 – currently recorded as a Youth Justice priority area recommendation in Collaborating for Change.²⁴⁹

Committee's Assessment

The Committee notes a Youth Justice Reform Aboriginal Reference Group has been established to provide input on Youth Justice reforms, starting with the Youth Justice Model of Care and the Aboriginal Youth Justice Strategy.

Government Evidence (written, 13 September 2024)

This Government is working with Tasmanian Aboriginal people to reduce the over-representation of Aboriginal children and young people in the youth justice system.

²⁴⁹ Keeping Children Safe, Implementation Report, prepared for the Joint Sessional Committee on the Commission of Inquiry Recommendations, August 2024, p. 73.

It is recognised that Tasmanian Aboriginal people, with support from Government, are best placed to address the over-representation of Aboriginal children and young people in the youth justice system.

Supporting Aboriginal Community-Controlled Organisations to develop services and programs that promote wellbeing and sustain connectedness with community and culture, is a fundamental strategy to reduce the number of Aboriginal children and young people in the youth justice system and will be the focus of the Aboriginal Youth Justice Strategy.

- *Work on development of the Aboriginal Youth Justice Strategy has commenced.*
- *A Youth Justice Reform Aboriginal Reference Group has been established to provide input on Youth Justice reforms, starting with the Youth Justice Model of Care and the Aboriginal Youth Justice Strategy.*
- *In developing the Aboriginal Youth Justice Strategy, the Government will consider and address the issues raised in the Commission of Inquiry and matters raised in discussion with our partners on the project from Aboriginal organisations.*

Implementation of this recommendation will be complete by 1 July 2026.²⁵⁰

²⁵⁰ Letter from Minister Jaensch to Hon Ruth Forrest MLC, Chair dated 13 September 2024, pp. 13-14.

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.

Phase 2 – 2026

Government Reported Status: In progress (DECYP)

Implementation Report (August 2024) extract:

In progress and on track for delivery in Phase 2 – currently recorded as a Youth Justice priority area recommendation in Collaborating for Change.²⁵¹

Committee's Assessment

The Committee notes no detailed evidence was provided on the progress of this recommendation, other than general comments on the plan to close AYDC and transition to a new youth justice facility.

Government Evidence (written, 13 September 2024)

This 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 comprehensive reforms of the entire youth justice system.

- *\$50 million has already been invested to commence the transition to a new contemporary fit for purpose facility in the south of the state.*
- *Site assessments such as Aboriginal cultural heritage, natural values and geo-technical assessments are either completed or underway.*
- *Site fencing work at 466 Brighton Road has been completed.*
- *Consultation with the local community and key stakeholders is underway and will continue as the build progresses.*
- *Early works (including power, sewer, water and NBN infrastructure) is proposed for the second half of 2024.*

This recommendation is due for completion by 1 July 2026.²⁵²

²⁵¹ Keeping Children Safe, Implementation Report, prepared for the Joint Sessional Committee on the Commission of Inquiry Recommendations, August 2024, p. 73.

²⁵² Letter from Minister Jaensch to Hon Ruth Forrest MLC, Chair dated 13 September 2024, p. 14.

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.

Phase 2 – 2026

Government Reported Status: In progress (DPAC to DECYP)

Implementation Report (August 2024) extract:

In progress and on track for delivery in Phase 2 – currently recorded as a Youth Justice priority area recommendation in Collaborating for Change. ²⁵³

Committee's Assessment

The Committee notes the information provided by Government on measures in place and in development to ensure AYDC and the future youth detention facility are culturally safe for Aboriginal children and young people.

²⁵³ Keeping Children Safe, Implementation Report, prepared for the Joint Sessional Committee on the Commission of Inquiry Recommendations, August 2024, p. 74.

These measures include establishing the role of Aboriginal Liaison Officer at the Ashley Youth Detention Centre, which will include facilitating cultural support and involvement in case planning, case management and exit planning.

The Committee further notes measuring successful achievement of positive outcomes and reducing the over-representation of Aboriginal children and young people in the youth justice system will be key to assessing the full effectiveness of this recommendation.

Government Evidence (written)

The Tasmanian Government is committed to ensuring that Ashley Youth Detention Centre (AYDC) and the future facility are culturally safe for Aboriginal children and young people.

- *As part of the admissions process, young people are asked whether they identify as Aboriginal and, if so, staff at AYDC advise the relevant Aboriginal community organisation.*
- *Connections with Aboriginal organisations are fostered through case management and possible involvement in Care Team meetings.*
- *Culturally specific programs are provided to support Aboriginal young people, in partnership with the Aboriginal Education Service, the Circular Head Aboriginal Corporation, and the Tasmanian Aboriginal Legal Service.*
- *There are also programs in place at the Ashley School and we are working on strengthening these programs to ensure a high level of cultural support to children and young people while they are in detention.*
- *Although there are already processes in place to ensure children and young people are provided the opportunity to engage with Aboriginal organisations or community members, policies, procedures, and case management processes will be updated to emphasise the central importance of connection to family, community and culture for the wellbeing of Aboriginal children and young people in detention.*
- *The Ashley Youth Detention Centre (AYDC) Learning and Development Framework aims to ensure all staff are well equipped with knowledge and skills to provide trauma informed and safe care for young people within the centre. It is founded on six principles, one of which is that cultural awareness will be embedded in all learning and development opportunities to ensure a culturally safe environment for Aboriginal children and young people.*
- *The Learning and Development Framework, as well as the AYDC Practice Framework have been reviewed and DECYP is working with the Australian Childhood Foundation to finalise the review with recommendations to inform ongoing implementation within the centre.*
- *The Review will also inform work to reform the youth justice system including the new Service Delivery Model and Practice Approach for the new youth detention centre.*
- *The role of Aboriginal Liaison Officer at the Ashley Youth Detention Centre will be established to support Aboriginal children and young people. This will include facilitating cultural support and involvement in case planning, case management and exit planning.*

Implementation of this recommendation will be complete by 1 July 2026.²⁵⁴

²⁵⁴ Letter from Minister Jaensch to Hon Ruth Forrest MLC, Chair dated 13 September 2024, pp. 14-15.

Harmful sexual behaviours in youth detention

Recommendation 12.30

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.

Phase 2 – 2026

Government Reported Status: In progress (DECYP)

Implementation Report (August 2024) extract:

In progress and on track for delivery in Phase 2 – currently recorded as a Harmful Sexual Behaviour priority area recommendation in Collaborating for Change.²⁵⁵

Committee's Assessment

The Committee notes the Government claims instances of harmful sexual behaviour in youth detention are currently identified and addressed through the case management process, with supports put in place to assist young people to address these behaviours. Data and reporting on this have not been examined by the Committee.

Further, work has started on the development of the Harmful Sexual Behaviours Support Unit which will develop youth justice-specific policies, protocols and practice guidelines, develop a reporting system to enable data on harmful sexual behaviours to be monitored in youth detention

²⁵⁵ Keeping Children Safe, Implementation Report, prepared for the Joint Sessional Committee on the Commission of Inquiry Recommendations, August 2024, p. 74.

and other youth justice facilities, and ensure that timely, specialist therapeutic interventions are provided to young people.

Laurel House stated it is crucial the harmful sexual behaviours policies address the unique vulnerabilities of marginalised groups in youth detention settings.

The Committee notes with concern relevant stakeholders do not appear to have been consulted so far in the development of the harmful sexual behaviours policies, protocols and guidelines.

Government Evidence (written, 13 September 2024)

The Department is committed to improving how it responds to instances of harmful sexual behaviours.

- *The Department's Student Support team provides expert policy and operational advice on preventing, identifying and responding to instances of harmful sexual behaviour in schools and Child and Family Learning Centres.*
- *Work will continue to ensure that this support is extended to out of home care and youth detention facilities. Currently, instances of harmful sexual behaviour in youth detention are identified and addressed through the case management process and supports put in place to support young people in addressing these behaviours on an individual basis.*
- *...Once in place, the Harmful Sexual Behaviours Support unit will offer training to staff in child safety, out of home care and youth justice.*
- *The Department has started work on the development of the Harmful Sexual Behaviours Support Unit in consultation with relevant business units including Student Support, Office of Safeguarding Children and Young People, Services for Children and Families, Out of Home Care and Youth Justice, as well as the Department of Premier and Cabinet.*
- *The Unit will:*
 - *review the Department's governance processes, training and guidance to ensure its responses to harmful sexual behaviour across all areas of the Department are clearly defined, consistent, proactive, therapeutic, and underpinned by ongoing training and development.*
 - *develop youth justice-specific policies, protocols and practice guidelines to support best practice responses to harmful sexual behaviours in youth justice facilities.*
 - *develop a reporting system to enable data on harmful sexual behaviours to be monitored in youth detention and other youth justice facilities and ensuring that timely, specialist therapeutic interventions are provided to young people.*
- *The Department is exploring the potential to implement Power to Kids, or a similar program or approach, in youth justice facilities to help build young people's understanding about healthy relationships, sexual safety, and to help strengthen their capacity to keep themselves safe.*
- *This work will be informed by the Tasmanian Government's statewide framework and plan to address harmful sexual behaviours being developed under recommendation 21.8.*

Implementation of this recommendation will be complete by 1 July 2026.²⁵⁶

²⁵⁶ Letter from Minister Jaensch to Hon Ruth Forrest MLC, Chair dated 13 September 2024, pp. 15-16.

Stakeholder Evidence

According to the Laurel House submission:

Laurel House encourages that these policies should take an intersectional approach to understanding harmful sexual behaviours (HSB), considering the higher rates of incarceration for marginalised children and young people (CYP), such as those from Aboriginal, neurodivergent, and lower SES backgrounds. It is crucial that the policies address the unique vulnerabilities of these groups in youth detention settings. Laurel House should be consulted and involved in the development of these policies given ... [our] deep expertise in working in the space of HSB but this has not been the case thus far.

Regarding the reporting of incidents, we advocate for transparent data sharing with organisations like ours, which are equipped to provide support and have valuable expertise in addressing harmful sexual behaviours. Ensuring that this data is made available would enable us to better understand trends, advocate for targeted interventions, and improve community-wide responses to the issue.

Additionally, when considering the implementation of programs like Power to Kids, we urge that these programs be appropriately funded and widely accessible to the youth justice system. These programs should draw on best practices from existing HSB programs.

As stated above, the part of this recommendation that indicates that “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” has, in our experience, consistently not been possible. Laurel House has attempted on numerous occasions to provide such therapeutic support to residents at AYDC and, communications to discuss the ongoing support we could provide, AYDC will not collaborate or respond.

*We are deeply concerned about the impacts that depriving these vulnerable children and young people the support they need will have on their immediate and long-term wellbeing. Should we eventually gain access to providing these services – and this must be an urgent priority, we anticipate that where therapeutic services are required beyond custodial sentences, that warm handovers should be given to services like ours to ensure a continuity of support.*²⁵⁷

²⁵⁷ Laurel House, 2025, *Submission #15*, pp. 45-46.

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.

Phase 2 – 2026

Government Reported Status: In progress (DECYP)

Implementation Report (August 2024) extract:

In progress and on track for delivery in Phase 2 – currently recorded as a Youth Justice priority area recommendation in Collaborating for Change.²⁵⁸

Committee's Assessment

The Committee notes a broad legislative review program is underway, including substantive reviews of both the *Youth Justice Act 1997* and the *Children, Young Persons and Their Families Act 1997*, and that implementation of this recommendation will be considered as part of the review.

As specified in this recommendation, a body scanner has been installed at AYDC and is reported to now be operational at the Centre.

²⁵⁸ Keeping Children Safe, Implementation Report, prepared for the Joint Sessional Committee on the Commission of Inquiry Recommendations, August 2024, p. 74.

The Personal Searches Procedure has been updated in consultation with the Custodial Inspector's Office and the Commissioner for Children and Young People's Office, to incorporate the use of the body scanner.

The Committee notes questions were raised about inconsistency between the legislation and the AYDC procedure in relation to fully unclothed searches of children and young people in detention.

Government Evidence (written, 13 September 2024)

The Tasmanian Government is committed to moving towards a therapeutic approach to youth justice with laws and custodial practices that uphold children's rights and dignity. Personal searches are only completed, when necessary, to maintain the safety of young people and staff at Ashley Youth Detention Centre.

Procedures currently in place at Ashley Youth Detention Centre prohibit fully unclothed searches and include a hierarchy of search options from least to most intrusive.

De-escalation strategies are applied as the first step and the least intrusive search methods such as body scanner or wand scanner used when possible and appropriate.

The Department for Education, Children and Young People has a broad legislative review Program already underway including substantive reviews of both the Youth Justice Act 1997 and the Children, Young Persons and Their Families Act 1997. Implementation of this recommendation will be considered as part of this review.

- To further uphold the rights and dignity of young people in detention, a body scanner has been installed and is now operational at the Centre.*
- The introduction of the body scanner ensures that prohibited and unauthorised items can be detected by staff in the least intrusive manner possible and prevents such items from unknowingly entering the Centre.*
- The Personal Searches Procedure has been updated to incorporate the use of the body scanner. This procedure was developed in consultation with the Custodial Inspector's Office and the Commissioner for Children and Young People's Office prior to implementation. The personal searches procedure also includes mechanisms to ensure the safety of young people which include multiple staff members being in attendance and searches undertaken with staff remaining in view of CCTV where appropriate. No personal searches are undertaken automatically - all personal searches must be based on reasonable grounds, appropriately authorised, and recorded in the Search Register*
- Extensive research has been undertaken on contemporary understandings of child development and models to underpin the updated Youth Justice Act including public health, child-centred, trauma-informed and rights-based approaches to youth justice.*
- As part of the broader review, the Department will ensure personal searches reporting aligns with the Commission of Inquiry's recommendations, including reports to the Secretary and Quality and Risk Committee, and the register itself to the Commission for Children and Young People, both of which aim to ensure transparency and uphold the rights of the child.*

Implementation of this recommendation will be complete by 1 July 2026.²⁵⁹

²⁵⁹ Letter from Minister Jaensch to Hon Ruth Forrest MLC, Chair dated 13 September 2024, pp. 16-17.

Stakeholder Evidence

Tasmania Legal Aid supported the COI recommendations that fully unclothed searches should be prohibited and alternative methods, such as body scanners, should be utilised to ensure the safety and dignity of children and young people in detention.²⁶⁰

According to social worker and CSA advocate Jack Davenport's submission, there is inconsistency between law and procedure in relation to fully unclothed searches:

The procedure for personal searches at AYDC clearly states that:

AYDC operational staff must NEVER perform:

Fully Unclothed search – this is a search where a young person is required to remove all of their clothing at the one time. This search would require the young persons' torso and genitals to be exposed to the searching officer at the same [time] either naked or dressed in underwear.

Similarly, the Attachment A guidance in the same procedure states:

Staff must not conduct any practices outside of the provisions listed above when conducting a partially clothed search.

However, the Youth Justice Act under Division 3 clearly provides for an authorised officer to conduct a full unclothed search. Noting that law overrides procedure, it is unclear what the implication is of staff members conducting unclothed searches against the procedural instruction.

Reference to the modesty gown is interspersed amongst the guidance for a partially clothed search, and it is unclear if the search guidance is expected to be progressively followed.

Points 10 and 11 of Attachment A of the procedure provide for the young person to make a complaint or register a concern about the search process. However, both of these points suggest the staff involved in the search are present, or such a concern cannot be reported without them having awareness of this.²⁶¹

²⁶⁰ Tasmania Legal Aid, 2025, *Submission #4*, p. 4.

²⁶¹ Jack Davenport, 2025, *Submission #16*, p. 32.

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) 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.

Phase 2 – 2026

Government Reported Status: In progress (DECYP)

Implementation Report (August 2024) extract:

In progress and on track for delivery in Phase 2 – currently recorded as a Youth Justice priority area recommendation in Collaborating for Change.²⁶²

Committee's Assessment

The Committee notes the AYDC Use of Isolation Procedure is currently under review and is being updated to align with this recommendation, including development of a proposed new model of isolation informed by consultation with the Commissioner for Children and Young People and the Office of the Custodial Inspector.

Further, it is reported improvements have been introduced to the way in which isolation is recorded at the Centre, with a new automated system which prompts Youth Workers to track young people's movement and complete wellbeing checks at 15-minute intervals, and records when and why movement was restricted.

The Committee agrees with the evidence presented by key stakeholders that isolation practices should only be used as a measure of last resort and never as part of a punishment program for perceived or actual poor behaviour. It is important to recognise the negative impact of isolation is experienced by young people regardless of the circumstances under which it has occurred, i.e. whether used as punishment or due to short staffing or other reasons.

Government Evidence (written, 13 September 2024)

The Tasmanian Government is committed to delivering a more therapeutic youth justice system with laws and custodial practices that uphold children's rights and dignity.

DECYP has a broad legislative review program already underway including 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 or in care.

- *The AYDC Use of Isolation Procedure is currently under review and is being updated to align with Recommendation 12.32.*
- *Within the scope of this review, a proposed new model of isolation has been developed in consultation with the Commissioner for Children and Young People and the Office of the Custodial Inspector, and approved in principle by the Department.*
- *The proposed new model of isolation aligns with recommendations, standards and conventions to ensure the rights and dignity of children and young people are upheld, including:*
 - *Recommendation 12.32, Commission of Inquiry into the Tasmanian Government's Responses to Child Sexual Abuse in Institutional Settings Report*
 - *Standard 8.9, Inspection Standards for Youth Custodial Centre in Tasmania*
 - *Rule 37 and Rule 45, Nelson Mandela Rules.*

²⁶² Keeping Children Safe, Implementation Report, prepared for the Joint Sessional Committee on the Commission of Inquiry Recommendations, August 2024, p. 75.

- Extensive research has been undertaken on contemporary understandings of child development and models to underpin the updated Youth Justice Act including public health, child-centred, trauma-informed and rights-based approaches to youth justice.
- Alongside this legislative review, improvements to the way in which isolation is recorded have been introduced to the Centre. A new automated system prompts Youth Workers to track young people's movement and complete wellbeing checks at 15-minute intervals, and records when and why movement was restricted, providing a more robust way of recording isolation.
- To support this system, the Department has introduced a monthly safety and security isolation reporting process. The report is forwarded to the Commissioner for Children and Young People, the Custodial Inspector as well as key Departmental stakeholders.
- To support this change in practice, information sheets have been developed for Youth Workers to outline their roles and responsibilities in the new process.
- Further work on updating registers and improving reporting on instances of isolation will be progressed to align with the Commission's recommendations.

Implementation of this recommendation will be complete by 1 July 2026.²⁶³

Government Evidence (verbal, 14 November 2024)

Mr WOODFALL - If we're into the area of isolation, and that's what we're talking about, there's a review on that. One of those reviews is that isolation occurs for a variety of reasons and, I think, before the practice was that, when it was occurring for either therapeutic or self-selection reasons, or a whole lot of reasons, it wasn't being recorded as isolation and that was the noncompliance.

It is now all being recorded as isolation, but the revised policies and procedures will show that there are all those reasons why isolation might occur and there are, at times, very strong reasons for isolation to occur, as in therapeutic.

...

Mr JAENSCH - Just to be clear for the record again the programs that Mr Woodfall referred to are trauma-informed, therapeutic, and non-punitive. This is not a punishment or a denial of rights under any circumstances. It's about a positive behaviour reinforcement, strength based and seems to be well supported by the young people as well.²⁶⁴

Stakeholder Evidence

Tasmania Legal Aid considers that isolative practices should only be used as a measure of last resort and never as part of a punishment program for perceived or actual poor behavior.

This position is also in line with the United Nations Rules for the Protection of Juveniles Deprived of their Liberty, that states that "all disciplinary measures constituting cruel, inhuman or degrading treatment shall be strictly prohibited, including ... place in a dark cell, closed or solitary confinement or any other punishment that may compromise the physical or mental health of the juvenile concerned".²⁶⁵

Mr Christensen and Mr Connock, Custodial Inspector, made the following comments in relation to the use of isolation in AYDC:

²⁶³ Letter from Minister Jaensch to Hon Ruth Forrest MLC, Chair dated 13 September 2024, p. 17.

²⁶⁴ Minister Jaensch and Mr Woodfall, *Transcript of Evidence*, 14 November 2024, p. 81

²⁶⁵ Tasmania Legal Aid, 2025, *Submission # 4*, p. 5.

Ms WEBB - The other area I wanted to check in with you about was the use of isolation. There's a long history at AYDC about that. My understanding is there are still issues and concerns being raised about use of isolation. ... One of the concerns raised with us is that there is still isolation being used as part of managing behaviour. Is this an area of concern for you still?

Mr CHRISTENSEN - We've been raising issues when we come across them in relation to practices around the use of isolation. We also proactively do unannounced visits to the incident review committee, which is a committee that looks at use of force incidents. Often isolation follows, sometimes, from those use of force incidents. It was attending one of those unannounced visits to one of those incident review committees that prompted that transport review that we flagged before. Isolation is still an issue. We're raising the issues when we see them. That's probably an effective way for us to be addressing that at the moment.

...

Ms WEBB - On isolation, have you observed it or heard about it being used as a behaviour management tool? When I say that, I mean it might be called something like 'Having some time out' or it might be called 'An earlier bedtime because you've been behaving badly. You're in this category of behaviour management now, so you go to bed earlier than another category' - that sort of thing. It's not isolation under an official terminology. Is that something you're aware of?

Mr CHRISTENSEN - If someone's put in their cell - I should say 'room', sorry - that is a form of isolation.

Ms WEBB - Yes. If you're sent to bed early because your behaviour category is -

Mr CONNOCK - No matter what you call it, yes.

Ms WEBB - Yes. The experience is one of being isolated.

Mr CHRISTENSEN - We've even raised scenarios - harking back to the conversation we were having before about remand versus sentenced - where there's just been one person in a unit, we've raised concerns about that, and then we've spoken to the young person and they actually wanted it. They wanted to be in a unit by themselves.

Ms WEBB - They might have felt safer.

Mr CHRISTENSEN - Yes, and sometimes some of the young people are quite self-reflective about regulation, and not being able to work well in a particular unit - 'work well' is not a good term to use, but engage well with other young people. When we see things like that, we certainly ask questions, and then we also establish ourselves that the young person was happy or wanted that particular situation. That's a real risk, being isolated by yourself in an entire unit.²⁶⁶

Isabelle Crompton, Interim Commissioner made the following observations in relation to the Incident Review Committee:

Ms O'CONNOR - ... To your knowledge, has there been any tangible improvement at Ashley since the COI handed down its findings?

Ms CROMPTON - There have been visible shifts and changes. The incident review committee is an example of something that is new. I have a standing invitation to attend and the advocate can attend and advocate for the young person in that context when they are looking at an incident. I mean it's not obviously beyond my role to inquire into the specifics, but it is absolutely within my remit to ensure the young person's experience is known to the review committee. Of course, having that ability to then take a matter outside of the centre, where the young person wants us to and/or if I have a child safety

²⁶⁶ Mr Connock and Mr Christensen, *Transcript of Evidence*, 1 May 2025, pp. 29-30.

concern, though some of those processes are incredibly welcome and they assist to shine a light, but they are our starting point. I think the bigger question is, as government starts that really important work to develop the new operating model for the new facility, which hopefully will be housing a very, very small number of young people once it is built because we are getting all of these other settings right, that what we are learning in that space, we really need to be starting to roll that out within the current environment as well. I spoke with some departmental reps about that last week. I understand that is the intention, which is good, but it is a closed environment, albeit with greater transparency and a greater presence not only of our office, but also the custodial inspector's office. There have been pressures in terms of numbers, which have implications, especially when staffing levels are low.

Ms O'CONNOR - This is what a government tough on crime policy delivers is more young people going into Ashley, isn't it?

Ms CROMPTON - There are times, where, there is a palpable sense within the environment that the consistency of approach, notwithstanding goodwill, can be very challenging to achieve. The short answer is on some days when I attend, there is a general sense of young people being engaged in program. Things feeling at least more like what we would expect and sort of headed towards that far more therapeutic, purposeful, child-centred model we would all hope to see. There are other days when staffing levels are low, young people with complex behaviours -

Ms O'CONNOR - Locked in their rooms.

Ms CROMPTON - Spending additional time in their rooms because of that.

CHAIR - You are seeing some positive change, but there is still a way to go?

Ms CROMPTON - I am certainly seeing some positives, but I am also saying the accelerator needs to stay very firmly on maintaining that momentum. There are some good things happening in terms of a new approach to de-escalation training, which is great. It's just been rolled out over the last few weeks, so I'm yet to really see for myself what that actually -

CHAIR - That's for all staff?

Ms CROMPTON - I understand that's for all staff engaging with young people on the floor in terms of youth workers. That's new. It's very welcome. I was briefed on it and had the opportunity to have some input into the training.

CHAIR - Still satisfied that the training is child-focused and principles-based? Yes?

Ms CROMPTON - Yes. It's around an approach that really relies on a whole range of methods and mechanisms to de-escalate so that force is something that is ideally not needed, albeit, and I think it's really important we remember, we are talking about a detention environment where young people are in custody. There's inherently kind of force all around them. Even the merest touch to guide someone could be force on that broader continuum. But, yes, I think there certainly continue to be incidents where if other methods had been rolled out earlier, then force in that other end of the continuum may not have been required.²⁶⁷

²⁶⁷ Isabelle Crompton, Interim Commissioner, Transcript of Evidence, 28 March 2025, pp. 53-56.

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.

Phase 2 – 2026

Government Reported Status: In progress (DECYP)

Implementation Report (August 2024) extract:

In progress and on track for delivery in Phase 2 – currently recorded as a Youth Justice priority area recommendation in Collaborating for Change.²⁶⁸

Committee's Assessment

The Committee notes a DECYP review of the current 'Maybo' use of force model at AYDC found the approach required updating, prompting a decision to develop and implement a new Use of Force and Relational Security model and training package covering de-escalation, occupational violence and aggression, and conflict resolution training.

²⁶⁸ Keeping Children Safe, Implementation Report, prepared for the Joint Sessional Committee on the Commission of Inquiry Recommendations, August 2024, p. 75.

The Committee is concerned by ongoing anecdotal reports of excessive use of force at AYDC, and urges the priority implementation of this recommendation in full to ensure the safety of children and young people and staff at AYDC.

Government Evidence (written, 13 September 2024)

The Tasmanian Government is committed to ensuring that a more therapeutic youth justice system can be delivered with laws and custodial practices that uphold children's rights and dignity.

Force is used in Ashley Youth Detention Centre (AYDC) only when necessary to ensure the safety and security of young people and staff. Force is used for the minimum time required and is not used as a form of punishment.

- *DECYP has a legislative review program already underway including substantive reviews of both the Youth Justice Act 1997 and the Children, Young Person and Their Families Act 1997.*
- *DECYP recently completed a review of the current use of force model, called 'Maybo', including the procedure and training materials, to ensure it is fit for purpose and aligns with best practice.*
- *The review found the Maybo approach requires updating. A decision has been made to implement a Use of Force and Relational Security model and training package. A Use of Force/Relational Security model is being developed which customises de-escalation, occupational violence and aggression, and conflict resolution training.*
- *Extensive research has been undertaken on contemporary understandings of child development and models to underpin the updated Youth Justice Act including public health, child-centred, trauma informed and rights-based approaches to youth justice.*
- *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 COI recommendations.*

Implementation of this recommendation will be complete by 1 July 2026.²⁶⁹

Isabelle Crompton, Interim Commissioner made the following observations in relation to the Incident Review Committee:

Ms O'CONNOR - ... *To your knowledge, has there been any tangible improvement at Ashley since the COI handed down its findings?*

Ms CROMPTON - *There have been visible shifts and changes. The incident review committee is an example of something that is new. I have a standing invitation to attend and the advocate can attend and advocate for the young person in that context when they are looking at an incident. ...*

Ms CROMPTON - *There are times, where, there is a palpable sense within the environment that the consistency of approach, notwithstanding goodwill, can be very challenging to achieve. The short answer is on some days when I attend, there is a general sense of young people being engaged in program. Things feeling at least more like what we would expect and sort of headed towards that far more therapeutic, purposeful, child-centred model we would all hope to see. There are other days when staffing levels are low, young people with complex behaviours -*

Ms O'CONNOR - *Locked in their rooms.*

²⁶⁹ Letter from Minister Jaensch to Hon Ruth Forrest MLC, Chair dated 13 September 2024, pp. 17-18.

Ms CROMPTON - Spending additional time in their rooms because of that.

CHAIR - You are seeing some positive change, but there is still a way to go?

Ms CROMPTON - I am certainly seeing some positives, but I am also saying the accelerator needs to stay very firmly on maintaining that momentum. There are some good things happening in terms of a new approach to de-escalation training, which is great. It's just been rolled out over the last few weeks,

...

...

Ms CROMPTON - ... It's around an approach that really relies on a whole range of methods and mechanisms to de-escalate so that force is something that is ideally not needed, albeit, and I think it's really important we remember, we are talking about a detention environment where young people are in custody. There's inherently kind of force all around them. Even the merest touch to guide someone could be force on that broader continuum. But, yes, I think there certainly continue to be incidents where if other methods had been rolled out earlier, then force in that other end of the continuum may not have been required.

Ms WEBB - ... You've described the incident review committee and there being some form of standing invitation for your involvement. I'm interested in that. What is the purpose of your potential involvement there and what's the extent of it?

Ms CROMPTON - That's a really good question. I think the invitation came last year and I clarified exactly that. To be fair, there is, I think, a real shift within the centre towards greater transparency and I think the invitation to attend the review committee is a demonstration of that. I've only -

Ms WEBB - The invitation is to attend the meetings and observe?

Ms CROMPTON - As an observer, not as a member of the review committee itself. That would be beyond my statutory function -

Ms WEBB - But you'd be privy to the things that the committee was looking at and then the decisions they would be making?

Ms CROMPTON - I've seen some of those, yes. The other purpose of our office having involvement is to enable a voice for young people where they've asked for advocacy. That's a more active role where the advocate will generally explain the perspective of the young person, especially where there's been a complaint or a concern raised by a young person about what happened.

Ms WEBB - In a more systemic way, not that individual advocacy way, are you provided with data about the incident review committee in terms of how many incidences they are reviewing on a monthly basis and what the results and outcomes of those are? Is there any quality auditing of that process? Monitoring and auditing, is that something you do?

Ms CROMPTON - The functions are kind of split between us and the custodial inspector. We would receive at least some of the minutes arising from the review committee meetings, but data-wise -

Ms WEBB - Sorry, can I just come back to that for a second, we'll come to data. You would receive some of the minutes, but on what basis then is 'some' determined? Is that when you've been involved in the meeting as an advocate for an individual or is that on a randomised basis so that you're monitoring it? What's the function of your receiving of minutes?

Ms CROMPTON - ... I think it would be in the monitoring context as a primary purpose, but the incidents from a data perspective, we receive a monthly report from the Department for Education, Children and Young People, which speaks about use of isolation, use of force, or incidents.

Ms WEBB - That's data - the outcomes of that committee's work, essentially the work it's doing and its outcomes. Can I just check, though, in terms of -

Ms CROMPTON - It's probably not as neat - well, no. Any incidents would have gone to the incident review committee for review.

Ms WEBB - In terms of receiving minutes, on what basis is it decided which minutes go to you?

Ms CROMPTON - I think the intention is for them all to come to us, because the advocate is on site, sometimes that might be reported to her as opposed to me.

Ms WEBB - Reported as in the minutes would be provided to her as the entry point into your system?

Ms CROMPTON - Yes.

Ms WEBB - Then your monitoring function covers reviewing those or having an awareness of those?

Ms CROMPTON - We have a general awareness of those. I don't have a programmatic approach to monitoring those at the moment, but I believe the Custodial Inspector is doing that.²⁷⁰

²⁷⁰ Isabelle Crompton, Interim Commissioner, Transcript of Evidence, 28 March 2025, pp. 53-56.

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.

Phase 2 – 2026

Government Reported Status: In progress (DECYP)

Implementation Report (August 2024) extract:

In progress and on track for delivery in Phase 2 – currently recorded as a Youth Justice priority area recommendation in Collaborating for Change. ²⁷¹

Committee's Assessment

The Committee notes specific details on the implementation of this recommendation have not been provided by Government.

The Committee will further consider this recommendation in future reports.

Given the importance of ensuring all staff who have contact with children receive mandatory training, the Committee urges the Government to prioritise the effective implementation of this recommendation.

Government Evidence (written, 13 September 2024)

The Tasmanian Government is committed to ensuring that frontline staff and leaders in our youth justice system are valued, supported, and that their ongoing professional development is prioritised and resourced.

This prioritisation of ongoing professional development will ensure that workers have the contemporary skills they need to provide child safe organisations.

This includes ongoing mandatory training and professional development for youth justice staff on legislation, policies and procedures, including training on use of isolation, use of force and searches of children and young people in detention.

- *Work is currently underway to review and develop contemporary youth detention policies and procedures with consultation from experts to ensure they are reviewed and developed using a therapeutic, trauma-informed approach which considers and incorporates the rights of the child. This includes scoping new processes on isolation and use of force within*

²⁷¹ Keeping Children Safe, Implementation Report, prepared for the Joint Sessional Committee on the Commission of Inquiry Recommendations, August 2024, p. 75.

the youth detention centre context, including updating procedures, reporting functions, and isolation recording processes to improve practices in alignment with COi recommendations.

- *DECYP will communicate with Tasmania Police on the new use of isolation, use of force and searches procedures to ensure consistency across Government in understanding of practices, including where alleged conduct may fall outside the parameters of acceptable professional conduct.*
- *Improvements to the youth worker onboarding program have already been implemented along with the ongoing implementation of more robust policies and procedures.*
- *A body scanner has been installed at the centre and is now operational, along with strict policies and procedures to support its use.*
- *The Personal Searches Procedure, which has been updated to incorporate the use of the body scanner, was developed in consultation with the Custodial Inspector's office and the Commissioner for Children and Young People's office prior to implementation.*
- *The introduction of the body scanner ensures that prohibited and unauthorised items can be detected by staff in the least intrusive manner possible, in order to further uphold the rights and dignity of young people in detention.*
- *The Department will finalise its Searches procedures and scope new processes on isolation and use of force within the youth detention centre context, including updating procedures and reporting functions in alignment with the COi recommendations.*
- *Training will be then delivered to youth justice staff on the new procedures and provide updated procedures to Tasmania Police.*

Implementation of this recommendation will be complete by 1 July 2026.²⁷²

²⁷² Letter from Minister Jaensch to Hon Ruth Forrest MLC, Chair dated 13 September 2024, pp. 18-19.

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.

Phase 2 – 2026

Government Reported Status: In progress (DECYP)

Implementation Report (August 2024) extract:

In progress and on track for delivery in Phase 2 – currently recorded as a Youth Justice priority area recommendation in Collaborating for Change. ²⁷³

Committee's Assessment

The Committee notes the Department has reviewed the complaint management practices and has established a Complaint Management Oversight Unit to strengthen complaints management processes for children and young people, and support the Department to meet the requirements of the *Child and Youth Safe Organisations Act 2023* and comply with the Reportable Conduct Scheme, which came into effect on 1 January 2024.

The Committee further notes full and effective implementation of this recommendation will need to be monitored and measured over time to ensure all new, and more robust complaints management processes, put in place, are operating as intended, being reported on reliably, and have been supported by genuine cultural change.

Government Evidence (written, 13 September 2024)

The Tasmanian Government is committed to ensuring that children and young people in these settings are protected from adults who may pose a threat to them through strong mechanisms that actively address risk and prevent harm.

Currently, in youth detention, young people have a range of avenues available to raise concerns and lodge complaints, including through the Commissioner for Children and Young People's Advocate for Young People in Detention, through the new phone system as well as a 'help form' in their unit where they can tick a box that determines who their complaint is referred to. This may include the Centre Manager, Secretary of the Department for Education Children and Young People or Ombudsman.

- The Department has recently completed a review of the complaint management practices and has established a Complaint Management Oversight Unit to strengthen the complaints management process for children and young people.*
- The Complaint Management Oversight Unit will support the Department to meet the requirements of the Child and Youth Safe Organisations Act 2023 and deliver the mechanism to comply with the Reportable Conduct Scheme which came into effect on 1 January 2024.*
- Recruitment for the Complaint Management Oversight Unit roles is completed. Also, the Complaints and Project Officer has commenced with Services for Youth Justice.*
- The establishment of the Complaint Management Oversight Unit and associated systems enables the Department to collect data on the occurrence of child sexual abuse (including harmful sexual behaviour) and supports that are being provided. This data will be used by the Harmful Sexual Behaviour Unit (recommendation 9.28) to inform their work.*
- Children and young people and their families will benefit from a new operating model which has been designed to eliminate key person dependencies, enable a greater focus on*

²⁷³ Keeping Children Safe, Implementation Report, prepared for the Joint Sessional Committee on the Commission of Inquiry Recommendations, August 2024, p. 76.

supporting complaint resolution at the point of service, and improve transparency, consistency and oversight of complaint management.

- *The Complaint Management Oversight Unit provides a mechanism for internal reviews of complaint decisions to be undertaken by staff with independence from the complaint so that children and young people can be confident that there is always a mechanism for their concerns to be heard and decisions re-visited if required.*
- *A strengthened Incident Review Committee at the Ashley Youth Detention Centre critically reviews all serious incidents occurring in the centre in the previous week, including those that lead to complaints, to ensure:*
 - *compliance with policies, laws and international conventions*
 - *sufficient grounds to justify actions*
 - *learning opportunities are identified*
 - *practice feedback is provided to operational managers and youth workers.*
- *The Incident Review Committee has been meeting since January 2024 with a new Terms of Reference and an independent Chair. A representative from the office of the Commissioner for Children and Young People has been invited to attend as an observer on an ongoing basis.*
- *Body Worn Cameras were introduced in a trial capacity in Ashley Youth Detention Centre in December 2023 to support the safety and security of young people and staff. Body Worn Camera footage is retained to support complaint investigations.*
- *Now established, the Complaint Management Oversight Unit is focussed on:*
 - *determining system and reporting requirements and overseeing the development or procurement process to establish this*
 - *establishing an internal review process*
 - *ensuring that every child and young person involved with Youth Justice Services is provided with accessible and child-friendly information about how to make a complaint.*
- *Services for Youth Justice is currently reviewing complaint management practices and processes to strengthen investigations and communication with young people and other stakeholders.*
- *The Body Worn Camera trial independent evaluation is scheduled to be completed by end 2024.*

Implementation of this recommendation will be complete by 1 July 2026.²⁷⁴

²⁷⁴ Letter from Minister Jaensch to Hon Ruth Forrest MLC, Chair dated 13 September 2024, pp. 19-20.

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.

Phase 2 -2026

Government Reported Status: In progress (DECYP)

Implementation Report (August 2024) extract:

In progress and on track for delivery in Phase 2 – currently recorded as a Youth Justice priority area recommendation in Collaborating for Change.²⁷⁵

Committee's Assessment

The Committee notes this recommendation is contingent on the establishment of the new Commission for Children and Young People (see Recommendation 18.6), including the role of the Child Advocate who will be responsible for establishing the new independent Community Visitors Scheme (see Recommendation 9.34).

Government Evidence (written, 13 September 2024)

The establishment and resourcing of an Independent Community Visitor Scheme will ensure children and young people in high-risk settings have a trusted advocate to champion their rights and monitor child safe practices.

- *Current arrangements for oversight specific to AYDC include the Commissioner for Children and Young People, the Ombudsman and the Custodial Inspector. The Advocate for Young People in Detention, who represents the Commissioner for Children and Young People, is onsite and available to young people several days each week and the Commissioner also attends the site regularly. The Advocate has access to children and young people to help them raise concerns or make complaints.*

²⁷⁵ Keeping Children Safe, Implementation Report, prepared for the Joint Sessional Committee on the Commission of Inquiry Recommendations, August 2024, p. 76.

...

- *Implementation of the legislative framework for the Independent Community Visitor Scheme continues to progress and will meet the COi timeline. The model will align with the recommendations of the COi.*
- *DECYP will initiate the planning and scoping of work needed to establish the independent community visitor scheme and investigate how to best accommodate and facilitate increased visits from key stakeholders.*
- *The Department has already commenced work to increase access, insight and transparency in day-to-day centre operations. This has included:*
 - o *extending invitations to key stakeholders to visit the Centre*
 - o *drafting brochures for families and carers to provide information on what they need to know when their young person is in detention.*

Implementation of this recommendation will be complete by 1 July 2026.²⁷⁶

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).

Phase 1 – 2024

Not applicable: recommendation is assigned to an independent Statutory Officer, the Ombudsman

Committee's Assessment

The Committee has not taken evidence from the Ombudsman on this recommendation.

The Committee will further consider this recommendation in future reports.

²⁷⁶ Letter from Minister Jaensch to Hon Ruth Forrest MLC, Chair dated 13 September 2024, pp. 21-22.

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.

Phase 2 – 2026

Government Reported Status: In progress (DECYP)

Implementation Report (August 2024) extract:

In progress and on track for delivery in Phase 2 – currently recorded as a Youth Justice priority area recommendation in Collaborating for Change.²⁷⁷

Committee's Assessment

The Committee notes this recommendation is linked to the establishment of the new Commission for Children and Young People (see Recommendation 18.6).

The Committee will further consider this recommendation in future reports.

Government Evidence (written, 13 September 2024)

The Commission of Inquiry found that significant reform is required to ensure that Tasmanian children and young people are protected from abuse and harm in the organisations that care for them.

There are more than 15 Commission of Inquiry recommendations that relate directly to the establishment or operation of the new Commission and its role, functions, and powers.

- *The Department of Premier and Cabinet is working collaboratively with the Department of Justice, the Department for Education, Children and Young People, the Independent Regulator and the Acting Commissioner for Children and Young People to co-design the*

²⁷⁷ Keeping Children Safe, Implementation Report, prepared for the Joint Sessional Committee on the Commission of Inquiry Recommendations, August 2024, p. 77.

new Commission and develop the enabling legislation for the new Commission, and this includes consideration of the powers and functions outlined in this recommendation.

- *In addition to ensuring that the new Commission has the powers specified in this recommendation, broader consideration of measures to divert children and young people from the youth detention system, and to improve the safety and wellbeing of children and young people in detention, is being considered by the cross-agency Youth Justice Taskforce (the Taskforce).*
- *The Taskforce is focussing on improving the wellbeing of children, young people and their families, through addressing the underlying drivers of offending behaviours and improving community safety.*
- *This means reducing both the numbers of children and young people entering the youth justice system in the first place, and those re-entering the youth justice system, as well as reducing the amount of time children and young people are in the youth justice system, and their safety and wellbeing whilst in detention.*
- *These measures will be complemented by the enhanced oversight arrangements provided for under this recommendation (12.38).*

Implementation of this recommendation will be complete by 1 July 2026.²⁷⁸

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.

Phase 2 – 2026

Government Reported Status: In Progress (DoJ)

Implementation Report (August 2024) extract:

In progress and on track for delivery in Phase 2 – currently recorded as a Youth Justice priority area recommendation in Collaborating for Change.²⁷⁹

²⁷⁸ Letter from Minister Jaensch to Hon Ruth Forrest MLC, Chair dated 13 September 2024, pp. 21-22.

²⁷⁹ Keeping Children Safe, Implementation Report, prepared for the Joint Sessional Committee on the Commission of Inquiry Recommendations, August 2024, p. 77.

Committee's Assessment

The Committee notes this recommendation is linked to the establishment of the new Commission for Children and Young People (see Recommendation 18.6).

The Committee shares the deep concern expressed by stakeholders that the Tasmanian Government has failed to adequately resource the Tasmanian NPM to enable it to fulfill even its most basic obligations, and strongly urges the Tasmanian Government as a matter of urgency to provide additional resourcing to the Tasmanian NPM, sufficient to meet its statutory obligations under the *OPCAT Implementation Act 2021*.

Stakeholder Evidence

Carolyn Frohmader expressed the following concern regarding Tasmania's implementation of UN Optional Protocol to the Convention against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment (OPCAT):

Whilst Tasmania is to be commended for establishing its National Preventive Mechanism (NPM) and enacting the OPCAT Implementation Act 2021 (Tas), it is deeply concerning that the Tasmanian Government has not, and does not intend to, adequately resource the Tasmanian NPM to enable it to fulfill even its most basic obligations.

*The OPCAT mandate is deliberately broad, incorporating any setting or space where a person is deprived of their liberty. This mandate therefore includes many settings in Tasmania, including (for e.g.), but not restricted to: prisons; detention centres; aged care homes (including dementia wards and settings); disability settings (such as group homes, respite centres, day care facilities, and other closed settings); hospitals, and other facilities. One of the most important functions of an NPM is **prevention** of torture and other cruel, inhuman or degrading treatment or punishment.*

The Tasmanian Government has already had to provide compensation to victims survivors of Ashley Youth Detention Centre (AYDC) to the tune of \$75 million. This successful class action alone should demonstrate the critical need for the Tasmanian NPM to be properly resourced to undertake its mandate. Without a well-resourced NPM it is conceivable that further class actions could arise in the future. Prevention of all forms of mistreatment, protection of human rights, implementation of Tasmania's human rights obligations (under the international human rights treaties to which it is a party) are urgent. A lack of resources cannot be used as a reason for the Tasmanian government to abdicate its responsibilities under the human rights instruments to which it is a party. All jurisdictions have budgetary constraints -this is hardly a revelation nor unique to Tasmania. However, governments of the day have the ability to prioritise where and how resources are allocated.

In November 2024, the Tasmanian NPM published its Annual Report 'Preventing torture and ill-treatment in Tasmania'. This comprehensive report makes 12 recommendations to the Tasmanian Government, to successfully advance the implementation of the Tasmanian NPM and ensure appropriate Parliamentary scrutiny of its activities. Recommendation 10 specifically reflects the broad mandate of OPCAT and the NPM by acknowledging the need to include disability and aged care settings in its work. For example, Recommendation 10 states:

That the Tasmanian NPM be appropriately resourced to exercise its functions at disability support and aged residential care places of deprivation of liberty assessed as having a heightened risk of torture or ill-treatment.

The Report provides a very detailed, costed budget over four financial years, based on the 12 recommendations provided in the report (including for e.g.: Recommendation 4: That the Commissioner for Children and Young People and the Custodial Inspector be specifically resourced to contribute to the delivery of the Tasmanian NPM). The total proposed budget in the Report identifies the funding required for the Tasmanian NPM to give effect to its mandate. It also gives effect to Recommendation 12.39 of the CoI Final Report; and Recommendations 8.2, 11.7, 11.11, 11.16 of the Final Report of the Royal Commission into Violence, Abuse, Neglect and Exploitation of People with

Disability. The proposed budget in the Tasmanian NPM Annual Report is around \$4 million per annum.

*It is therefore deeply concerning that the Tasmanian Government has only allocated **\$300,000** per year for the entirety of the work of the Tasmanian NPM. This \$300,000 per annum is inclusive of staff.*

For the Tasmanian Government to provide only \$300,000 per annum for the totality of the Tasmanian NPM, sends a very concerning message. Tasmanian's have a right to be concerned that the current Government appears to be prioritising sporting infrastructure (for example) over the prevention of torture and/or ill-treatment of some of our most excluded and marginalised persons.²⁸⁰

²⁸⁰ Carolyn Frohmader, 2025, *Submission #18*, pp. 5-6.

Appendix A – Meeting Attendance Record

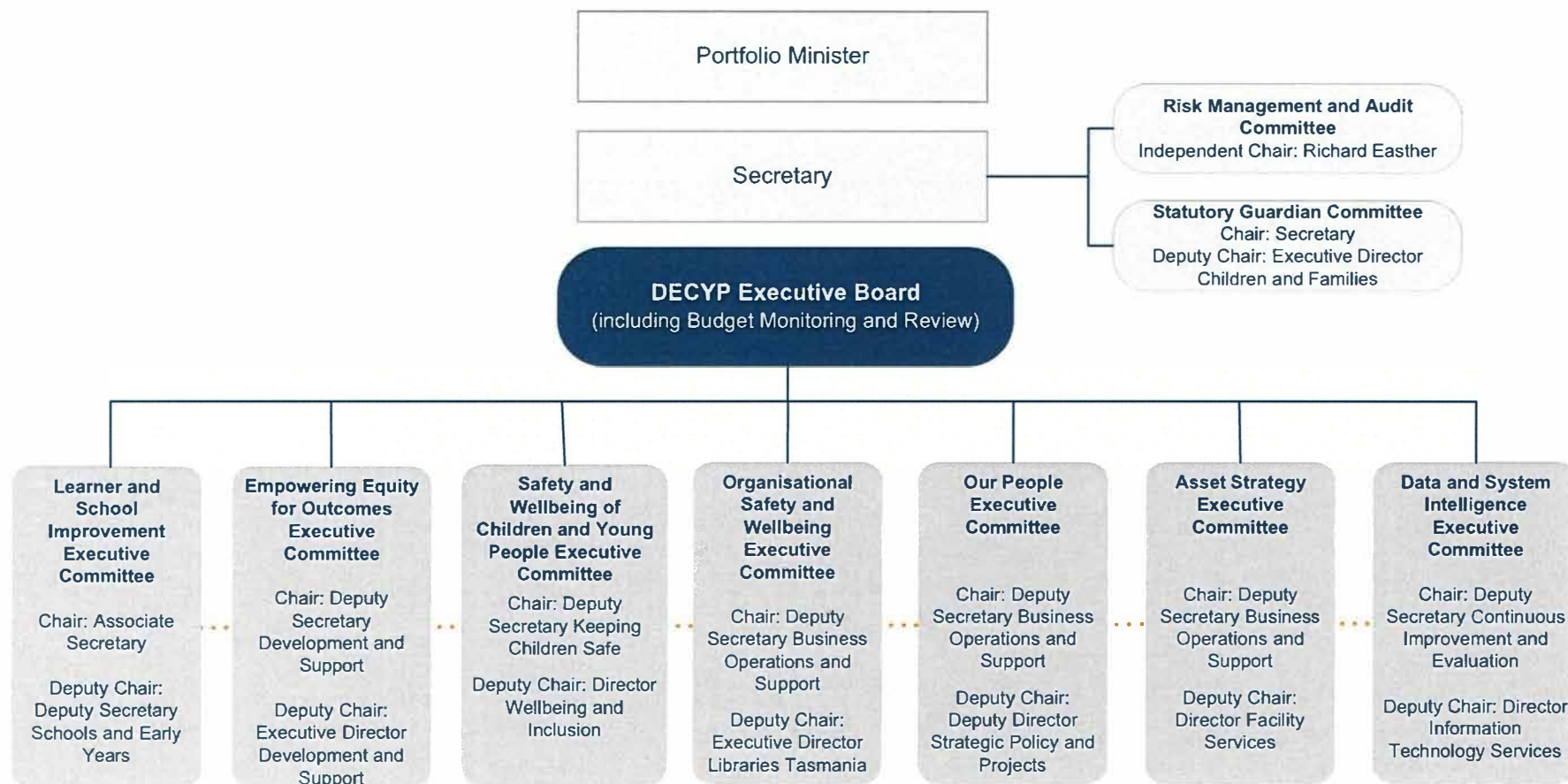
APPENDIX B: Meeting Attendance Record

	FORREST (Chair)	LOVELL	VINCENT	WEBB (Deputy Chair)	O'CONNOR	PENTLAND	PETRUSMA	ROSOL	WHITE	HADDAD	STREET	BESWICK
51 ST PARLIAMENT												
19/6/2024 (9:15-9:38am)	✓	✓	✓	✓		✓	✓	✓	✓			
25/7/2024 (2:03-2:28pm)	✓	✓	✓	✓		✓	✓	✓	✓			
19/8/2024 (8:45 – 4:22pm)	✓	✓	✓	✓		✓	✓	✓	✓ From 9:11am			
29/8/2024 (8:32 – 5:54pm)	✓	✓	✓ From 8:37 am	✓		✓	✓	✓	✓ From 8:59 am			
2/9/2024 (9:00 – 5:35pm)	✓	✓	✓	✓		X	✓	✓	✓			
9/9/2024 (12:00- 12:38pm)	✓	✓	✓	✓		✓	✓	✓	X			
20/9/2024 (4:04 – 4:08 pm)	✓	X	✓	✓		✓	✓	X	✓			
22/10/2024 (1:10- 2:30pm)	✓	✓	X	✓		X	✓	✓	✓ Until 2:10pm			
12/11/2024 (4:30-5:23pm)	✓	✓		✓	✓	✓		✓	X			
14/11/2024 (9:00-1:53pm)	✓	✓ From 9:04 am		✓	✓	✓		✓	✓			
22/11/2024 (9:00-12:00pm)	✓	✓		✓	✓			X	✓		✓	✓
9/12/2024 (9:00-9:55am)	✓	✓		✓	X			✓	X		✓	✓
11/12/2024 (9:00-9:15am)	✓	✓		✓	✓			✓	X		✓	✓
14/2/2025 (8:30-9:22am)	✓	✓		✓	✓			✓			✓	✓
18/2/2025 (5:15-5:53pm)	✓	✓		✓	✓			X			✓	✓

26/2/2025 (8:58-12:55pm)	✓	✓		✓	✓			✓			✓	✓
27/2/2025 (9:00-1:55pm)	✓	✓		✓	✓ From 9:17am			✓			✓	✓
28/2/2025 (8:57-10:11am)	✓	✓		✓	✓			✓			✓	✓
27/3/2025 (3:30-5:14pm)	✓	✓		✓	✓	✓		X		✓	✓	
28/3/2025 (9:00-1:45pm)	✓	✓		✓	✓	X		X		✓ From 11:30- 12:42 pm	✓	
28/4/2025 (1:03-2:40pm)	✓	✓		✓	✓	✓		✓		✓	✓	
1/5/2025 (8:56-11:27 am)	✓	✓		✓	✓	✓ (from 9:00am)		✓		✓	✓	
13/5/2025 (9:02-4:12 pm)	✓	✓		✓	✓	✓ (from 9:08am until 4:00pm)		✓		✓ (from 9:09am)	✓ (from 9:40am)	
14/5/2025 (9:00-4:00pm)	✓	✓		✓	✓	✓		✓		✓	✓	

	LOVELL	WEBB (Chair)	O'CONNOR	GREENE	JAENSCH	ROSOL (Deputy Chair)	VERMEY
52 ND PARLIAMENT							
6/10/2025 (12:05 – 1:08 pm)	✓	✓	✓	✓	✓ Until 12:37 pm	✓	
15/10/2025 (1:00 – 2:01pm)	✓	✓	✓	✓	✗ Leave of absence	✓	
29/10/2025 (10:30-10:59m)	✓	✓	✗	✓	✗ Leave of absence	✓	
3/11/2025 (12:00-2:08pm)	✓	✓	✓	✓	✗ Leave of absence	✓	
8/12/2025 (9:45-1:44 pm)	✓	✓	✓ Until 1:13 pm	✓		✓	✓ Until 10:49 am
4/2/2026 (9:30-4:00 pm)	✓	✓	✓	✓		✓	✗ Leave of absence
5/2/2026 (9:26 – 3:30 pm)	✓	✓	✓	✓		✓	✗
12/2/2026 (9:30 – 3:30 pm)	✓	✓	✓	✓		✓	✗ Leave of absence
13/2/2026 (9:32 – 12:34 pm)	✓ Until 12:02 pm	✓	✓	✓		✓	✗ Leave of absence
25/2/2026 (9:30-4:03 pm)	✓	✓	✓	✓		✓	✓
26/2/2026 (9:00-1:00 pm)	✓	✓	✓	✓ From 9:28 am		✓	✓
31/3/2026 (11:00 – 3:05 pm)	✓	✓	✓	✗		✓	✓
10/4/2026 (8:50 – 9:07 am)	✓	✓	✓ From 8:58 am	✓		✓	✓

Appendix B – Governance Structures - Committees (DECYP)



Subordinate whole-of-agency committees, advisory groups and working groups as determined by the Secretary and Executive Committee Chairs.

**Appendix C – Question on Notice Response dated 29 November 2024
from Hon Roger Jaensch MP, Minister for Children and Youth**

Minister for Children and Youth
Minister for Mental Health and Wellbeing
Minister for Community Services
Minister for Finance

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29 NOV 2024

Hon Ruth Forrest MLC
Chair
Joint Sessional Committee
Commission of Inquiry Recommendations Scrutiny Committee

Dear Chair,

Thank you for your correspondence of 20 November 2024. In response to the matters taken on Notice at the hearing:

1. Please provide the expected timeline for future progress milestones of the southern youth justice detention facility as it is taken through the planning and approvals process.

As advised during the Hearing, timeframes in relation to this project will be provided when resolved.

2. In relation to senior roles at AYDC:

- a. How long has the Acting Director of Youth Detention role at AYDC been held in an Acting capacity?

The role has been held in an Acting capacity for 16 months.

- b. Is the permanent role for Director of Youth Detention currently being recruited?

The recruitment process for the permanent position is in progress.

- c. Are there currently other senior roles at AYDC which are held in an Acting capacity?

No.

- d. If so, please provide the details of those roles, the length of time they have been held as 'Acting' and the current status of permanent recruitment for the roles?

Not applicable.

3. How many complaints or allegations have young detainees or remandees made about staff at AYDC since the final report of the Commission of Inquiry was handed down, and how were these resolved?

The following complaint data is from the period 26 September 2023 (the release date for the Commission of Inquiry report) to 14 November 2024 (the day of the Col Scrutiny Hearing at which this information was requested).

Complaints about staff conduct range from minor matters such as complainant not agreeing with an operational decision, e.g. not to allow access to an activity at a specific time, to serious allegations.

Complaints or allegations in relation to the conduct of AYDC staff are referred to Workplace Relations based on Incident Review Committee recommendations or where

there is any evidence to form a belief that the Code of Conduct may have been breached.

Note: All the following data is for the period 26 September 2023 to 14 November 2024.

Total number of complaints about staff conduct from young people at AYDC

Complaint numbers	2023-2024	2024-2025	Total
Total	53	7	60

How complaint was resolved

Outcome type*	2023-24	2024-25	Total
Not substantiated	19	0	19
Partially upheld	6	0	6
Upheld	2	1	3
Not upheld	9	1	10
Informally resolved	5	3	8
Withdrawn	2	0	2
Unresolved	1	0	1
Referred to WR**	9	2	11
Total	53	7	60

Complaints referred to Workplace Relations

Action	2023-24	2024-25	Total
Preliminary assessment			
• <i>No formal action - not upheld</i>	1	0	
• <i>No formal action - not substantiated</i>	3	0	
• <i>No formal action – no Code of Conduct breach determined</i>	3*	0	
• <i>Ongoing</i>	0	1	
Preliminary assessment total	7	1	8
ED5 investigation	2	1	3**
Total	9	2	11

*Informal follow-up actions such as additional training and supervision requirements were identified in all of these matters.

**ED5 investigations that relate to young people's complaints are included in the 12 ongoing ED5 investigations in Question 4.

4. Similarly, have there been any further code of conduct/ED5 investigations or dismissals of staff subsequent to the final report of the COI, that deal with staff and matters not raised with the COI?

Since the final report of the COI was published on 26 September 2023 12 ED5 investigations have commenced involving staff at AYDC and are on-going:

- 6 of these ED5 investigations involve historical allegations.
- The other 6 ED5 investigations involving staff do not involve allegations of child sexual abuse.

5. Is there an exit survey or interview that takes place with children exiting AYDC to help measure cultural change?

While there is no exit interview with young people to monitor culture change, consideration is being given to appropriate means of measuring culture change. The Col recommendations will be implemented by the due date.

6. Please provide detail related to the recruitment of the AYDC of the Cultural Change Lead.

A statement of duties for the Cultural Change Lead within Services for Youth Justice had been finalised.

The position is scheduled to be advertised on Wednesday 4 December 2024.

7. Please provide the following information in relation to the JCP Youth organisation:

- a. Is JCP a child-safe accredited organisation?

JCP Youth has policies addressing child protection and safety, as well as a 'Child Safe Code of Conduct' that aligns with the Child and Youth Safe Organisations Framework.

JCP Youth's policies have specific information regarding how to safeguard young people and how to manage instances where a young person reports misconduct or harm.

- b. Does JCP use a therapeutic model in its services? If so, what is the model?

JCP Youth uses a model that focuses on non-punitive behaviour management and role-modelling appropriate behaviour.

The program is highly adaptable to respect the diversity of young people, particularly in terms of their cultural backgrounds, personal experiences, and complex needs.

All camps, programs, and engagements are designed with flexibility, ensuring that they are catered specifically to the participant. A young person may choose to engage in the program on an individual basis, rather than with others, if this suits their personal development or if their complex needs require it. This individualised approach allows for voice and choice, enabling participants to shape their own journeys within the program. The program acknowledges and embraces the diversity of the participants and makes appropriate accommodations.

Program participation is agreed only following the informed consent of a young person.

Behaviour change is through positive mentorship rather than clinical interventions. JCP facilitators are not clinically trained and therefore do not directly provide clinical interventions.

- c. What is the evidence-base for the model of care used in JCP programs?

The JCP Program includes the principles of:

- Role modelling positive attitudes and behaviours
- Providing safe and supportive environments for young people
- Using non-punitive methods to address young people's behaviour
- Building strong authentic relationships using mirror imaging practices
- Activities to promote growth and resilience

- d. Has the JCP Beast program ever been independently evaluated? If so, please provide details of that evaluation and any report detailing the findings?

No, refer also to Part g.

- e. What are the roles and qualifications of JCP staff delivering services to children and young people?

JCP Youth employees that directly provide services to children and young people are called 'facilitators'. JCP Youth employees have a variety of qualifications. Many have specialised qualifications in:

- Child Protection,
- Operational Safety,
- First Aid, and
- Mental Health.

All JCP Youth employees undergo thorough training in trauma-informed practice over 5 weeks. This includes two key Lifeline courses including, introduction to trauma and a tailored trauma-informed package specifically designed for JCP Youth's program.

Through this training, facilitators learn how to guide participants through debriefs, ensuring the process remains sensitive to their emotional and psychological needs.

Employees also receive training on JCP Youth's 24-hour Youth Response Model.

- f. Does JCP provide overnight accommodation to young people, and, if so, where is that accommodation provided?

JCP Youth offers Emergency Respite Accommodation in Launceston for participants of their BEAST program. Young people stay in Emergency Respite Accommodation for a maximum of 3 nights.

JCP Youth also run camps and outdoor recreation programs throughout Tasmania.

- g. What will be the departmental oversight mechanisms for JCP Youth contracted services?

Specific Departmental oversight for JCP Youth contracted services will form part of the Grant Deed which is currently being negotiated. This will include reporting timeframes and key performance indicators, data collection and evaluation of service outcomes

8. Can you please provide a detailed list of external/non-government service providers who are currently providing services to young people detained in AYDC, including name of organisation, service provided, and frequency of service?

The non-governmental services that provide programs for young people in detention are as follows. All providers have Working with Vulnerable People Registration.

Name of Organisation	Service Provided	Frequency of Service
54 Reasons	Transition from detention and assisted bail programs	As referred
Anglicare	The Supported Youth Program for individual young people and other psychosocial programs for young people including drug and alcohol education	As referred/Monthly for some programs
Australian Childhood Foundation	Therapeutic interventions for young people as referred	3 days per week
Circular Head Aboriginal Corporation	Psychosocial education programs	3 times per year
Dean Crabtree	Music instrument lessons	As booked during school holidays
Drop in Skate School	Skating lessons	As booked, during school holidays
Drug Education Network	Drug education programs	2 times a year
Erika Palmer	Tie dye art programs	As booked, during school holidays
Father Ben	Pastoral support	Weekly
Friends of Ashley	Support for young people	Every 3 weeks

Hoops 4 Life	Sports, radio and mentoring programs	Weekly
James Cowan	Spray painting program	As booked, during school holidays
Jason Stewart	Fitness programs	3 times a week
JCP Youth	Behaviour management and mentorship program	As referred
Jeremy Stingel	Music recording programs	As booked, during school holidays
Keith Sanderson	Cooking programs	Regular sessions during school holidays
Mission Australia	The Targeted Youth Support Service (TYSS) program	As referred
NGO's Connected to the NDIS	Disability support and coordination for eligible young people	As needed for eligible young people
ParaQuad Disability Sports	Wheelchair basketball	As booked, during school holidays
PPEP TALK	Periods, Pain and Endometriosis program	1 time a year (with plans to increase the number of sessions per year)
Sarah Van Est	Trauma sensitive yoga	Weekly
Social Circus Program	Arts programs	As booked, during school holidays
Support Information Strength (SIS)	Trauma-informed support for Aboriginal and Torres Strait Islander young people	2 times a year

Tasmanian Aboriginal Legal Service	Legal support and awareness programs	Quarterly
Taz Dance	Dance programs	As booked, during school holidays
Tony Moore	Basketball, radio and DJ programs	Weekly
Ujjayi Yoga Tasmania	Somatic yoga program	Weekly
YFCC	Health and wellbeing programs	Monthly
Youth Family and Community Connections	Psychosocial education programs	Monthly

Yours sincerely



Hon Roger Jaensch MP
Minister for Children and Youth

**Appendix D - Question on Notice Response dated 24 April 2025 from
Hon Roger Jaensch MP, Minister for Children and Youth**

Minister for Children and Youth
Minister for Community Services
Minister for Aboriginal Affairs

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Hon Ruth Forrest MLC
Chair, Joint Sessional Committee
coir@parliament.tas.gov.au

Dear Chair

Thank you for your letter dated 31 March 2025, outlining questions that have emerged from the Joint Sessional Committee's stakeholder engagement conducted in February and March this year.

In the context of the recent contracts of funding to JCP Youth:

1. How was the decision made to bypass the government Procurement Policy to directly fund JCP Youth, and by whom?

The funding provided to JCP Youth was awarded as a 2024 election commitment through *2030 Strong Plan for Tasmania's Future*, and was allocated in recognition of the organisation's unique, targeted and established program offering.

It was made in the context of the Government's commitment to strengthening early intervention and support services for young people at risk of entering, or becoming further entrenched in the youth justice system.

The \$3.7 million grant is designed to enable JCP Youth to expand its services – specifically, the delivery of its high impact BEAST Program – ensuring that more young people receive intensive, targeted support aimed at fostering resilience, personal growth, and social connection. Given the urgency of addressing issues related to youth justice in Tasmania, the Government has sought to fund programs that have an immediate capacity to engage young people and deliver meaningful interventions.

2. How the view was formed that JCP Youth was the sole Tasmanian business with the capability to deliver this service?

The Government determined that JCP Youth provides a service that is not currently offered by other providers in Tasmania. This positioning, combined with the immediate need for tailored services for young people at risk, as well as the organisation's demonstrated service delivery capability and engagement with vulnerable young people, were key factors in the Government's decision to proceed with direct funding.

3. Why were other suitable, evaluated Tasmanian programs excluded from tendering for this service?

The funding provided to JCP Youth as a 2024 election commitment through *2030 Strong Plan for Tasmania's Future*, and was allocated in recognition of the organisation's unique, targeted and established program offering. While this funding was not subject to an open tender process, it followed the necessary internal Government procurement requirements, including the direct sourcing request approval by the Procurement Review Committee.

The final direct sourcing submission to the Procurement Review Committee enabled the funding agreement between Government and JCP Youth and is attached for your reference at Appendix 1.

Given that other youth shelters and emergency accommodation is contracted and managed through Housing Connect:

4. Why is DECYP contracting youth crisis accommodation outside of the Housing Connect program rather than working with existing providers?

The Department has not contracted youth crisis accommodation outside of the current available social housing options accessible through Housing Connect.

JCP Youth operates two short-term accommodation options: emergency and respite. These are referred to as the JCP Youth Safe Houses and only accessible by active participants in JCP Youth's BEAST Program. It is funded as part of the participation in the BEAST Program and is not a general emergency accommodation option contracted for other young people in the community.

Emergency/crisis accommodation for young people continues to be provided by the not-for-profit sector through contracts with Homes Tasmania. A Service Level Agreement exists between Homes Tasmania and DECYP about the provision of service that shelters offer young people at risk of homelessness or experiencing homelessness which does not interact with the JCP Youth funding agreement.

The Department continues to work with existing providers, as does JCP Youth, to support young people to transition into shelter accommodation or other accommodation through Housing Connect.

5. Will the requirements of JCP Youth align with those of Housing Connect Providers? If not, why not?

The safety and wellbeing of young people engaged in government-funded programs is of the highest priority. JCP Youth has publicly stated its commitment to child safety, and as a recipient of public funding, it is expected to adhere to rigorous child protection and safeguarding standards.

To ensure the safety and wellbeing of vulnerable young people, the funding agreement between Government and JCP Youth includes compliance requirements under the *Child and Youth Safe Organisations Act 2023*. There is no formal national accreditation that designates an organisation as a 'Child Safe Organisation'. In Australia organisations, including JCP Youth, demonstrate their commitment to child safety by adhering to child-safe standards and principles, including the National Principles for Child Safe Organisations and Tasmania's *Child and Youth Safe Organisations Act 2023*.

JCP Youth operates under child protection policies, including a Child Safe Code of Conduct aligned with the Child and Youth Safe Organisations framework and their compliance with the *Child and Youth Safe Organisations Act 2023* is overseen by the Office of the Independent Regulator.

Further, the Department for Education, Children and Young People, as part of ongoing contract management will continue to monitor compliance with safeguarding measures. This is aimed at ensuring that JCP Youth complies with all relevant regulatory and accreditation requirements and ensure that all personnel involved in direct service delivery have the appropriate qualifications, clearances, and training to work with vulnerable young people.

Noting the JCP Youth is being funded to expand the existing 24-hour, seven day a week mentoring program for vulnerable young men, particularly those at risk of entering, or who have already entered the youth justice system, and the statement from Minister Jaensch in announcing the funding decision, ‘JCP isn’t a formal part of those systems but we’ve seen that sometimes the program and their particular approach has worked when nothing else has.’:

6. What are the quality assurance policies and processes used in the program, and do they represent best practice?

JCP Youth maintains comprehensive safeguarding measures, including robust risk management and child-safe policies aligned with or exceeding regulatory standards. Staff receive extensive training in trauma-informed practice, child-safe standards, and risk management. All employees and volunteers must have the required registration and clearances before working with young people. Policies are regularly internally reviewed and updated to reflect best practices and ensure maximum safety and protection for program participants.

7. Given the program has not been subject to independent external evaluation, on what basis was the conclusion made that the program ‘has worked’?

Outcomes will be measured through internal tracking systems, program assessments, and external evaluation to ensure accuracy, objectivity, and transparency in reporting.

The Government acknowledges the importance of robust evaluation to ensure that funded programs deliver measurable and meaningful outcomes for young people. As part of the funding agreement, an independent evaluation of the BEAST Program will assess its continuing effectiveness, appropriateness, and safety.

JCP Youth has indicated that considering any findings of the independent evaluation, it is committed to action findings from the evaluation to make improvements to the JCP Youth programs and operations.

8. What documentation exists to support the contention that YCP Youth has a *track record* of success in this space?

Independent evaluations require significant time, funding and resources. While formal evaluation outcomes are pending, the decision to provide initial funding support was informed by evidence of JCP Youth’s success, apparent in feedback, reports, and testimonials, including those provided by frontline government sector personnel.

From its last available public accounts, JCP Youth had a total income of less than \$500,000 in 2022-23.

9. How did DECYP satisfy itself that the agency has the capacity to appropriately manage such a significant expansion in its funding?

In assessing JCP's capacity to appropriately manage an expanded funding arrangement, DECYP considered governance structures, past performance, and oversight mechanisms.

JCP Youth is governed by a Board of Directors who oversee the organisation's strategic and financial direction. I am advised that the operational team is responsible for day-to-day program delivery and service management, while the Board maintains ultimate responsibility for financial oversight, risk management, and governance.

I have also been advised that JCP Youth has a demonstrated history of successfully managing philanthropic funding, including for example a previous grant administered through the Tasmanian Community Fund. The organisation has consistently met reporting requirements and maintained appropriate financial accountability. This track record, combined with strengthened internal governance, a capable leadership team, and Board-level financial stewardship, positions JCP Youth as an appropriate recipient of increased public funding.

At the previous Scrutiny Hearing, you stated, "JCP has gone and found them in the middle of the night and been able to give them a safe place to be."

10. Please confirm the JCP Emergency Respite Accommodation is located at a house in South Launceston which is also the private home of the Director and two Board members of JCP Youth?

It is important to note that JCP Youth do not provide funded respite through DECYP. JCP Youth are not an Out of Home Care provider and the JCP Youth Safe Houses are not accessible by the Out of Home Care service. To ensure the safety of participants, JCP Youth is required to comply with the *Child and Youth Safe Organisations Act 2023*, which is overseen by an independent regulator. JCP Youth staff also ensure that DECYP have readily available access to visit the JCP Youth Safe Houses as and when required.

JCP Youth provides two short-term accommodation options to BEAST Program participants: emergency and respite. Together, these JCP Youth Safe Houses have a combined capacity of eight beds. These are staffed by trained professionals and operate on an as-needed basis.

The Safe Houses are not 24/7 residential services, and do not house young people on a permanent basis. The location of either facility has not been disclosed to protect the privacy and safety staff and young people participating in the JCP Youth programs. Director Will Smith does not reside at either JCP Youth Safe House. No other JCP Youth staff members reside permanently at either JCP Youth Safe House.

11. If so, what risks has DECYP identified in relation to this arrangement? On what basis is this deemed appropriate?

N/A as per response to question 10.

12. What has DECYP required of JCP Youth to demonstrate an appropriate understanding, policy and procedure around professional boundaries?

To ensure the safety of participants, JCP Youth is required to comply with the *Child and Youth Safe Organisations Act 2023*, which is overseen by an independent regulator. JCP Youth staff also ensure that DECYP have readily available access to visit the JCP Youth Safe Houses as and when required.

Please also refer to response to question 5 for further information.

13. Are the stringent requirements for foster carers providing respite in their own homes adhered to by the JCP Youth Emergency Respite Accommodation? If not, why not?

Please refer to response to question 5 for details around these requirements.

In the Question on Notice response dated 29 November 2024, you described the JCP Emergency Respite Accommodation as ‘not Out-of-Home-Care’, and confirmed that ‘program participation is based on the informed consent of the young person.’

14. What is the basis in law for this part of JCP Youth’s Service?

In terms of the “legal basis” of this service, JCP Youth is an organisation that has received funding from the Government to expand its existing and established BEAST Program. The JCP Youth Safe Houses represent one aspect of that program delivery, which BEAST participants can access. The funding agreement between Government and JCP Youth requires all aspects of JCP Youth’s service delivery to comply with the *Child and Youth Safe Organisations Act 2023* and abide by the National Principles for Child Safe Organisations and Child and Youth Safe Standards.

15. Does JCP Youth follow established processes for confirming Gillick competency and gaining informed consent?

Regarding Gillick Competency/Dolli Incapax, the two JCP Youth Safe Houses can only be accessed by participants in the JCP Youth BEAST Program. A Legal Guardian must first provide consent for the young person to participate in the JCP Youth BEAST Program. The young person must also consent to voluntarily participating in the BEAST Program.

It is well accepted that service provision should be evidence-based and this is included as a criteria in most contemporary tendering processes. In the Question on Notice response dated 29 November 2024 you responded to the Committee’s question about the evidence base of JCP Youth’s program by stating a number of principles, which do not equate to an evidence-base.

16. What is the evidence-base on which JCP Youth services are founded?

While JCP Youth is a well-established organisation, it is an evolving diversion service. The organisation is focused on diversion practices for at-risk young males aged 11-17 years and is committed to continuous improvement and growth. Currently, evidence of individual participant outcome success is based on feedback from expert practitioners working with young people.

JCP Youth are committed to working with the Department and the independent evaluation organisation to contribute to the JCP Youth Program evaluation. To ensure this commitment is maintained, the evaluation component is built into the Funding Agreement schedule to ensure it is actioned within the term of the funding agreement.

17. Please provide the Committee with the following written information:

a. Documentation of approval to purchase outside of Government policy.

Please refer to Appendix 1- Submission to the Procurement Review Committee, Direct Sourcing.

b. Documentation of the agency and service specifications DECYP established as required to deliver this service.

The Funding Agreement between the Department for Education, Children and Young People and JCP Youth has been developed as a standardised Departmental agreement. To ensure the expected service and performance standards are delivered in accordance with the intent of the funding, and the safety of participants is maintained, the agreement includes significant funding and service requirements.

The contract includes the following service requirements:

- Delivery of services in accordance with the following special legislation:
 - *Registration to Work with Children and Vulnerable People Act 2013 (Tasmania)*
 - *Personal Information Protection Act 2004 (Tasmania)*
 - *Child and Youth Safe Organisations Act 2023 (Tasmania)*
 - *Youth Justice Act 1997 (Tasmania)*
 - *Children, Young Persons and Their Families Act 1997 (Tasmania)*
 - *Family Violence Act 2004 (Tasmania)*
 - *Disability Rights, Inclusion and Safeguarding Act 2024 (Tasmania)*
 - *Bail Act 1994 (Tasmania)*
- The service activities that must be met by JCP Youth for the duration of the Agreement, include:
 - Program scope and structure
 - Reporting structures and performance monitoring
 - Departmental process to refer young people to JCP Youth Beast Program
 - Multidisciplinary service support for young people participating in JCP Youth Programs
 - Program Operations
 - Exit strategies and transition planning
 - Service development and continuous improvement
 - Service governance and risk
 - Program evaluation
 - Key Performance Indicators to measure performance
 - Service specialised standards obligations:
 - Child and Youth Safe Organisations including reportable conduct scheme and information sharing
 - Youth Justice Diversionary Service Framework
 - Youth Justice Model of Care.

- c. *How DECYP assessed value for money, on each of the criteria specified in the Tasmanian Government procurement guidelines:*
- i. *Fitness for purpose*
 - ii. *Quality assurance*
 - iii. *Advantages of buying locally*
 - iv. *Capacity of supplier*
 - v. *Maintenance and running costs*
 - vi. *Energy conservation*
 - vii. *Disposal value*
 - viii. *Contribution to Government policy objectives*
 - ix. *Environmental considerations*
 - x. *Creating strategic partnerships*
 - xi. *Warranty*
 - xii. *Risks*
 - xiii. *The wider benefit to the state.*

Please refer to Appendix 1: Submission to the Procurement Review Committee, Direct Sourcing.

I appreciate the Committee's engagement in youth justice services and their commitment to ensuring that public funding is used with transparency, accountability, and in alignment with best-practice approaches to meeting the support needs of young people. The Tasmanian Government shares these values and remains committed to delivering high-quality, evidence-based initiatives that make a meaningful difference in the lives of young Tasmanians.

Thank you again for raising these important matters with me and my Department.

Yours sincerely



Hon Roger Jaensch MP
Minister for Children and Youth

24 April 2025

Encl:

1. Appendix 1 - Direct sourcing submission to the Procurement Review Committee

SUBMISSION TO THE PROCUREMENT REVIEW COMMITTEE

DIRECT SOURCING

(Modified from Treasury and Finance Version 6 – August 2013)

Procurement No: DECYP - 2156

Procurement Name: Provision of the BEAST Program

Recommended Contractor/Consultant: JCP Youth Ltd.

Critical Dates (if applicable): 31 January 2025

Other Issue/s: N/A

Source of Funds: 790 – Office of Youth Justice

Date: 13 January 2025

Approval of Manager/Director where applicable for presentation to the PRC:

Title: A/Director, Youth Justice Services

Date: 13 January 2025

Attachments:

- Evaluation Report

The Evaluation Panel should note that the following issues will be taken into account by the Procurement Review Committee when reviewing the procurement process undertaken:

- compliance with procurement requirements set out in the Treasurer's Instructions including;
 - that the offer represents value for money, including whether the appropriate weighting has been given to the cost component;
 - where appropriate, that the other value for money considerations in addition to price, including, the impact on climate change and / or opportunities for local suppliers, have been taken into consideration;
- whether a fair and equitable process has been followed;
- whether the principles and mandatory processes outlined in the *Free Trade Agreements Guideline* (where applicable) have been adhered to;
- whether the submissions were evaluated against the criteria set out in the Request documentation;
- whether the appropriate procurement process checklist has been satisfactorily completed;
- whether the process is appropriate and would withstand external scrutiny;
- whether the description of the evaluation in the evaluation report provides sufficient information for third parties to reach the same conclusion as the evaluation panel;
- whether the comparative assessment description in the valuation report matches the score and is consistent between suppliers; and
- if appropriate, an exemption has been obtained from the Department of Treasury and Finance to enable the appointment of external legal advisors or to not use whole-of-government common use contracts and
- any other matter the Committee considers appropriate.

Summary Reporting Information: *(To assist agencies in reporting in their Agency's annual report and in reporting on www.tenders.tas.gov.au)*

Does the contract relate to a consultancy?	☐ Yes ☒ No
Period of the contract:	01 February 2025 to 31 January 2028
Period of the contract including all possible extensions under the contract:	01 February 2025 to 31 January 2028
Actual/estimated value of the contract (excluding GST) for the period of the contract:	\$3 700 000
Actual/estimated value of the contract (excluding GST) for the period of the contract including all possible extensions under the contract:	\$3 700 000
Is the provider Tasmanian:	☒ Yes ☐ No

Decision of the Review Committee:

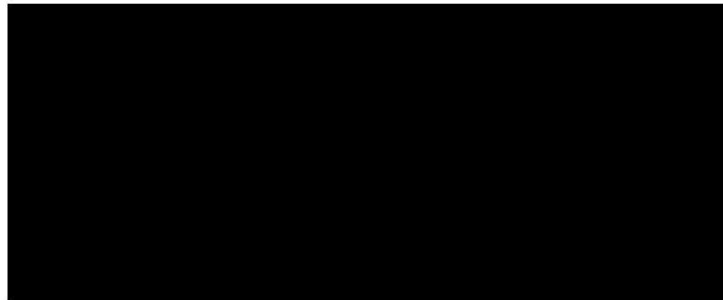
The Committee has reviewed this submission for conformity with applicable Government policies and guidelines and hereby:

- Endorses the procurement process and evaluation report undertaken, OR
- Does not endorse the procurement process and evaluation report for the reasons given below.

Qualifications/Comments:

Signature of Chairperson:

Signature of Members:



Date:

14 January 2025

Head of Agency or Delegate approval under PP-2

Secretary or Delegate,
Department



21 January 2025

1 Background and Project Description

Approval is being sought to directly source services from JCP Youth Ltd. to deliver the BEAST Program for at-risk youth, with funding of \$3.7 million over three years. The BEAST Program is a high-impact mentoring and leadership initiative designed to support vulnerable young males aged 11-17. It provides structured activities, personal development, and community engagement opportunities aimed at reducing offending behaviours, increasing resilience, and fostering positive life outcomes.

This procurement is focused on expanding the reach of the established BEAST Program to accommodate additional placements and strengthen community-based supports for at risk young people who have contact with Services for Youth Justice and/or the Services for Children and Families. The initiative aligns with the Youth Justice Blueprint 2024-2034 and the Commission of Inquiry recommendations to increase diversionary options for children and young people in Tasmania.

The BEAST Program directly supports DECYP's strategic objectives by:

- Reducing the likelihood of reoffending and interaction with the justice system and related support provided through Services for Children and Families.
- Supporting participants in achieving educational engagement and personal growth.
- Delivering a mentoring program that is designed around the individual participants' needs and supports the Department's trauma-informed, therapeutic care objectives to address the complex needs of at-risk youth.

While initial plans considered using a grant funding mechanism, recent advice from the Crown Solicitor and internal review has clarified that this arrangement aligns with a service agreement. This is because the BEAST Program provides direct benefits to the State by delivering on key policy initiatives and statutory obligations, including the Youth Justice Blueprint 2024–2034 and the Commission of Inquiry recommendations. As a result, this procurement process will initiate a service agreement for the delivery of specified outcomes, ensuring compliance with procurement requirements.

The BEAST Program remains uniquely positioned to deliver the desired outcomes due to its established operational framework, and experience supporting at-risk youth. Utilising a Direct Sourcing approach, the Department ensures compliance with Treasurer's Instructions while securing a provider capable of delivering critical diversionary services aligned with state priorities in a timely manner.

2 Reason for direct or limited submission sourcing under TI PP-2

2.18 The Accountable Authority is permitted to approve use of a direct sourcing or limited submission sourcing approach where the following circumstances apply:

Clause 2.18.10

*For all other procurement that is not a covered procurement:

- the cost to the Agency and to suppliers of seeking submissions, including expressions of interest or requests for proposal, or adopting an open tendering methodology would outweigh the value for money benefits of adopting those methods;
- exceptional circumstances exist that justify the use of limited tendering rather than seeking submissions or undertaking an open tendering process.*

NOTE: This procurement is deemed to be “covered” as it exceeds the threshold for international procurement agreements established by the Australian Government; therefore, the use of condition 2.18.10 for direct sourcing in this instance would not normally be applicable.

However, the publication issued by the Secretary of the Department of Treasury and Finance for the purposes of giving effect to Tasmania’s International Procurement Obligations provides the ability for the Accountable Authority to use condition 2.18.10 where the requirements for the service are deemed to be excluded by an enforceable procurement provision, or aligns with exclusions and exceptions contained in Appendix 4 of the document.

Appendix 4 excludes the procurement of health and welfare services from coverage under applicable international procurement agreements.

This service clearly fits the definition of a health and welfare service as it provides the participants with personal development, along with community engagement opportunities, which aimed at reducing offending behaviours, increasing resilience, and fostering positive life outcomes.

Therefore, it is appropriate for the Accountable Authority to approval proceeding under this condition.

The procurement of services for the BEAST Program from JCP Youth meets the criteria under Clause 2.18.10 for the following reasons:

- Conducting an open tender or broader procurement process would involve significant administrative costs and time investment, which are disproportionate to the value-for-money benefits. JCP Youth has established a program model that is currently operational and capable of addressing the needs of young people with highly complex needs.
- On 14 March 2024, as part of the 2030 Strong Plan for Tasmania’s Future, the Tasmanian Government announced an investment of \$3.7 million into JCP Youth

over three years to support at-risk young Tasmanians. This commitment is in direct response to the *Commission of Inquiry into the Tasmanian Government's Responses to Child Sexual Abuse in Institutional Settings* (Commission of Inquiry) recommendations, notably recommendation 12.13, accepted in full by the Tasmanian Government in September 2023. An open tender process, including developing specifications, advertising, evaluating submissions, and awarding a contract, would take 4-6 months and require substantial staff resources. This would delay program commencement, undermining the Department's ability to fulfill policy objectives and deliver on the Government's election commitment, maintain public accountability and confidence.

- Suppliers would also incur significant costs in preparing tender submissions, with a high likelihood that JCP Youth would be the only viable provider due to their existing operational capacity. Internal advice from DECYP business units working with young people with highly complex needs indicates that no other provider offers a comparable level of service for this specific cohort.
- This procurement aligns with critical policy obligations under the Youth Justice Blueprint and the Commission of Inquiry recommendations, requiring the program's commencement by early 2025 to meet policy objectives. Any delay could negatively impact service delivery to at-risk youth and the Government's ability to fulfil these obligations.
- JCP Youth is already delivering services to 12 young people who have Tasmanian Government service interaction, with highly complex needs under their existing model. JCP Youth also support young people through community referrals into the BEAST program. Transitioning to a new provider, if one could even be identified, would disrupt service continuity and negatively impact vulnerable participants.

The use of direct sourcing for this procurement ensures value for money for the following reasons:

- JCP Youth has experience in delivering the BEAST Program and has reported positive impacts in supporting at-risk youth. Engaging a provider with an established diversionary program model and a strong commitment to improving outcomes helps mitigate potential risks associated with service delivery.
- Avoiding a competitive procurement process eliminates unnecessary costs and delays while ensuring that funds are directed toward program delivery rather than administrative overhead.
- By engaging a provider already operational and aligned with program requirements, the Department ensures that the funding directly contributes to achieving policy objectives and supporting vulnerable youth without additional costs or risks associated with onboarding a new provider.
- At approximately \$68,500 per participant, the program represents a cost-effective intervention compared to the financial and social costs of youth justice system engagement.
- As a Tasmanian provider, JCP Youth contributes to the local economy and community development, aligning with DECYP's commitment to supporting local suppliers.

For the above reasons, direct sourcing services from JCP Youth Ltd. for the delivery of the BEAST Program for at-risk youth is a justified and value-for-money approach. This procurement leverages the provider's established capabilities, ensures service continuity for vulnerable participants, and meets critical policy and statutory obligations under the Youth Justice Blueprint and Commission of Inquiry recommendations. By avoiding the costs and timeframes required to undertake an open tender process, the Department ensures the immediate and timely delivery of essential services while supporting local economic and social outcomes.

The agreement will seek to cover delivery of any youth services by JCP Youth across all areas of the Department. DECYP will seek agreement to have the prescribed performance and reporting conditions in this agreement apply consistently across any services provided by JCP Youth, including to any existing youth where services are being provided without formal contract.

3 Preferred Supplier/Contractor

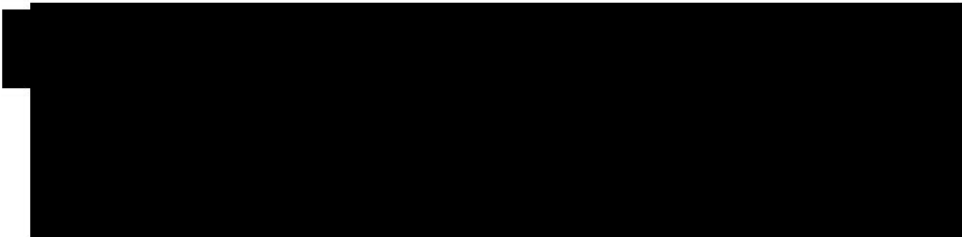
Full Legal Name: JCP Youth Ltd.
Address: PO Box 7512, Launceston, TAS 7250
ABN/ACN: 94 645 102 807

4 Term of the contract

Initial contract period: 01 February 2025 to 31 January 2028 (one-off purchase)
Period of extension/s:

5 Actual/Estimated Value

Initial contract value: \$3 700 000
Value of extensions: Nil
Total possible value: \$3 700 000




Position: A/Director, Youth Justice Services
Date: 13 January 2025

**Appendix E - Question on Notice Response dated 11 June 2025 from
Hon Roger Jaensch MP, Minister for Children and Youth**

Minister for Children and Youth
Minister for Mental Health and Wellbeing
Minister for Community Services
Minister for Finance

Level 5, 4 Salamanca Place HOBART TAS 7000 Australia
GPO Box 123 HOBART TAS 7001 Australia
Ph: 03 6165 7670
Email: minister.jaensch@dpac.tas.gov.au



Hon Ruth Forrest MLC
Chair, Joint Sessional Committee
Commission of Inquiry Recommendations Scrutiny Committee
COIR@parliament.tas.gov.au

Dear Ms Forrest

Thank you for your letter dated 1 May 2025, seeking clarification on behalf of the Joint Sessional Committee on additional matters related to JCP Youth and funding provided by the Tasmanian Government.

I have provided further information for each of the Committee's questions below:

1. In relation to the independent evaluation you refer to in your responses to questions 8 and 9, please confirm who will be undertaking the independent evaluation, and what is the expected timeline for this evaluation?

DECYP is currently in active discussions with an external research provider regarding a potential contract to undertake the independent evaluation referenced in our previous responses to Questions 8 and 9. As these contractual negotiations are ongoing, the provider cannot yet be formally confirmed.

The provider is in the process of finalising a quote, which DECYP will review prior to making a final decision. Indicatively, the provider has advised that reporting and dissemination of findings would occur approximately 9–10 months after the evaluation begins. These timeframes are subject to confirmation based on final scope, funding availability, and approval processes.

As outlined in Schedule 3 of the Funding Agreement between the Tasmanian Government and JCP Youth Ltd (included as an appendix to my letter), DECYP is committed to ensuring that an evaluation of JCP Youth's programming will commence before the end of the Agreement (31 January 2028). The evaluation must be completed within 18 months of its commencement.

2. In relation to the recent contracts of funding to JCP Youth, please confirm:

a. When did the expanded service delivery commence and how was that funded?

According to the Funding Agreement between the Tasmanian Government and JCP Youth Ltd, the expanded service started in February 2025.

This funding was provided in the 2024-25 State Budget as election commitment funding.

b. When did the organisation begin to receive additional funding from the Government?

The first payment under the funding agreement was released to JCP Youth on 13 February 2025.

c. Noting that the procurement package was dated 13 January, was there any interim funding provided in the gap (to 1 February 2025)?

I have been advised that there was no provision of interim funding for this. Prior to this agreement there had been services provided to Children and Families by JCP Youth under the BEAST Program, however this was not a component of the funding from the new agreement.

3. How many times have Youth Safe Houses been visited by DECYP in the last 6 months?

Over the past six months, relevant DECYP staff—primarily from Child Safety and Community Youth Justice—have visited JCP Youth’s two Safe Houses on multiple occasions. These visits have generally occurred in the context of case management, where staff were meeting with young people who were residing at the Safe Houses at the time. While a specific count of visits has not been centrally recorded, DECYP’s engagement with the Safe Houses has been ongoing and linked to active service delivery.

4. What checks have DECYP undertaken to monitor compliance with safeguarding measures. How is that monitoring undertaken?

DECYP monitors safeguarding compliance through its contract management processes, as outlined in the Funding Agreement with JCP Youth. This includes the receipt and review of quarterly reports from JCP Youth, which incorporate assessments of compliance with safeguarding standards.

In addition to DECYP’s contract oversight, the Office of the Independent Regulator has formal responsibility for monitoring JCP Youth’s compliance with the Child and Youth Safe Organisations Act 2023. This provides an additional layer of independent assurance in relation to safeguarding practices.

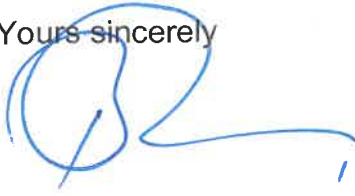
5. Please provide a copy of the grant contract with JCP Youth.

As noted in response to Question 1, please find attached to this letter the finalised Funding Agreement between the Tasmanian Government and JCP Youth Ltd (appendix 1).

6. Please provide any reports prepared by JCP Youth that have been provided to DECYP.

To date, DECYP has primarily focused on progressing referrals to JCP Youth and ensuring that young people with high needs are diverted into the program and actively participating. As young people have only recently commenced in the program, formal Quarterly Service Delivery reporting from JCP Youth will begin later in the year.

Yours sincerely



11/6/25

Hon Roger Jaensch MP
Minister for Children and Youth

Encl:

1. Appendix 1: Department for Education, Children and Young People Funding Agreement – JCP Youth



**Tasmanian
Government**

**Department for Education, Children
and Young People**

Funding Agreement

The Crown in Right of Tasmania (“Crown”)

and

JCP Youth Ltd (“Service Provider”)

Program:	Youth Justice
Services:	Youth Support
Commencement Date:	01 February 2025
Completion Date:	31 January 2028
Funding Agreement:	FA-00003664
	JCP Youth BEAST Program

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Details

Parties	Crown, Service Provider	
Crown	Name	The Crown in Right of Tasmania represented by the Department for Education, Children and Young People ("Crown")
	ABN	26 237 631 294
	Address	
	Telephone	
	Attention	
Service Provider	Name	JCP Youth Ltd ("Service Provider")
	Incorporated in	Tasmania
	ABN	94645102807
	Address	
	Telephone	
	Attention	
Recitals	A	The Crown represented by the Department provides financial support for services delivered by organisations across a range of individuals and groups within the community.
	B	The Crown and the Service Provider have agreed to the provision of the Funds and the provision of services respectively as set out in this Agreement.
	C	The Crown will provide the Funds to the Service Provider subject to the terms and conditions set out in this Agreement.
	D	The Service Provider will provide the Services subject to the terms and conditions set out in this Agreement.
Date of Agreement		See signing page

General Terms

1 Definitions and Interpretation

1.1 Definitions

In this Agreement unless the contrary intention is expressed:

Accounting Standards has the same meaning as it has in Sections 9 and 334 of the *Corporations Act 2001*, and refers to the accounting standards of the Australian Accounting Standards Board;

Activities means those activities set out in Schedule 2;

Agreement means this agreement, its Schedules, appendices, annexures and attachments and includes any variation, Deed of Variation, or replacement of any of it;

Annual Grant Financial Accountability Report means the report required by the Crown pursuant to clause 14.1(h) in the form and format required by the Department from time to time;

Approved Auditor means a person acting in a professional capacity as an auditor and not a principal officer or employee of the Service Provider, and:

- (a) where the Service Provider is incorporated under the *Corporations Act 2001* a company auditor under the *Corporations Act 2001* or a member of the Institute of Chartered Accountants in Australia, CPA Australia or the National Institute of Accountants; and
- (b) where the Service Provider is incorporated under the *Associations Incorporation Act 1964*, in addition to those persons referred to in (a), any person the Commissioner for Corporate Affairs may approve having regard to the complexity of the financial affairs of the Service Provider; and
- (c) for any other organisation, in addition to those persons referred to in (a), a person who in the opinion of the Crown, having regard to the Funds provided through this Agreement and the size of the Service Provider, has appropriate qualifications and experience.

Asset	means any item of tangible property purchased or leased either wholly or in part with the use of the Funds, with a value at the time of acquisition in excess of \$5,000 (excluding GST);
Business Day	means a day on which authorised deposit-taking institutions (as defined in the <i>Banking Act 1959 (Commonwealth)</i>) in Hobart are open for general banking business, excluding Saturdays, Sundays and public holidays;
Commencement Date	means the date specified in Schedule 1;
Completion Date	means the date specified in Schedule 1;
Confidential Information	means all Material and any other Reports, information or records that: (a) are by their nature confidential; (b) are designated by the Crown as being confidential; (c) the Service Provider knows or ought to know are confidential; but does not include information which: (d) is or becomes public knowledge, other than by breach of this Agreement or by any other unlawful means; (e) is in the possession of the Service Provider without restriction in relation to disclosure before the date of receipt from the Crown; or (f) has been independently developed or acquired by the receiving Party;
Conflict of Interest	means any circumstance in which the Service Provider or any of the Service Provider's officers, employees, agents, subsidiaries, partners and affiliates has an interest (whether financial or non-financial) or an affiliation that is affecting, will affect, or could be perceived to affect, the Service Provider's ability to perform the Services, or its obligations under this Agreement, fairly and independently;
Consumer	means a recipient of a Service under this Agreement;
Crown	includes the Crown's employees, and authorised subcontractors and agents;

Date of this Agreement	means the date this Agreement is executed by the Parties and, if executed on separate days, the date on which this Agreement is executed by the last Party to do so;
Deed of Variation	means any deed varying the terms and conditions of this Agreement;
Department	means the department representing the Crown that is responsible for the administration of this Agreement;
Dispose	means to sell, mortgage or encumber, lease or sub lease, license or sub-license, assign or otherwise transfer or part with possession or give up ownership or the right to occupy or use, or to enter into an agreement to do any of the preceding things;
Financial Reporting Year	means a period of 12 months commencing 1 July and ending 30 June in the following year or should the Service Provider report on a calendar year commencing 1 January and ending 31 December each year;
Financial Year	means a period of 12 months beginning on 1 July;
Funds or Funding	means the Funds together with any interest earned on the Funds and related client fees;
Funds	means the amount payable by the Crown set out in Schedule 1;
Intellectual Property	means all copyright, patents, registered and unregistered trademarks, registered designs, trade secrets and know-how and all other intellectual property rights resulting from intellectual activity;
Key Performance Indicators (KPIs)	means those indicators of performance set out in Schedule 2;
Law	means any applicable statute, regulation, by-law, ordinance or subordinate legislation in force from time to time anywhere in Australia, whether made by a State, Territory, or a local government, and includes the common law as in force from time to time;
Material	means all material brought, or required to be brought, into existence as part of or for the purposes of performing the Services, including documents, information and data stored by any means and including any records relating to the delivery of Services;
Moral Rights	has the meaning given under the <i>Copyright Act 1968</i> ;
Outcomes	means the impact of delivery of any Service or delivery of goods on the health and well-being of Consumers and/or the target group under this Agreement;

Party	means a Service Provider or person who is a signatory to this Agreement;
Personal Information	has the meaning given in the <i>Personal Information Protection Act 2004</i> ;
Quality and Safety Framework	means the Quality and Safety Framework for Tasmania's DHHS Funded Community Sector;
Reports	means the reports that the Service Provider is required to produce and provide to the Crown in accordance with this Agreement including Schedule 3;
Schedule	refers to a schedule to this Agreement. It may include annexures and incorporate other documents by reference;
Secretary	means that person fulfilling the role for the time being as Secretary of the Department and/or where appropriate any person delegated any power under this Agreement by the Secretary;
Service	means the service described in Schedule 2;
Service and Performance Standards	means those standards set out in Schedule 2;
Service Provider	means the Service Provider named in Details and where the context admits, includes the Service Provider's directors, officers, employees, authorised sub-organisations and agents;
Service Specialist Standards	means those standards set out in clause 2.2.7 of Schedule 2;
Specified Personnel	means those people listed in the Schedule 1;
Term	means the term of this Agreement;
Termination Date	means the date of expiry of this Agreement or the date of earlier termination of the Term;
Unexpended Funding	means that portion of the Funds (if any) not expended pursuant to this Agreement after all obligations relating to the Services have been met or accounted for.

1.2 Interpretation

In this Agreement, unless the contrary intention is expressed:

- (a) a reference to this Agreement includes its schedules, appendices, annexures and attachments, and any variation, Deed of Variation or replacement of any of it;

- (b) a reference to a statute, ordinance, code or other legislative instrument includes regulations and other instruments under it and consolidations, amendments, re-enactments or replacements of any of them;
- (c) the singular includes the plural and conversely;
- (d) a reference to a person includes:
 - (i) an individual, a firm, a body corporate, an association or a statutory or responsible authority or other authority, as constituted from time to time; and
 - (ii) the person's executors, administrators, successors, substitutes (including persons taking by novation) and permitted assigns;
- (e) an agreement, representation or warranty by, or for, two or more persons binds, or is for their benefit, together and separately;
- (f) a covenant forbidding a person from doing something also forbids that person from authorising or allowing another person to do it;
- (g) a reference to anything (including an amount) is a reference to all or any part of it, and a reference to a group of persons is a reference to any one or more of them;
- (h) a reference to a clause, paragraph, schedule, annexure or appendix, is a reference to a clause, paragraph, schedule, annexure or appendix in or to it;
- (i) a reference to a day is to be interpreted as the period of time starting at midnight and ending twenty-four (24) hours later;
- (j) a reference to a month or a year means a calendar month or a calendar year respectively;
- (k) words or phrases derived from a defined word have a corresponding meaning to the defined word;
- (l) a term of inclusion is not to be interpreted to be a term of limitation;
- (m) a reference to time is to Tasmanian time and this Agreement operates under Tasmanian time;
- (n) if the day on or by which an act, matter or thing is to be done under it is not a Business Day, then that act, matter or thing must be done no later than the next Business Day;
- (o) an uncertainty or ambiguity in the meaning of a provision is not to be interpreted against a Party only because that Party prepared the provision; and

- (p) headings are included for convenience only, do not form part of it, and are not to be used in its interpretation.

2 The Funds

2.1 Payment of the Grant

Subject to the provisions of this Agreement, the Crown agrees to pay to the Service Provider the Funds.

2.2 Set-off

The Crown may set off against payment of Funds payable under this Agreement any sum of money due by the Service Provider to the Crown whether under this Agreement or under any other funding agreement that the Service Provider may have with the Department.

3 Indexation

As soon as practicable after having its annual appropriation confirmed the Department will advise the Service Provider of any indexation amount (where applicable) to be paid by the Crown to the Service Provider for the forthcoming Financial year.

4 Assets

4.1 Purchasing of Assets

The Service Provider must obtain prior written approval from the Secretary to use any portion of the Funds to:

- (a) purchase real estate; or
- (b) purchase any asset greater than \$50,000 in value; or
- (c) purchase any asset which will not be used solely for delivery of the Services pursuant to this Agreement.

4.2 Use of Assets

The Service Provider must not use Assets for any purpose other than the performance of the Services unless it has obtained the prior written approval of the Crown which will not be unreasonably withheld.

4.3 Obligations in Relation to Assets

The Service Provider must:

- (a) not Dispose of any Asset without the prior written approval of the Crown. In the event of an approved disposal and unless the sale proceeds are to be used in the acquisition of a replacement Asset to be used in delivery of the Services, the Service Provider must pay to the Crown the amount representing the Crown's equity in the item disposed of. This clause does not apply to any Asset

necessary for the delivery of Services which is disposed of and replaced by an Asset of similar utility and of similar value

- (b) maintain all Assets in good working order;
- (c) be fully responsible for, and bear all risks arising in relation to, the use or Disposal of any Asset;
- (d) maintain a register of all Assets, recording the date of purchase or lease, the purchase or lease price, Asset description, Asset location, the proportion of the Funds used to create or acquire the Asset, the then current depreciated value of the Asset in the accounts of the Service Provider and (where approved under Clause 4.3(a)) details of Disposal of the Asset, including the date of Disposal, the sale price and the purchaser; and
- (e) as and when requested, provide copies of the register of Assets to the Crown.

5 Retention of Unexpended Funding

5.1 Carryover of Unexpended Funding

In the event of renewal of this Agreement, the Service Provider may carry over Funding to the next Agreement provided that the sum of Unexpended Funding is less than or equal to 5 percent of the total Funding paid under this Agreement for the Term or \$10,000 per annum over the Term, whichever is the lesser sum.

5.2 Notification of Unexpended Funding limits

Where Unexpended Funding exceeds the limit set under Clause 5.1 the Service Provider must within 4 months of the end of this Agreement advise the following in writing:

- (a) variations to the levels of Service undertaken by the Service Provider during the period of the Agreement; and
- (b) if the Service Provider requests the Unexpended Funding is to be carried over to the next Agreement.

5.3 Discretion of Unexpended Funding

The Crown will determine in writing within 20 Business Days of receiving the Service Provider's request, if part or all of the Unexpended Funding may be retained by the Service Provider.

5.4 Return of Unexpended Funding

If the Service Provider does not receive approval from the Crown to carry over Funds, the Unexpended Funding must be returned to the Crown within 20 Business Days of notification that the money must be refunded.

5.5 Cessation of Services

In the event that the Service Provider ceases to provide the Service, all Unexpended Funds held at the date that the Service Provider ceased to provide the Service, must within 60 Business Days be returned to the Crown.

6 Recovery of Funding

If the Crown terminates this Agreement under Clauses 32 or 34, the Crown may recover from the Service Provider as a debt due to the Crown any part of the Funding:

- (a) that the Crown considers the Service Provider has not spent in accordance with the Agreement; or
- (b) that remains unexpended.

7 Repaying the Funding

7.1 Repaying the Funding

The Service Provider must repay the Funding (or the relevant part of it) in any of the circumstances set out below:

- (a) the Crown overpays the Service Provider including where there is a payment in excess of the Funds agreed or where there is a payment in advance for Services no longer required to be delivered;
- (b) the Service Provider incorrectly claims an amount from the Crown;
- (c) an amount of Unexpended Funding that the Secretary advises the Service Provider is to be repaid under Clause 5; or
- (d) the Service Provider spends an amount other than in accordance with this Agreement.

7.2 Method of repayment of Funding

An amount due under this clause must be repaid within 20 Business Days after the Crown gives notice in writing.

7.3 Crown to recover

The Crown can recover all or any of the amount by deducting it from subsequent amounts due under this Agreement.

8 Other Funding Sources

The Service Provider must:

- (a) promptly notify the Crown in writing of the amount and source of any material funding or other contributions it receives directly or indirectly for the provision of Services (other than Funds provided under this Agreement) and, if requested by the Crown, promptly provide to the Crown copies of any written

arrangements entered into, or proposed to be entered into, in respect of such other funding or contributions; and

- (b) ensure that the terms on which any other funding or contributions are provided to the Service Provider for, or in connection with, the Services are not inconsistent with the terms of this Agreement and do not in any way limit or affect the Service Provider's ability to comply strictly with its obligations, or the Crown's ability to exercise its rights, under this Agreement.

9 Taxes, Duties and Government Charges

9.1 Definitions

In this clause, GST, Input Tax Credits, Tax Invoice and Taxable Supply have the meaning given to those terms in the *A New Tax System (Goods and Services Tax) Act 1999*.

9.2 Responsibility for Taxes

Subject to this Clause 9, all taxes, duties and government charges (Taxes) imposed or levied in Australia or overseas in connection with this Agreement or the payment of the Funds must be paid by the Service Provider, or as the Service Provider might arrange.

9.3 Funds Include GST

The Service Provider acknowledges and agrees that (where applicable) the Funds include an amount in respect of GST and no additional sum will be paid for GST.

9.4 Input Tax Credits

The Service Provider is responsible for claiming all Input Tax Credits to which it is entitled related to this Agreement.

10 Tax Invoice

10.1 Tax Invoice

If any Taxable Supplies are made under this Agreement, the Crown will provide the Service Provider with a recipient created tax invoice.

10.2 Recipient created Tax Invoice

The Crown will provide the Service Provider with a recipient created tax invoice subject to the following conditions:

- (a) the Crown can issue tax invoices in respect of the supplies made after 30 June 2000;
- (b) the Service Provider will not supply tax invoices in respect of the Services; and
- (c) the Service Provider acknowledges that it is registered for GST when it enters into this Agreement and that it will notify the Crown if it ceases to be registered.

11 Term of Agreement

11.1 Term

This Agreement commences on the Commencement Date and, unless terminated earlier, expires on the Completion Date.

11.2 Early Commencement

If the provision of Services under this Agreement commenced or if any Funding was provided before the Commencement Date then:

- (a) the Term will be taken to have started from the earlier date; and
- (b) all dealings between the parties as from that earlier date relating to the provision of either or both the services and funding will be taken to have been carried out on the terms of this Agreement.

12 Crown's Obligations

12.1 Obligations

The Crown will:

- (a) pay the Funds, or instalments of it, to the Service Provider in accordance with Schedule 1;
- (b) promote linkages among its agencies and programs relevant to the Services; and
- (c) act promptly and in good faith in the resolution of and attendance to all matters that may arise in respect of this Agreement.

12.2 Increase in Service Costs

If the costs to the Service Provider for delivery of the Services increases substantially due to necessary cost increases outside the control of the Service Provider, the Service Provider may request in writing a joint review of the Services and the Funding, and the Crown will consider and respond to this request within 10 business days.

13 Service Provider's Obligations

13.1 Service Provider's Obligations

The Service Provider must provide the Services for the Term and in providing the Services must:

- (a) achieve the Outcomes and Key Performance Indicators specified in Schedule 2;
- (b) comply with the Service and Performance Standards specified in Schedule 2;

- (c) participate in a quality and safety audit conducted by the Crown at least once in a three-year cycle in accordance with the Quality and Safety Framework.
- (d) comply with the terms and conditions of this Agreement;
- (e) provide all Reports; and
- (f) provide any other information required under this Agreement or reasonably requested by the Crown from time to time.

13.2 Equity in Service delivery

In delivery of the Services, the Service Provider will ensure that the Services are delivered in a manner which recognises the diversity of needs of people in Tasmania and in a manner which promotes fairness and opportunity for Consumers of diverse backgrounds and abilities so that they can participate fully in the economic, social and cultural life of Tasmania.

13.3 Due Care and Diligence

In carrying out the Service, the Service Provider must:

- (a) use all proper care and due diligence;
- (b) comply with any codes of conduct, ethics or other relevant standards;
- (c) comply with all relevant Laws;
- (d) to the satisfaction of the Crown, comply with the Quality and Safety Framework;
- (e) comply with any service specialist standards as negotiated with the Crown;
- (f) commit to continuous quality improvement;
- (g) comply with any policy of the Crown notified to the Service Provider in writing; and
- (h) take all appropriate measures to ensure that no fraud occurs (including fraud upon the Crown).

13.4 Consumer Satisfaction

The Service Provider must:

- (a) develop and implement guidelines and procedures for receiving feedback and resolving complaints from its Consumers about the delivery of the Services; and
- (b) advise Consumers and other persons with a relevant interest including the Department of the procedures available for the referral of feedback and complaints in relation to the delivery of the Services.

14 Records, Reports and Acquittals

14.1 Reporting obligations

The Service Provider must:

- (a) keep comprehensive and accurate accounts and records of its use of the Funds that can be separately identified from other funds, accounts and records of the Service Provider;
- (b) retain the accounts and records referred to in Clause 14.1(a) for a period of seven years after the Termination Date or such longer period as may be required by Law;
- (c) keep comprehensive written records of the conduct of the Service including progress against the activities detailed in Schedule 2;
- (d) produce reports, information and other Material under or in connection with this Agreement and otherwise as reasonably required by the Crown;
- (e) provide all reports, information and other Material to the Crown in the format required by the Crown and in accordance with the timeframes specified in Schedule 3 of this Agreement and otherwise promptly upon demand;
- (f) maintain records that demonstrate engagement with the Quality and Safety Framework. Engagement will be demonstrated by evidence of continuous quality improvement against recognised international, national or State standards relevant to the services being funded through this Agreement;
- (g) maintain records that demonstrate evidence of continuous quality improvement and compliance with any service specialist standards, as negotiated with the Crown;
- (h) complete from time to time the Department's acquittal processes including the Annual Grant Financial Accountability Report; and
- (i) provide as required by the Department the accounts referred to in clause 14.1(a) in a form prepared in accordance with accepted accounting practices and standards.

14.2 Crown feedback

The Crown will provide feedback to the Service Provider on the content and sufficiency of the Service Provider's reports. The Crown may require further clarification and action by the Service Provider resulting from this feedback which the Service Provider must promptly provide.

15 Acknowledgement and Publications

15.1 Acknowledgement

- (a) The Service Provider must acknowledge the funding contribution of the Department (or the Crown) to the Services in any relevant correspondence, public announcement, advertising material, reports, website or other Material produced by or on behalf of the Service Provider.
- (b) This acknowledgement should be through use of the 'Supported by Crown' logo or, if more appropriate, in text form. Examples of text acknowledgement include:
 - (i) Supported by the Crown through the Department for Education, Children and Young People.
 - (ii) Funded by the Crown through the Department for Education, Children and Young People.
 - (iii) A Crown initiative.
 - (iv) JCP Youth Ltd receives funding from the Crown, through Department for Education, Children and Young People, to provide these service(s):

Youth Support
- (c) Where the Department's contribution includes funds from a national partnership agreement or other funding source, the Service Provider must contact the Department to discuss any additional acknowledgement required.

15.2 Logos

The Crown logo can be obtained by contacting the Department via ServiceCentre@decyp.tas.gov.au. The Service Provider must only use the logo in accordance with the current Tasmanian Government Style Guide and Logo Policy, and with prior approval in writing from the Department. Copies of all materials using the logo must be forwarded to the Department prior to publication to ensure the logo is used appropriately.

16 Crown Access to Premises and Records

16.1 Crown Access to Premises

The Service Provider must, upon being given 24 hours' notice in writing and stating the reasons give any person authorised by the Secretary access to any premises, other than a Consumer's private accommodation, used by the Service Provider.

16.2 Crown Access to Records

- (a) The Service Provider must upon being given 24 hours' notice in writing and stating the reasons allow any person authorised by the Secretary access to all records, accounts, documents and papers relating to this Agreement.

- (b) The Service Provider shall provide the person authorised by the Secretary with all reasonable assistance and adequate facilities in meeting the requirements of this Clause 16.
- (c) The Service Provider must permit the Crown to take a copy of any records, accounts, documents and papers relating to this Agreement.
- (d) In accordance with the Crown's *Consumer Related Reportable Incident Reporting Policy for Tasmania's DHHS Funded Community Sector*, where any reportable consumer related incident occurs, the Service Provider must allow any person authorised by the Crown immediate access to all records, accounts, documents, papers relating to those incidents.

17 Specified Personnel

- (a) Where provided for in Schedule 1, the Services must be personally undertaken only by Specified Personnel or by another person or persons first approved of in writing by the Secretary.
- (b) Approval by the Secretary of alternative Specified Personnel will only be granted where the Secretary, in the Secretary's sole discretion, is satisfied that the alternative Specified Personnel meet both the requirements set out in clauses 18 and 19 of this Agreement and any other requirement that the Secretary determines appropriate in the circumstances.
- (c) The Service Provider may arrange for its employees or volunteers to assist Specified Personnel in delivery of the Services provided those employees or volunteers meet the standards set out in clauses 18 and 19.
- (d) The Service Provider must keep and provide immediately on demand by the Secretary a record showing at all times which individual Consumers are being provided Services by which particular Specified Personnel.

18 Skill and Competency of Employees and Volunteers

The Service Provider acknowledges that it is the employer of persons and may be supported by volunteers in the provision of Services. The Service Provider will ensure that all staff, whether Specified Personnel, employees or volunteers, are:

- (a) appropriately qualified and skilled, and where appropriate, credentialed and registered; and
- (b) provided with adequate support, training, debriefings and directions to enable them to effectively perform their duties.

19 “Fit and Proper” Staff, Agents and Subcontractors

19.1 Fit and Proper Persons

The Service Provider must institute procedures to ensure that all persons (whether Specified Personnel, employees or volunteers) engaged by the Service Provider to deliver the Services are fit and proper persons, where “fit and proper” means the person:

- (a) is capable of providing an adequate standard of care in relation to the Services;
- (b) understands the needs of Consumers and their children (where relevant); and
- (c) is of good character and is suitable to be entrusted with the care of Consumers.

19.2 References and Checks

- (a) As part of its employment practices in respect of persons who will or will be likely to have contact with Consumers for purposes of delivering the Services and in determining whether they are ‘fit and proper’ persons, the Service Provider must:
 - (i) request from applicants personal references which must be checked by the Service Provider; and
 - (ii) where the Registrar will issue a registration card, relevant to the employee position, only employ persons who hold a current registration card issued under the *Registration to Work with Vulnerable People Act 2013*, or
 - (iii) where the *Registration to Work with Vulnerable People Act 2013* does not apply, or is not relevant to the employee position, obtain a police history check from the Tasmanian Police or other State, Territory or Commonwealth enforcement Agency where the volunteer, employee, subcontractor, or agent has volunteered, been employed or contracted, or has lived for any period of time greater than 6 months.
- (b) The Service Provider must provide to the Crown at its request evidence of personal references, evidence of personal reference checks, evidence of registration under the *Registration to Work with Vulnerable People Act 2013* and/or evidence of police checks.

19.3 Employee History in Respect to Services Provided to Children

- (a) With respect to the Services provided to children, the Service Provider’s process for the selection of employees, volunteers, subcontractors and agents must be designed so that applicants are required to demonstrate the qualities and requirements in Clause 19.1.

- (b) The Service Provider must be satisfied that any person referred to in Clause 19.1 is "fit and proper" for the purpose of providing the Services to children. The Service Provider must determine if, in respect of any such person:
 - (i) there has been recorded against them any conviction in Australia or overseas of an offence involving children (including but not limited to child abuse, assault and neglect); and
 - (ii) there has been any action taken in Australia or overseas in respect of the protection of children who were under the guardianship or custody of the person; and
 - (iii) whether there have been any adverse findings or disciplinary proceedings in any previous place of employment which involved children.

20 Obligation to Continue Service Provision

The Service Provider is not relieved of its obligation to carry out the Service as required by this Agreement merely because the Crown may involve itself in carrying out any of the Services.

21 Reporting of Special Circumstances

The Service Provider must immediately notify the Department in writing of any event or circumstance which might reasonably affect the provision and delivery of the Services in accordance with this Agreement. This includes the notification of reportable incidents involving Consumers, staff or volunteers including but not limited to those incidents referred to in clause 16.2(d).

22 Review of Service Provider

- (a) The Crown may at its own expense conduct an audit or performance review of the Service Provider at any time:
 - (i) if the performance of the Service Provider gives rise to reasonable concerns of the Crown as to proper delivery of the Services; or
 - (ii) as part of the Crown's service monitoring procedures.
- (b) The Service Provider agrees to:
 - (i) cooperate with the Crown in relation to the conduct of any such audit or performance review; and
 - (ii) make available all relevant information and documents required for the purposes of the audit or performance review within 10 business days of a written request by the Crown.

23 Liability for Use of Funds

- (a) The Funds must only be used for the purpose of carrying out the Services in accordance with the terms and conditions of this Agreement.
- (b) The Crown accepts no liability for:
 - (i) any debts incurred by the Service Provider;
 - (ii) any monies owing by the Service Provider to its officers, employees, agents, subsidiaries, partners or affiliates.

24 Indemnities

24.1 Service Provider Indemnifies the Crown

The Service Provider indemnifies the Crown against all present and future legal liability, loss, damage, claims or proceedings (reduced by any proportionate liability attributable to the actions of the Crown) arising out of any or any combination of the following:

- (a) any obligation arising out of this Agreement including but not limited to the provision of the Services;
- (b) any breach of this Agreement;
- (c) any act or omission of the Service Provider including the Specified Personnel, the Service Provider's employees, volunteers and agents in delivering the Services and/or performing any other obligation arising out of this Agreement;
- (d) personal injury or death of any person;
- (e) loss or damage to real or personal property of any person;
- (f) financial loss to any person.

24.2 Nature of Indemnities

The indemnities in Clause 24.1 are:

- (a) continuing obligations of the Service Provider separate and independent from any other obligations; and
- (b) survive the termination of this Agreement.

25 Insurance

- (a) The Service Provider must take out and keep current throughout the Term separate contracts of insurance with a reputable insurer lawfully carrying on insurance business in Australia indemnifying the Crown's and the Service Provider's respective liability for:

- (i) personal injury to or death of any person; and
 - (ii) either or both loss of or damage to the property of any person;
 - (iii) for not less than twenty million dollars (\$20,000,000) for each individual claim or series of claims arising out of a single occurrence or for such other amount as the Secretary reasonably determines;
 - (iv) the Service Provider's liability for workers' compensation;
 - (v) the Service Provider's liability for professional negligence, for at least the sum stated in Schedule 1, for any one claim or series of claims, arising out of a single occurrence and for a term of six years after termination of this Agreement; and
 - (vi) any other insurance necessary to properly mitigate the risks associated with providing the Service.
- (b) The liability to be insured against under Clause 25(a) is liability arising from, or attributable to, the Service Provider carrying out the Services under this Funding Agreement, to the extent that the injury, death, damage or loss is caused by a wrongful (including negligent) act or omission of the Service Provider or the Service Provider's employees or agents.

26 Evidence of Insurance

The Service Provider must provide the Secretary with a certificate of currency for each insurance contract taken out under Clause 25:

- (a) before the Service Provider starts to provide the Services;
- (b) annually thereafter; and
- (c) within 48 hours of request.

27 Service Provider not to Prejudice Insurance Cover

The Service Provider must not do anything or permit anything to be done as a result of which:

- (a) insurance taken out under Clause 25 or any part of it becomes invalid or is rendered unenforceable; or
- (b) any rate or premiums of any such insurance are liable to be increased; or
- (c) the Crown is put at risk.

28 Confidential Material and Information

28.1 Personal Information Protection Act

Nothing in this clause derogates from a Party's obligations under the *Personal Information Protection Act 2004 (Tasmania)* or the *Privacy Act 1988 (Commonwealth)*.

If, in connection with the Funding Agreement, the Service Provider is, or becomes, a personal information custodian (for the purposes of the PIP Act), the Service Provider must:

- (a) comply with its obligations under the PIP Act as a personal information custodian; and
- (b) immediately notify, in writing, the Crown if the Service Provider becomes aware of a breach, or possible breach, of those obligations.

28.2 Confidentiality of Consumer Records

- (a) The Parties must keep personal or confidential information collected and recorded in a manner that ensures the confidentiality of the Consumers.
- (b) The Service Provider will develop and implement a policy and procedure which provides individual Consumers of the Service Provider with reasonable access to personal, life, health or financial information held and used by the Service Provider in respect of services provided to the Consumer under this Agreement.

28.3 Publishing Information

Despite any confidentiality or Intellectual Property right subsisting in this Agreement or a schedule, appendix, annexure or attachment to it (the Agreement) and to the extent allowed by law, either Party may publish all or any part of it (the Agreement) without reference to the other.

28.4 Service Provider must not Disclose Confidential Material

Without limiting the effect of Clause 28.3, the Service Provider must not publicly disclose, or use for a purpose other than this Agreement, any Material or other Records, information or reports relating to this Agreement without the Crown's prior written consent, except to the extent that:

- (a) the Confidential Material is available to the public generally, other than by breach of this Agreement;
- (b) a law requires the Service Provider to disclose, file, record or register something that includes Confidential Material;
- (c) disclosure is necessary or advisable to get a consent, authorisation, approval or licence from a governmental or public body or authority;
- (d) it is necessary or advisable to disclose the Confidential Material to a taxation or fiscal authority;

- (e) the Confidential Material is disclosed confidentially to professional advisers to
 - (i) to get professional advice about this Agreement; or
 - (ii) to enforce this Agreement; or
 - (iii) the Parties agree otherwise in writing.

28.5 Employee Compliance

The Service Provider must ensure that all persons who have access to Confidential Material, are aware of, and comply with, all confidentiality obligations affecting it.

29 Intellectual Property

- (a) Any Intellectual Property rights and title to, or in relation to, Material created using Funds under this agreement will vest, upon its creation, in the Service Provider.
- (b) The Service Provider grants to the Crown a perpetual, irrevocable, royalty-free and licence fee-free, worldwide, non-exclusive licence (including a right of sub-licence) to use, copy, and modify the Material referred to in Clause 29(a).
- (c) If requested by the Crown, at the end of the Funding Term or on the earlier termination of this Agreement, the Service Provider must deliver a complete copy of the Material referred to in Clause 29(a) to the Secretary.

30 Dispute Resolution

- (a) If a dispute or difference (called collectively a “dispute”) arises, both Parties agree to deal with the dispute in the following way:
 - (i) the Party who claims that a dispute exists will send the other Party a notice setting out the nature of the dispute;
 - (ii) the Parties will then try to resolve the dispute by negotiation, and for that purpose may authorise persons to act for them;
 - (iii) the Parties will try to resolve the dispute within 10 Business Days from when the notice is given.
- (b) If the dispute is not resolved within 10 Business Days from when the notice is given by one Party to the other, either Party may submit the dispute to a form of alternative dispute resolution (including mediation).

31 Dispute Resolution Protocols

- (a) The Parties commit to resolving disputes as quickly and efficiently as possible.

- (b) If an alleged breach of the Agreement has been notified to the other Party and a dispute arises over the nature of the breach or the breach occurred because a provision in the Agreement was impossible to fulfil, within 20 days the Parties are to provide each other with a statement detailing:
 - (i) the issue and the facts giving rise to it;
 - (ii) any action already taken to resolve it;
 - (iii) the likely consequences if the dispute continues;
 - (iv) proposed solutions to the dispute.
- (c) Within 14 days, the representatives of both Parties must discuss the matters provided in the statements in order to resolve the dispute.
- (d) If the dispute remains unresolved after these discussions, the Secretary is to refer the matter to a meeting between the Parties and an independent third party agreed on by both Parties who has the appropriate experience or qualifications.
- (e) The independent third party appointed under Clause 31(d) acts as an expert and not as an arbitrator in settling any dispute.
- (f) The costs in settling any dispute are to be borne by the Parties:
 - (i) as the expert determines; or
 - (ii) if the expert does not so determine, in accordance with the Commercial Arbitration Act 2011.
- (g) A Party continues to have any right of appeal or redress under any Law.

32 Terminating the Agreement

32.1 Right to Terminate

- (a) The Crown may terminate this Agreement or reduce its scope at any time by giving the Service Provider three months written notice, setting out the reasons for the termination.
- (b) The Service Provider may terminate this Agreement by giving the Crown three (3) months written notice setting out the reasons for the termination.
- (c) If the Agreement is terminated or the scope reduced pursuant to this clause, the following provisions apply.

32.2 Maintaining Service

The Service Provider during the period between giving or receiving notice and termination must:

- (a) use its best endeavours to maintain the Service; and
- (b) co-operate with the Crown in seeking the provision of any appropriate alternate service for its Consumers.

32.3 Crown Liability

The Crown is only liable to the Service Provider for:

- (a) payments that were due to the Service Provider before the date of termination or reduction; and
- (b) reasonable costs the Service Provider incurs as a direct result of the termination or reduction (but subject to Clause 32.4 below).

32.4 Reasonable Costs

- (a) The Crown need only pay the Service Provider the reasonable costs in Clause 32.3(b) if it:
 - (i) complies strictly with this clause 32; and
 - (ii) provides written evidence to satisfy the Secretary of the amounts claimed.
- (b) The Crown is not liable to pay the Service Provider compensation for any loss of profits or benefits that it would have received had the termination or reduction not occurred.

33 Suspension of payment of Funds

- (a) The Crown may at any time withhold any or all of a payment of Funding when due if it considers that the Service Provider:
 - (i) has not spent Funding in accordance with this Agreement; or
 - (ii) has breached any other term of this Agreement.
- (b) The Crown must pay any withheld payment to the Service Provider once the Crown is satisfied that the Service Provider has performed the Services relevant to which the payment relates or remedied the breach.

34 The Crown's Right to Terminate for Default

The Crown can terminate this Agreement immediately by the Secretary giving written notice to the Service Provider if any of the following occur:

- (a) the Service Provider breaches any of its obligations under this Agreement and the Crown considers that the breach cannot be rectified;

- (b) the Service Provider breaches any of its obligations under this Agreement and it does not rectify the breach within 10 Business Days after the Crown giving the Service Provider a notice to rectify it;
- (c) in relation to this Agreement, the Service Provider breaches any Law;
- (d) the Crown considers that the decision to approve the Funding was affected by a statement in the Service Provider's application for Funding that was incorrect, incomplete, false or misleading;
- (e) if the Secretary is of the view that the Service Provider is unable to pay all of its debts as they fall due;
- (f) the Service Provider has come under external administration, or has applied to come under external administration, or has received a notice requiring it to show cause why the Service Provider should not come under external administration. This includes any external administration referred to in the *Corporations Act 2001*;
- (g) the Service Provider has become insolvent or entered into a scheme of arrangement with creditors;
- (h) the Service Provider makes an arrangement with its creditors or is made bankrupt under the *Bankruptcy Act 1966*;
- (i) the Service Provider ceases to have a properly constituted Board (or Committee) of Management or has been unable to form a quorum at two consecutive Board/Committee meetings or is otherwise incapable of providing the service in accordance with its constitution;
- (j) any circumstance occurs that prevents the Service Provider from legally undertaking any service funded under this Agreement;
- (k) the Secretary is of the view that Consumers are at risk.

35 Arrangements at the end of the Term or on early termination

- (a) Upon the expiry or earlier termination of the Term the Service Provider must if directed to do so by the Crown use all reasonable endeavours to do all things and obtain all consents and assignments necessary to enable the Crown or its nominated alternative service provider to provide the Services.
- (b) Without limiting sub-clause (a) of this clause, the Service Provider agrees that as at the Termination Date it must cooperate with the Crown in seeking a transfer of the delivery of the Services to the Crown to an alternative service provider.
- (c) Upon the expiry or earlier termination of the Term, the Service Provider must deliver to the Crown all Material and any other Records, information or reports

relating to this Agreement in its possession or control and if necessary, transfer any Intellectual Property forming any part of that material to the Crown. Where necessary, the Service Provider must obtain any consents required from other parties to enable use by the Crown of this material.

Additional Information Related to Solvency

The Service Provider must immediately notify the Crown in writing of any of the following:

- (a) any action in relation to the winding up or liquidation of the Service Provider;
- (b) the appointment of a receiver or manager under administration; or
- (c) any arrangement between the Service Provider and its creditors.

36 Governing Law

This Agreement is governed by the law of Tasmania.

37 Entire Agreement

This Agreement comprises the entire agreement between the Parties about the subject matter of this Agreement. It supersedes all prior communications, negotiations and agreements, whether oral or written, about the subject matter of this Agreement.

38 Variation of this Agreement

38.1 Variation

- (a) This Agreement may only be varied in writing, signed by both Parties.
- (b) The Parties may, as a result of any joint review, agree in writing to vary the Funding amount, the Services and/or the Service requirements.

38.2 Variation caused by Legislative Requirement, Government Policy or Crown Policy or procedural requirement

- (a) If a new Legislative Requirement, Government Policy, Crown Policy or procedural requirement or a change in a Legislative Requirement, Government Policy or Departmental policy including procedural requirement after the date of this Agreement necessitates:
 - (i) a change to this Agreement; and
 - (ii) has effect after the date of this Agreement;
- (b) then to the extent to which the Services or the Funds or the methodology of determining the quantum of the Funds are changed by that Legislative Requirement, Government Policy, Crown Policy or procedural change that is

taken to be a variation to this Agreement without the requirement for acknowledgement in writing by each party.

Enforcement of Part of the Agreement

The Crown is not prevented from enforcing any part of this Agreement merely because:

- (a) it did not enforce that part on an earlier occasion; or
- (b) it does not enforce another part.

39 Assignment of Rights

- (a) The Service Provider must not assign its rights under this Agreement without first getting written consent from the Crown.
- (b) In this Clause 39, "assign" includes novate or transfer, in whole or in part.

40 Subsidiaries, Subcontractors, Agents, Associates and Affiliates

The Service Provider must not subcontract any of its obligations under this Agreement without first obtaining the written consent of the Secretary. If the Service Provider is permitted to subcontract, then:

- (a) The Secretary may impose any conditions considered appropriate, and the Service Provider must comply with them.
- (b) The Service Provider is not relieved of its obligation to carry out the Service as required by this Agreement merely because it subcontracts any part of the Agreement.
- (c) The Service Provider must ensure that any subsidiaries, subcontractors, agents, associates and affiliates comply with all obligations binding on it under this Agreement, and that any subcontract (and any further subcontract) imposes these obligations on the subcontractor.
- (d) The Service Provider must exercise any right of termination that it has against any of its subsidiaries partners, associates or affiliates where the Crown terminates or reduces the scope of this Agreement under either Clauses 32 and/or 34.
- (e) The Service Provider will ensure that it uses either or both employees or subsidiaries, subcontractors, agents and affiliates with the necessary professional qualifications, registrations and experience to provide the Services under this Agreement.

41 Service Providers Relationship to the Crown

- (a) The Service Provider is not by virtue of this Agreement, or for any purpose, an officer, employee, partner or agent of the Crown, or invested with any power or authority to bind or represent the Crown.
- (b) The Service Provider must not represent itself and must ensure that its officers, employees, agents and subsidiaries or joint venture partners do not represent themselves, as being an officer, employee, partner or agent of the Crown, or as otherwise able to bind or represent the Crown.

42 Certain Clauses Continue after this Agreement Ends

- (a) The termination or expiry of this Agreement, for any reason, does not affect the continued operation of the following clauses:

Clause 7 – Repaying the Funding

Clause 9 – Taxes, Duties and Government Charges

Clause 14 – Records, Reports and Acquittals

Clause 15 – Acknowledgement and Publications

Clause 24 – Indemnities

Clause 25 – Insurance

Clause 28 – Confidential Material and Information

Clause 29 – Intellectual Property

- (b) The continued operation of any other clauses that, by their nature, survive termination or expiry.

43 Notices

43.1 How to Give a Notice

Any notice or other communication to be given or made under this Agreement must be in writing and addressed as the case may be to the Parties at their addresses in Schedule 4.

43.2 How to Serve a Notice

A notice or other communication is taken to have been duly served:

- (a) in the case of hand delivery - when delivered;
- (b) if sent by prepaid post - on the third Business Day after the date of posting;
- (c) if sent by facsimile transmission (if the sending facsimile machine produces a print out of the time, date and uninterrupted transmission record of the sending of the notice) - upon completion of sending, if completion is within ordinary

business hours in the place where the recipient's facsimile machine is located, but if not, then at 9.00 am on the next Business Day in that place;

- (d) if sent by electronic (email) transmission - upon completion of sending, if completion is within ordinary business hours in the place where the recipient's is located, but if not, then at 9.00 am on the next Business Day in that place.

43.3 Signatures

A printed or copied signature is sufficient for the purposes of sending any demand written consent or other communication by facsimile or electronic transmission.

44 Severance

- (a) If any provision of this Agreement or its application to any person or circumstance is or becomes invalid illegal or unenforceable then so far as possible the provision will be read down to the extent necessary to ensure that it is not illegal invalid or unenforceable.
- (b) If any provision or part of it cannot be so read down, then the provision or part of it will be taken to be void and severable and the remaining provisions of this Agreement will not be affected or impaired in any way.

45 Altering the Basic Nature of this Agreement

Clause 44 has no effect if the severance alters the basic nature of this Agreement or is contrary to public policy.

46 Cumulative rights

Any express right or remedy or obligation of the Crown in this Agreement is without prejudice to any other right or remedy of the Crown either in this Agreement or arising at Law and are cumulative with and not exclusive of any right or remedy arising at Law.

Special Terms and Conditions

- (a) The special terms and conditions (if any) in Schedule 5 form part of this Agreement.
- (b) If there is any inconsistency between special terms and conditions in Schedule 5 and another provision in this Agreement then the special terms and conditions override the other provision to the extent of the inconsistency.
- (c) A special term or condition in Schedule 5 is not to be taken to be inconsistent with another provision in this Agreement if the special term or condition and the other provision in this Agreement are both capable of being complied with.

Executed as an Agreement.

Signing Page

Signed for on behalf of **The Crown in Right of Tasmania** by Ginna Webster, being Acting Secretary, Department for Education, Children and Young People, a duly authorised person under an Instrument of Delegation in the presence of:



3 / 2 / 25

Date



Occupation

Executed for and on behalf of JCP Youth Ltd in accordance with section 127 (1) of the *Corporations Act 2001* (Cwlth):



Name and capacity (print)

03/02/2025

Date



03/02/2025

Date

Schedule 1 – Funding and Payment Terms

The Beast Program

Funding Details					
1.1	Amount of Funding	The amount of funding for the three (3) years of this Agreement is \$3,700,000			
1.2	Indexation	Indexation is not applicable to this agreement.			
1.3	Funding by Service	The total amount of Funds per annum payable by the Department itemised by Service is set out in the Funding Table below:			
Funding Table					
Service	Base Funding	Indexation	Total Funding (ex GST)	GST	Total Funding
Youth Support - BEAST - 2024-25	\$256 944	n/a	\$256 944	\$25 694	\$282 638
Youth Support - BEAST - 2024-25	\$256 944	n/a	\$256 944	\$25 694	\$282 638
Youth Support - BEAST - 2025-26	\$1233,333	n/a	\$1233 333	\$123 333	\$1356 666
Youth Support - BEAST - 2026-27	\$1233 333	n/a	\$1233 333	\$123 333	\$1356 666
Youth Support - BEAST - 2027-28	\$359 723	n/a	\$359 723	\$35 973	\$395 695
Youth Support - BEAST - 2027-28	\$359 723	n/a	\$359 723	\$35 973	\$395 695
TOTAL	\$3,700,000	n/a	\$3,700,000	\$370,000	4,070,000
Funding Timetable					
1.4	Timing of Payments	Subject to Clause 10 of the Agreement, the Department will, within 5 Business Days of the beginning of each calendar quarter, pay a percentage of the annual funding due to the Service Provider by electronic transfer to the account notified to the Department in writing.			

1.5 Payment Schedule	Payment will be made according to the following schedule on receipt of the signed agreement. For the 2024-2025 Financial Year <table border="1"> <thead> <tr> <th>Payment Date</th><th>Amount of Funding Paid</th></tr> </thead> <tbody> <tr> <td>01/02/2025 or on receipt of signed agreement</td><td>\$282 638</td></tr> <tr> <td>01/04/2025</td><td>\$282 638</td></tr> </tbody> </table> For the 2025-26 and 2026-27 Financial Years <table border="1"> <thead> <tr> <th>Quarter Beginning</th><th>Percentage of Annual Funding Paid</th></tr> </thead> <tbody> <tr> <td>1 July</td><td>40%</td></tr> <tr> <td>1 October</td><td>20%</td></tr> <tr> <td>1 January</td><td>20%</td></tr> <tr> <td>1 April</td><td>20%</td></tr> </tbody> </table> For the 2027-2028 Financial Year <table border="1"> <tbody> <tr> <td>01/07/2027</td><td>\$395 695</td></tr> <tr> <td>01/10/2027</td><td>\$395 695</td></tr> </tbody> </table>	Payment Date	Amount of Funding Paid	01/02/2025 or on receipt of signed agreement	\$282 638	01/04/2025	\$282 638	Quarter Beginning	Percentage of Annual Funding Paid	1 July	40%	1 October	20%	1 January	20%	1 April	20%	01/07/2027	\$395 695	01/10/2027	\$395 695
Payment Date	Amount of Funding Paid																				
01/02/2025 or on receipt of signed agreement	\$282 638																				
01/04/2025	\$282 638																				
Quarter Beginning	Percentage of Annual Funding Paid																				
1 July	40%																				
1 October	20%																				
1 January	20%																				
1 April	20%																				
01/07/2027	\$395 695																				
01/10/2027	\$395 695																				
1.6 Varying the Payment Schedule	The percentage of the annual funding to be paid may be varied, subject to the agreement of the Parties. Where the percentage is varied, the Crown will provide the Service Provider with a revised Schedule 1 within 10 Business Days of the variation.																				
1.7 Commencement Date	01 February 2025																				

1.8	Completion Date	31 January 2028
1.9a	Professional Indemnity Insurance Cover	\$10 000 000 per claim
1.9b	Public Liability Insurance Cover	\$20 000 000 per claim
1.10	Specified Personnel	Not Applicable

Schedule 2 – Services and Performance Standards

The Beast Program

2.1 Service Specifications	
Service Provider	JCP Youth Ltd
Program	Youth Justice
Service Type	Youth Support
Service Name	JCP Youth BEAST Program
AIHW Service Classification(s)	
Ao8.1.99 Other community services elsewhere classified	
AIHW Delivery Setting(s)	
S1-2.06 Community wide setting	

Service Location(s)		
Service	Outlet Name	Address
JCP Youth Ltd	Operations and Administrative location	

2.2 Purpose of the Funding Agreement		
2.2.1 Purpose of Funding	JCP Youth will use the funding to provide 54 full time places within the existing JCP Youth BEAST Program (the Program) for Department referrals for the duration of the Agreement. The funding will support JCP Youth to deliver the Program, aimed at providing diversionary and mentoring services for at-risk young people. The Program seeks to address offending and at-risk behaviours, promote pro-social development, and improve outcomes for young people through tailored support and meaningful engagement opportunities.	
2.2.2 Special Legislation	The services outlined in this Schedule are to be delivered in accordance with the following special legislation: • <i>Registration to Work with Children and Vulnerable People Act 2013</i> (Tasmania) • <i>Personal Information Protection Act 2004</i> (Tasmania) • <i>Child and Youth Safe Organisations Act 2023</i> (Tasmania) • <i>Youth Justice Act 1997</i> (Tasmania) • <i>Children, Young Persons and Their Families Act 1997</i> (Tasmania) • <i>Family Violence Act 2004</i> (Tasmania) • <i>Disability Rights, Inclusion and Safeguarding Act 2024</i> (Tasmania) • <i>Bail Act 1994</i> (Tasmania)	
2.2.3 Strategic Objectives	The key strategic objectives universally applicable to all Child Safety and Justice Operations capabilities are: <i>“to provide for the care and protection of children and young people in a manner that maximises a child’s opportunity to grow up in a safe and stable environment and to be given every opportunity to reach his or her full potential, and</i> <i>to encourage, support and enable children and young people to participate in decision making and planning processes that impact their life circumstance and future.”</i> In particular, this Agreement the service will be guided by the following:	

	• Youth Justice Blueprint 2024-2034: ○ Supporting children and young people to prevent contact with the youth justice system. ○ Addressing offending behaviour by children and young people. ○ Supporting children and young people to re-enter the community through pro-social pathways. • The Youth Justice Diversionary Services Framework • The Youth Justice Model of Care, and • Commission of Inquiry into the Tasmanian Government's Responses to Child Sexual Abuse in Institutional Settings Recommendations (September 2023).
2.2.4 Consumer Outcomes	The Service Provider will ensure that service delivery models employed are consistent with providing positive outcomes for Consumers and utilise evidence-based and therapeutic practice. The outcomes sought for children and young people through all Child Safety and Youth Justice Operations capabilities are: <i>"Being loved, safe and valued Having material basics Learning Participating, and Having a positive sense of culture and identity."</i> In alignment with the goals of the Program, the expected outcomes for each child and young person participating in the service are as follows: • reduce offending behaviour and recognise the harm their actions do to themselves and those around them. • improve capability and capacity to participate in positive and productive decision making and planning processes that impact their life circumstance, including accommodation choices. • increase relational safety with individuals in the broader community and with pro-social adults and/or family. • Positive increased sense of self, confidence and identity. • increase capacity to access a range of informal and/or formal supports as needed, and • engage in meaningful learning and are better prepared for job readiness through further education or employment.

2.2.5 Activities	The services outlined in this Schedule will include the following activities below: Overview • JCP Youth delivers high-impact youth programs to children and young people who are at-risk or vulnerable in the community by providing crucial support and mentorship. The Program is a responsive, outreach program aimed at positive mentorship for young males aged 11 – 17 years through referrals from the Department. • The Program offers: ○ access to membership ○ outdoor recreation programs and development camps ○ community-based support ○ outreach available seven days a week, 24 hours a day ○ emergency and respite accommodation, and ○ programming that supports prosocial behaviour. • Full participants are categorised as young people actively engaged in all aspects of the BEAST Program, receiving intensive mentoring and case management. Program Scope and Structure • The Program operates statewide and over three years, will support: ○ 54 Department-referred ‘full participants’ (nominally 6 placements per year in each region; the South, North, and North West); and • Regional allocations for Department referrals can be varied in consultation with the Department to meet demand. • The Program length is a maximum of 12 months per participant; however, the length of time a participant is involved is variable and determined on the participant’s level of engagement with the content and their ability to meet the program objectives. • Referred ‘full participants’ are supported and encouraged to complete the full 12-month Program. • All funded ‘full participant’ placements are for young males aged 11 – 17 years, referred through mutually agreed processes between JCP Youth and the Department.

	Department Referrals • There are 54 funded referral places over three years, all designated for full participants who will engage in the Program. • The Department will complete an internal coordinated assessment approach, to ensure those most in need of diversionary services are prioritised. • Bulk referrals by the Department will be avoided to allow JCP Youth to determine the referred participant's suitability and readiness to the Program, commence engagement and of the referred participant. • The Department will prioritise referrals as follows: ○ Young people involved in court/repeat offending behaviours who may be disengaged from formal education and/or relevant support services. ○ Young people exiting custodial sentencing with an identified recidivism risk. ○ Young people in contact with the youth justice system with a remanded status. ○ Young people demonstrating impulsive and risk-taking, offending-related behaviours, and/or ○ Any identified young person who is likely to benefit from a diversionary program, at the Department's discretion. • JCP Youth will complete a further Program suitability assessment using the current JCP Youth BEAST Program Guidelines within a reasonable timeframe, with the expectation of the participant commencing in the Program within 3-months of the Department referral being received through application of the established JCP Youth BEAST Program Guide (refer to the Attachments to this Agreement). • JCP Youth will obtain written consent from both the referred participant and the participant's parent/s or guardian/s before the participant commences in the Program. • Once a young person is assessed as suitable and accepted into the Program, the young person will commence in the Program within three months of the JCP Youth suitability assessment being completed. • JCP Youth will inform the Department within a reasonable timeframe of the following: ○ each Program referral suitability assessment acceptance by JCP Youth, including agreement by the young person.

	○ each Program referral assessment rejection by JCP Youth and general reasoning. ○ each young person's completion of the full Program, and ○ each young person's early exit from the Program and reasoning, where known. • Where JCP Youth has rejected a Departmental referral, JCP will accept reasonable requests to discuss the referral rejection. • The Program is voluntary for participants. JCP Youth will spend appropriate time engaging with referred young person to develop a relationship before formally engaging them in the program. Multidisciplinary Service Support • Young people referred and accepted into the Program may be referred to other services during their time in the Program. • Participants are reasonably supported by JCP Youth to connect with other services and encouraged to engage in multidisciplinary support services that complement the young person's therapeutic pathway while a participant in the Program. Program Operations • JCP Youth will support and encourage the Program participants to remain engaged in support services relevant to their individual therapeutic pathways. • JCP Youth will actively participate in Youth Justice case meetings as requested by the Department and share current care plans as part of this process. • JCP Youth will foster collaboration and open communication between its staff and volunteers, the young people engaged with JCP Youth, and support organisations to maximise the provision of therapeutic support provided by other services. • JCP Youth will develop and implement reasonable re-engagement strategies for participants showing signs of disengagement, including tailored follow-ups and case-specific interventions. Documented reasonable efforts will form part of quarterly reporting to the Department. • JCP Youth will procure and contract any additional services required to operationalise the Program, ensuring due diligence and appropriate assessments are completed to guarantee the safety and wellbeing of program participants. • JCP Youth will maintain regular communication with Community Youth Justice representatives and other relevant support services to advise on scheduled plans

or activities relating to JCP Youth participants that may impact any services provided to young people.

Exit Strategies and Transition Planning

- Each Program participant will be supported and encouraged to complete the full 12-month Program.
- It is acknowledged that despite best efforts by JCP Youth, some full Program participants will not complete the full program.
- Prior to a participant completing the Program, JCP Youth will:
 - Proactively work with the young person to prevent the risk of the participant exiting into homelessness, reverting to, or adopting risk-taking behaviours and reoffending, with the aim of addressing recidivism risks.
 - Contact the Department within a reasonable and adequate time to discuss participant Program exit timeframes and strategies, and
 - Support the young person to remain engaged with support services, suitable to their level of need, and any legally mandated conditions, as relevant for each participant.
- Prior to a participant exiting the Program early, JCP Youth will:
 - Where reasonably practicable, proactively work with the young person to remain engaged and complete Program.
 - Contact the Department within 24 hours (excluding weekends) to discuss a participant who plans to or has exited the Program early and related circumstances, including known risks, if known.
 - Contact the Department within 24 hours (excluding weekends) if the participant reengages with the Program, including provision of support to the young person to remain engaged with support services and other legally ordered services, as relevant and suitable to the participant's level of need legal requirements.

Service Development and Continuous Improvement

- Every encounter with young people is continued to be logged in the JCP Youth case management system, which stores information for seven years and includes a reporting function.
- Continuous improvement practices may include the following, but are not limited to:

	○ Regular program evaluation and active participation in Tasmanian Government initiated overall program evaluation. ○ Gathering and acting on feedback from stakeholders. ○ Benchmarking against industry best practices. ○ Professional development opportunities for staff and volunteers, and ○ Fostering innovation and quality improvement. • Amendments to the delivery of the Program that directly impact any, or all, Department referred participants must be discussed and agreed by the Department before implementation can occur. Service Governance and Risk • The Service has appropriate administrative and clinical governance policies and procedures in place to: ○ maintain a child safe organisation and adhere to Child and Youth Safe Standards, and ○ to maintain competency for appropriately trained practitioner and clinical supervision of participants. • All staff and volunteers hold a valid registration under the <i>Working with Vulnerable People Act 2013</i>. • Service delivery and the Service Provider's practice, model of care, staff and volunteer training and staff and volunteer performance management will prevent, to the greatest extent possible, any harm to the child and provider staff during service delivery. • JCP Youth will maintain a dynamic service and risk management plan, updated annually, to address potential operational, reputational, and participant safety risks. The plan will include strategies for mitigation and an incident reporting framework. • For the duration of the Agreement, JCP Youth will: ○ continue to deliver services under the direction of the established Board of Directors. The Board is responsible for the oversight of staff employment, resource allocation, and the approval of the annual budget. ○ The Board will continue to meet monthly, with sub-committees meeting regularly to address specific areas of governance, such as Clinical Governance, finance, fundraising and donations, governance and risk, and strategic partnerships and grants.

	○ The Board will continue to oversee operational application of the policies and procedure of the organisation. ○ The Board members will continue to operate and be accountable through the documented Terms of Reference. Program Evaluation • The Program evaluation costs will not be provided by JCP Youth or considered as part of this Agreement funding. • JCP Youth will participate in the evaluation of the JCP Youth BEAST Program to commence before the end of this Agreement. • The Department aims for the program evaluation to be completed within 18 months of the commencement date. • The Department will ensure JCP Youth are provided with a final version of the evaluation report before the final report is formally released. • The evaluation will include evaluation of the Departmental funded services including, but not limited to: ○ Appropriate use of the allocated funding. ○ Current and previous participants. ○ Individual participant and program evaluation and performance against the outcomes and KPIs. ○ Delivery of services according to the Youth Justice Diversionary Services Framework, JCP Youth policies, procedures, and the BEAST Program Guide, and ○ Any other reasonable evaluation criteria as determined appropriate, in collaboration with the Department and JCP Youth. • JCP Youth will work collaboratively with the contracted organisation engaged to complete the evaluation to inform and provide or facilitate information as requested, including facilitation of feedback from previous and current JCP Youth BEAST participants, where reasonably practicable and ethically appropriate. • Individual participant system-wide outcomes, such as long-term recidivism reduction, will be evaluated collaboratively with input from the Department and other agencies as identified by the Department. JCP Youth will provide program-specific data, while the Department will facilitate access to external datasets and stakeholders. • The Department and JCP Youth will jointly review and refine KPIs biannually, considering program developments, participant feedback, and system-wide

	priorities. Any revisions will be documented and mutually agreed upon in writing.
2.2.6 Key Performance Indicators (KPIs)	The achievement of the purpose of the Funding Agreement and/or consumer outcomes will be monitored by reference to the following key performance indicators. Service Delivery Reports will be provided as per 3.2.1 of this Agreement.

Key Performance Indicators

JCP Youth must maintain appropriate data to be included in an annual report issued to the Department by 31 October each funding year according to the KPIs.

Appropriate data collection refers to the young people referred to the Program by the Department. JCP Youth will collect and manage data related to program delivery and individual outcomes that are reasonably within their control.

JCP Youth and the Department will collaborate on evaluating broader outcomes for each young person participating in the Program, aligned with the Youth Justice Diversionary Services Framework and Youth Justice Outcomes Framework that are currently being developed. This collaboration will leverage aggregated data and insights to inform system-wide improvements and assess the long-term impacts of diversionary interventions, including the JCP Youth BEAST Program.

The KPIs outlined below will be reviewed and refined over the course of this Agreement to ensure they remain relevant and reflective of program and system objectives.

Key Performance Indicators (KPIs) under this Agreement refer to the 54 Department-referred full participants and are detailed below:

HOW MUCH DID WE DO?	HOW WELL DID WE DO IT?
• Number of full participants referred. • Number of full participants currently enrolled in the Program. • Number of participants engaged in the Program. • Number and percentage of participants with an active case plan in place during their time in the Program.	• Number and percentage of referred participants graduating or completing the full 12 months Program. • Number and percentage of referred full participants enrolled and engaged in the Program within three months from referral. • Percentage of disengaged participants re-engaged within 30 working days of initial withdrawal from the Program. • Percentage of participants who disengage from the Program and do not re-engage to complete the full Program.

IS ANYONE BETTER OFF?	
• Number and percentage of full participants reporting a reduction in offending behaviours whilst engaged in the Program. • Number and percentage of full participants reporting a reduction in offending behaviours whilst engaged in the Program. • Number and percentage of participants who report improvement in at least one risk factor area (as measured by JCP Youth wheel assessment) within six months of Program engagement. • Number and percentage of participants who report improvement in at least five of eight risk factor areas by the 10-month mark of Program engagement. • Number of participants who report improved short-term personal outcomes as identified in the JCP Youth BEAST Program Guide (improved confidence, family relationships, self-confidence etc.) <i>For collaborative evaluation of long-term participant outcomes:</i> • Number and percentage of full participants reporting a reduction in offending behaviours upon completion or exit from the Program. • Number and percentage of full participants engaging with recreational and positive community opportunities. • Number and percentage of participants re-engaging in or maintaining participation in formal education or training, and • Number and percentage of age-appropriate participants securing meaningful employment.	
2.2.7 Service Specialist Standards Obligations	The Service Provider must demonstrate evidence of continuous quality improvement and compliance with these Service Specialist Standards: • The Child and Youth Safe Organisations Framework: ○ The Child and Youth Safe Standards. ○ The Reportable Conduct Scheme. ○ Information sharing. • The Youth Justice Diversionary Service Framework. • The Youth Justice Model of Care. • Refer to the Attachments for details.

Schedule 3 – Reporting

The JCP Youth BEAST Program

3.1 Financial Accountability Reporting

Financial Reporting – all Financial Reports are to be sent to:

Grants Management Team
Department for Education, Children and Young People
GPO Box 169 HOBART TAS 7001
communitysector.grants@decyp.tas.gov.au

3.1.1 Half-Year Reporting	Not Applicable.
3.1.2 Annual Report	Within five months of the end of the Financial Reporting Year , the Service Provider will provide the Department with an Annual Report of the Service Provider.
3.1.3 Annual Grant Financial Accountability Report – for each funded service	By 31 October of each year, the Service Provider will provide the Department with: - a completed Annual Grant Financial Accountability Report signed by two office holders or members of the Service Provider considered to be bona fide representatives of the Service Provider to the effect that the funding provided under this Agreement was received and disbursed for the purpose for which it was given; and - where the total Funds received from the Department are greater than \$100,000 per annum, a certificate signed by an Approved Auditor to the effect that the Annual Grant Financial Accountability Report is properly drawn up and records presented give a true and fair view of the affairs of the Service Provider.
3.1.4 Financial Statements	Within four months of the end of the Financial Reporting Year , the Service Provider will provide the Department with a signed copy of the Service Provider's financial statements (including balance sheet and income statement) together with a signed audit opinion from an Approved Auditor.
3.1.5 Other Financial Information	The Service Provider must provide receipts and other evidence relating to the expenditure of the Funding Amount, including internal management information or

	extracts of reports from the Service Provider's financial management information systems, if requested by the Department.
3.2 Service Delivery Reporting Service Delivery Reporting – all Service Delivery Reports are to be sent to: Commissioning and Sector Engagement, Child Safety and Youth Justice Operations Department for Education, Children and Young People GPO Box 169 HOBART TAS 7001 Australia youthjusticeservices@decyp.tas.gov.au	
3.2.1 Service Delivery Reporting	The Service Provider must provide reports on the quantity of services delivered (on a service classification by service classification basis) as specified below.
Service	Service Delivery Reporting
Youth Support - JCP Youth BEAST Program	JCP Youth will submit service delivery reports using standardised templates provided by the Department, which will include mandatory data fields, qualitative summaries, and a compliance checklist based on the inclusions of this Agreement. Templates will be updated periodically to reflect refinements to KPIs. The provider will submit service delivery reports to the Department for the duration of the Agreement as follows: Annual Service Delivery Reporting: ○ Written annual reports on services delivered as per outcomes, Key Performance Indicators and other measures outlined in the Funding Agreement, using an agreed format. ○ The annual reports will be detailed with the qualitative and quantitative reporting, as outlined in this Agreement, as well as financial reporting and acquittal, and risk management. ○ The annual reports will include details of how JCP Youth meets relevant legislative requirements, particularly noting Working With Vulnerable People registration for current and future JCP Youth employees and volunteers.

	Quarterly Service Delivery Reporting ○ Written progress reports every three months on the referred participant engagement and progress in the Program according to the outcomes and/or progress towards the outcomes. ○ Quarterly reporting will be provided to the Department using an agreed format and will include current risks, issues and mitigation strategies. Program Evaluation ○ Collected evaluation during the term of the Agreement to evaluate the Program. ○ The Program evaluation may be outsourced at the discretion of the Department and in agreement and collaboration with JCP Youth. JCP Youth will actively support the evaluation process. ○ The Department will ensure the broader Program evaluation will commence before the end of this Agreement and be completed within 18 months of its commencement. ○ JCP Youth will be provided with a copy of the final Evaluation report before its release. ○ Also refer to clause 2.2.5 of this Agreement.
3.3 Quality and Safety Framework Reporting All Reportable Consumer Related Incident reports are to be sent to: Commissioning and Sector Engagement, Child Safety and Youth Justice Operations Department for Education, Children and Young People GPO Box 169 HOBART TAS 7001 Australia youthjusticeservices@decyp.tas.gov.au	
3.3.1 Quality and Safety Framework	The Service Provider will demonstrate continuous quality improvement and safety activity to the satisfaction of the Crown in accordance with the Quality and Safety Framework for Tasmania's Funded Community Sector.

3.3.2 Reportable Consumer Related Incidents	Reportable consumer related incidents must be reported to the Department within 24 hours, or the next working day.
3.3.3 Reportable Conduct instances under the <i>Child and Youth Safe Organisations Act 2023</i>	In compliance with the <i>Child and Youth Safe Organisations Act 2023</i> from 1 January 2024, the Service Provider will advise the Department within 24 hours of an instance of Reportable Conduct.
3.4 Other Service Information	
3.4.1 Other Information	The Service Provider will provide information to the Department on service planning and policy implications as identified by the Service Provider or if requested by the Department. This information may include, but is not limited to, information on new or unmet needs, service gaps, innovations in service delivery, policy review options, and systems issues.

Schedule 4 – Other Conditions

Addresses for Delivery of Notices Made in Accordance with Clause 45:

Department

Department Contact	
Address	
Mailing Address	

Service Provider

Service Provider Contact	
Address	
Mailing Address	

Schedule 5 – Special Terms and Conditions

Not Applicable

ATTACHMENTS

- JCP Youth BEAST Program Guide
- Youth Justice Model of Care
- Youth Justice Diversionary Services Framework
- Youth Justice Blueprint 2024-2034