PUBLIC

THE PARLIAMENTARY JOINT SESSIONAL COMMITTEE MET IN COMMITTEE ROOM 2, PARLIAMENT HOUSE, HOBART, ON TUESDAY 3 NOVEMBER 2026

RECOMMENDATIONS OF FINAL REPORT OF THE COMMISSION OF INQUIRY

The committee met at 9.00 a.m.

Office of the Implementation Monitor

CHAIR - (Ms Webb) - Welcome to today's hearing of the Joint Sessional Committee inquiring into recommendations made in the final report of the Commission of Inquiry into the Tasmanian Government's Responses to Child Sexual Abuse in Institutional Settings. Thank you for coming today to be part of the hearing. Please let me introduce to you members of the committee who are present today: online, we've got Jess Greene MP, Labor member for Bass, Cecily Rosol MP, Greens member for Bass. In the room here we have honourable Cassy O'Connor MLC, member for Hobart; honourable Sarah Lovell MLC member for Rumney, and; myself, Meg Webb MLC, member for Nelson.

I'm just going to make a statement at the start of this session because of the topic of the session. I'm going to recognise that the content of the hearing may be triggering for some members of the committee or members of the community watching online, or others who may come into the room or come into contact with this recording later. I'd encourage anyone impacted by the content matter in this hearing to make contact with support services; these include the statewide Sexual Assault Support line, which is a 24-hour support from local specialist counsellors; Sexual Assault Support Service or Laurel House on 1800 697 877; or 1800 My Support; Lifeline 24 hour Crisis Support 131 114; or Tasmanian Lifeline from 8.00 a.m. to 8.00 p.m. every day on 1800 984 434 or; 1300 Yarn, a 24-hour crisis support for Aboriginal and Torres Strait Islander people, on 139 276; or Relationships Australia from 9.00 a.m. to 5.00 p.m., Monday to Friday, 1300 364 277.

Also, I neglected to also introduce to you the fact that we've got some support in the room with us here: secretariat, Jenny Mannering, and we've also got Terry from Hansard there helping us. Thank you very much.

Now, after all that preamble, perhaps in the first instance, could you please state your name and the capacity in which you're appearing before the committee today?

Mr BENJAMIN - I'm Robert Benjamin and I appear as the Child Safety Reform Implementation Monitor.

CHAIR - Thank you, and would your other people at the table like to state the positions that they're appearing to us today?

Ms COOPER - My name is Kath Cooper and I'm the Director of the Office of the Implementation Monitor.

Mr ROBERTS - Hi, my name is Glenn Roberts and I'm a Principal Policy Advisor for the Office of the Implementation Monitor.

Ms PHILLIPS - I am Ella Phillips, and I'm a policy officer in the office as well.

CHAIR - Thank you all very much for that. Can you confirm that you've received and read the information for witnesses guide sent to you by the committee secretary?

WITNESSES - Yes.

CHAIR - Thank you. All evidence taken at this hearing is protected by parliamentary privilege, allowing individuals to speak with freedom without fear of being sued or questioned in any court or place out of parliament. I remind you that any comments that you make outside the hearing may not be afforded such privilege. This hearing is public, which means members of the public and media may be present. The evidence you present is being recorded and the *Hansard* version will be published on the committee website when it becomes available. This hearing is also being broadcast. Should you wish for some or all of your evidence to be heard in private, you must make that request to the committee, and the committee will consider your request. The committee is taking sworn evidence, so I'm going to ask each of you to take the statutory declaration in front of you there.

Mr **ROBERT BENJAMIN** AM SC, CHILD SAFTEY REFORM IMPLEMNTATION MONITOR, **KATH COOPER**, DIRECTOR, **ELLA PHILLIPS**, POLICY OFFICER and **GLENN ROBERTS**, PRINICPAL POLICY ADIVSOR, OFFICE OF THE IMPLEMENTATION MONIOTOR WERE CALLED, MADE THE STATUTORY DECLARATION AND WERE EXAMINED.

CHAIR - Thank you all for that, much appreciated. So, what we often do is begin with an opening statement, if you have one you would like to make. Then we would move on to questions from the committee. Would you like to make an opening statement?

Mr BENJAMIN - Yes, I would.

CHAIR - Excellent, thank you.

Mr BENJAMIN - Firstly, I'll add to your warning about people and the triggering effect. I knew that this was a public hearing, and I didn't know whether people would appear in person here and I understand one survivor may appear today. So, we have arranged someone to be available if survivors turn up and if they become distressed or triggered. Our office has somebody available to try and support that person who may be here.

CHAIR - Thank you.

Mr BENJAMIN - I won't need to introduce my staff - not staff, that's the wrong word - colleagues -

CHAIR - Team, yes.

Mr BENJAMIN - Colleagues and team, because you've done that. Although, I have some of my colleagues in the back, just in case I haven't carried enough paper here, they'll provide some more for me.

My colleagues and I acknowledge and pay our respects to the Tasmanian Aboriginal people, the original and continuing custodians of Lutruwita. We pay our respects to Elders past, present, and recognise the enduring connection of Aboriginal people to Country, culture and community.

We also acknowledge victim/survivors of child sexual abuse, including those who have suffered harm in institutional settings. We remember those who are not here with us anymore. I honour all of their experiences and pay tribute to their strength and resilience. The experience of victim/survivors and the lessons learned from past failures must remain central to my work, and our work, to create a future where all children and young people in Tasmania are safe, valued and protected. I'm grateful to everyone who has contributed their time, knowledge and experience to my office. I thank them for their generosity and for the trust they've placed in me.

I'll be about 10 minutes, if that's not too much trouble.

CHAIR - That's entirely fine, thank you.

Mr BENJAMIN - As monitor, I'm independent under my act. My job is to monitor, review and evaluate the implementation of the recommendations arising out of a number of inquiries, and I'll report to parliament through my report and being here today on progress, evidence supporting the progress, and where further work or actions need to be taken.

The inquiries are - and I'm doing this for the broader group - the 2023 commission of inquiry, the 2017 national royal commission, the 2021 Independent Inquiry into the Tasmanian Department of Education's Responses to Child Sexual Abuse, the 2022 Child Safe Governance Review of the Launceston General Hospital, and the 2025 Weiss Independent Review into Paul Reynolds.

Since I last appeared before this committee, there has been an important addition to my work. That's the Woolcott review led by the former Australian Public Service Commissioner Peter Woolcott AO, with the support of Radha Thomas. The review examined actions taken by the Tasmanian government in response to information and concerns raised by the commission. That report was tabled in parliament in two lots last year, one in November, one in December. On 18 August, which is about six or seven weeks ago, 26 of the Woolcott recommendations which the government supported, supported in part, or supported in principle were referred to me under my act under section 13 of the act. Those recommendations now form part of my ongoing monitoring responsibility, and they'll be addressed in further reports. They haven't been addressed in this one.

I want to be clear, however, that government agencies are responsible for implementing the reforms. My role is to assess that work and report on whether the changes are being put in place and are making a genuine difference in practice. I understand each of you has a copy of my 2025-2026 report, together with the accompanying companion document. May I - if I'm not going too quickly; I'll slow down, sometimes I rush - may I also commend our easy-read guide. For some, faced with a report of 100 pages - including me at times - having to read the whole report can be challenging. The easy-read guide is exactly that, and it's an easier way to absorb all that material. They provide detail about the monitoring, evaluation I've undertaken since I last appeared before you. It was tabled in parliament last week and is now publicly on my website.

The report this year does not simply record activities undertaken by government activity by government agencies; it goes further. My responsibility is to assess and independently consider whether the actions taken are consistent with the intent of the recommendations, and we may talk about intent a bit later. I suspect we will. Where I assess a recommendation is complete, I continue to evaluate whether the change is embedded in everyday practice achieving its intended outcomes. I welcome the opportunity to discuss my appraisal with you. But if something is said to be to be complete, I will be continuing to look at it. It's important to note that the reporting period ended on 30 June, and my annual report doesn't include the Woolcott review.

Looking ahead, I intend to deliver an additional report in early 2027 on the remaining 90 recommendations from the Independent Child Safe Governance Review of the Launceston General Hospital. I imagine that will be in the first quarter of next year.

A central part of my work is the implementation framework. Last year I had the delight of building a house and designing it as I was building it. Hopefully this time it's a much more structured and better way to do it. The framework sets out how I monitor and evaluate progress, and provide a consistent approach to assessing a large, complex program of reform. The framework helps me monitor beyond single actions and consider whether broader changes are needed to protect children.

An important point I want to make is that recommendations being marked complete, as I've said, does not mean it's finished. It means relevant implementation action has been taken. If circumstances change, or new evidence raises concerns, I can, and I will, revisit any assessment, including one previously considered complete or embedded.

A new policy, procedure, training program, or piece of legislation may be an important step forward, but their existence alone does not show that the underlying problem has been resolved. Where I have concerns about implementation of recommendations, or whether it's achieving the purpose, I intend to undertake, with some of them, deep dives this coming year. These deep dives will help me look more closely at whether the underlying intention of the recommendation is being met. I will consult with stakeholders to identify where more detailed scrutiny is most needed, and I suspect I will hear from you as to your thoughts on where perhaps I should direct my attention. It won't be made by me, by myself; it'll be made in a structured way.

As more recommendations reach completion, I intend to sharpen my focus on prevention and evaluating whether the reforms are as intended. Ultimately, the reform program is more than completing recommendations, it is improving the safety and wellbeing of children and young people, preventing abuse and ensuring that institutions respond appropriately when concerns arise. The experiences of victim/survivors exposed to serious failures in systems that were supposed to protect children - those experiences must remain central to our understanding of what went wrong, and what needs to change.

I recognise the importance of listening; listening to children, young people, families, Aboriginal people, service providers and other stakeholders. Their perspectives help me understand how the reforms are being experienced in practice, and identify issues that may not be apparent from government reporting alone. This work must also recognise the experience and needs of Aboriginal children and young people. These children are significantly over-

represented in both out-of-home care and youth justice. It is a serious and longstanding concern. Addressing this over-representation requires us to look beyond the individual recommendations and consider the broader systems and circumstances affecting these children and their families. Aboriginal children, their families, communities and organisations must have a meaningful role in shaping the approaches that affect them. Culturally safe services, respect for Aboriginal identity and connections, and genuine consideration of Aboriginal perspectives are essential to any effective and lasting reform.

Listening to people is important but engagement cannot be an end in itself. We need to consider what people tell us alongside other information, which means for implementation of reforms, and determine whether further scrutiny and action is needed. Words alone do not count.

It is also important that people who share their experiences with my office are treated with care, respect, and we are clear about how their information will be used. I can indicate to you that people come to my office, I can guarantee them anonymity and privacy, except in one respect - if I am told at a child or children are at risk or will be at risk in the future, I will always report. We preference children over adults, and we should do so.

My office has recently released a draft stakeholder agreement strategy for public consultation; that will guide my office and how to engage with children, young people, victim/survivors, Aboriginal people and other stakeholders as I continue to work.

I want to ensure that our response, our approach, is meaningful, safe and purposeful - I'll repeat those: meaningful, safe and purposeful - and that people understand how their perspectives can inform my monitoring and how I can identify change. Consultation is an important opportunity to hear from stakeholders and how we can strengthen this approach and ensure engagement contributes to better oversight and reforms.

Given the complexity, scope and extent of this work, I particularly wish to acknowledge and thank my team, both current and former members. They're a small and talented group and, in my view, are exemplars of state servants who work incredibly hard, often in relation to confronting and challenging stories. They support me and ensure that the work is completed and delivered on time. Their dedication is astonishing and I'm grateful for their efforts.

I also recognise too the work being undertaken by dedicated state servants who work hard to give me the information I need, and all of my actions so far have been pretty positive - well, most of them. But my responsibility is to form an independent view. Constructive relationships with agencies are important but they do not diminish my responsibility to identify gaps, raise concerns and explain where I am of the view that further action is needed.

This committee also has an important role, and I take this opportunity to acknowledge the work of the committee and the perspectives you bring, including your role in representing experiences and concerns of your constituents and broader community. I expect this committee to challenge me and scrutinise my work. You kept me up at night with your reports this year - it's not a complaint, it's an acknowledgement.

Given the breadth of my responsibilities, I may need to refer to notes. Where I cannot provide complete answers I'll provide them to you in writing afterward.

The commission of inquiry identified serious failures and made recommendations intended to bring about great change. The task is now to ensure those reforms are implemented effectively, lessons are learnt and that the changes are sustained. Ultimately, the test will be whether our systems are better equipped to protect children and young people, respond to when harm occurs and ensure that failures in the past are not repeated.

This year's annual report is the first to be informed by our framework. The framework provides a foundation to how I assess, evaluate and determine whether reforms are translating into meaningful changes. Before questions and if the committee will allow me, I'd like to invite Kath Cooper, just to provide a two-minute outline of the framework and how it underpins our work. Is that okay?

CHAIR – Thank you, that is absolutely fine.

Ms COOPER - Thank you, Robert, and thank you to the committee for your work and for the opportunity to speak today. As Robert indicated, this year's report uses our implementation framework to track and report progress across key areas of reform, including appraisal of 276 recommendations. We developed and published the framework in December 2025 as required under the act. It was informed by significant work by our team, particularly my colleague Glenn Roberts, and shaped through consultation with two advisory group made up of people with lived experience, community organisations, government agencies and regulatory bodies.

Put simply, the framework underpins the work of our office. It explains what we do, why we do it, how we monitor progress, and how we assess whether reform efforts are making a real difference. It also describes our approach to oversight, defines the indicators, evidence, measures, and data sources we use to assess progress; explains how agency performance is reviewed; and outlines how we communicate our findings. That final point is particularly important; providing clear and transparent information to the community about what is happening, where progress is being made and where challenges remain is a core part of our role.

At the centre of the framework is a theory of change that shows how our role and oversight contributes to improved outcomes for children and young people and supports long-term system reform. During development of the framework, stakeholders consistently told us that children and young people must be at the centre of decision-making; that a sustainable and better change is more important than simply completing recommendations; that the voices and perspectives of lived experience must be heard; and that strong oversight, accountability and transparency are essential. These themes are reflected in five domains that make up the theory of change and anchor our work. For each domain, we have developed indicators to track progress across both implementation of recommendations and broader system reform.

During 2026, we focused on establishing the framework and reporting against several of those indicators. In 2027, we will expand our data collection and reporting of indicators. This will help us better understand whether reforms are translating into practical changes and outcomes for children and young people. The framework will continue to be refined over time to ensure it remains relevant, robust and fit for purpose.

CHAIR - Thank you. I appreciate that. May I begin by congratulating you and your team for such a huge piece of work done so carefully and thoughtfully. We are well aware as a

committee, I think I can speak on behalf of all of us, of the enormity of trying to keep track of and reflect on and assess this huge body of work, of the implementation of these recommendations from the commission of inquiry. Let alone the other inquiries and reviews that you're also reporting on. It is an enormous challenge. It's Herculean, actually, and you've done an excellent job presenting it in a way that's accessible and readable. Thank you very much for that as a starting point.

I think we're likely to begin with some questions that are more probably general and overarching before we move on later in our sessions to things that are more specific to recommendations, but we're also open to a fairly organic approach too, so if we end up talking about things sooner than we might have otherwise, we will.

Let me begin with a question and it's really probably just to seek your reflection. At this stage now that you've gone through essentially a full cycle of a year with your implementation framework - your evaluation framework and produced a report that actually speaks to each recommendation. Is there anything about your role, your resources, your powers, your scope that you are now considering needs to be adjusted, improved, added to, or changed in any way? I want to start with a practical starting point around your role in your office and it's functioning and whether there now are things that you think are useful for us to understand that need to change or be different.

Mr BENJAMIN - That's a very open question.

CHAIR – It is.

Mr BENJAMIN - My office is now adequately funded and if you need some details of that, I can ask Kath to provide the details because in your third report you wondered how we were going in that respect. So, if you need the details, we can provide that to you. In terms of our roles. We've got a really good group. We've got a good system and pattern in how we attack our work both organically to get to a report and in terms of accessing stakeholders. We'll get better at that when our report comes out.

If we have a weakness, and my colleagues are now just about to faint that I'll raise something different, I think it's our broader communication to the Tasmanian people. I think we can do better in terms of that because if I don't speak to the Tasmanian people and let them know what I'm doing, how I'm doing it and where there are problems, I'm kind of stuck here once a year and, whilst I value being here, I think my role has to be greater given that independence. So, that's something I want to think about next year; how better to manage our communications.

As I said, resources, I think we're okay. It depends on how much more work is given to us and how detailed we can be in relation to the work. We can't be 100 per cent in respect of each and every recommendation, but we can identify where areas are and hit on those. Otherwise, if you spend too much on the reviewing problem, you don't spend enough on actually doing the work and it's that balance which has to be considered through. My powers are adequate and the scope of those powers is sufficient from my perspective.

Is there anything that I've missed out on that you can think of? Is there anything you want to add?

Ms COOPER – No, I'm happy to take questions on the budget submission or anything like that, but otherwise, no, I don't have anything to add.

Ms LOVELL - Following up on that, you have been sort of allocated a number of reports that contain lengthy recommendations as part of your work. I'm pleased that you're adequately funded for now. Are there any other kind of pieces of work on the horizon that you think might end up with you or can you see anything coming that you think might come to you for implementation or oversight?

Mr BENJAMIN - I don't know if I'll be asked to do anything in relation to the PIP act and the freedom of information stuff, the reports of Professor McCormack and Snell, when anything that will rise out of that. I'm assuming at this stage not.

The other one is your neighbours next door and the Reynolds review and Tasmania Police. I don't know if anything will come out of that. Those are the only ones I can see at the moment. There is some discussion going on at a federal level. I attended a roundtable with the state Attorney-General and the federal Attorney-General a couple of weeks ago where they talked about the role of the federal parliament in its 10-year child sex abuse strategy. They're reviewing that and I don't know if that will lead to additional work, but I'm keeping an eye on that and I'm being engaged in that.

I can't think of much else. It'll be interesting to see what the new children's commissioner's office brings up in the next 12 months. I anticipate - we now have the new children's commissioner, we're going to get, as I understand, an Aboriginal children's commissioner later this year or early next year and the advocate the following year. I imagine they will try and keep me busy.

Ms LOVELL - Yes, there are a number of recommendations that have sort of been waiting for that to be established aren't there?

Mr BENJAMIN – Absolutely. What I've formed with those other regulatory groups is a group - we meet regularly and we're hoping to use that so that we don't double up on stuff. First of all, it's a multi-door approach, so if anyone approaches me, I'll send it off to the Regulator, the Children's Commissioner or the Ombudsman. And, if we're going to do some deep dives, I'd probably raise that with that group and say, 'I'm deep diving in this area. Are you doing anything similarly or is there something we can add to it so that it better serves the community and the children?' So, do we have the resources? Yes. Can things expand? Yes. And if they do, I won't be afraid to ask.

CHAIR - Thank you. I know Ms Rosol has some similar questions in a similar area.

Ms ROSOL - Thank you, Chair, and hello, everyone. Still thinking about budget. Thank you for sharing that. At this stage, you say that you have the financial resources that you need. In domain two, you talk about embedding change into the culture of departments as one of the status categories against which you are assessing implementation, and cultural change and embedding that change takes a very long time. I'm just looking across the forward Estimates - I know that's a long way out with a few years, but time goes quickly. Clearly the government believes that less monitoring will be required in about three-and-a-half years, looking at the forward Estimates in their Budget. What are your thoughts about that long-term deep cultural

change, and what monitoring might be needed for the long term to make sure these recommendations really are embedded into our agencies?

Mr BENJAMIN - I have to do a five-year report commencing in two years' time. Part of that will be any recommendations I make as to whether my office continues for another five years or needs to wind up earlier. We've started thinking about that, started putting structures in place. My suspicion is that the work will increase rather than decrease over that time, because we'll clear the low-hanging fruit, to use a poor analogy, and get that out of the way. What will be left will be exactly as you said: the cultural change and measuring that change. Now, we propose to measure that in a number of ways. We were involved in the state survey this year. I intend to be involved in the state survey in two years' time, two years after that, and my successor after that, I would assume. So, we get that done. We're also going to do our own surveys, and I'll be talking with the other regulatory officers and see what surveys they're doing, and going to stakeholders.

So, we've got a whole range of activities which can tell us whether this is actually doing what we want it to do. The stuff we're doing now, a lot of it's mechanical - it's legislation, it's rules, it's policies, but it's whether they can deliver sustained change and whether, I think in our framework plan it's - we talk about 'embedded' as business as usual, am I right? Good. Doesn't often happen in my office, from time to time when I try to guess. That'll be a significant feature. And whilst the forward Estimates are okay for the next two or three years, I suspect they'll have to be reviewed after that time, because as you dig deeper and see where the barriers are, then we'll need to spend more time measuring that, and perhaps my independence will become a little more obvious in those years than have been in past years.

Ms ROSOL - Thank you.

Mr BENJAMIN - Does that adequately address your question?

Ms ROSOL - I think so. I think what you're saying is that forward Estimate budget will need reviewing based on where things are at, but cultural change takes a long time and needs to be monitored and assessed for a long period.

Mr BENJAMIN - I think that's one of the reasons the commission of inquiry suggested this monitor role be set up for 10 years, because recognising that very circumstance.

CHAIR - Ms O'Connor?

Ms O'CONNOR - I wanted to talk to you broadly about the budgetary situation that we're in, noting, for example, that the Department for Education, Children and Young People faces a cut of around $230 million over the next four years, and that's the agency which has, as you acknowledge in your report, a very significant task ahead of it. And this goes to the sort of operational aspects of implementing the recommendations. Are you concerned that DECYP faces a budget cut of that magnitude at a time when it has this significant task in front of it?

Mr BENJAMIN - The answer is clearly yes. I was going to say something at the end of this to conclude, but I might say it now because that -

Ms O'CONNOR - Get it off your chest, Mr Benjamin.

Mr BENJAMIN - Really strikes the home of where we are, and if I can say this -

CHAIR - Take a moment to find the spot, it's fine.

Mr BENJAMIN - The areas you've addressed are very close to my heart. About 45 years ago, as a young solicitor, I was appearing as a children's court duty solicitor in New South Wales. A child less than one week old was brought into court by a social worker. I was to act for her. The child was placed in out-of-home care in New South Wales. Given that child's circumstance, that was the only available outcome at that time. However, I knew that NSW out-of-home care system was, at that time, dreadful, and that the chances of that newborn child having a good life and thriving were quite remote. Professionally, I felt hopeless and inadequate, and personally, I struggled in terms of the bleak outcome for that child. This case haunts me to this very day.

The 2017 royal commission observed that children living in out-of-home care are uniquely vulnerable to child sexual abuse and other forms of harm. While I'm deeply committed to the safety of all children in institutional settings and, more broadly, I would like to make some particular remarks about out-of-home care, since the commission of inquiry there have been significant increases in funding for out-of-home care, including for further child safety officers, which is a good thing. However, the commission identified that out-of-home care has been chronically, and I repeat the word chronically, underfunded by successive governments for some time. On this basis, it is my view that, despite the recent investment, grossly inadequate funding has been provided to the Department for Education, Children and Young People (DECYP). It's my understanding, as you said, that they're required to provide savings of about $200 million. I am worried about how this will impact on the outcome of children across our state, especially that in out-of-home care.

Despite the best evidence of the leadership of DECYP, children and young people, I know, including babies and toddlers, continue to be placed in state care at a steady rate despite a national decrease in the numbers of people willing to, or be able to, open their homes and hearts to foster care. In my view, the department needs to be funded to recruit and train carers and child safety officers who play crucial roles in nurturing and caring for some of the state's most vulnerable children and young people.

Additionally, without adequate investment in prevention, early intervention and Aboriginal-led approaches, the system will remain under pressure and children in care will miss out on the support they need. While fiscal restraint may be necessary, these savings will inevitably preserve a low and inadequate funding identified in the commission of inquiry and adversely impact on the out-of-home care reforms.

The commission of inquiry set out a reform platform to better look after children in out-of-home care. These children are invariably at far greater risk of neglect, family violence abuse, and including child abuse.

DECYP, to its credit, has taken up the commission of inquiry's challenges. They have a minister in Jo Palmer whom, I believe, genuinely cares about children, and they need to be both protected and enabled to thrive whilst in out-of-home care. DECYP has an experienced and determined and dedicated secretary in Ginna Webster, who continues to advocate for children and fought for some of the recent funding for the additional safety officers. Further, she's assembled a very talented group of state servants who have the knowledge, experience and

capacity to make serious and positive differences for these children. What I am concerned about is that these state servants do not have the financial resources to put in place the processes and practices, and do what is needed to properly address the needs and aspirations of these children. If you allow me, I've got about another two minutes.

For Tasmanian people and their parliaments who provide the money, the present savings will be minuscule in terms of the future cost for these children during their childhoods, adolescence, and into their adult lives. Proper funding of out-of-home care is not only necessary in real human terms, but consistent research demonstrates that it is sound and effective economic policy. I'm hoping to bring some social scientists over early next year to talk about what the cost is if you don't do something and what the cost is if you do something. It's a need to look beyond the next election cycle and look well into the future. Further, if the state does not fund the work, these talented state servants are likely to drift away to more rewarding work, and our children will suffer. The hopes of them given voice by the commission of inquiry may be lost. I'm no longer hopeless or helpless. Further, I'm not alone.

I note this committee, in its third interim report of 27 August, expressed ongoing concerns that the reforms are not adequately funded, and I join with them in those concerns. I intended at the end of this session to urge both the government and parliament to properly fund out-of-home care. This should not be done by requiring DECYP to fund reforms through defunding other programs such as education, child protection and youth justice. 'Robbing Peter to pay Paul' is not a solution. Out-of-home care funding requires new money.

I thank the committee for challenging me in relation to this. Those are my thoughts.

Ms O'CONNOR - Thank you, Mr Benjamin. The picture you paint there is one of significant vulnerability to the children and young people who the commission of inquiry made those recommendations for in order to protect.

Have you spoken to the minister - and I think we can all agree she has a very good heart - and the Secretary about what you describe as a grossly inadequate level of funding, and the risk that poses to children and young people, but also to the reform agenda?

Mr BENJAMIN - I have not spoken to them directly as I have to you today. I have spoken of my concerns, but I took my time to look at what the funding was, and where the funding was, to look at what was happening, and I suspect this is the first time that I've spoken so frankly and publicly in relation to that, because it needed to be said and needed to be said in a broader way.

Ms O'CONNOR - Can you unpack just a little bit for the committee when you say you took the time to look into that funding question alongside that body of recommendations that you have oversight - what did you discern from having a good look at the impact of those cuts on, particularly, children and young people in out-of-home care?

Mr BENJAMIN - Just get some papers that, in fact, came in this morning.

Well, let me start this way. We made inquiries of Treasury in relation to the funding arising out of the recent state Budget. I have, and my office has, sat down and looked at what the proposals are by DECYP in relation to out-of-home care. There was a -

CHAIR - Take a moment to find the information you're looking for. It's not a problem.

Mr BENJAMIN - In recent days or weeks - well, let me just go through in dealing with it in that way. We're working through information provided by Treasury to better understand how the commission of inquiry funding has been allocated across agencies and how funding profiles have changed. I acknowledge that sometimes agencies make an ambit claim for funds and they're not received. Sometimes they make very valuable claims. I'm not criticising in any way, but I'd like to know what they're looking for and set that off against what they're getting.

While analysis is still underway, we are, as I said, concerned that DECYP, in particular, will have significant challenges for full implementation of the reforms. They published their recent *Bright Lives: the Roadmap to Uplifting Care*, which is really quite well thought out but that can only be done if the funding is provided to do the things that are there.

It's too early for me to reach a definitive conclusion as to what is actually needed, but I can make and have made those general observations. As I said, I don't think the funding is sufficient and on a scale to enable the reform to really continue - or not continue, to 'thrive' is a better word. What I'm hoping to do next year is to do a deep dive into funding. That's one of the things I'm contemplating. I'm not an accountant, I'm not an economist, so it needs to be done in a careful and thoughtful way. There's no point in me pointing out a problem without coming back at some stage and trying to give some sort of solution to that problem. Does that assist?

Ms O'CONNOR - That does assist. At some point we might talk a little bit about that Treasury advice to you, but I'm happy to move on for now.

CHAIR - Ms Rosol, did you have some follow-ons from that also?

Ms ROSOL - I do, more around the nuts and bolts of it. Thank you for what you said there, Benjamin, I think you've laid it out pretty clearly - the importance of funding and the issues being faced. You may have covered some of this already, but you talked about wanting to understand agency budget bids. Were budget bids provided to you when you saw information from departments or are they something that you'll need to go back and follow up on? Just wondering if you got the information that you needed for that assessment?

Mr BENJAMIN - We've got the information that I've requested. Whether that amounts to the information that I need, I'm not sure. The departments, both DECYP and Treasury, have provided the information we've requested. But I still don't have the capacity in my office yet to work out whether what is asked for is appropriate, whether it understates or overstates, and I am not in a position to accurately describe what's provided on a dollar-for-dollar basis except to know that it is insufficient.

Ms ROSOL - Thank you. As well as the information that you were provided with, did any agencies raise concerns with you about funding and resourcing or highlight any actions they wouldn't be able to take because of budget cuts and resourcing issues?

Mr BENJAMIN - I have spoken to bureaucrats or state servants from those, and I've asked that question and some of the answers have been positive, some have been negative. I think for agencies, they endeavour to be frank and fearless but in a time of fiscal restraint - I'm just putting my words together because - I garner information from all sorts of sources,

some confidential, some publicly available, so that's about as far as I can go at the moment. I've been looking at this for about 18 months because I've had those concerns from day one. I've been asking people but I don't particularly want to identify who they are. Well, I won't identify who they are.

Ms ROSOL - Thank you. I had another question that kind of fits with what you were saying there, and my question is: what freedom do agencies have to raise their concerns with you, in your opinion, and what restraints do you think that are placed on them about being honest with you about the impact of budget and job cuts?

Mr BENJAMIN - I have no doubt that agencies are honest with me, as far as - are honest with me. I have no doubt about that. I have not struck agencies not being frank in their discussions with me. My mother used to describe me, when I went out in my teens, as never, ever misinforming her, but being economic with the truth. I think I'm told sometimes what I need to hear, or what I need to be told, and I need sometimes to dig a bit deeper to find out where things really lie. Public servants are that which are servants to government, and their job is to implement government policy. My job is to dig as deep as I possibly can and find out if these reforms can be genuinely addressed with the funds that are provided. I'm sorry if I'm being a bit opaque -

CHAIR - No, that's totally fine.

Mr BENJAMIN - Although it wasn't opaque earlier, I don't think.

CHAIR - No, I think there was a lot of clarity in that. One of the things, of course, that we know is that - and you've spoken mostly about funding to agencies and funding bids from agencies here - but you mention in your report quite specifically that it's also the community sector organisations that play a critical role in this reform agenda, and supporting children and families in our state. We know that the community sector have raised significant concerns and alarm about the funding situation that they face in the current budgetary environment. Is that something that you're interacting with, the community sector organisations and their peak bodies in this context? What more can you do to be a voice for funding in that space?

Mr BENJAMIN - First of all I'll go back, I need to clarify something. I've asked for Treasury information, I have not yet asked for the budget bids by various government agencies, although I believe I can ask for those when I need them and when I have the information against which to compare them.

In answer to your question, I do engage with groups such as SASS, Laurel House, the Alliance, to look at their workloads and look at how they're managing them. We know that they have an increasing returns each year, but I'm not sure, and I'll get more information on this at a later time, whether they're meeting the increasing demand as we discuss this subject, and so that, whilst their resources are provided at a good level, I don't think it addresses the increasing demand.

CHAIR - I was thinking also beyond just those directly funded organisations like SASS or Laurel House who are very deeply engaged in this work, but thinking more broadly about that community sector context of the whole raft of organisations that provide support services to families and to children and young people - particularly even into the out-of-home care space that you were mentioning earlier about your concerns there around funding, and given that

we're under the recommendations looking to shift across into the non-government sector with our out-of-home care system. It's the community services sector, that non-government sector, that is going to be bearing the brunt of a lot of this, and is already very much highlighting and raising the alarm about funding levels.

Mr BENJAMIN - Can I give you a better answer to that after the morning break?

CHAIR - Absolutely.

Mr BENJAMIN - I need to think about that to give an accurate answer, because I've gone off-script enough at the moment - not that I had a script - but I'd prefer to think through the problem, the effective answer to that, rather than guess.

CHAIR - Not a problem. Thank you. Any other questions from members on this area before we move to other areas?

Ms O'CONNOR - I do want to check on the advice - on page 54 of your annual report you talk about your concern, your recognition that decisions about budget allocations are ones for government, but noting your concern about potential cuts and changes to staffing in order to implement the recommendations. You referenced earlier that you'd sought some information from the Department of Treasury and Finance. Are you able to provide us some more detail on what that information contained and was it provided to you reflected against the recommendations, or was it simply - not that it would be a simple document - but was it simply about each agency's budget allocation and the possible FTE staffing cuts that might arise from that?

Mr BENJAMIN - I'll defer that question to after the break as well because I'll need to sit down with Glenn and look at precisely what we ask for and what we received, so I can give you an accurate answer to that.

Ms O'CONNOR - Would it be inappropriate to ask if the committee can see that advice from Treasury and Finance?

Mr BENJAMIN - I would need to check and to see whether - how it was provided to me. Some material is provided to me in confidence, or the substance is provided in confidence, and others is more broadly available, but I'd need to check that before I gave an effective answer.

Ms O'CONNOR - Thank you, but you sought that advice based on your concern about the impact of funding cuts across agencies that were charged with delivering on the recommendations.

Mr BENJAMIN - Yes, as I am concerned with the machinery of government changes. There are some good things coming out of that, there are some bad things coming out of that, and I haven't yet come to a final conclusion on what the overall impact will be or is. I don't know that I'll know that until next year, because at the moment, we're seen those changes being put into place. I can see the good things, particularly with DECYP, and I need to analyse that much more carefully to see whether that was a sensible change to more effectively use the resources of the state, and how that will arise. Was there something?

CHAIR - It's very interesting to me - I think it's no doubt very challenging, actually, to government, that you're taking what I think is a very rigorous approach here where you're flagging that what you'll be doing going forward is looking to get information, not just about how things have been funded in a budget, but looking at what was requested in order to provide certain services and supports and then what they ended up getting and how those compare to each other. That seems to be what you're suggesting is your approach going forward, which is, I think, given what we know to be the challenging financial situation of the state and the inclination to cut a lot of things, a really important way for you to be a champion for these reforms to be supported properly.

Mr BENJAMIN - Absolutely, and I have to be careful because I don't know how budget bids are framed. I assume they're framed with very, very good intention, and I don't know what the history of it is, so I'd need to talk to people in relation to that. I think I used the term 'ambit claim', that's probably a poor choice of words, but I still have to make sure what's being sought reasonably meets the expectations, and then I can measure that against what is provided.

CHAIR - Eventuated in the end.

Mrs GREENE - Just still on that budget question, essentially: are you satisfied that Treasury is really prioritising what the long-term benefits would be of actually investing in child safety?

Mr BENJAMIN - The answer is I don't know. I had a meeting with a professor in Adelaide earlier this year who'd done some research, which I'm happy to make available to this committee, on about 700,000 children who had been involved in out-of-home care, youth justice and the like over some 30 or 40 years - measuring the cost. I think that material is available in other forms, but I'll share that with you because that supports the notion that I raised earlier on that: it's not only good in the human role, but it's also good in terms of government expenditure, that the money spent now will have a profound impact into the future.

CHAIR - It's an actuarial approach, essentially, isn't it? In that way.

Mr BENJAMIN - I'm not an actuary, so if I start talking about actuarial approaches -

CHAIR - I'm not either.

Mr BENJAMIN - I'm likely to get lost.

CHAIR - Me too, but that's the idea.

Mr BENJAMIN - Her information, or the expert's information, was good. And as I said, I'm hoping to bring her out, and I'll make available to you that material -

CHAIR - Thank you.

Mr BENJAMIN - So we can see how that investment now can perhaps give rise to not needing another commission of inquiry in 10 or 15 years' time.

One of the interesting things I read earlier this year was a book on Point Puer and Port Arthur and the children we brought out here in the 1800s, and how that led to Tasmania

creating, in the second part of the 1800s, a really good social safety net because of the damaged individuals we had brought out here and how we looked after them. I see similarities to what we're facing at the moment, in a broader sense, that we're in a time of enormous social change where sometimes children will be left behind through poverty, substance abuse and other social issues, where if we spend a little money now - well, not a little money, I'm probably talking about a lot of little money - but we can better serve Tasmania in the future. So, I'm lifting my eyes a little bit and perhaps I'll be told to bring them back in due course. But I think it's worthwhile considering where we are and where we're going and the massive changes that the industrial revolution brought and now we're in the changes of a massive technical revolution, which will change the way we work and think and operate.

CHAIR - Mrs Greene, did you have follow on from that?

Mrs GREENE - I do, but you also mentioned the machinery of government changes and some of your initial concerns. Can you outline what they are?

Mr BENJAMIN - Yes, I think I've got some notes on that somewhere. We made some notes on that because it's obviously a significant factor. Addressing child sexual abuse is not the responsibility of a single department; it requires the whole of government effort, with all agencies playing a role in implementing the commission of inquiry reforms. So, I'm monitoring those changes quite significantly. Any such change involves implementation risks, particularly around maintaining momentum, preserving institutional knowledge and ensuring clear accountability. There may be some initial transitional challenges, however, it may be important to assess the impact over time, and my office is in fact doing that - and I think I raised that earlier on. There are potential benefits. DECYP, which is our children's agency in many ways, is responsible for delivering a number of frontline services to children, young people and families, and has direct responsibility for many of the commission's reports, as you indicated earlier. Locating and coordinating functions within DECYP may create opportunities to better connect reform oversight with services delivery and operational knowledge. The key consideration will be ensuring that the strong whole-of-government perspective is maintained.

I saw some research earlier - just trying to find it -

Mrs GREENE - Just while you're looking for that, I also just wanted to know: did the government consult with you about the machinery of government changes and the impact that it may have on the recommendations?

Mr BENJAMIN - I was notified about those changes one or two days before they were implemented.

Ms O'CONNOR - Not consulted? Notified.

Mr BENJAMIN - I think that's - yes. I came across a paper prepared by the New South Wales Bureau of Crime Statistics and Research where they were trying to predict first criminal justice contact before the age of 18 years using a large linked administrative database. I think that means they're using AI, but what they did do, which struck me as really clever, was that to find out information they collected a lot of data that they already had, including data in New South Wales from the Registrar of Birth, Deaths and Marriages as to the age of people; the Department of Communities and Justice; the New South Wales Police Force; the New South Wales Ministry of Health; the Department of Education; Revenue New South

Wales in terms of fines and the like; and the New South Wales Education Standards. They came out with a whole series of predictors as to where troubled young people can be found, so it gives policymakers and policy implementers the power to intervene at earlier times.

That's why when I talk about the whole of government approach - DECYP are focused on children but we have data everywhere available if we can use it and apply it well, or if we don't want to do that, we can look to other states and look at some of their research which is probably going to be consistent with ours, in any event.

I'm reminded, as I said at the start, it's too early to determine the impact of the machinery of government changes. As I said, I can see advantages and I can see disadvantages.

Ms O'CONNOR - Just quickly on that, you said earlier that there were some good things that could come out of the machinery of government changes - and we can all acknowledge that - but you did say there are potentially some bad things -

Mr BENJAMIN - Yes.

Ms O'CONNOR - and if you could flag with this committee what those things to look out for are in the machinery of government changes, I think that would be helpful, particularly given that a lot of it's happening behind the scenes by its very nature.

Mr BENJAMIN - I think the things that worry me at the moment - and I haven't been able to measure them, bear in mind - is the following: the slowing of reform, that when you move something from one agency to another, that is likely to slow reform, that I can't measure that at the moment; the impact on victim/survivors' trust in the system that, that at one stage they could feel they went to the Premier's department and felt that was important to be heard; the maintaining momentum; preserving institutional knowledge; and also who's accountable. There are those sorts of things but, as I said, there are good things too.

I can tell you, I was not that enamoured initially with the merger of Education and Communities but in many ways, looking at those very smart state servants, they're actually feeding off each other and seem to be doing some good things by bringing education into out-of-home care and youth justice, so I don't want to be a bearer of bad tidings. I think some things seem to work okay and it's measuring those and, I guess, that's my fundamental job. I've sailed off into philosophy a bit earlier on, but my job is to is to see how they're operating, and that's going to take time and thoughtful measurement, both in an empirical and other senses.

Ms ROSOL - I know in your report that you said that only one recommendation was contested in your assessment, but this morning you've talked quite a lot about the negative impact of funding cuts in out-of-home care in particular. In your mind, where's that line and at what point does that mean that recommendations aren't being implemented, and when would you assess them as contested in this situation?

CHAIR - Can I just clarify the question? Do you mean in relation to if funding were to become a factor in how the Monitor assessed whether the regulation had been implemented? Is that what you meant, Ms Rosol?

Ms ROSOL - What the Monitor has said - I was jotting down some notes - he said that there's grossly inadequate funding has been provided to out-of-home care over a long time and

he's worried about the impact of $200 million in savings or cuts, especially in out-of-home care, that this will adversely impact on the out-of-home care reforms. At the moment you're assessing that the reforms are going okay. You haven't contested any of the departments of DECYPs own assessments of their progress on implementation. If DECYP is underfunded and out-of-home care remains underfunded, at what point do you draw that line and say, well, this is contested and these recommendations aren't being implemented as they should be? It sounds like you don't think it's there yet, but how worried are you? I mean it sounds like you're very worried. Where do you see yourself crossing over and saying, 'Well, this isn't being done the way it should be'?

Mr BENJAMIN - Could I ask Ella to address that question, at least in part, and then I'll come back in at the end if that's okay.

Ms PHILLIPS - Thanks, Ms Rosol, for that question. What I can shed a bit of light on is about that contested status. I just want to be clear that the contested status reflects the end result where we did an assessment - well, first I should go back a step. We requested information from agencies and they nominated their own self-recorded status. We then looked at that status and we made our own assessment about what we thought the actual status of the recommendation was, and that's an independent assessment, of course. What we did was, particularly given this was the first year that we've rolled out our framework, and appreciating that agencies might not have knowledge of what the benchmark breached status was, we then let the agency know what our assessment was, in all cases, even where that differed from the agency's assessment. We invited them to change their own assessment to reflect consistently with our assessment. Where that recommendation was contested, that reflects where the agency didn't want to change that status to match our assessment.

We thought it was an important exercise of accountability as well where the agency has the opportunity to say, 'Yes, okay, I agree, this isn't completed'. Although there's only one contested recommendation, I think that a more an accurate number would be about 30 or so commission of inquiry recommendations where we didn't arrive at that same assessment in terms of the status categorisation of the agency. However, in all occasions, except one, that agency then decided to change their status to reflect ours. I just wanted to shed some light and just make it really clear that it wasn't only one recommendation from the Commissioner of inquiry that our office didn't agree with the agency on, there was a larger number and that one just reflects the circumstance that the agency didn't want to reflect our status.

In terms of the out-of-home care recommendations, what I would say is that, compared to some other areas of reform, out-of-home care is an area where I think you could safely say there are fewer recommendations that are currently assessed as completed, if you looked at that chapter alone. I appreciate your remarks in terms of 'We haven't contested, it looks on paper that we haven't contested the status of those recommendations', but I think if you look closely at the status and the progress overall there are fewer that are completed from that chapter. I think in part, in terms of out-of-home care in particular, some of the changes are so complex and, if I may, the status categorisation is just one way of measuring change, and it's one way of measuring progress, and particularly in out-of-home care, some of these changes are so complex and from where we were at with the commission of inquiry, we have seen considerable progress. I think you could say that, but I think it's a fair assessment to say that there is still a long way to go.

CHAIR - That's a really useful explanation to have, and it's interesting to hear that in around about 30 or so cases there was that difference in assessment between what the agency had put forward and then what had been assessed by the Monitor, and that in all cases but one they readjusted. I'm imagining - and perhaps you could sort of - and again speaking broadly, not specifically about any individual one - but would that generally have been a situation where the agency may have assessed it as complete and then the Monitor has assessed it as in-progress still, and therefore it was adjusted back to still being in-progress?

Mr BENJAMIN - In terms of the number, I'll defer to Ella, but many were the issue between whether it was substantially progressed or complete, and we were looking for two things: one, for someone to check and test our rationale, and, as Ella said, many fell back in line with what our assessment. Some came along and said, 'Look, hang on, here's some more evidence,' and, 'Here's some more material, which may cause you to review your decision', and we did that on a number of occasions.

I mean, we don't set up a wall. We're trying to find out where it genuinely is. Sometimes agencies are a bit optimistic, or genuine minds can disagree on the same set of facts of what the outcome is. As Ella said, having the ladder is good, but if some information comes along to us which shows we have something on the ladder which shouldn't be at that level, it should be at a lower level, we will be open, with evidence and with information, to changing those roles or those levels.

Ms COOPER - Can I just add, it was also the first time that agencies have self-reported against our status ladder, so standing up the framework this year and working with agencies to understand the differences between the reporting for our framework and how they previously reported, there was a bit of a nuance there, I suppose I'll just add.

CHAIR - As I hear you describe that process, I'm not judging that there was anything wrong with the agencies and the way they're approaching it and it demonstrates, I would have thought, quite a positive engagement by the agencies with your office and your team on this with the willingness to then make adjustments and better understand what the expectations were, which actually sounds quite positive.

Ms PHILLIPS - And is it okay if I just add before that appraisal process took place, as well, we have a process where agencies can also seek our advice about recommendations and that might be, are we on the right track, particularly given Mr Benjamin's expertise being a former commissioner. We found that many of the agencies, particularly DECYP to their credit, are engaged really proactively with our office to get an understanding of what the completion point of various recommendations looked like before that appraisal process, so that going in we were more likely to land on the same page.

I think that that showed a lot of really positive good faith, and I think that that process ultimately meant that there were less disagreements about the status. Even though there was that 30, there could have potentially been 60 or more, for example, but I think agencies engaging with our office really positively in that way meant that that number wasn't as large.

CHAIR - I saw that noted in the companion document, which goes through each recommendation. There were numerous instances where it was noted in your notes about the fact that the agency had sought advice or input into what it would look like to complete that recommendation to help inform the way they took it forward, which does sound positive.

Ms O'CONNOR - Do we have some detail on what DPAC recommendation, that one recommendation that wasn't agreed is completed before we move on?

CHAIR - It's 21.4, I think, isn't it?

Ms PHILLIPS - Yes, that's correct.

Ms O'CONNOR - There's just a bit more - just talk about how the nuance played out there and how it landed where it did.

Ms PHILLIPS - Yes, so this recommendation 21.4, this is a recommendation to do with funding for specialist sexual assault services, and specifically, I think, in terms of our appraisal of this recommendation, what you found is that - and I'm sure this committee can appreciate it - when a recommendation talks about adequate or appropriate funding it is a difficult assessment, to be honest, for our office to make that judgement call. I will say it is a bit of an evaluative judgement. That's where, I think, there's so much richness in talking to those services to understand, 'Hey, what's your funding looking like?' Then also talking to government and getting a well-rounded understanding.

In terms of this particular recommendation, there are a few sub-elements as well. I think, ultimately, even though the agency had assessed this at a higher-level, our rationale for not being able to go any higher than we did, which was in-progress, was on the basis that we just had insufficient evidence to make that call that the funding was adequate to reduce those waitlists. From memory, that's what this particular recommendation is talking about - funding specialist services to reduce waitlists.

Ms O'CONNOR - Have we seen any evidence of waitlists reducing?

Ms PHILLIPS - I think this is the difficult thing, and I can appreciate - with many of these funding questions what you'll find is that the funding sometimes does increase, but so does the need, the demand for the service. I think particularly for this one, the demand continues to increase. I think from the agency's perspective, the budget process had been closed for this period, and they were of a view that this would be considered as part of future budgetary processes. So, ultimately, in terms of increasing the funding for this recommendation, and for specialist service providers, that would, of course, be a matter for government and not the agency. So, I'll just be clear on that.

Then in terms of lowering the wait times: we do understand that the department has and will be working with the service providers, specifically SASS and Laurel House, to try and bring those wait times down. As I understand, that is being delivered through contract arrangements, and there's provisions in contracts to try and lower those wait times. I think - I don't have the information in front of me, sorry - SASS's stepped program is also something that the department mentioned, in terms of something that the agency would like to work with SASS to understand how that might work to lower wait times. So, that's a program that, I think, they would like to pilot.

So, I would just be clear that the agency, by no means, thinks the problem is fully addressed, and I think we can all recognise that. But I think the assessment just ultimately drew

on different landing points, and I think in terms of the funding, that would be a matter for government.

CHAIR - Thank you. Ms Rosol, I noticed you've got the hand up on the screen. Is that to continue this same line of questions, or can I move? I'm going move to another line then myself, if I might.

You mentioned, in some remarks earlier, that one of the risks of the machinery-of-government changes is a slowing down, potentially, of things moving forward with implementation of the recommendations. One of the things that I had noted reading your report was for many recommendations, timelines have been bumped out. In some instances, in notes that you've made against your assessment of them, you acknowledge that there's been valid reasons or factors that have caused that, perhaps, or influenced that. However, in many instances there is no apparent explanation, or particular circumstance, that explains why a timeline has been bumped out.

So, one of the things that struck me as I was reading was - it's not clear to me, reading your report, whether you think that, broadly, perhaps for many recommendations, these timelines have gone out in a way that is not justifiable. I wonder if that is of any concern to you or whether you have been interacting with agencies about this bumping out of timelines where there doesn't appear to be a particularly robust reason presented?

Mr BENJAMIN - I start that answer by saying this: that philosophically, my view is that we get it right rather than stick to artificial timelines. The timelines were set up by the commission of inquiry probably in 2022-2023, and I'm bound by statute to reflect on the recommendation and the timeline. And I try and do what statutes tell me to do, it's a good start, but philosophically, I just want them to get it right rather than run to a particular time. In the annual report - I think it's at page 78, I can't find it now - but there's a provision which says this: that the commissioners took the view that timeliness was important, but if there needed to be an adjustment to that timeliness, that the agencies and government could talk to the Monitor and the Monitor could adopt a different timeliness approach. So, at the moment I'm not that fussed that things aren't being done precisely in time. I can't let things drag on forever, but I'm seeing really good progress in a lot of the things, and I don't want people to rush to some artificial timeline that was set two or three years ago which may not be sensible. Also, sometimes it's necessary to adjust priority of things -

CHAIR - Or sequence of things.

Mr BENJAMIN - Or sequence of things - that is a better word. So, I'm not likely to let matters drift forever, but I'm not going to be bound by the strict timelines that were created some years ago.

CHAIR - I guess one of the things I wonder about is: how will we know, as readers and as an oversight group here in the parliament of your role - when you're concerned about the government dragging its feet, for example? I think there's probably views around the committee table that, looking back at various times, we would've assessed the government as dragging its feet on some things, but that's not evident as an assessment from you in your work. Is that because you don't observe that they've dragged their feet on anything or that, at the moment, overall, you're happy with progress?

Mr BENJAMIN - Well, I'm fairly confident that survivors and some of the stakeholders are concerned with the rate of progress, and I acknowledge that. I hear that quite regularly. I also know that this is a massive change, and trying to get things done in an orderly and sensible way is difficult. So, there'll be two ways you'll pick up. Firstly, I'm still bound to report to you and to the parliament and the people of Tasmania each year how we're going against those timelines. So, you can see that. Secondly, if I form a view that there is significant lethargy and that the delay is not warranted, I will report it. And I'm fairly confident that survivors and the stakeholders will let me know when things are taking far too long. So, it'll be an analysis by me, I'll report on those analyses, and I'll give my view, hopefully, in my annual reports. Probably in my five-year report it would be a significant feature. And I have no doubt that you will ask me questions about particular instances from time to time.

CHAIR - We'll probably get to specifics later, I think.

Mr BENJAMIN - I suspect so.

Ms LOVELL - Just a follow-up question. We've had conversations with you before about that kind of resequencing of some recommendations and why that might be necessary and practical. Have there been any formal discussions, or discussions about specific recommendations where that might need to take place - have any of the agencies sought your opinion or your, for want of a better word, approval of the resequencing? Is there any way that we can sort of track that, given that what we've got is the recommendations with their original timeframes and some changes to that, but to give us confidence, I suppose that that has been part of a strategic conversation with you?

Mr BENJAMIN - I do have those conversations. One in particular that springs to mind is in relation to the changes to the *Youth Justice Act* and how that applies and how that will apply in terms of when the Pontville facility, if and when the Pontville facility gets up and running. And that has brought about other changes, and I can't think of the particular circumstance, but those are the types of discussions that I've had and continue to have. Do we have any particular examples you can think of, Ella?

Ms PHILLIPS - Yes, well there's a number of examples, like the *Teachers Registration Act* as well, sequencing - I would say a lot of the out-of-home care recommendations, those have had to be sequenced. I think harmful sexual behaviours, that framework had to come forward for a lot of the policy work that falls beneath that, and that was a Phase 3 recommendation. I think things like raising the minimum age of criminal responsibility, they're bringing that forward with the *Youth Justice Act*.

So, some things are being pushed back, and some things are being pushed forward. There definitely is that resequencing. Where possible, we have tried to capture that in the appendices, where the recommendation sits, underneath that Implementation Monitor's view. You can appreciate, you know, there is a desire to understand where that has been requested by the agency and when Robert has provided some level of assurance, And we have, as best as possible, tried to capture that this year, but I think we'd probably have to take on notice in terms of trying to develop a different approach, or sorry, an easier approach for people like yourselves to understand that.

CHAIR - I'm mindful that we've arrived at 10.30 a.m. and that was the time we had nominated as our first break time, so thank you so far. Given that you've also endeavoured to

take some questions on notice to come back to us about after the break, I'm going to set us a 30-minute break. So, we will have a break until 11.02 a.m., and we'll come back to the table.

The committee suspended from 10.30 a.m. to 11.02 a.m.

CHAIR - Welcome back. We're resuming our hearing today and I think the first matter we're going to go to is some follow-up answers that you had for us on questions before the break.

Mr BENJAMIN - Yes, can I ask Kath first of all just to provide a bit of clarification in relation to my office's budget?

Ms COOPER - Thanks, Robert. I just wanted to clarify from the previous conversation around our OIM budget. We did put a budget submission in, and the Premier confirmed additional funding to our office, but that's not reflected in the 2026-27 *Appropriation Act*. So, I just wanted to clarify that and that my understanding is that the 26 – sorry, my understanding is that the 2026-27 - that the budget moving forward for our office will include the additional funding that we've been – that has been confirmed in writing. So, does that make sense?

CHAIR - No, I just want -

Ms COOPER - I just wanted to clarify that the current -

CHAIR - Thank you. I do want to go through that in a bit more detail then just so we're really clear. So, you had a budget allocation. Further funds were required. You requested them and were granted further funds?

Mr BENJAMIN - Yes.

CHAIR - But in the budget that we're currently in, the 2026-27 Budget, that wasn't reflected in the appropriation in that budget?

Ms COOPER - That's correct.

CHAIR - The extra funds.

Mr BENJAMIN - But the funds have been made available.

CHAIR - Right. So, what about in the – presumably, not in this year's appropriation or in the forward Estimates indicated in the Budget, the additional funds are not there either?

Ms COOPER - Not in the current *Appropriation Act*.

CHAIR - Is it your expectation that that additional funding is required in an ongoing way going forward into forward Estimates – forward years?

Ms COOPER - Yes. So, the information that we were provided by the Premier has forward Estimates in it as well, up to 2028-29, I think, and beyond possibly. I can certainly clarify that.

CHAIR - Are you expecting to put a budget bid in again for the next Budget, the 2027-28 Budget that will come down in May?

Ms COOPER - At this stage, we won't be putting in a budget submission any further than what we've already been confirmed in writing.

CHAIR - Right? Is it something you can share with the committee? The documentation around that funding; so, what your request was and what the Premier has provided or promised to you, or provided and promised, I guess, is it? Provided in this financial year and promised for future financial years? Could we have either a copy of that or details of it?

Ms COOPER - The Premier confirmed additional funding of roughly $650,000 for 2026-27 to our office and then he confirmed the additional funding over the forward Estimates to 2029-30 of approximately a similar amount, but reducing in 2028-29 and 2029-30, but just slightly.

CHAIR - Is that something you can provide to us in writing -

Ms COOPER – Yes.

CHAIR - so we can see that that commitment has been made?

Mr BENJAMIN - We will have to check with the Premier to make sure he's comfortable for his letter to come to you.

CHAIR – Okay. If you can't provide the direct letter, perhaps -

Mr BENJAMIN - But we'll give you the numbers.

Ms LOVELL - Can I just ask when that budget allocation was made or when that was confirmed?

Mr BENJAMIN - That was made earlier this year.

Ms LOVELL - Before the budget was handed down or after?

Mr BENJAMIN - Probably in about March or April, but my guess is that the budget allocations would have been pretty well –

CHAIR – Locked in.

Mr BENJAMIN - locked in by that time. But the approach I adopted – or, we adopted, because Kath guides me in terms of how the State Service operates - was that we gave it a year and a bit more; about a year from when I started to really understand how much money we needed and how we could manage that in the construct of not turning my office into a massive office, but an effective office and we became aware of what we needed once we'd finished the first annual report and the framework and started implementing it. There was no delay on the part of government, to be fair. We went, we were heard and what we asked for we were given.

CHAIR - That's good to hear. Would you like to go to another matter from before the break that you wanted to come back to us on?

Mr BENJAMIN - Yes. In relation to Treasury, we received from the Treasurer a letter and an Excel spreadsheet, which was by agency, line by line items. They referred to generality rather than the specific recommendations. Two things arise out of that. First, I'm going to contact the agency and ask if they're content for their letter to be shared with you and if they're content to do so, I will share it with you. One of the things that I said was the need to do a deep dive. We collected that information. It's at times general, although it's not sufficient to make definitive findings, but we will do that deep dive next year to try to marry the bids with the allocations, so that hopefully this time next year, we can give you accurate data as to where things are and where things are going.

CHAIR - Did you have any follow-up on that? It was your question, I think, that that was in answer to.

Ms O'CONNOR - Yes, and I appreciate your answer and you saying that you'll go to agencies and ask if they're comfortable. I mean, the document's provided to you by Treasury, and perhaps it would be a simpler process if you ask Treasury if it was okay.

Mr BENJAMIN – That's what I'm going to do. I'm sorry if I misled you. I am asking Treasury.

Ms O'CONNOR - I thought you were going to go to every individual, and I thought we could be here this time next year, waiting for some to respond.

Mr BENJAMIN - No, no. I'm going to Treasury and say you've given us all this information, are you content with that - and we tried to do that in the break, but we haven't been able to get through. But no, I'm not going to each individual agency that would be tedious and unhelpful.

Ms O'CONNOR - A further, just to follow-up to that, can I ask whether, within that Treasury line-item, agency-categorised list that you received, was there any sign of acknowledgement of the need to fund the new youth detention facility where there is no appropriate budget for the closure of Ashley and construction of Pontville?

Mr BENJAMIN - I don't think so, is the answer. But I'll go through that, and if there is that we'll write to you, Chair. I thought - my recollection is, and that's very dangerous for me - that there is funding for the Pontville. In terms of Ashley itself, there has been announced that once Ashley ceases its current purposes, that it will be used, as I understand it, as a low-security detention facility for adults, and I take that to replace, is it the Hayes farm?

CHAIR - From a long time ago, yes.

Mr BENJAMIN - From 10 or 15 or 20 years ago. But I haven't got much more detail on that, and I haven't expressed a view in relation to that given some of the recommendations.

Ms O'CONNOR - Can I just say, so last week the committee went to visit Ashley Youth Detention Centre, and a number of us have been there before, and each time it's really striking what a bleak place it is. The facilities, the way the kids, where they sleep, the place just is

utterly depressing, and we know that commission of inquiry recommendations 12.01 and 12.16 were for the earliest possible closure of Ashley, and here we still are.

Do you have some thoughts on the delays to the closure of Ashley, and have you had it confirmed that the government has appropriate funding set aside for the new Pontville facility?

Mr BENJAMIN - I have been told that funds are available for the immediate commencement of construction and completion of Pontville once it is approved. You may recall that in June of last year, some legislation went to parliament and to the upper House, and getting clearance for Pontville didn't occur at that stage.

Ms O'CONNOR - It was a bad bill, with respect.

Mr BENJAMIN - I wasn't arguing about the bill -

Ms O'CONNOR - It sought to bypass the whole planning scheme.

Mr BENJAMIN - I know. What's happened now, as I understand it - or what happened as I know - is that the local authority have approved the building, that I understand that many of the issues that arose and came out in the Public Works Committee - and as you know, I made a submission to them and gave evidence to them - have been at least in part addressed. I've only heard that from DECYP; I don't know what's happening with the other parties, and I understand that the hearing before TASCAT has completed, and I further understand from DECYP that they're anticipating a judgment or a decision by later this year in relation to that. I have no idea what that will be.

So, that's where we are. I'm forever hopeful that it will be approved. As I said to the Public Works Committee, I have also been, I think you've been out to the site -

Ms O'CONNOR - Yes, we went the week before, the committee went to Pontville first.

Mr BENJAMIN - I've been to the site. I've been there a couple of times, although only once officially - because I wanted to have a stickybeak by myself at one stage - and so I understand the funds are available for that to commence as soon as is practicable.

Ms O'CONNOR - Thank you.

CHAIR - No doubt we'll come back to more matters relating to AYDC and the new centre proposed, but you had another answer, I think, to come back to us, that you wanted to - perhaps around the community sector funding?

Mr BENJAMIN - Yes, also in relation to funding, one of the issues that is of concern is that some of the funding is on a year-to-year basis for commission of inquiry responses, and some of those things are of concern in terms of forward planning for non-government agencies.

CHAIR - Is that a concern that you share?

Mr BENJAMIN - I share that concern, yes.

CHAIR - Is it something that you interact with their relevant peak bodies about in terms of advocacy on turning that round?

Mr BENJAMIN - Yes, is the simple answer to that.

CHAIR - Can I ask you again, is it something that you directly advocate to relevant ministers and other leaders about?

Mr BENJAMIN - Yes, I think, is the answer to that. I can't remember particular instances because I have so many meetings with so many non-government agencies and government agencies. I pass on their concerns. A good example of that perhaps might be at the end of last year when the family violence alliance took over to run in parallel family violence and child sexual abuse: they were asking government to fund some extra places so that they could run the child sexual abuse aspect of their work in parallel, because they're not the same there, but they have very similar things. I went directly to government, I made written representations and the impact of that was that their funding was provided in the budget. So, I advocate directly in person, where I know and where I think it's appropriate, and I advocate in writing where I think it's appropriate, and sometimes I am met with success. Does that answer your question?

CHAIR - Yes, it gives some insight into that. Thank you. It's important, I think, for all voices to be raised in that space. That's my editorial comment there. Just because, I think, the community sector organisations who are very desperately trying to do more with much less are really facing an uphill battle. I think I talked last year about nudging. Did I?

CHAIR - Perhaps you did.

Mr BENJAMIN - I try and nudge because I can, and at times, I'm listened to and sometimes we can get changes not by yelling as I have earlier today, I mean, rhetorically yelling, but sometimes a nudge and a push is a good way to do things.

CHAIR - Is there anything further that you wanted to bring to us in answer to the questions?

Mr BENJAMIN - I wanted to say this in relation to specialised therapeutic services. I've observed significant investment, including through SASS, Laurel House, the alliance. I've assessed 10 of the commission of inquiry recommendations as being complete in that regard, bearing in mind what I said about 'complete' before, because if it's only annual funding, then 'complete' can disappear and we go back to either 'in-progress', 'substantially progressed', or 'not at all', depending on what happens with regard to that.

One of the interesting aspects is the Arch centres, of which is a significant therapeutic service. I've read the independent evaluation, which is generally positive. Users report high levels of satisfaction, and in talking to the police officers and the social scientists there, they're actually modifying and adopting a more survivor focus in relation to how matters are dealt with, so that success may be measured not so much in prosecution but meeting the needs of particular survivors. I see that as good. There'll need to be another evaluation and that will be something I'll watch when it comes through, either next year or soon afterward.

CHAIR - I think that covered off the two areas of questions we had mostly. May we move on to some further questions?

Ms ROSOL - Chair, I had a question about government accountability and processes, because the government have been gradually winding back the frequency of their reporting, and there's the potential that this makes it harder to scrutinise. I know that you're doing scrutiny work, and we are as well, but for members of the public. The most recent report that's now moved to six-monthly had less detail in it than previous reports. I note in your report you commented on how it was good to see that the report included updates on the other reviews, but in terms of the COI recommendations, the previous quarterly report had provided explanations on the difference in timing of implementation, and this more recent report had no explanation. It looked like a longer report because they'd included the whole text of the recommendations, but it actually had less information. Just wondering if you could comment on those government reports and how you see the adequacy of them.

Mr BENJAMIN - Can I come back to that? I'll come back to it and give it a more considered response, because there were some things I had been reading earlier today and over the weekend which can probably give more response to that. Is your question about reporting generally, or providing information to me?

Ms ROSOL - The public general report, so biannual report that it is now. I think this question - on page 64 of your report, you talk about wanting to see agencies reporting more on outcomes achieved, lessons learned, challenges encountered and practical impacts of what they're doing. I think there you're referring to the reporting that they're providing to you. Can you just talk about have you fed that back to the agencies, or what's your strategy for getting more of that kind of information from agencies?

Mr BENJAMIN - Glenn, are you able to assist in that area?

Mr ROBERTS - I can talk to the indicators that we have from the framework, not the specifics of what we did this time round. We have two indicators that track government reporting, and the transparency of that reporting into the public domain to encourage that, both from the perspective of coverage and the completeness. So, for each of the relevant reviews that government is putting regular updates into the public domain. Then the second one is an assessment of the quality of that public reporting and some depth and completeness.

CHAIR - Glenn, I might need to ask you to speak up a little bit into the microphone, if you would?

Mr ROBERTS - Shall I repeat everything?

CHAIR - No, that's fine, just from here on.

Mr ROBERTS - Okay, yes.

Ms ROSOL - So, that was about what was going into the public domain, you said then, if I heard that correctly?

Mr ROBERTS - Yes.

Ms ROSOL - The indicators. Are you feeding back to the agencies what would you like to see more of in their reporting to your office?

Mr ROBERTS - I think there's a couple of elements, and one of my colleagues may also be able to add to this. We have scheduled towards the end of this month a workshop with all the agencies that we worked with as part of the 2025-26 appraisal and reporting process, to look at our template, the information we gathered, opportunities for improvement to that. Checking, from our side, the quality of the information we got, and from their side their understanding and completeness of the reporting. That is part of our processes to back that in. This is the first year we've had the framework. We're standing up a lot of these processes, and likewise underneath that, all the indicators. How we then take each of the indicators and not only collect the information but understand what that information is telling us and then what the consequent follow-up activities are. We're working through that this year and it's very much a sort of live process for us.

Mrs GREENE - You've identified this morning in your evidence that you've identified funding as one of those areas where you'd like to do a deeper dive. Can you tell us what other areas that you're planning on doing a deep dive into in the next 12 months and what concerns have prompted you to identify those areas?

Mr BENJAMIN - Yes, I'll ask Kath to speak to that first and I'll come back afterward.

Ms COOPER - I can speak broadly to start with. In terms of our approach to working out where deep dives will be the best place and the value for our office and having that impact is that over the coming months and since our annual report has been delivered, we will be consulting with stakeholders on that. It's obviously important that we're not duplicating work that's going on across other oversight bodies. We want to have those conversations with our stakeholders so that we're putting our efforts into the right areas. That will be something that we'll be doing through stakeholder surveys and other more targeted consultations over the coming period.

Some other areas of interest that have come up for us more broadly, we've talked about machinery of government changes, we will be continuing to monitor those. Also, in the report we did collect some data around child safeguarding training which is Indicator 20. We will be doing some further investigation into that area as well.

That's just a sort of preliminary start of where we'll be looking at some deep dives, but there will certainly be other areas that we'll be keen to look at and prioritise moving forward.

Ms ROSOL - Can I'll just jump in there if Ms Greene doesn't mind, please, because I had some questions around the training and the information that you included in the report? I know in your report and we'll probably get to this later, for the Department of Health the assessment wants that no recommendations have been embedded. I was curious about that because I know that the training modules have been in place for quite a while in the Department of Health, the mandatory training, and was just trying to sort of make sense of it in my head that training modules that are mandatory, that have been in place for a while, that large numbers of the staff are completing, aren't yet seen as embedded in the cultural change?

Noting that Homes Tasmania, where the training isn't mandatory, only have 3.4 per cent of staff completing it, I'm just wondering if you could talk a little bit more about how - I know

you're planning to do maybe a bit more of a deep dive, but the adequacy of the training, how you see it being embedded, what you think the issues are around it that you haven't assessed it as embedded yet?

Ms PHILLIPS - I might just briefly, before turning to Robert, just clarify - in terms of those status categorisations and talking about embedded change and completion, we are monitoring some recommendations that talk about training, absolutely. But in terms of that section of our annual report, I'm also talking to information that we've collected as part of our domains and as part of our framework, so just to clarify that it's separate from how we nominate status categorisations for the monitored recommendations. Just wanted to provide that clarification.

Ms ROSOL - Thanks, Ella. I suppose my question comes from having worked in government departments over the years and having to do mandatory training. It can be such tick and flick exercise where it only takes a few minutes, you quickly watch the video, and the questions are super easy and you're done, and that doesn't necessarily lead to embedded change. So, that's where my question comes from in terms of the training, where do you see the status of that?

Mr BENJAMIN - We're doing two things, I think: first of all, we're looking at why, in some agencies, the completion of training is quite high, and others they're quite low. So, we're trying to work out what the barriers are, and what's causing those low and those differential - and we're engaging directly with the agencies in relation to that.

In terms of the adequacy of the training, we're doing some - one, we're doing some material from the state biennial survey, and we're going to start collecting material from coalface state servants as to how the training - the outcome of the training; because some of them look terrific on the surface, but whether they actually drive changes in thinking and understanding, we need to properly survey, and that's one of the things that we're looking at for this year, next year and the year after, because, one, we have to drive the numbers up, and, two, we need to make sure that in driving the numbers up, or even as they stand, that there's adequate training and that it's meeting the underlying purpose for the training. I'm being general, but I think that's where I am at the moment.

Ms ROSOL - Thank you.

Ms PHILLIPS - I might pass to my colleague in a moment, but I would also just say in terms of training, our office would absolutely agree that that absolutely needs to become embedded as part of business as usual of agencies. I think a real value of our office has been engaging with the Office of the Independent Regulator, who is able to provide that really meaningful guidance to agencies on the adequacy of their training content. Because, really, what we're looking at in our annual report is, did they do the training? Absolutely, that's a pertinent question, but I think the real nuts-and-bolts of what we want to get to is, is that training helping staff to identify and better respond to child sexual abuse? So, I think the benefit really is in working with the Independent Regulator to get to that question, and that would be important to address what you've just raised. I might pass to my colleague, Glenn.

Mr ROBERTS - I haven't got a lot to add to what both my colleagues have said, but basically yeah - so we have a fairly sort of fundamental requirement that people completing their mandatory training and understanding what their requirements are, and then that's

complemented by the Tasmanian State Service survey, where we'll get a sense of the declaration from the individuals as to whether they understood what was the purpose of the training, and they feel confident in using that training to report, and also whether they feel confident in their agency's response, so we start to some measure of cultural change. And that will become a sort of longitudinal metric, and hopefully it'll exist beyond the term of this office. So, it'll be useful for government as well as ourselves; they will have access to that data, as well. So, it'll become - because in undertaking a lot of these metrics what we're doing at the moment is sort of surfacing the issues, using them to measure where we are in the reform program by comparing against the theory of change, and then looking to try and bake in some of these changes into the system such that the system then becomes self-supporting.

Ms ROSOL - Thank you. So, one tiny follow-on question, I couldn't see casual stuff in there, but are they captured by fixed-term contracts? Do they come under that umbrella?

Mr ROBERTS - I can speak a little to that, with Robert's permission. So, what we did find from collecting this data is that the way that different agencies collect the data - there was quite a mixed picture. They were pulling their staff counts for different categories from their HR systems, and then they had their leaning management systems for the completion rates, and so they're trying to match staff-capture across two systems, and there's different levels of maturity across different agencies and in different cohorts, and that's something that, I think, is a worthwhile follow-up activity for us, our office, because predominantly the data we got is permanent, full-time, fixed-term, permanent full-time and part-time staff. Then we have other categories that should be captured; we have volunteers, contractors, casuals, and how agencies are tracking all of those. Because if they're still performing those functions, then they should still have some form of training. So, we've still got to unpack all of that, with the agencies and how they propose to go forward with that.

Ms ROSOL - Thank you.

Mr BENJAMIN - In further answer to your question, whilst our initial requests included data for employees of all types, not all agencies were able to do this because their systems just didn't allow it, particularly with casual employees, and distinguish between external contractors and the like. So, we're talking with them about how we can capture that information as effectively as possible.

Some agencies reported challenges in collecting data across different human resources and learning management systems. Also, you've got staff members on long-term sick leave or workers' compensation, or all of those things. So, we're thinking about it, and we're engaging with the agencies to make sure that the data we do collect is reasonably robust.

CHAIR - I'm just going to follow up on that, too. Clearly, you've identified that mandatory training and being able to tick off that it's occurring across the various groups that are going to be relevant, is one thing. Cultural change, and being able to have confidence that that's occurred is another, and that that would be the indication that it is embedded and functioning. You mentioned earlier in some of your remarks to us that you're going to be involved in the state's survey and other sorts of surveying that's done. Is that one of the ways you're looking to assess cultural change? Are they the key ways, or would you like to speak to some other ways that you'll be assessing cultural change?

Mr BENJAMIN - They are one of the ways, but not the key way. With the state biennial survey, we had five questions. That hasn't - is it yet closed or about to close?

CHAIR - So, you were able to draft some questions to go into that survey?

Mr BENJAMIN - We got five questions into that, and we see that as setting a baseline. When it comes back in two years' time, we can then start comparing that. But the agencies do their own surveys and we're going to access those. We're going to look at what surveys other groups do, what work say the Independent Regulator does, in terms of analysing the nature and extent of the learnings, and we may need to think about how we do further data collection ourselves in particular areas. One of the good parts about the State Service data, and I probably should defer this to Glenn, but I won't at this stage, is that we can divide up into particular areas, particular groups, and -

CHAIR - You can cut the data across different areas.

Mr BENJAMIN - Yes, we can use it to analyse different areas. So, the State Service survey is important, but it's only one of a number of tools that we have looked at so far, and which we will develop, and use, as I said, the agency's own material as well.

CHAIR - The other side of that is measuring and evaluating how things are changing for staff in the areas. Then, of course, you've got children involved in the services. How are we assessing or bringing them into the assessment of culture change over time? I know that there's some advisory groups that have been set up, and so that's one prescribed, limited way, but are there any broader ways that we're looking to involve or get the input of children in these spaces, around culture change and improvements to their sense that they're safe?

Mr BENJAMIN - I've met with a number of advisory groups so far. The young people and children who I've spoken to are a really good sounding board; they are not reluctant to come forward and explain how things are impacting on them. I'm meeting the Health children's group this afternoon**.** I think we get a fair amount of valuable information from those groups. How we collect further data is challenging. As you know, the commission of inquiry gathered some data during the commission of inquiry, but that was quite expensive. I'm hoping to access the data collection by organisations such as Health and Education, which measures these sorts of things. That's where we're getting it at the moment. I'm open to suggestions about where else we can collect that information and how else we can do so, because I can't go to schools and say, 'Look, put your hand up.'

CHAIR - It's certainly a challenge. Well, the schools are almost the easiest environment because, in fact, students do a wellbeing survey every year, I believe, and perhaps there's an opportunity to marry into that, in some sense, with the sorts of information you might like to add to that or it may even have information that's directly relevant for you to draw on, from that student survey. The other environments are potentially harder. But advisory groups are - I'm not taking away from advisory groups; they're valuable and important and it's good to see that many of them have been stood up now as a result of implementing recommendations but more broadly, it's useful to somehow gauge, isn't it, from children?

Mr BENJAMIN - We have to mature in our thinking in that way. We have to look at the existing systems and look at how we can garner that information in an effective way, and perhaps that might be through Health, maybe through schools. I don't know, but I'm sure we're

not the only jurisdiction who are trying to do that, and perhaps I need to look at other jurisdictions in a broader way, as I did in relation to the indicators of young people ending up in the criminal justice system. Of course, we have the data, I'm sure, but where it is and how we collect it is for us to think through and work out how it can be done in an effective way.

It's probably, interestingly, more a matter for national government, and that might be a worthwhile thought, because they collect data on children on a regular basis on a national sense, and they can divide that, and I'm thinking and talking at the same time, which is always dangerous for me -

CHAIR - Some of it, of course, is not going to be necessarily data-based matters. It's going to be about asking children who've just experienced one of these systems and/or institutions the degree to which they found it safe, I suppose. That was a comment, not a question, sorry.

Mr BENJAMIN - But it's a good thing to think about, because how we can collect the views of children is always interesting.

CHAIR - Well, thinking about our youth justice system, we don't have that many children in youth detention, and so collecting views from children maybe even as they leave detention is an opportunity that's not a very - You know, in terms of quantum it's not a great deal of work to have to do that, if it was done in a structured way.

Mr BENJAMIN - Out-of-home care may present some problems. Children in education understanding the nature of problems in terms of their relevant developmental ages, and how we collect that is just really interesting stuff. I was at a conference last week or the week before, in Hobart, and the chief justice or former chief justice of the High Court of England and Wales was looking at how they were starting to collect data about children in better communicating with children, and some of those issues and some of those approaches. To the extent that they're actually over there starting to teach judges how to write letters to children and how to write judgments for children. So, look, there's opportunities. I think we've got to look at them, listen with our ears more than mouth sometimes, and learn from those.

CHAIR - Thank you. Now, I think we've covered off on most of the generalised areas we were going to touch on, and I think we might go to some more specific recommendation areas now, to begin looking at those. Ms O'Connor, do you want to kick off?

Ms O'CONNOR - Thank you, Chair. Just back to Ashley Youth Detention Centre, as one of the commissioners, you heard some of the most harrowing and confronting evidence came from former detainees of Ashley Detention Centre. The COI recommendations, apart from 'close the centre as soon as possible', relate to cultural change within the centre and in the way that children and young people in that centre are treated. When we went there the other day, the majority of kids in there were on remand, which is -

Ms LOVELL - They all were, weren't they?

Ms O'CONNOR - Yes, I think they all were. I wasn't exactly sure of the numbers, but it was a staggeringly high number of kids in there on remand. And we met some terrific staff. This is not taking anything away from the people who are working there and part of the change process. But given the intergenerational trauma that Ashley has caused, what evidence have

you seen that there has been, to the extent it's possible in a facility like that, that there has been some cultural change that better protects those kids?

Mr BENJAMIN - We are told that workforce training and capability has been improved significantly through comprehensive training. New youth workers now complete a seven-week induction program covering child safeguarding, mandatory reporting, child sexual abuse awareness, trauma-informed practices. The staff are being supported to undertake formal qualifications. So, we're seeing a significant change in training and capability. We're seeing a lot more thought going into de-escalation rather than head-to-head confrontation. That approach, I'm told, equips staff with skills to identify escalation triggers and the like.

In parallel, I'm told that the centre has implemented relational security models that places greater emphasis on building staff and constructive relationships with young people. We've strengthened, or we've seen - not 'we' have, the government has. I haven't, I'm watching. I've been warned not to say 'we' too many, because I always think of children's problems as not their problems but our problems, so if I fall into that -

Ms O'CONNOR - Well, they are.

Mr BENJAMIN - it is us.

Ms O'CONNOR - It is us.

Mr BENJAMIN - Yep. There's significantly strengthened oversight and capability. One of the things that when you go there - and I think you described it as a barren place and a -

Ms O'CONNOR - Bleak.

Mr BENJAMIN - Bleak. I might have spoken about this last year - I think closing Ashley can't come soon enough.

Huge work has been done to try and bring about change, but when I went to a couple of centres, particularly one in Dublin last year and another one in Edinburgh, the whole feeling of the place was different. One of the interesting things I had when I was at Dublin, I turned up at lunchtime. It’s always a good time to turn up to any place, I think, but the kids had come out, and they were a different cohort of children in Dublin. They were mainly kids who are sentenced and not on remand. Most of them had undertaken some pretty awful things. But it reminded me, as they came out of the school - and you know the sound you have when kids are coming out of school, the explosion of energy that occurs? They came and they shared lunch with the staff - and it was working together to organise a lunch, working together and talking about what they'd done. And that struck me as a much better culture than perhaps I'd seen in Ashley and some of the Australian ones. So, I think everyone's working in a mechanical sense towards those outcomes, but I think we need two, I know we need two things: we need better bail facilities so that we don't have that many young people and children in there. We need the philosophy that is intended for Pontville to actually apply, and we need the funds to make sure that happens –

Ms O'CONNOR - At Ashley, you mean, before Pontville is opened, to get that model of care? Is it possible in that building?

Mr BENJAMIN - I'm not sure it is possible in that building. I think one of the problems with that building is it's designed as a prison, and huge stuff's been done and I've listened to the people at DECYP, I've listened to the acting children's commissioner and it's really hard in that particular structure. It's not designed to do that.

Ms O'CONNOR - And indeed it is dehumanising to those young people, and that relates back to the commission of inquiry's recommendations. The fabric of the place. It's history.

Mr BENJAMIN - Yes. That's why the change has to take place, and the change has to be at least twofold: one, stop the numbers that are going in there from getting there and having better places for them to go. And it's interesting, I looked at the maths - and I'm not a good mathematician, that's why I went to law, I think - when I was in Dublin there was a population of 5 million, which is conveniently 10 times the population of Tasmania, and they've got 40 young people in detention. If that was Tasmania, we would have four people in detention. So, if we have better places, and give magistrates and judges better places to provide safety for the children and young people and broader safety for the community, that would help.

Ms O'CONNOR - Are you comfortable with the way the government's tracking on the recommendation around properly resourced bail facilities as alternative accommodation for these kids?

Mr BENJAMIN - I am concerned about that. I had initially thought they were going to build five bail facilities around the state, but they've adopted a different approach. I don't know whether that's driven by funding or better outcomes. I suspect, knowing the people involved, it's a combination of both. But I am troubled about that.

Ms O'CONNOR - Have you seen any meaningful progress on the new bail facilities? Any clear, unambiguous statement of intent and allocation of funding or commitment to fund?

Mr BENJAMIN - I think we have a way to go to get to that point.

Ms O'CONNOR - That's a worry.

Ms LOVELL - Do they have a model yet that they've landed on?

Mr BENJAMIN - Yes, they have a model, and that was shown to us the other week, wasn't it, Kath?

CHAIR - A model for?

Ms O'CONNOR - A youth justice facility model of care?

Ms LOVELL - No, for the bail.

Ms COOPER - Yeah, a 24/7 bail program.

Ms O'CONNOR - They've actually got a model for it?

Ms COOPER - Yeah, so, in our annual report, we do talk to this, and I can guide you to the page.

Ms LOVELL - Is this in the -

Ms COOPER - Appendices, sorry. Yeah, so it's on page 85, and if we go to recommendation 12.14, and this recommendation talks about bail, and it's a phase 3 recommendation. DECYP has commissioned 54 reasons to examine the effectiveness of existing bail support program, Reboot program, and they've reviewed and responded to the recommendations from 54 reasons, and we understand that they're currently undertaking the work now to establish that 24/7 bail support program. So, we do understand that that work is on track - well, sorry, we do understand that that work is occurring.

CHAIR - And do we understand that to be accommodation-based support, or is it other forms of support that don't involve accommodation?

Mr BENJAMIN - I received this morning, and it may have come in earlier, but I have been somewhat occupied over the last couple of months.

The Youth Justice Blueprint Action Plan from 2026-2027. I haven't analysed that as yet. I tried to read it this morning but at 4.30 a.m. my brain wasn't operating as well as perhaps it ought to have been operating. And that seems to set out some good thinking, but whether that thinking has sufficient resources to be put in place, I am not sure.

Ms LOVELL - I think that's what I've been unclear on, is that they had the plan to build five assisted bail facilities and then that sort of seemed to be set to the side, but I've not been clear on what the alternative plan is since then, and particularly in relation to accommodation, or working with accommodation – what replaces that?

Mr BENJAMIN - Can I table the report I had - that was provided by my colleagues this morning? I'm happy to table that.

Ms O'CONNOR - And your annual report notes there'll be an update to that for 2027/29 youth justice workforce action plan, which is about recruiting and retaining youth workers as well.

Ms PHILLIPS - I should add, we have been provided information from the department. They have indicated that they do and they are working with Homes Tasmania on accommodation for children and young people on bail and transitioning from detention. We've received information to suggest that that work is certainly in their minds, but I wouldn't be in a position to provide a more concrete -

Mr BENJAMIN - I put my thoughts in writing because Leon Compton asked me a question about it about a month ago and I wasn't confident in my answer, so I wrote to the department and then wrote back to him to clarify my answer because I had believed the five centres were there, and if I can read that out. I said:

> I've been informed that the implementation planning has involved from the earlier infrastructure model. I'm told the government continues to progress assisted bail accommodation through care and transition for support for young people. However, these are now intended to be delivered through a combination of the new Tasmanian youth justice facility, statewide service

> models, commissioned non-government services and Aboriginal control supports.

I don't know what that means.

CHAIR - No, it doesn't sound like accommodation to me. It sounds like -

Mr BENJAMIN - And that's what I'm troubled a little bit by.

Ms O'CONNOR - It also sounds like they'll be putting kids on remand into the new youth justice detention facility.

Mr BENJAMIN - I think they talk about that in part.

Ms ROSOL - They do have on their website an assisted bail facilities information page and in that it refers to two facilities, one in the north and one in the south. I've informally raised this and it didn't help me understand it any more than I already did. It's conflicting information.

Mr BENJAMIN - A lot of this needs to come through the Aboriginal organisations. I understand there's the Reboot program delivered by 54 reasons, and I think they made submissions to this committee very early in the piece, and dealing with things through Homes Tasmania.

I've now got their youth justice reform document. I can go through that and consider two things. One, whether there's any meat behind the rhetoric and if there's no meat, no funds, I think; then, where we go from there? That's in part, I guess, why I raised the question of funding. I mean Youth justice and out-of-home care are distinct, but one leads to the other.

CHAIR - A lot of crossovers.

Ms O'CONNOR - Intersectional.

Mr BENJAMIN - Yes.

CHAIR - How we deal with young people and children who require bail support is, of course, a key factor in whether or not and when we can close AYDC.

Mr BENJAMIN - Yes, and get the numbers down. I mean realistically we should have at worst, in detention, three or four young people. There may be some young people who need to be secured in some way. We've also got the St Johns - the development of the paediatric mental health beds at St Johns Park, and how they harmonise together, needs to be considered as well.

CHAIR - Do you find that it's concerning, or even disturbing, that we are sitting here across the table from each other - this committee, and you and your team - and we have a real lack of clarity about what is planned, what we can expect to see taken forward, what we could expect to see funded, in these spaces? Given we're now toward the end of 2026, and these are matters which are supposed to be resolved within the next two years?

Mr BENJAMIN - It is concerning, and DECYP spent a lot of time trying to educate me; sometimes they get through, sometimes they don't. So, I don't want to criticise them too much because, as I said at the very start, they are really trying hard and really determined to bring about changes, both in the youth justice system, and in terms of out-of-home care and, again, keeping them separate. But a lot of that needs funding to put in place real reform.

Ms O'CONNOR - That's a political question, of course.

Mr BENJAMIN - Yes.

CHAIR - Clarity is something we should be able to expect to get from publicly communicated information. Whether that's information on websites or information put out in strategies, plans, models of care, or whatever; if it's not something that you and your team are able to speak with us clearly about, in terms of your understanding of where things are at with those bail facilities, for example, then I think it's concerning, since you've just gone through a process of assessing how we're doing against implementation of these recommendations. I'm not saying that as a criticism of you and your team, I'm just highlighting that there seems to be a concerning lack of clarity.

Mr BENJAMIN - The clarity - the other thing I was going to add by the way - they've also got the *Bright Lives: The Roadmap to Uplifting Care*, which is in relation to out-of-home care, isn't it? So those two actually sit together. If there's lack of clarity, it may come from the department, or from the agencies, or it may come from me and my team having so much information coming to us and making sense out of it. We try to do that in an organised and orderly way through our framework and our theory of change, but there's still a lot of information coming into us. So, I wouldn't like to say I haven't been informed, but perhaps I haven't understood as well as I should have.

CHAIR - I encourage you not to adopt that as your issue or your deficiency at all. There are a lot of people in this space, this committee included, and you would think that we should be able to readily identify some of these things by looking at available public information.

Mr BENJAMIN - Well, I just try to be fair when I can. But you perhaps need to follow that up through DECYP when they come and talk to you.

CHAIR - We certainly will, I imagine.

Mr BENJAMIN - And I'll table that, *Bright Lives: The Roadmap to Uplifting Care*, as well.

CHAIR - You'd like to table that document as well?

Mr BENJAMIN - Yes.

CHAIR - Thank you. I'm sure it's potentially available in the public domain, but we can put it into our records with the committee.

Mr BENJAMIN - It is. Did I give you the other one as well?

CHAIR - Yes, you did, thank you.

Ms ROSOL - I've been hearing concerning things from the community about support for young people in bail and the significant gaps there and the impact that they're having. Just in terms of the 54 Reasons' review and the response from the government, I may have missed this in what you said earlier, but have you seen that as part of the information that you received from DECYP? And what's your assessment of where bail support is for young people who don't need an assisted bail facility because they have somewhere to live, but they do need support around, maybe mental health, or drug and alcohol use?

Mr BENJAMIN - Yes, I've read that material, but I'd like to think through the answer to that - unless you've got something to add?

Ms PHILLIPS - I was just going to say in terms of that specific question as to whether we have read the report from 54 Reasons and the government response, if we could take that on notice. I vividly remember reading quite a lot of documents in respect of this and I just wouldn't be able to say with confidence, so if I could take that on notice, that would be appreciated.

Ms ROSOL - Thank you. Do you have any other sources of information then, that could shed a light on what's happening or not happening for support available at the moment for young people on bail and any comment that you could add there?

Mr BENJAMIN - Not that I could meaningfully inform you about at the present time, but we will get back to you on it. I'm reminded about the afterhours youth diversionary service, which I think I spoke about last year. It's still a very smallish service and I'm not quite sure where it's up to at the present stage.

Ms PHILLIPS - Yes, just in terms of that support that we understand that is being provided now, we know that recently the government launched that pilot of the Youth After-Hours Diversionary Service (YADS) program and that was, as I understand - obviously I'm not an expert in the program - but as I understand if a child was, say, in a police station and they didn't have a responsible adult to help them, Anglicare and CatholicCare would come in and help that child, including connecting them in with those wraparound supports that you're talking about, Ms Rosol, also. So, I think that's a really positive program. As we understand, that program will be wrapped up and included as part of that 24/7 bail support program, which we understand the government is working towards. So, we have been briefed more on the 24/7 bail program more generally and that's our current understanding.

CHAIR - Can I come back to AYDC for a moment, knowing that it's certainly the revised timeline for closure of AYDC is now bumped out to the end of 2028 so we're looking at least into 2029 probably before that's occurring on the face of it, which is sort of horrifying when you think about where we all were when the COI report came out and had such striking imperative behind the recommendation to close that facility. Acknowledging the reporting which has been done, including in your report here, about efforts made to make that current environment at AYDC safer, I think it would be naive of us to believe that it is entirely safe in terms of that environment, because it is fundamentally flawed and problematic as a facility. To what extent are you confident that we are protecting the rights and safety of children at AYDC currently?

Mr BENJAMIN - We're doing that through the training of the staff.

CHAIR - At the moment I know staff training is theoretical; on paper it happens a certain way and it has potentially had some improvements made. But we also know that staff can't engage in training often because there aren't enough staff to cover the facility. So, while theoretically there might be certain training offered, to what extent do you know that training levels have actually significantly improved?

Mr BENJAMIN - You have to approach that question with some caution. Safety is not the absence of incidents, it's also whether children are receiving the care that is therapeutic, trauma-informed and supports their wellbeing and I'm not sure of that at the present time. There have been significant improvements including stronger leadership, accountability arrangements, increased participation and oversight mechanisms. I know that the interim children's commissioner was up there on regular occasions. I speak to the officers from DECYP who are up there on regular occasions. There's always somebody there, I think, so there's always an ear to listen.

While there is evidence that the risks have been reduced compared with the past, I agree with you, it should not be taken to mean that the reform task is complete. In my view, as I said earlier, Ashley's not capable of fully delivering the therapeutic and child-centred approach that we seek, and I think we're doing the best we can - from what I can see, we're doing the best we can with the resources we have until the replacement comes into place. I don't think that answers your question, because -

CHAIR - It's an answer. Whether it's a satisfactory answer is a different question, I suppose.

Mr BENJAMIN - What I don't want to do is undermine the staff there.

CHAIR - I appreciate that.

Mr BENJAMIN - And the teachers, the school there.

CHAIR - Many people are making good efforts, aren't they?

Mr BENJAMIN - The teachers and the school and the people there are really trying extraordinarily hard. It's a different culture in that respect now than there was five years ago, when I first went, not when I first went, but I went to the Ashley with the commission of inquiry. I'd hate to undermine what they're doing; that would be unfair on them. But it's the wrong solution for the problem, and the solution to the problem is the trifecta. One is stopping kids getting there in the first place. Secondly, having decent and effective bail facilities, so we don't send kids there to be caught up in that system because we know once they go in there, there's a likelihood of it going on. And thirdly, having a much better - I hate the word 'detention' - much better system.

Ms O'CONNOR - A program.

Mr BENJAMIN - A program where children are safe and the community can feel safe that they are protected from some children.

Ms O'CONNOR - And also once the kids, when they get out the other end that they've built on the inside with some support.

Mr BENJAMIN - And one of the parts of evidence which struck me during the commission was somebody talked about rehabilitation, and for many of these young people and children that means habilitation. They have to get there. You have to bring them to a level. And also understand - and I think you were there, Chair, when we had Professor Baxendale talk about brain development and how we approach that in a sensible and sensitive way.

CHAIR - Unfortunately, I wasn't able to attend because I had another committee commitment at that same time, which was such a shame.

Mr BENJAMIN - Who did? Somebody from this committee was there wasn't, I'm sure?

CHAIR - Yes, Ms Lovell was, and I'm sure that was an excellent session. Can I come back to the concern that I have though, which is, I guess, essentially when you boil it down, it's around how we are adequately protecting the human rights of children who are currently in AYDC. We have custodial inspector reports saying kids are still being put into adult watch houses, for example. We have MPM reports and other reports about the degree to which lockdowns are still being used or use of force. We have information about, yes, the very laudable school that's now recognised as operating very effectively at AYDC, and yet operational reasons mean children are attending there just 67 per cent of the time, which is obviously actually against their human rights, to be prevented - for operational reasons - from attending school. How are we suggesting, or how could we suggest that we're adequately protecting the human rights of children in AYDC currently, given all that?

Mr BENJAMIN - I think all we can say is we're doing the best we can in the current prevailing circumstances, and it's better than it was before, but that doesn't mean it's good.

CHAIR - It's disappointing, isn't it? Because probably at any time in our history people would have said, 'We're doing the best we can'. Anyway, I think it's all an exhortation for us to be as vigilant as possible to try to make that situation - at least something that children are not being overtly harmed in, and I think that's impossible currently. We might move on if you have more either AYDC-related matters or bail-situation-related matters to cover any members.

Ms O'CONNOR - I might talk about the *Youth Justice Act*. Again, it is all intersectional. It is all connected and the development of a new youth justice act has been a long time coming and absolutely necessary. What was your feed-in, or your consultation that - like when the government's engaging with you, as a statutory officer, on what needs to be in a youth justice act, in order to properly reflect the recommendations of the commission of inquiry, but also contemporary practice? Going back to those things you said earlier about the need to keep children out of these facilities, to have supported bail and the right programs when they're in there. What are your thoughts on what needs to be in a modern youth justice act? I'm noting the government flagged that there would be a new youth justice act more than 10 years ago before the commission of inquiry.

Ms PHILLIPS - Yes, so I can broadly speak to the Department for Education, Children and Young People are leading this legislative reform. They have engaged with our office at various touch points, in respect of the recommendations. It does, at least as we understand, seem like the department is really taking those recommendations on, and, in fact, bringing

forward, as I mentioned and alluded to earlier, the recommendations to increase, or raise the minimum age of criminal responsibility. We anticipate that those - the discussion paper, that we understand will be released later this year, will include all the commission of inquiry recommendations, and in fact be bringing some of them forward.

I also understand that they'll be taking the opportunity to capture other relevant areas of reform just beyond the commission of inquiry. Which, in our office's view has been quite positive, and there's - as you'll appreciate - a long list of recommendations that are impacted by this legislative reform, including the principles of the act, not just raising the minimum age, but we're also talking about things like use of force. So, we do anticipate that those changes will really represent an entirely new youth justice system, and the way that we handle children and young people, including decisions made around bail. So, those legislative reforms will be really crucial. We do anticipate that they will be consistent with the commission of inquiry recommendations, insofar as the consultation paper is concerned. When that's released, we, of course, appreciate the department will also need to be doing that consultation with other groups and individuals.

CHAIR - So, can I just clarify that discussion paper?

Ms O'CONNOR - Yes, then I will come back to the question about the act, yes.

CHAIR - So, that's a discussion paper that's about raising the age element, of changes that will be in the act. Is that your understanding?

Ms PHILLIPS - As I understand, it'll be a discussion paper on just the *Youth Justice Act* Review in general.

CHAIR - Right.

Ms PHILLIPS - Similar to the community - the committee might be aware of - the approach taken to the *Family Violence Act* review, and how there was a discussion paper put out to get a whole bunch of feedback on the legislative programs.

CHAIR - But it's the discussion paper that in the Monitor's report is mentioned under recommendation 12.11, which is the increasing the age recommendation, then it says it'll be put out for public consultation in the second half of 2026. We're now in November, and it says it'll be put out for approximately three months consultation. That's all been reported to your office. Presumably, even if it came out tomorrow, three months will be across the summer break, of course, which is, as we know, the least ideal time for people to be engaging with consultation. Particularly any organisations and people in the space who might be particularly interested but have no staff around or whatever, across a summer break.

This is one where I wonder are we seeing feet-dragging here? Because it says 'subject to Cabinet approval the discussion paper will be released'. Is it your understanding that Cabinet have had this for consideration for some time already?

Mr BENJAMIN - I don't know how long Cabinet have had it. I have been waiting for that to come out. I engaged with DECYP earlier in the piece, in relation to youth justice and the act. I can't recall at the moment the precise extent of my discussions, but it was that paper, which was the precursor to the legislation, which I was hoping to see.

CHAIR - Was that engagement last year even, or was it this year?

Mr BENJAMIN - No, it's been. We've had two major engagements with DECYP this year. One, I think, in about May or June, and another one a few weeks ago, although the one a few weeks ago was focused in other areas and not so much in the youth justice because I was told, at that time, if my memory serves me well, that the discussion paper was coming out, that they'd gone a long way in terms of the legislation, and I was hoping to address that once the paper came out and use some of my reading time over the Christmas and New Year break to read that paper.

Ms O'CONNOR - In your view, as a former judge, do you think there's merit in putting in the principles of a new youth justice act, the UN Convention on the Rights of the Child, some key inalienable rights of children and young people, to be at the heart of that act?

Mr BENJAMIN - The answer to that is yes. There's a similar provision in the *Family Law Act*, but it's not an operative provision. The Commonwealth hasn't adopted the provisions of the UN Convention in the *Family Law Act*, and it's a bit ambivalent. But I think we need to have those embedded in the *Youth Justice Act*. I think it's embedded in the new children's commissioner act -

Ms O'CONNOR - Yes.

Mr BENJAMIN - And a couple of other acts. I see that as -

CHAIR - The recent disability act.

Mr BENJAMIN - I see that as really important because it then underpins the changes that the commission of inquiry recommended in many ways, and it provides a much sounder base to ensure that youth justice has the meaning which ordinary people would ascribe to it.

Ms O'CONNOR - And so if you had to identify - because I'm just looking at the act now and it's a clunky old thing - if you had to identify essential core elements - and I know, I know, I know, you're not writing the act, this is work that DECYP is doing, but you know, this was part of your stock in trade, this kind of work. What do we need to absolutely make sure is in our new youth justice act in order to not just give effect to the commission of inquiry recommendations, but to make sure that we are not, through our youth justice processes, traumatising and damaging children who grow up into damaged adults?

Mr BENJAMIN - That's a really broad question.

Ms O'CONNOR - Well, you can answer as narrowly as you like because I know that the act will need to have the mechanics of the processes that lead to detention or an alternative to detention.

Mr BENJAMIN - The *Youth Justice Act* involves a number of aspects. One is the application of the criminal justice system to young people, presently aged between 10 and 17. I think it needs a couple of factors. One is that underlying UN Convention. Secondly, rehabilitation, not punitive, has to be there. Thirdly, acknowledging the trauma that most of the young people who end up in youth justice have already endured, and understand why they're

there. Understanding the development of the adolescent brain, which we talked about last week, where risk is often not considered a factor. But at the same time, assuring the broader community that they're safe because if we lose the support of the broader community, then the act will fail and we'll go back to times which we've seen in the past. Those are my fundamental principles, I think, and treat it almost as an educational and health centre rather than a punitive and penalties centre.

CHAIR - Can I follow up with a question about your expectation about timing around the new act? Recommendation 12.12 has been delayed with the revised timeline for 31 December 2027. That recommendation is about ensuring that legislation to replace or amend the *Youth Justice Act* contains updated general principles of youth justice, which is what you've just been discussing with Ms O'Connor.

Mr BENJAMIN - Yes.

CHAIR - Is it your understanding that it's the government's intention to have the new act developed and then brought to parliament next year in 2027 in order to be in place by the end of 2027?

Mr BENJAMIN - Yes.

CHAIR - That's your expectation?

Mr BENJAMIN - That's my expectation.

CHAIR - Thank you. That would be interesting, and that would include then the raising the minimum age?

Mr BENJAMIN - Yes.

CHAIR - There's a lot of other things that have to fall into place around that to make it work, as well.

Mr BENJAMIN - Yes, absolutely.

CHAIR - So, that's a lot of things that are now on a timeline potentially for the end of next year?

Mr BENJAMIN - Developing through next year.

CHAIR - I'm mindful of time, has anyone got something they want to go to briefly before we go to a lunch break? If not, I thought I might break early if we're still on this topic. Do you have anything further?

Ms O'CONNOR - Not right this second. I just need to get some clarity on something.

CHAIR - Well, rather than move to a fresh area when we've only got a few minutes before a planned break, what we might do is go to our lunch break and we'll have an hour's break and come back here at 1.30 p.m..

The committee suspended from 12.27 p.m. to 1.30 p.m.

CHAIR - Welcome back after our lunch break and we'll continue with our hearing with the Implementation Monitor, Mr Robert Benjamin.

Did we have anything that you wanted to follow up on from before our break with further information at this stage?

Mr BENJAMIN - Not at this stage.

CHAIR - That's fine.

Ms PHILLIPS - I can provide an answer to the question I earlier took on notice in regards to the 54 reasons report.

CHAIR - That would be great.

Ms PHILLIPS - So, we did receive DECYP's response to that report, but we didn't, as I understand, receive that report itself. But what I would say around that is that we also didn't follow up and request that report. And just some general observations in terms of the appraisal process, that department, DECYP, were incredibly forthcoming with information when we did request it. So, in fairness to them, we hadn't done that, and we have yet to do that follow-up is what I would understand would be the current position.

CHAIR - Thank you for clarifying. Appreciate that. I have a structural question to ask about the report that is really around having some clarity on why, against each of the recommendations, we have 'Office of the Independent Monitor Appraisal Comments', and then against some of the recommendations we also have 'Implementation Monitor's View' and some comments under that subheading as well. I'm just trying to understand the basis on which that 'Implementation Monitor's View' comments have been included, or not included, against certain recommendations. Can you explain that structurally to me?

Mr BENJAMIN - I'm wondering, because it hadn't occurred to me, but I'm wondering if different policy officers did different parts, and that they provided different headings. Are you able to assist in relation to that?

Ms PHILLIPS - Yes, I can try and shed some light on the kind of process behind that. So, in terms of the implementation - the OIM appraisal - at officer level, we had myself and colleagues going through the information and making that assessment. And as part of that assessment, we had the general remarks about what the agency has done to implement the recommendation, so that they're the comments that you'd see and the appraisals that you'd see without an 'Implementation Monitor's View'. Generally, where they were included, it was because Robert wanted to make a specific comment beyond what was already provided in respect of the appraisal. So, if Robert felt he wanted to add specific views about the appraisal of the recommendation, so I don't know if -

CHAIR - I'm interested, then, in the sort of basis on which that was done, because as I read through, there are times when I'm reading about a recommendation and the appraisal made by your staff in the report and the description of activities against implementation. I'm also looking at, for example, delayed timelines in the column about timelines. I'm thinking, 'Well,

there's no explanation here about delay and why isn't there an 'Implementation Monitor's View' here that explains this more to me?'

Was there any particular criteria or basis on which to put those additional comments?

Mr BENJAMIN - I thought your question identified that there was some disconnect between some of the –

CHAIR - No, it's not about disconnect; it's about extra information that's sometimes provided through the 'Implementation Monitor's View' comments being present and then other times not being present.

Mr BENJAMIN – Can you take me to the one you're looking at, for an example.

CHAIR - It's throughout. For example, I'm looking at recommendation 12.19 and that one has some 'Implementation Monitor's View' comments at the end, and then 12.21, which I think is interesting that it's delayed, it's revised timeline, but it doesn't have any 'Implementation Monitor's View' comments, only the OAM appraisal comments and it's one I would be interested in.

So, I'm not asking you to comment specifically on those examples I just pointed to because they happen to be open in front of me, I'm just wondering was there any criteria on which you made additional comments?

Mr BENJAMIN - The answer's no, not that I can remember. What would happen is that we got all of the information in, we started preparing these and slowly but surely policy officers would go through. Then I'd sit down with the policy officer, I'd read the recommendations, I'd read the underlying text or sometimes scan the underlying text because I knew it reasonably well, and then I would make those comments. So, there's probably no rhyme or reason to it except that I thought something needed to be said in relation to those.

If there's issues where you think comments should have been made and I didn't, then I'm happy to address those and consider those in terms of next year when I get a little bit more au fait with the process because it was a new process.

CHAIR – Absolutely, you were building the ship as you were sailing it, absolutely.

Mr BENJAMIN – No, we built the ship last year, but actually running through it was a significantly challenging task for the policy officers and for me, because you really had to go back and remind yourself of what the recommendation was. And we had some debates about what the intent was because I think intent in this is likely to be different to the intent in the future, because some of the intent we're dealing with here is a textual intent, whereas I think as we go on, that will mature into a broader intent.

CHAIR - I think, all members of the committee would have a lot of sympathy for the fact that these are very extensive and detailed recommendations and reporting against them is quite some task.

Mr BENJAMIN – It is.

CHAIR - Yes, and the amount of information and evidence that you would have been provided to be assessing against each would have been enormous. So, we recognise the challenge of that task.

Can I make a comment here, on the matter of when I found reading through the material in the companion documents, which goes recommendation by recommendation, the instances in which there was an 'Implementation Monitor's view' to provide additional information or context or comment, I found particularly useful, for example. So, if that's helpful for you going forward, then I'll leave that with you as a comment rather than a question.

Since I have it open in front of me and I used it as an example - because I think we're going to move to asking about some specific recommendations, anyway - can I ask you about recommendation 12.21, which is on page 93 of the companion document.

Mr BENJAMIN – Yes, I have it in front of me now.

CHAIR - I'm interested in this because this is about the Tasmanian government ensuring children and young people in detention, including on remand, receive a mental and physical health assessment on admission and access to 24/7 medical care and have a say in their mental and physical health care. It was originally deemed to be deliverable by 30 June 2026. It's been, it says here, delayed revised timeline 31 December 2027, so the end of next year. There are no comments from you as Implementation Monitor there additional to the appraisal comments from your office. For example, when I read that as a delayed implementation, I feel concerned because it seems like a fairly straightforward and obvious thing that could be progressed and delivered in its entirety.

Ms O'CONNOR - Particularly new infrastructure to deliver it.

CHAIR - But I don't see in your reporting there, I don't see a clear explanation of why this has been delayed.

Ms O'CONNOR - And obviously that's not your fault.

CHAIR - No. We will follow this up with relevant ministers and get more information later, but I just wondered from your point of view -

Mr BENJAMIN - I think you should. There were reasons why, but they don't jump to mind at the moment. But because it was substantially progressed and not completed, in terms of the substance of it, I was satisfied that it wasn't where it should be, as to why I didn't turn my mind to 31 December. I genuinely can't remember. I suspect what we're looking for there is significant intervention in child health, and because it hadn't occurred and I was assured it would occur, and that's where it came. But do you have any thoughts on that?

CHAIR - It's a delay of 18 months. It was due 30 June this year. It's delayed to 31 December next year. Granted, elements of it are being implemented which is why you've given it a 'substantially progressed', which is positive, but as a reader, I don't understand why potentially from an independent monitor's point of view, or any implementation monitor's point of view, there wouldn't be some concern about why this wasn't able to be ticked off and done within the designated timeframe.

Mr BENJAMIN - I have no independent memory. I'll ask each of my colleagues. Does anything spring to mind from your perspective?

Ms PHILLIPS - In terms of?

Mr BENJAMIN - What the delay?

Ms PHILLIPS - I think, beyond the appraisal I would also just turn members to - there's other recommendations related to health, health being provided in Ashley Youth Detention Centre, like recommendation 12.20 whether where we talk about the Child and Youth Mental Health Service Divert and Connect program, which is a specialised program that provides children in Ashley Youth Detention Centre, as I understand, mental health support, consultation, treatment, and they importantly can help provide support for children before they're in Ashley, so when they're involved in the criminal [criminal] at the youth justice system, I would point to systems or programs that are being rolled out in addition to that recommendation. But in terms of the observation, I definitely don't think our office would disagree with the concerns there.

CHAIR - Thank you for that. And it's not up to you or your office to justify departmental cross support across recommendations and what's covering, perhaps a delay in one area being picked up in another. That other recommendation 12.20 is only in-progress. It's certainly nowhere near in place and established either. It's not due to be completed until 30 June 2029. I guess, my concern is more around I would have thought your role, potentially, would have an ability to be able to fairly straightforwardly point to areas that are being delayed without a justifiable reason and have that be obvious to me as a reader that, 'Here's a recommendation which has been delayed 18 months compared to its original date'.

At other stages in this report, those sorts of delays are provided with some explanation and some credible explanation, but for some that aren't, I'm puzzled as to why you wouldn't make a comment, and at least make it clear that there's observation occurring of the fact that the government may be dragging its feet on that one?

Mr BENJAMIN - With Ashley and its medical services, they were coming from a very low base, and as I've gone through and dealt with each one of those recommendations I've seen substantial progress. I suspect watching that from a low base to there, I haven't focused as much on time as perhaps I should have. What I think we'll contemplate next year is following your suggestion and give comments in a dual format. One is what's taken it to complete or what's taken to completely embed it or where we are, and then turn our minds, in particular, to the timing. Because I suspect when we wrote this, it would have been around July or August 2026. But obviously, I haven't picked up, or it hasn't stuck in my mind, the 2027.

CHAIR - Many of them have just been delayed to the end of this year instead. But this one jumped out because it's an 18-month delay.

Mr BENJAMIN - Well, it obviously jumped out at you, but not quite enough for me. But it'll be interesting to ask DECYP.

CHAIR - Yes it will. And we will, for sure.

Mr BENJAMIN - Because if you don't, I will, and if you do, I will.

CHAIR - Well, hopefully we both will, actually.

Mr BENJAMIN - Because I may have been given a reason, but I just have no recollection at the moment.

Ms O'CONNOR - It says here in the explainer that it'll need to wait until the revised model of care is fully developed, and associated service reforms will need to be finalised and fully implemented. So, is it possible that DECYP, as a reason for delaying what seems, as Chair says, quite straightforward, delaying this recommendation by 18 months, is because there's another body of work that hasn't been done?

Mr BENJAMIN - Yes. That's not something -

CHAIR - But is that running late?

Ms O'CONNOR - Well yes, what's happening with the revised model of care? I guess the question that we're probably all asking is, how hard can it be to make sure children and young people who come into detention receive a mental and physical health assessment on admission? And when they need it in detention, have access to 24/7 medical care and have a say in their mental and physical health care? How hard can that be?

CHAIR - And it may well be that they do. I mean, when we visited the site in recent -

Ms O'CONNOR - Health checks.

CHAIR - We did hear about some of these matters and that they are occurring. So, it sort of surprises me that we wouldn't have a more clear indication, and that it's still down as delayed through to potentially the end of next year. Anyway, I don't want to get bogged down too much on just that one.

Mr BENJAMIN - All I can sensibly say is one, it's DECYP, two, I'll get back to you and better understand what my thinking was that time.

Ms O'CONNOR - And maybe when you do that, if you don't mind providing some information on what is available to young people in detention, to your knowledge on reporting from DECYP?

Mr BENJAMIN - We have fair detail on that.

CHAIR - Okay, we might move through now to some specific areas on specific recommendations that members want to go to. I'm going to check in with members around the table and the virtual table. Mrs Greene, do you want to go to some particular areas?

Mrs GREENE - Yes, thank you, Chair. I'd like to go to recommendation 9.16. The commission of inquiry was really quite unequivocal that every child in out-of-home care should have an allocated case manager. We know that there has been progress, but there's still about a third of young people that don't have one. I'm just curious as to your thoughts on how confident are you that this recommendation will be delivered and what concerns do you have about the numbers as they are right now?

Mr BENJAMIN - I don't think that will be achieved within time. In the last Budget, I think, somewhere around 40 additional youth workers were provided in that Budget, and my recollection is that DECYP also moved resources around to provide a few more. That would not get to a one for one, but it's a significant improvement on where it was. That falls into an issue where I can't see under the current funding that this will be achieved anytime soon, and it may be something that will move backwards. Hence the comments I made earlier in this piece, which I was going to make at the end about the funding in that area. So, we're a lot better off, and there's some light, where we are at the moment, because we've come from a terrible situation to somewhere which is much better, but there's some distance to go.

CHAIR - Did you want to follow on from that, Mrs Greene?

Mrs GREENE - Yes, if I can. What would be your recommendation now to the government on this, given that you don't think they're going to meet that recommendation? What would you recommend that they do to get back on track?

Mr BENJAMIN - Fund it. To get back to what I said earlier, don't fund it by saying you're taking it from somewhere else. Fund it. Because if I learned nothing at the commission of inquiry, if a child has one reliable adult in their lives, their chances of success in life are much improved. Now each of these young people and children have different needs and what have you, and they may have some people in their lives, but it needs to be funded. The commission of inquiry says one for one, and it should be there.

CHAIR - Further on this same area, perhaps further out-of-home care recommendations, that we might go to?

Mrs GREENE - Yes, I don't have the recommendation number in front of me, but there's the recommendation around fully outsourcing out-of-home care to the non-government sector. Just keen to hear your thoughts on that, because it also appears as though it's another that's been delayed and hit some roadblocks.

Mr BENJAMIN - I think the roadblocks in terms of that are twofold. That was raised with me late last year and into this year.

CHAIR - This is recommendation 9.02?

Mr BENJAMIN - Yes, the commission of inquiry recommended full-out servicing. However, I'm told two things: one, that there isn't the capacity, or the appropriate capacity, in the non-government sector, and that the provision of services in that area is at times patchy, is that - I think that's a word that's used. Some are very good and provide excellent service, and I think that was what attracted that recommendation to the commission of inquiry. Some are not so good, and some don't meet the standards that I think DECYP would suggest.

The second is that DECYP has some capacities now, particularly with children with special needs, which aren't readily available outside the department, or outside the agency. At present they say that they are in a better position to care for those children than independent sources or independent agencies. But what they are doing, and which I am monitoring, is DECYP are building capacity through non-government and Aboriginal communities, and

I think there was some discussion earlier this year about transferring some funding to some Aboriginal groups.

There are also issues about moving children; sometimes it's easier said than done. If a child is in a safe and satisfactory place, you have to engage with the child, because moving a child could break –

CHAIR - Wouldn't it involve moving the carers across into the different management system rather than moving the child?

Mr BENJAMIN - If the child's in a care arrangement, changing that care arrangement itself can cause trauma. So, you have to, and they have to analyse carefully how the change will impact on the child and whether the change, for a recommendation, where the child is thriving and managing well, whether you would put that in place.

CHAIR - Still, I don't understand. I think my impression had been that in shifting the provision of out-of-home care to the non-government sector, what you would be doing is, instead of the current carers who have children in their care being managed through the departmental system, they would be shifted for management to the non-government sector. So, you wouldn't be changing.

Mr BENJAMIN - I'm told that sometimes that will involve a change of carer.

CHAIR - Right. Okay. That's interesting. So, that's been delayed. Sorry to jump in, Jess, do you mind if I ask a follow-up question?

Mr BENJAMIN - So can I just finish that off?

CHAIR - Oh yes, please.

Mr BENJAMIN - Ultimately, the pace of transition should be guided by the provider capability and care quality, rather than a specific timeframe. That's what I've been told. That's what I've accepted so far.

CHAIR - Your comments in the report indicate that is the case. The now-revised timeline is 31 December 2028. Does that seem realistic to you, and is that one you think they could be held to as a realistic timeline?

Mr BENJAMIN - The answer is I don't know. It depends on what funding constraints are imposed upon them over the next Budget and the Budget after that.

CHAIR - Further follow-up on that, Ms Greene? No? Ms Rosol, do you have some out-of-home care questions? There's one that I want to ask about in terms of the out-of-home care space and it's around - just have to go back and find where I had it - it's a straightforward one, and again, it's been delayed with the revised timeline. So, it was due - I'm looking at 12.12 - it's that DECYP 'should ensure the *Foster and Kinship Carers Handbook* is updated to include' certain information and policies and then making that handbook publicly available on the website. It's astonishing to me that we don't have an updated handbook for foster and kinship carers, and that given that it was provided with a reasonable amount of time, I would've

thought, to be implemented as a recommendation, it's now been pushed out further to at least the end of this year, so -

Ms LOVELL - End of next year. It says 2027.

CHAIR - No, it says 2026.

Ms LOVELL - Which one are you looking at?

CHAIR - At 12.12. Sorry, 9.12. Sorry, everyone. Post-lunch brain fog, perhaps. I was looking at the 1-2 and saying '12'. It's 9.12, which is on page 51 of the companion document, for clarity. So, for example, when I read that, what seems like a relatively straightforward task for a fairly important document, really, in terms of accountability and just support to carers in this space, I'm puzzled as to why on Earth it would be delayed, and why there wouldn't be something expressed from your assessment about that delay.

Is it now publicly available? It does say it was going to be publicly available shortly after you were completing this report, perhaps.

Ms PHILLIPS - If I may take that on notice. I do apologise. What we did try to do before coming before the committee is check on numerous things like that, and this was one that, unfortunately, I wasn't in a position to check beforehand. But we can take that on notice and answer.

CHAIR - Not to worry. We will also follow it up when we scrutinise ministers on these things as well, and perhaps it's there and maybe others on this -

UNKNOWN PERSON - Let's have a little look.

CHAIR - Jump in and have a look.

Mr BENJAMIN - I think in fairness to DECYP, they have better engaged with Aboriginal groups this year than I have seen in past years, and in their engagement in this respect, there are broader issues apart from - well, there are the issues as outlined there in terms of the Aboriginal groups and also the foster and kinship carer.

CHAIR - Right. There might be challenges.

Mr BENJAMIN - I think it's not as easy as it appears on paper - that's what I think.

CHAIR - Yes, which is why your reporting on it is where we would look to have an indication of that, I guess.

Mr BENJAMIN - I think we could -

Ms PHILLIPS - One comment I might - just to contextualise some of those 'Implementation Monitor's views', just to provide more context, more than anything: firstly, many of those views that we provided in our appendices follows off from many of those advices that we gave agencies. And so, for that transparency purposes, we also wanted to publicly report on, you know, where we had provided that advice to agencies. So, that was one of the

reasons why some of those Implementation Monitor's observations are in there - just to kind of set the context there.

Then the other thing I would just say would also be that we received this information and had to process it in a really short window just because, for our reporting purposes, it's up to 30 June and then, obviously we have to have our report ready a few months later. So, just for some context-setting in terms of, you know, the ability to include those views on all of the recommendations was a little bit constrained by time, and then also just appreciating that beyond the 191 recommendations from the commission of inquiry, there's 366 and now I think, 392 including Woolcott, within our scope. So, I think that's probably just to set some context as to why, you know, there's not commentary in the report specific to, for example, this recommendation.

Mr BENJAMIN - From my point of view, I accept it's a valid criticism and we'll cure that in our works next year.

Ms O'CONNOR - Not a criticism so much as an observation.

Mr BENJAMIN - Observation, yes. I think that's the beauty of these occasions, that we actually learn from each other.

CHAIR - On the matter of delayed timelines, when do you expect the government to update the timelines? For example, many of them now have been delayed that were due 30 June this year, have been delayed to 31 December this year. Would you expect the government to say, for example, in early next year, January/February, to say, on the website update actual timelines that haven't, for example, been achieved and tell us when they do expect to then achieve?

Mr BENJAMIN - I had a whole series of debates at the end of last year about timelines. The government, or the agencies notified - I think that's the right word - me that they weren't going to have a lot of the things finished on 30 June, but they'd have it finished at the end of 2027.

What then happened is we had the machinery of government changes. We had people from DPAC going to DECYP. We were having all sorts of rearrangements of work and rearrangements of people. And I think in the context of that, those movements impacted on the discussions and the reasonable discussions in relation to timelines.

When we send out our notices early next year, we will be focusing on timelines in a much stronger way, because literally speaking, we can't say as at 30 June they weren't in time. We knew they weren't going to be in time. But next year they will have to really explain to me, and I will need to address that in my report, as to why something which should have been finished in June of 2026 is still not finished in June of 2027.

I think that change will refocus that, and I'll refocus on time, although, as I said, I really want to see it done well. I want to see it done properly, but it's not an excuse to delay things.

CHAIR - There should always be a valid reason for that. That couldn't be explained to people, so where my question was going was about, as a matter of accountability publicly, would you expect the government to actually once we've tipped past 31 December this year

and a range of these revised timelines are behind us, that they should update publicly expected revised timelines at that point so that we don't have to wait until September when you report to understand what the timelines then got pushed out to?

Mr BENJAMIN - It would be of advantage if they did address those in a public way because they going to have to deal with them in terms of coming to me next year.

CHAIR -Yes, I'm just wondering about public accountability.

Mr BENJAMIN - Well, I like transparency. I think if you're not going to make a timeline, you should say you're not, but I think in December last year the timeline was organically shifted from 30 June to the end of 2027. That was not done with my consent or my approval, but I sat back and waited to see what was happening.

Ms O'CONNOR - Isn't one of the issues here also - and certainly from our point of view - there's a lack of explanation for delays quite often from government, not from you, and that goes to the point that the Chair was making about, you know, 'Well, we'll get to the end of December'. There may not be an accounting for the timeline, but not only that, even as you go through your appraisal in the companion document, the explanations from government about why these delays - and they're across all agencies - why these delays are happening, seem to me to be pretty thin, and I know it's a huge body of work, and it's a big cultural change we're talking about, it's very resource-intensive, but it's hard for me to discern the reasons for some of these delays, particularly given some of them you wouldn't have thought are huge bodies of work.

Mr BENJAMIN - I can't but acknowledge that.

Ms O'CONNOR - It is mysterious.

Mr BENJAMIN - Yes.

CHAIR - Thank you, and I was interested to hear that - given you said you're keen on transparency and so it would be your expectation or hope that there would be an updating publicly about revised expected timelines.

Mr BENJAMIN - Yes. One of the things we'll be doing in relation to some of the other recommendations is asking for timelines because commission of inquiry does provide timelines. The other ones do not require timelines, and so we've asked each of them to provide some educated information as to when they can reasonably be undertaken.

Ms ROSOL - Thank you, Chair. I apologise. I can't see you but I can still hear you. Just in relation to recommendation 9.18, I'm kind of keeping with the timeline conversations. It's to do with trauma-informed and therapeutic out-of-home care, which I would consider a fairly basic thing, and I can see in your view that you've invited DECYP to propose a new achievable timeframe for completion, and from reading through the OIM appraisal, that would seem to relate to 9.18.3. But just looking at recommendation 9.18.2, that DECYP commissioned a report identifying the core components of trauma-informed therapeutic out-of-home care that they were due to receive by the end of June 2026, that means to do a whole bunch of work to implement that.

When you say a new achievable timeframe there, are you talking about the whole recommendation or just parts of it, and can you comment on delays to therapeutic care in out-of-home care, therapeutic trauma-informed care?

Mr BENJAMIN - Yes, I'll ask Ella to start and I'll come back to it.

Ms PHILLIPS - Yes. I can just talk to broadly about inviting a new timeline for the recommendation because we report at the overarching recommendation level, the simple answer would be: it's for the whole recommendation because the way that we assess it is that if there's one sub-part that's not yet complete, the whole recommendation cannot be assessed as complete. So, I think the simple answer to that would be: it's at the overarching recommendation level. Did you want to comment about trauma-informed therapeutic model of care?

Mr BENJAMIN – No, because that wasn't the question as far as I understood.

Ms ROSOL - I mean, it's a comment. I would have thought that trauma-informed therapeutic care is pretty basic in out-of-home care, and it's concerning that implementation is being pushed out and looks like being delayed further. That means children in out-of-home care aren't receiving trauma-informed therapeutic services, which is a problem.

CHAIR - It may well not be in all cases.

Mr BENJAMIN – It may well not be in all cases, and I'm told by the department that that will be done by 31 December this year.

CHAIR - Well, it's clearly not going to happen if they're not due to get this report until the end of June and then have to still implement it from there; it'd be hard to imagine them achieving that timeline, but we'll see.

Ms O'CONNOR - Have we confirmed that the report from the Institute of Child Protection Studies that was due for delivery to the department by the end of June this year has not been delivered?

Mr BENJAMIN - I don't know whether it's been delivered or not.

Ms O'CONNOR – Okay.

CHAIR - Because the evidence assessed here in this process was through to 30 June, so it's not a problem, it's not a criticism for you and what you've assessed.

Mr BENJAMIN – No, it’s not at all.

CHAIR - Did you have more on that particular one, Ms Rosol, or can I ask one about the next recommendation? Because I think 9.19 is also interesting because it's got a revised timeline pushed out by 18 months.

Mr ROBERTS – Excuse me, Chair, just on the revised timelines as I've just been looking: DPAC did publish a document which explains some of those revised timelines and put it on the website for public access.

CHAIR - And when was that done?

Mr ROBERTS - It's a quarterly report and it's listed 1 August to 31 October 2025.

CHAIR - Yes, so that's last year when they did these revisions. What I'm interested in is when we tip past 31 December this year and a bunch of these timelines are behind us, whether they will regard it as important to provide updated revised timelines on everything that hasn't been completed by the revised timeline, so we can hold them accountable to the next revised timeline.

Mr ROBERTS - Okay, thank you.

CHAIR - If that makes sense. That's what I'm interested in ultimately seeing. I don't want to have to wait until this time next year when we're scrutinising the next annual report of the monitor to get explanations for why timelines have or haven't been met. Essentially it'll give them a free pass if they don't put revised timelines out in January, for example, or February at the latest; we have nothing to hold them to account to because they've missed a timeline, but they haven't said when the actual next expected timeline is going to be and if we have to wait until November, then that's problematic.

Ms ROSOL - I think that gets back to the question I was asking earlier in the day about the biannual report and the government's transparency through that biannual report, because I think that's where they have reported some things, but they seem to be lengthening the period of time between those reports almost every time they happen. I'm interested in the Implementation Monitor's thoughts on how frequently those government reports are happening.

Mr BENJAMIN - If I can go back to the earlier comments first: I am more concerned with having the work done properly. What I don't want to do is unnecessarily have agencies fixated on timelines, because what I will get then is people doing a tick-and-flick. They'll come along and say we've done this, this, this and this, and we believe that would have complied with the timeline.

CHAIR - I absolutely accept that.

Mr BENJAMIN - I think that's part of my rationale.

CHAIR - Sure.

Mr BENJAMIN - Whilst I appear somewhat relaxed about that, I'm not relaxed, but I'm not fixated on it.

CHAIR - I accept that, and I agree with you that we want to see things done properly, not necessarily just to tick off a box on a timeline, but we also want the government to be accountable and have to explain where it is up to in its implementation.

Mr BENJAMIN - And let me know, and let you know, and so I can report publicly.

CHAIR - If there's no accountability to a timeline, and it's an unending timeline, then that doesn't allow us to be able to scrutinise and hold to account as effectively. That's why I'm interested in them providing updated timelines.

Ms O'CONNOR - To us, and Mr Benjamin.

CHAIR - Yes, to us and to everyone, to the public, to the committee, to the monitor; to everyone. There's nothing wrong with missing a timeline, if you have a good explanation for why you've missed it. But you should have to provide that explanation if you've gone past the expected time you were supposed to deliver on something.

Mr BENJAMIN - In terms of the public reporting, when I started, there was quarterly reporting. That imposed a significant burden on the government agencies, but it also imposed a significant burden on me, because I then had to assess it four times during the year, rather than once or twice a year. For me, and for my purposes, if an agency goes to six-monthly reviews, that's probably a benefit, in terms of me and my colleagues getting through the work.

CHAIR - Is it your expectation then, given that the first biannual report covered the period from 1 November 2025 to 30 June 2026, that's an eight-month period, essentially. Are we expecting the next one to be a six-month period, and therefore are we expecting a report in January from the government?

Mr BENJAMIN - I think effectively my first report went from 26 September -

CHAIR - No, I don't mean yours, I'm talking about the government's reports.

Mr BENJAMIN - Sorry, I misheard the question.

CHAIR - Yes, the government's biannual reports.

Ms COOPER - I can clarify that, Chair. My understanding is that there will be a report in January or February of next year, from the government.

CHAIR - To cover what period of time is your understanding?

Ms COOPER - My understanding is that is on 1 July to 31 December, this year.

CHAIR - Right. Then from then on, we will get them on a six-monthly basis for those particular six-monthly periods?

Ms COOPER - That is my understanding, yes.

CHAIR - Is there a comment then, following on from Ms Rosol's earlier questions and repeat question just then, is there a comment about the fact that there's been a diminution of detail provided in the reports? Even now that they've switched to biannual to six-monthly? We don't get as much information in them as we did previously in the quarterly reports.

Ms COOPER - I can talk to my understanding of their - from discussions with DECYP, who have taken over that central reporting role, is that they are looking to put out more, like, additional reporting throughout the year, and in between their two reporting cycles, that will

talk much more to specifics of recommendations being implemented, and some of the detail around that. That's my understanding of what they would like to do. I do understand they put out newsletters, and other things like that, but I wouldn't be able to speak to what sort of details that's going to look like. But I do understand that they will be doing biannual reporting.

CHAIR - Yes, we can ask them, thank you. Further to that Ms Rosol?

Ms ROSOL - No.

Ms O'CONNOR - Well, I have a question, but it relates to DPAC. Recommendation 6.06 from the COI, and in your annual report you reference it on page 77, where DPAC, the Department of Premier and Cabinet, is to develop a child-related incident management directorate, and obviously that would require, and it's detailed here, a lot of cross agency work to work out which data sources need to be included. What is your understanding of why DPAC has not yet been able to, and in fact has delayed the implementation?

Mr BENJAMIN - Is that recommendation 6.06?

Ms O'CONNOR - I think so, that's what my notes say, 6.06.

Mr BENJAMIN - Yes, so I think you said page 77.

Ms O'CONNOR - In your annual report it's referenced, so sorry.

CHAIR - It's on page 32 of the companion document.

Ms PHILLIPS - Sorry, do you mind just repeating that question for us?

Ms O'CONNOR - Well, the question is: this was sort of a recommendation that related to whole-of-government capacity to capture and respond, I would imagine, to systemic issues in incidents relating to children. So, 6.06, that a child-related incident management directorate be developed. That work, the lead agency is DPAC, and it is delayed. To understand - I would have thought it was a quite important part of the architecture of a child-safe Tasmania, which I hope we can achieve. What is DPAC's explanation for not being able to pull this work together?

Mr BENJAMIN - I'm told that DPAC has been mapping existing complaint management units, including the shared capacity and centralised investigations, within DPAC and the statewide Complaint Management Unit and the complaints management oversight within DECYP. That's the answer we've got so far. Is there something you can add to that?

Ms PHILLIPS - I would just add that mapping the SCCI unit in DPAC, but then also mapping the complaints management oversight unit from the Department for Education, Children and Young People, and then Health also have their own complaints. I think it's a statewide complaints management oversight unit. I think, at least as far as we understand, it's just that the department are still mapping what is currently being provided and just understanding ways forward to consolidate all those different models.

Ms O'CONNOR - Well, thank you. In terms of the mechanics of what we would end up with, and given that DPAC has indicated that the new timeline is the end of December this

year, how essential is the development of that centralised child-related incidents framework to embed in culture - that's the safety of children in government operations.

Mr BENJAMIN - It is essential, so that there's cross-referencing of those complaints, that the areas of skill recognised, and available in a broader sense. But how it is to be done is sometimes easier said than done, from what I'm told.

Ms O'CONNOR - You've advised DPAC that you're open to talking about changes to the way this recommendation might be implemented. Did you want to flesh that out a little bit further? In the companion document on page 32 in the OIM's appraisal, it says:

> The Implementation Monitor has advised DPAC is open to considering changes to the implementation approach for this recommendation.

Ms PHILLIPS - Yes, I think those discussions have just been very preliminary at this point in time, and we've just indicated, I think, that the department have expressed the work that they need to do and the complexity around it. The commission of inquiry, as I understand, they spoke to this body having kind of three arms of its functions, and having that specialised function centrally. As I understand, our office has just expressed preliminary views that we would be open to them coming to us and having conversations about the best pathway forward. I think that's what those comments are alluding to, those discussions.

Ms O'CONNOR - Okay. So, given that in some ways a recommendation like this is sort of at the core of the COI wanting to drive cultural change across agency, and make sure that agencies are talking to each other about children, it sounds, Ms Phillips, like the timeline at the end of December this year might be hard for DPAC to achieve as well, given that your answer indicated it's almost preliminary work that's happening at the moment. I feel a bit bad because you're not here to make excuses for DPAC. We're putting pressure on you on how agencies are responding, but you're having those conversations. So, to understand how this could be delayed for so long, even though it's complex, and how it could be at such a preliminary stage, given how central it was to the COI's set of recommendations, do you have any observations on that, and can we expect a bit of pressure from the Office of the Implementation Monitor on this?

Mr BENJAMIN - The answer to the latter part is, yes. The answer to the earlier part is, I suspect, although I haven't been told yet, part of it will be where that is situate. Because whether it's situate within DPAC or, given the amount of work being done by DECYP now, whether it's situate there, and given that both DECYP, Health and Justice in some respects are the centres of that, where it would fit in in that area would be a significant debate. One of the issues I have to address is to ensure that the role of DPAC, whilst it is now far less in terms of recommendations - but one of the underlying features of the recommendations is that DPAC remain the centre to make sure that we don't create these silos that we saw in the commission of inquiry. And, I think there were some announcements recently about a reframed cabinet subcommittee - was that, did that come out today? Or yesterday?

Ms COOPER - Yes, they have looked at changing the governance slightly, yes.

Ms O'CONNOR - Well, you're not in a position where you have to respect cabinet confidentiality. So, are you able to share with us any information about what that new cabinet process might look like? Does that mean that the central agency is likely to be DECYP?

Mr BENJAMIN - Yes. I'm told this: the central coordination reporting has moved from DPAC to DECYP. They say that the oversight of governance has been streamlined and - I'm just trying to find it - they've set up a children and youth reform committee of Cabinet, which is chaired by the Education minister, but of which the Premier, the Deputy Premier and others are involved. Have I got a copy of that? I think I've got a copy of the structure, and I'll dig it out here in a moment.

Ms O'CONNOR - I'm sure we'd love to see that.

Mr BENJAMIN - I saw it, I think, for the first time this morning and I'll make that available to you.

Ms O'CONNOR - Thank you. It raises again, though, doesn't it, the question of the level of funding that's been allocated to what will now be the central agency for the delivery of the COI recommendations. So, more work in DECYP, more responsibility, and yet $230 million in cuts over four years.

Mr BENJAMIN - It also reflects on the importance of this meeting. I don't think it is coincidence that suddenly I'm getting -

CHAIR - No, I don't think it is either.

Ms O'CONNOR - Questions about funding?

Mr BENJAMIN - Or changes.

CHAIR - Updates.

Mr BENJAMIN - Or other information, yes. But it may just be coincidence. Bear with me and I'll find that document.

CHAIR - I'll give you a moment and then I'm going to go to Ms Lovell.

Mr BENJAMIN - I've got a document. I've got the terms of reference of - I think I should take it on notice, but I'm not sure.

CHAIR - So you're going to take on notice whether you can provide us with this document?

Mr BENJAMIN - I'll find it out within 24 hours, I hope. Because –

CHAIR - Okay. Just so we can send you something about it, the document we're referring to is a?

Mr BENJAMIN - It is the Children and Youth Reform Committee of Cabinet Terms of Reference, and it's dated June 2026, albeit I saw it for the first -

Ms O'CONNOR - It is good to hear that Cabinet will have a specific focus.

Mr BENJAMIN - Well, to me, that was important. To me.

CHAIR - And just for clarity, is this a revised subcommittee of Cabinet or an entirely new subcommittee of Cabinet?

Mr BENJAMIN - That's a very good question and perhaps I might be able to answer it some time, but not today.

CHAIR - Excellent, we'll take that on notice as well, potentially - we will certainly ask the relevant ministers also about these things.

Mr BENJAMIN - I can also indicate that when the machinery of government changes were announced, I met with the secretary of the Department of Premier and Cabinet and sought and received assurances from her and senior staff that they would remain in regular contact with me. I do meet with them regularly and I can ask them questions and do ask them questions arising from that material. So far, the communication is good, but I'll -

CHAIR - Can I have a quick follow up on that too before we move on to the other area and that's in terms of those machinery of government changes and the changing responsibilities of coordinating and oversight, there, moving to DECYP, does that also mean that there is a reallocation of responsibility for implementation of particular recommendations where things will shift from DPAC to DECYP and will we see that then reflected in an updated manner somewhere in the public domain? Do you know?

Mr BENJAMIN - There is going to be a change and I think we've got that set out somewhere in my papers and I'll dig it through.

CHAIR - You already have an outline of -

Mr BENJAMIN - I have some idea -

CHAIR - Of agency responsibility for each recommendation and which ones may be changing as a result of machinery of government changes?

Mr BENJAMIN - Yes.

Ms COOPER - That is information that we're obviously interested in, and we will be working through with each of the agencies on that, but I don't think we've got a definitive response to that yet.

CHAIR - Thank you. That'll be something we seek also from government, I imagine, an update on that because it's of particular interest to the committee also.

Ms LOVELL - I just wanted to go to a little aside from the recommendations that you're overseeing, but on page 118 of your annual report -

Mr BENJAMIN - Of the report or the -

Ms LOVELL - Of the report. You just made a comment on the findings of other reports about the appropriateness of Hobart and Launceston reception prisons as places for children and young people to be detained.

Mr BENJAMIN - Yes.

Ms LOVELL - And I know that the commission of inquiry, as you've noted there, encouraged, didn't examine adult custodial facilities but did make, or I guess, encouraged the government to and, quoting from your report here:

> … implement the youth justice recommendations in a manner that would create consistency across all custodial facilities in which children and young people may be held.

I know that we have heard some evidence on this committee, some really heartbreaking evidence about what happens in -

Mr BENJAMIN - That was from the Custodial Inspector, yes.

Ms LOVELL - From the Custodial Inspector, also from a correctional officer who works in that environment.

Mr BENJAMIN - Yes.

Ms LOVELL - So, I just wanted to ask you whether you feel that this is potentially a gap in terms of specific recommendations that we can hold the government to account to, or just invite you to make a comment about whether you feel that the government are doing that in that encouragement from the commission of inquiry, implementing the recommendations in a way that creates that consistency, even though those facilities weren't examined themselves?

Mr BENJAMIN - Well, the commission of inquiry didn't examine them. We were, I think, busy enough with Ashley.

Ms LOVELL - Absolutely.

Mr BENJAMIN - I have been to the Hobart and Launceston reception prisons. If you have a chance at some stage, go to the Launceston reception prison and look at where the children are kept; within that and look at the place itself. I think the reports of the Custodial Inspector last year and the reports, I think, of committee B, is it, of this parliament last year gave great colour to those. They are places where children ought not to be taken. They are not safe for children and I'm not talking about the staff, it's just the -

Ms LOVELL - I understand.

Mr BENJAMIN - I think in Launceston the children's accommodation, I think 'cell' is a better word, overlook a containment cell for adults with significant mental health and behavioural issues. It needs to change.

I suspect that it is likely to be Ashley – not Ashley, likely to be Pontville when it's up and running. I don't know how they'll do that and there's some pushback in relation to that, but it needs to be somewhere better. I understand there's some discussions about what can be done with Launceston. I mean, Launceston, in so far as young people and children are concerned, is beyond description. I've spoken to some officers in Justice and some officers in DECYP and

I'm told they're thinking through some short-term solutions in relation to that, so if the question is, am I interested, I'm extraordinarily interested in that.

Ms LOVELL - Are you interested and do you feel that the government is prioritising this as they should be?

Mr BENJAMIN - I believe that the agencies are prioritising it as much as possible. I'm not sure that it is a significant issue yet on the priorities of the government, but as I said, if you get a chance. Have you been there?

Ms O'CONNOR - There's no sunlight.

Mr BENJAMIN - It's a dark place.

Ms LOVELL - I guess in fairness to the correctional officers too, certainly the evidence we heard is that they don't want to be having young people there because they know it's not suitable and they know it's quite horrific actually.

Mr BENJAMIN - One of the lights that came out of that were the people who work there and the care they showed, both the adults and the young people they were extraordinary - I walked out of there kind of wanting to have a shower because of the place, but kind of feeling good about the people who work there and their insights.

Ms LOVELL - But they can only do so much, can't they on that. Thank you.

CHAIR - Ms Greene, I am just going to check back with you so I'm not missing out on areas you want to go to.

Mrs GREENE - I'm okay for the moment. I was going to ask a few questions around the recommendations regarding Aboriginal people. I'll just refer to my notes if we're still on another topic.

CHAIR - Okay, well, I'll pick something up and give you a moment to get to that and come back to you shortly, if that's all right.

Mr BENJAMIN - Before we go, there is that Children and Youth Reform Committee of Cabinet.

CHAIR - Are you able to table that with us?

Mr BENJAMIN - Yes. Sorry, and I didn't listen to the questions to where we were going.

CHAIR - That's ok, I haven't said it yet.

Mr BENJAMIN - It has some of my scribble on it, but you can ignore that and you can probably download it from the government website at some stage.

CHAIR - One of the ones that I just wanted to check in with you about, one of the recommendations and I'm just going to find it in my documents here so I get to the right spot and it related to the new Commission for Children and Young People being established. It's

recommendation 18.09, in the companion document that's on page 147, and I'm just interested in this because it relates to the fact that 'a joint standing committee of the Tasmanian parliament should oversee the performance and proper execution of functions of the Commission for Children and Young People'.

Mr BENJAMIN - Yes.

CHAIR - And they have that there as 'substantially progressed but delayed - revised timeline to be negotiated' as the indication, and I'm just interested because the comments there indicate that it's yet to be established, this joint standing committee. However, this committee of the parliament, which does exist and has a term of reference that includes, among other things, under its term of reference point E in a list of A to G. Point E is overseeing the performance and proper execution of the functions of the Commission for Children and Young People as provided for by recommendation 18.9. I'm just confused about that and what your view is or what your assessment was about the necessity to establish a separate committee rather than have that function attached to this committee?

Ms PHILLIPS - Thank you for your question. In terms of that recommendation, the commission of inquiry contemplated a parliamentary committee being established with that function. I don't know at the time of the commission of inquiry that this committee was in place and so in terms of the approach as to which parliamentary committee oversees that and performs that function, I think that would largely be a matter for government. We've appraised this on the basis that or an understanding that there would be a new committee established for that purpose. That was the basis on which we appraised it and that is consistent with more than anything what the recommendations spoke to. And I think that that's just simply because this committee wasn't in place at the time.

CHAIR - Certainly, we have been in place the whole time.

Ms O'CONNOR - Not until after the COI was delivered.

Ms PHILLIPS - I'm talking about the recommendation. The recommendation contemplated having that and it's in their legislation, so if you go to the act, I understand that it's in the legislation. That was the basis on which we appraised it this way and said it was substantially progressed.

CHAIR - In terms of evidence provided to you about the implementation of this particular recommendation, was it put to you that now there is a committee of parliament that has in its terms of reference this function, and therefore that could be considered towards implementation of this recommendation? Or has it been put to you, conversely, that it's the government's intention or desire to see a separate committee established?

Ms PHILLIPS - I would say that the supporting material provided for this recommendation was the act. So, in terms of that specific commentary, we weren't provided anything specific to that.

Mr BENJAMIN - It would probably be worthwhile hearing from the new children's commissioner at some stage, as to how she thinks it should be structured. Whether it remains within this committee or - whilst her view is not determinative, it would certainly be influential.

Ms O'CONNOR - It would help the parliament decide what to do about it, ultimately. It will be the parliament that has to deal with this.

Mr BENJAMIN - Are committee's a matter - you can help on this - for parliament, or the matter for government?

CHAIR - They're part of the parliament; parliament establishes its committees.

Mr BENJAMIN - From my perspective I see no issue, but that's only from my perspective. The commissioner has to speak, and you may need to hear from the Independent Regulator as well to see what her view is, because I think her office will fall into the commissioner's office in about two-years' time.

CHAIR - It comes back, though, not so much to the view of the new commissioner or the regulator, but looking back to intent of the recommendation. The intent of the recommendation was that there be a parliamentary mechanism, via a committee, that would oversee the function and effective establishment and implementation of that new commission.

Mr BENJAMIN - Yes, but that decision of parliament would be informed by suggestions from the children's commissioner and the Independent Regulator. I mean, it's entirely a matter for parliament, but there may be things - I may be punching at shadows - that I'm not aware of, which the new commissioner or the regulator may have concerns about. I don't know, I'm not privy to those conversations.

CHAIR - No, I'm mostly just interested in what had been provided as evidence around that to you for consideration, and whether the fact that it's in the terms of reference of this committee had been put forward as relevant information in the evidence?

Mr BENJAMIN - The answer is no, not that I'm aware.

CHAIR - Which is bizarre.

Ms COOPER - Could I just add to that, Robert? My understanding is that the intention was to use this committee, but it wasn't up to DPAC or Justice to establish a parliamentary committee. So, it's up to the parliament. Is that helpful? I don't know if it's helpful or not.

CHAIR - I think we'll just keep going round and round in circles potentially, until someone tells the parliament, 'Yes, we're happy that the committee that exists, which has this in its terms of reference, meets the recommendation as sufficient', or whether it's put to the parliament that, 'It's not sufficient to meet the recommendation, please parliament consider a different course of action.'

Mr BENJAMIN - Absolutely.

CHAIR - That's probably helpful for the parliament to have that steer, one way or another, I suspect. Did you have a follow up for that, Ms O'Connor?

Ms O'CONNOR - Not for that, no. MOUs.

CHAIR - We can move into a different area. I might just check back with Mrs Greene, who was just looking at her notes on the area she was interested to go to, and come to you after.

Mrs GREENE - Thank you. Mr Benjamin, we've heard a lot today about implementation plans, reports and recommendations that have been completed, but I'm really interested in your perspective after - because I know that you talked to victim/survivors and family stakeholders quite often. What are they telling you? Do they feel like there's been meaningful change?

Mr BENJAMIN - I don't think there's a consistent answer to that. I observe change, as to the extent of meaningfulness of it, I'm not sure; I'll need to measure that. When I speak to survivors at things like the Ribbons of Reflection, or through agencies, you get different views. There is a consistent theme that it's not moving quickly enough; there's a consistent view that it's only a start. In my communications with them, following the publication of the report, and it only came out last week - and in terms of how we're going to deal with, manage, next year's report, that's a good question to ask and I'll consider asking that in a broader range of circumstances.

Mrs GREENE - Thank you. I think it's really important that we don't lose their voices and perspectives through all of this. I've had a bit of contact today from victim/survivors who have been listening in and watching, and there are a few people that are feeling disappointed. So, I hope that it is something that we can revisit again when we have you before us next year.

I was also curious just about those recommendations around culture and Aboriginal children that are engaged in child safety services. Are you hearing from families that they're feeling respected and listened to, and that their engagements with child safety services are improving?

Mr BENJAMIN - Going back to your first comment, I'm hoping that those who are disappointed and who are worried contact me. I'm happy to hear from them and listen to them and have regard to what they say, and perhaps, in a more specific sense, address their concerns. I'm happy to do that in a confidential way - subject to the comments that I made earlier that if a child or children are at risk, I would of course notify.

Ms O'CONNOR - Can I just check, Jess, are you talking about disappointment in the government and the government's response to the COI?

Mrs GREENE - Yes, particularly regarding out-of-home care and Ashley Youth Detention Centre. Yes, I feel like there is a bit of disappointment there, because these recommendations were promises to victim/survivors that things would change. Whilst we know that there have been some delays for very valid reasons, I guess, if people who had so much hope that things would be different, yes, that they're feeling a bit disappointed in how things have panned out, I guess.

Mr BENJAMIN - Sorry, I didn't mean to interrupt you. Whether it's disappointment in government or disappointment or concern about the way my office is operating, I want to hear about it. It's important for me to understand and have the views of survivors, families of survivors, and all of those involved. I have a statutory duty to do that, but more than that, I'm genuinely interested in hearing what the broader community is saying about this. Because if I hear that, I can respond to it directly at high levels of government, whether it's in the bureaucracy or the political side or through here. So, it's something I'd like to hear about. Our

website gives a contact. We generally reply, almost inevitably reply to all emails in one form or another.

Mrs GREENE - I can certainly encourage them to be in contact with you and your office. I guess some of these things are very hard to measure. I appreciate the work of you and your team in holding government to account on these recommendations, but I would like to acknowledge that there is some hurt there, that's for sure.

Mr BENJAMIN - The hurt is deep and we've seen it for some time. Thank you.

Ms O'CONNOR - Thank you, Chair. We were talking earlier about the establishment of the commission for children. During the commission of inquiry, one of the most confronting things to watch was statutory officers, secretaries of departments, all sort of seemingly unaware of what their roles and responsibilities were in relation to the protection of children and young people, unaware of pathways, of connections that needed to be made between various statutory offices and agencies. So, the recommendation was for the development of a memorandum of understanding between the Registrar, the Commissioner for Children and Young People, the Ombudsman, the Independent Regulator, and the Integrity Commission. Now, we had the Integrity Commission at a hearing last year sometime, I think, and I asked about this MOU. It was still in development because it was a complicated piece of work to get all those different entities to communicate with each other in the interests of children and young people. I see here, and I'm pleased to see it, there's an interim MOU that's been developed. Have you seen the MOU and have you got thoughts on its content and its effectiveness? And what would change as a result of that MOU, should a child or young person or a notification come through to one of these various parts of the statutory machinery of the state?

Mr BENJAMIN - I haven't seen it myself, but I understand my office has.

Ms PHILLIPS - I would just say that that MOU was provided as part of the appraisal process as supporting material for this recommendation. In terms of the work that is being done across oversight bodies, I would also point the committee towards the recommendation around establishing that guide to oversight bodies, and I think that there's another recommendation about that alongside the MOU which speaks to information-sharing. That guide, in our office's view, has been really important about raising that awareness and getting the message across of that 'no wrong doors' approach. So, I think the general observations would be that this work has certainly been highly beneficial, and I think it will be really important moving forward.

Ms O'CONNOR - Is it the office's view that there is much greater clarity and sense of responsibility amongst those entities following the COI and the development of the MOU, and following the COI, which laid bare the deficiencies in their understanding of their responsibilities and their ability to communicate with each other?

Mr BENJAMIN - I know the commission of inquiry did impact those regulatory bodies. And what has happened since my appointment, as I indicated earlier, we get together two and four times a year, we exchange ideas. If I have a query which is better serviced through the Office of the Independent Regulator, I'll refer that to the Regulator, and she'll then come back to me and keep me updated. So, I think all of the regulators now are much more conscious of what their roles are, but they're also far more conscious of what the broader regulatory group looks like.

Ms O'CONNOR - Yeah, we now have a child safe organisations framework and a whole new legislative and regulatory framework, thanks to the COI's work -

Mr BENJAMIN - But I think just the regulators getting together makes a profound difference.

Ms O'CONNOR - Yes, well, that's a tangible, physical MOU, isn't it? But why do we only have an interim MOU three years after the COI made the recommendation?

Mr BENJAMIN - Because our children's commissioner was appointed, I think, on 8 October.

Ms O'CONNOR - Oh, okay.

Mr BENJAMIN - We've had an interim children's commissioner who, I think, retired in March or April, then we had a temporary children's commissioner, and it's only now that we've got a permanent children's commissioner. I assume that's a five-year appointment. And she has now to rebuild the office - because once she was appointed, the legislation became effective, she has to rebuild the office - she needs to, not has to, I wouldn't be brave enough to say the Commissioner 'has to' do anything - but she will probably do that. She needs to work with the independent regulator so that their functions integrate and harmonise well, and she needs to meet with the other regulators, the disability, the anti-discrimination, the ombudsman, the custodial - all of those groups, which will be fairly overwhelming, I would have thought, this side of Christmas. I've spoken with her. I sat down with her at a meeting with the federal Attorney-General a couple of weeks ago, but I think we have a lot to discuss, and I suspect she may be watching us as we speak today. And hopefully, she's in her office at the end of the day out.

Ms O'CONNOR - So, in terms of the enabling of information-sharing between these entities, which was identified by the COI as a significant problem that caused harm to children and victim/survivors, are there now any remaining obstacles that are not reasonable statutory provisions to that proper information sharing between these entities.

Mr BENJAMIN - Within the scope of what we are allowed to say, each of us under our separate constitutions and legislation, we effectively exchange all information that is necessary to protect children.

Ms O'CONNOR - And that includes the Integrity Commission.

Mr BENJAMIN - That includes the Integrity Commission. Now, there are some things we can say and some we can't but the consistent view of that group is that we share as much information as is legally appropriate for us to do. That will have to be created at some stage into a memorandum of understanding, but the understanding already exists.

Ms PHILLIPS - I would just add in terms of that, that we are monitoring those - so there were recommendations from Woolcott in respect of that road map for information sharing among those bodies. So, we're still monitoring the commission of inquiry recommendations, of course, but we will continue to oversee how the information sharing is occurring between these bodies.

Ms ROSOL - I just have a question around the Department of Health recommendations found throughout, but particularly in volume six of the commission of inquiry report, and you commented in your report that these recommendations weren't embedded, and a lot of those recommendations were completed in phase 1 and phase 2. I'm just wondering if you can comment on what you think might be happening in terms of them being embedded and what is needed for them to become embedded?

Ms PHILLIPS - Ms Rosol, I didn't pick up the first part of that question. Do you mind just repeating the first part, which recommendations you're talking about in particular?

Ms ROSOL - There was a comment in the report about the Department of Health recommendations, none of them being assessed as embedded and quite a lot of them. So, I didn't mention a specific recommendation, but quite a lot of the Department of Health recommendations have been completed for a while. I'm just wondering if you could comment on what's happening there with those recommendations not becoming embedded yet. Are there issues there? What do you see as being needed for them to be embedded because that's what we're aiming for?

Ms PHILLIPS - Thank you for your question, Ms Rosol. I will say some high-level comments in terms of our appraisal process with that embedded change status is that our office would only assess something as embedded change where the agency nominated that status categorisation themselves and so, for example, if an agency said, 'Oh, we think this is completed', we would assess it as completed. If they said it was assessed as substantially progressed, we would assess it as up to substantially progressed. So, I suppose in answer to your question, some of the answer might be that the agency themselves didn't nominate embedded changes in status and therefore we didn't turn our minds to, 'Is this embedded?' I just make those remarks because perhaps if they had given us that information or reported it at that level, we might have arrived at that conclusion - we might not have - but just some general remarks there.

Mr BENJAMIN - Just so you're aware, the Department of Health is the lead agency for 116 recommendations, 24 from the commission of inquiry of which 21 were treated as completed, 92 from the Launceston General Hospital review, and we're going to report on that early next year, which I think I might have mentioned at the start. Some of the recommendations from the 2017 Royal Commission have been kind of rolled into those other ones. So, it's a fairly interesting but complex operation. Have I got that half right, Ella?

Ms PHILLIPS - I would also just add the comments that in terms of assessing that embedded change, a lot of the Health recommendations specifically talk to culture. Our office's view is that it's a bit difficult to say that change is embedded when we're talking about things like culture change and prevention. So, I would just say that our office is conscious that it's little bit more abstract and so -

CHAIR - Would it be fair to say that you just need more time in order to be able to gather more data in an ongoing way to demonstrate that culture change?

Ms PHILLIPS - Yes.

Ms COOPER - I would just add, to demonstrate that children are safer as well. That is going to take time, and that's where our evaluation functions will come into our role more into

the future. This year, looking at embedded would have been very challenging for our office to properly appraise something as embedded without doing fuller evaluation.

Ms O'CONNOR - And having all the data that you required in order to do it properly.

Ms COOPER - Yes.

CHAIR - Do you want to follow on from that, Ms Rosol?

Ms ROSOL - No. That's all helpful, thank you.

CHAIR - Excellent.

The committee suspended from 3.02 p.m. to 3.12 p.m.

CHAIR - Thank you, everyone, for that short break and we will come back now. We've just got a bit more time before we conclude for the day, and we appreciate the time that's been made available by you, Mr Benjamin, and all your team, to talk with us today. I believe that there's some clarification that you'd like to provide around an answer from slightly earlier this afternoon.

Ms PHILLIPS - Yes, thank you, Chair. I just wanted to clarify in our discussion earlier when we were talking about the parliamentary committee to oversee the new Commission for Children and Young People. As I understand, the recommendation in the legislation both speak about a joint standing committee and, of course, this committee is a joint sessional committee. So, that's just the difference there, so I just wanted to clarify.

CHAIR - Thank you. I appreciate that. I think it still comes back to the core point about what delivers on the intent of the recommendation and if there's an indication, potentially, from the monitor on whether that delivers on the intent or not. That's probably useful for the parliament to be able to consider whether it goes forward with this committee, in that sense, or requires a different approach - for example, a standing committee. Moving on, though, I think we will just go to a couple more areas and specific recommendations.

Ms O'CONNOR - At some point, I want to talk about the Weiss review.

CHAIR - And I wanted to go to the Woolcott review. I know that you mentioned in your opening remarks you've now had 26 recommendations referred for oversight as part of your role from the Woolcott review, which is good to hear. But, of course, that's not reported on in this report because this report predates that referral to you, is that correct?

Mr BENJAMIN - That's correct, yes.

CHAIR - However, there are some recommendations where the commentary from you here in your report and the companion document makes reference to tie-ins to the Woolcott review. I'm just wondering whether - not that you can sort of speak to them directly in terms of the Woolcott recommendations - but can you speak to those areas and whether you see appropriate progress being made? I'm mindful that many of the areas around ED5s, ED6s, ED4s, many of the recommendations relating to those, connected to the Woolcott review recommendations as well, have been delayed, for example, and aren't progressing on the

timelines initially outlined. I'm just wondering if you could make some broad commentary around how you see the progress there and whether it's an area of concern for you or not?

Mr BENJAMIN - The commission of inquiry made a number of recommendations which the Woolcott report took up and fleshed out. One of the issues that concerned the commission of inquiry was the difficulties in protecting children from state employees. I engage with Peter Woolcott and Radha Thomas throughout their report, I spoke to them on many occasions to understand what their thinking was. Part A of the report focused on the broader Tasmanian State Service and public sector, and part of that's, I think, going to be positively impacted by the monitor amendment act, which is currently before the parliament, I think which was passed by the lower House recently and is going up to the upper House. In relation to that, you may recall that I wrote to every member of parliament in respect of that, which covers part of the commission of inquiry and part of Woolcott. I haven't yet worked out who's going to be the - well, I haven't been told who was going to be the lead agency, although there is some indication, and perhaps it'll be in part in a couple of the agencies. I'd like to hear back from them what they're proposing to do. Then I can start formulating some approaches from me to them. I understand that DPAC and Justice are developing an implementation plan for Woolcott, which I'm looking forward to seeing and that'll start the process. But some of the Woolcott things are already underway because they're covered in the commission of inquiry.

CHAIR - Indeed. Can I ask you about that implementation plan that you're expecting to see? Do you also understand that that will be made a public document in some way, or is that something that isn't expected to be made public?

Mr BENJAMIN - I think you'd have to speak to Justice and DPAC in relation to that.

CHAIR - We will do so, for sure.

Mr BENJAMIN - I don't know if they're going to make it public. I certainly will make public my thoughts on that, but that's in a year's time. But it's a big change in relation to state servants and better protecting young people and children. Is there anything you'd like to add to that from your perspective?

Ms COOPER - No, thank you.

Mr BENJAMIN - Ella, is there anything you'd like to add?

Ms PHILLIPS - No.

CHAIR - Thank you. So next year, when you're coming to report on both commission of inquiry and also Woolcott recommendations, will you be - and where they intersect together -

Mr BENJAMIN - We'll map them.

CHAIR - You'll map them together?

Mr BENJAMIN - And we'll also be asking the relevant agencies give us some timeframes in relation to those aspects, because of a lot of Woolcott are mechanical, which are probably less difficult to deal with than some of the broader cultural change issues - I'm sorry, you're giving me a quizzical look.

Ms O'CONNOR - No, no. I'm just listening carefully. It's alright.

Mr BENJAMIN - I'm reading too much at the end of the day.

CHAIR - That sounds fine. We can move on, I'm mindful we're time poor as well. So, I might move so that Ms O'Connor can go to questions, I think around the Weiss review?

Ms O'CONNOR - Yes, so you would be well aware of the background to this review. In fact, in a committee room next door, they've been examining matters related to the Weiss review and the failures of Tasmania Police to protect victims and protect children and young people. The Weiss review only makes a small number of recommendations, and I know you've inherited oversight of this review. There are no timelines attached to any of the Weiss review recommendations, as you've noted in your earlier evidence, but if we could just step through some of the recommendations that require Tasmania Police to establish, for example, a dedicated victim management team to support victims of reported sexual offending or misconduct where the perpetrator is a current serving or previously serving police officer. You note in your appraisal that the Arch centres have been established, and I think we can all acknowledge they're a really significant and positive reform. But in your engagement with the Department of Police, Fire and Emergency Management on the Weiss review recommendations, what issues arose, in terms of implementing those recommendations? Which again, are procedural, but also cultural changes that need to happen inside Tasmania Police to better protect children.

Ms PHILLIPS - Can I please clarify, was at the heart of the question the issues that we've encountered, in terms of that specific recommendation that you mentioned earlier?

Ms O'CONNOR - Well, there's a suite of recommendations, so broadly, about - I think there's five or six recommendations?

Ms PHILLIPS - Five.

Ms O'CONNOR - Five recommendations, so broadly, just to speak to them, because some of them seem to have been given effect to by Tasmania Police. Some of them seem to be in progress, but because there are no timelines, I can't be certain about what's where.

Mr BENJAMIN - With the Weiss report, recommendations three and four we've treated as completed, although as I said earlier, we're going to continue to monitor those to see whether they are truly embedded or not embedded. Before we completed our report, I spoke with Regina Weiss to seek her views in relation to our assessment and she offered no objections. I'm just trying to find - I think it's five, which is the interesting one, isn't it?

Ms O'CONNOR - Is that the telecommunications power, the Commonwealth power?

Ms PHILLIPS - Yes.

Ms O'CONNOR - Yes, I note, I know that that's not something that's in the Tasmanian government's total control, and that the Attorney-General has written to his federal counterpart, and we may see some legislative action next year. That's a very simple amendment, I'd have thought. But there are other recommendations that are well within the capacity of Tas Police

and the Tasmanian Government to give effect to. Really, they're just about making sure that in their processes they have structures and supports for victims of misconduct or abuse by Tasmania Police.

Mr BENJAMIN - Did we have a discussion yesterday about parts of the Weiss report, in terms of the oversight by the Integrity Commissioner, or the taking over?

Ms PHILLIPS - Yes, I think that's what Ms O'Connor is just -

Ms O'CONNOR - That the Integrity Commission would be able to investigate matters where an allegation had been made about a Tasmanian police officer.

Mr BENJAMIN -Yes, we've probably divided that into a couple of bits. One, if there's an allegation of criminality, that probably has to be investigated by police for the purpose of prosecution and go to the DPP. Although the Integrity Commissioner is happy to oversee, but not undertake that task, because that would be outside its current statutory remit. Secondly, criminal prosecution is so particular, it would be something that it would struggle with, as well as being an integrity overseer of police, if you know what I mean. The second part is undertaking the review of steps taken under the *Police Service Act* and how that's investigated and the role of the investigator and how that is done. The only way that could happen would be if the Integrity Commissioner was better financially supported to do that, and there's an interesting argument - where do you get the people from who understand police to do the investigation, and look, I don't know. All we were doing with that was kind of thinking through where the problems lie.

Ms O'CONNOR - And as Regina Weiss found, that the problems lie in some part in police investigating allegations of police misconduct in relation to children and young people.

Ms BENJAMIN - Absolutely, but where do you get people who are going to investigate the police who do that investigation?

Ms O'CONNOR - That's right, and what role can the Integrity Commission play in that, and that doesn't seem to me to have been necessarily resolved yet.

Ms BENJAMIN - Well, that's one of the reasons I'm interested in how that works. One, I would want the Integrity Commission, if it is to be involved in that, it must be involved, I think, at the level of supervision because that's its statutory role. It has to be resource to do that, but whether it has the capacity or ability to investigate that is something which it really needs to be teased out fairly carefully, and I hope to speak to the Integrity Commission in relation to that and find out what his thoughts are and what the Integrity Commission's CEO's thoughts are about how that can happen.

This is really preliminary thinking that you're asking me to give you, but it's important thinking because the system has to work so that people feel safe that the police aren't investigating their mates.

Ms O'CONNOR - Or not investigating their mates.

Ms BENJAMIN - Or not investigating their mates, and that any investigations that are done are done in a professional and appropriate manner.

Ms O'CONNOR - So there's trust there also on the part of the people who come forward.

Ms BENJAMIN - But trust is one of the underlying features of everything we're doing. Trust in government, trust in parliament, trust in my office, and that's what's being eaten away at the present time. As a community and as a regulator, and I guess as parliamentarians, we have to establish and support trust and that's sometimes easier said than done, but I digress. We're having preliminary thinking about it. I can tell you that, for what it's worth, that Mr Woolcott and Ms Thomas were tickled pink that it was referred to me -

Ms O'CONNOR - That Weiss itself was for oversight?

Ms BENJAMIN - Yes, I've lost the plot. I'm thinking I've gone back.

Ms O'CONNOR - No, that's good.

CHAIR - Jump tracks to the other report. That's fine.

I'm just going to go to one other area, and we have referred to it a little bit earlier today, but I just wouldn't mind a couple of more detailed sort of reflections. And I'm looking at recommendation 21.08, and it's on the companion document and it begins on page 172. This is the recommendation that relates to Tasmanian Government in collaboration with key stakeholders, developing a statewide framework and plan for preventing, identifying and responding to harmful sexual behaviours. It's one that had been a later stage timeline that, as we had discussed I think earlier today, has been brought forward quite sensibly, and you've acknowledged here in your report that it's positive that it's been brought forward because it does tie in with some other elements that need to happen at an earlier stage.

One of the things I wanted to go to with my questions about that particular recommendation and where it's up to is, other than your endorsement of it being brought forward, we don't now appear to have a particular timeline nominated for it, and I wondered if you were aware of a timeline nominated for it because I do note your final comments under the implementation monitor's view here in the table, you do say:

> The Monitor's not entirely confident that children who have displayed harmful sexual behaviour are currently receiving therapeutic intervention within two weeks, but considers that this should be a priority for the Tasmanian Government.

So, you've named it up as a priority that requires attention. What's your expectation in terms of the information you have been given about progressing implementation? What's your expectation about a reasonable timeline that we might see that implemented in?

Ms PHILLIPS - I think that the simple answer, and perhaps it's not the one that we'd ideally like to be given, is that we haven't yet asked for a new timeline on that recommendation.

Ms O'CONNOR - Simply flagged that there's something that needs to be prioritised but haven't negotiated a new timeline?

Mr BENJAMIN - Yes, I've spoken to SASS and Laurel House in relation to some of the things they're doing, but this goes a step much further in terms of having -

CHAIR - It's very detailed.

Mr BENJAMIN - the capacity to provide guidance to principals and schools and genuinely undertake work where there is harmful sexual behaviour.

We saw in the commission of inquiry that a lot of that was done badly, not out of any poor intent but just out of inability to understand the nature of it and understand how steps can be taken, not only for the survivor, but for the person or the child doing that work or engaging in that behaviour.

I've had discussions with DECYP in relation to the skills that they have, and they seem to be built or being built in a constructive way. It's how that gets provided in an effective way to senior officers at the schools. We've got processes in place, but whether those processes work and whether we've got the devices - I'm blabbing at the moment - but I understand the nature of the problem, and it's something which DECYP are very alert to and it's something of which my office and I are alert to. So, I can't give you a -

CHAIR - That's fine. That's very helpful information. Thank you, and reflection. I'm wondering is this one that we expect to transfer responsibility from DPAC, who in this document still has allocated responsibility, to be switched to DECYP for responsibility henceforth?

Ms PHILLIPS - The answer is yes. So, the harmful sexual behaviours work is transitioning from DPAC to DECYP.

CHAIR - Okay, thank you, and given that -

Mr BENJAMIN - I think my comments gave the answer away.

CHAIR - Yes, you did. That's why I just wanted to clarify that firmly at the end there just to make sure we were all on the same page, that the transfer is either occurring or has occurred.

The other thing that I note in your comments on that recommendation - I'm looking now at the table over on page 175, and it's underneath your Implementation Monitor's view comments - that you take the opportunity to point to, I think, a potential risk around inadequate funding potentially holding up this implementation of this recommendation going forward. I applaud you for pointing to that when you believe there is a particular risk of that occurring. Did you have an indication that that is a particular risk here and that's why that's included there in your comments?

Mr BENJAMIN - On the information I had garnered on the discussions I had, I came to that conclusion and I raised it.

CHAIR - Is it one that you have looked into in terms of when you've sought information about particular funding from Treasury on certain matters, is this an area that you've been looking at in terms of funding?

Mr BENJAMIN - No.

CHAIR - But it may become so if you felt that it -

Mr BENJAMIN - It may become so, yes. We'll have further briefings. I'll ask further questions, and if I have a concern, I'll raise that with Treasury. I'll also look at some of the suggestions. There were some good witnesses in this area in the commission of inquiry as to how this behaviour can be dealt with for both sides of that coin, and it's important work. It's very important work, because we know from the statistics, particularly the child maltreatment study, that a significant number of reports of child sexual abuse arise in the nature of harmful sexual behaviour.

CHAIR - Indeed. Thank you. I appreciate that. I think they're good, fairly clear pointed comments there for us to pay attention to also, as we scrutinise things going forward.

I'm going to go around and just check with members whether there's any additional or final areas they'd like to go to with questions while we have you here for another short time.

Ms O'CONNOR - Just a quick one off the back of that, thank you, Chair. So, we've established throughout today that there are funding shortfalls and, in fact, across all agencies which are captured by the COI. We've just talked about a recommendation around interventions for harmful sexual behaviours - work that's not being done because DPAC has said it doesn't have the resources. The state budget is currently being developed, agencies are putting in their budget submissions. What role can the office play in dealing with those particular areas of government spending where you've identified that there is a clear shortfall, and a shortfall that makes meeting the recommendation, or meeting it in a timely way, very, very difficult, and therefore places children and young people at risk. Do you have the capacity, through your office, to - not put in a Budget submission for recommendations - but to identify specific areas in the next few months where there's going to need to be a significant uplift in funding?

Mr BENJAMIN - The answer is no. I can do two things: one, I can make a loud noise about it, and perhaps I might have done that first thing this morning. Secondly is to do that deep dive. Because I need to know where the money is needed, where it's being provided, and measure the shortfall so I can come back, hopefully, this time next year and say, 'In this particular area we're spending $10 million. We need to spend $20 million.' So, I can't realistically do that between now and February next year. All I can do is ignite a discussion and then develop a deep dive, do that deep dive, and have people with really good skills in that area who can read the language of Treasury and the language of government agencies when they make bids and then discuss those with them and then come back with the result. That's where we stand at the moment.

Ms O'CONNOR - I think it'd be fair to say that agencies have been given a very clear message that in their budget submissions, to maintain low expectations. You were talking earlier about ambit claims from agencies - I don't think we're going to see many of them this year.

Mr BENJAMIN - I think that's unfair - my description, not yours, I think they've made claims, but they're claims that are not likely to succeed.

Ms O'CONNOR - No, that's right. And that's actually smart strategy, in a way, because aim high and you might get somewhere around the middle. But at the moment, agencies are facing very, very significant cuts across the forward Estimates, and every agency that's touched by DOJ - I mean, Justice has, proportionally, the most significant cut to it. So, I'm trying to understand how your office can help to correct that. I know it places a lot on you, but the way I read this is that there's not the resourcing there across agencies to give proper effect to the COI's recommendations, and therefore, it's that children and young people be at risk.

Mr BENJAMIN - Yes, or the reforms are slowed and that puts children at risk.

Ms O'CONNOR - Well, that's the ultimate conclusion, isn't it?

Mr BENJAMIN - Yes.

CHAIR - Just to finish up, I had a couple of practical questions, really, about your way of working, as well, going forward. The deep-dives that you've mentioned a few times today that you've got on the cards for areas of focus going forward - how will you be choosing which matters or areas to do those deep-dives into? What's the criteria you'll be using?

Mr BENJAMIN - I think one became pretty apparent today. Funding of out-of-home care. The other ones, we'll talk to survivors, I'll talk to Laurel House, I'll talk to SASS, I'll talk to anybody. We're inviting submissions to come back.

CHAIR - So, you're openly looking for input into what those areas should be?

Mr BENJAMIN - Yes.

CHAIR - They're not determined yet?

Mr BENJAMIN - No, no. And we have a group- what do we call that group?

Ms COOPER - Our OIM consultative group.

Mr BENJAMIN - We have a consultative group who we meet with three or four times a year.

Ms COOPER - Up to four times, yes.

Mr BENJAMIN - Up to four times a year - which come from all of these agencies. And we've raised that with them - we've said, 'Look, this is what I'm planning to do. Tell us where you think that dollar would be best spent and that effort should be best applied?' From time to time, I ask senior and not-so-senior officers in the State Service: 'Where do you think I should look for where these bodies are buried?' That's a bad analogy, but I ask them, how can we help you deliver what most of them want to deliver? So, I don't want to be omnipotent, because I'm not, but if we can pick up some of those, and we may have to do those over two or three years, but that's fine.

Ms COOPER - Can I just add to that? We're also about to do a stakeholder survey with our informed stakeholders that we've worked with or spoken to over the last 12 months. So, we expect, we have a question or a few questions in that survey where we will also garner from

stakeholders where they think we should be placing our efforts. Obviously, it will come down to Robert's decision at the end, but we haven't got criteria, specifically.

Mr ROBERTS - Can I just add to that? The framework does specify some sort of general principles and criteria that if there's matters as part of the appraisal process or our general business that cause concerns which might lead the Monitor to develop a concern about - so they provide a signal and the Monitor might have a concern about a particular domain or an area, if we start getting regression signals or failure to progress. So, there's about five or six stipulated conditions that we would then trigger a conversation as to whether something merits an evaluative process. And that evaluation at different time points can look different, whether it's more process- or output- or system-targeted.

CHAIR - Thank you, I appreciate that. Then one other practical question I had about the way you're working. Presumably, you're collecting a significant repository of documentation and information as you're being provided with evidence of where things are up to and you're making your assessments. I'm just checking that what comes through to you is actually - document that's mentioned is provided to you, for example, and that that's all going into a repository of information somewhere that your office is responsible for then maintaining?

Mr BENJAMIN - Yes, we are, and we do. And the agencies, sometimes a bit slower than we'd had hoped for, will provide them particularly when we ask for documents that they don't think we know about. We get that. We're very cautious about documents, because a lot of documents are provided to us in confidence, and I can draw conclusions from those. And I think that's necessary, because state servants want to tell us things. So, we kind of try and divide them up into stuff we can make public and stuff we can't make public.

CHAIR - But you're maintaining an actual repository of those things, so it would be an auditable thing to go back and check that, in this document, in this annual report, you've discussed assessing x, y and z documents, and they would be there in your system?

Mr BENJAMIN - Yes. How we go back to them and how we access them is a significant problem, but I think that's for any large organisation, how you know what you've got, because we all put stuff aside - and I've got it, then you need to track it down.

CHAIR - Yes. Indeed.

Ms COOPER - We are also implementing a new system to help support that as well.

CHAIR - Because it's going to get pretty enormous over the years as you go forward.

Ms COOPER - Yes, so that we can easily go back, as you just pointed out, to see what documents against which recommendations. So, there's a bit of a tracking process there as well.

CHAIR - And is that something that your office has got current resourcing and operational capacity to be doing and managing? Or is it something you anticipate potentially -

Mr BENJAMIN - It’s under construction as we speak.

CHAIR - Okay. I'm interested in those practical aspects of how it's working.

Ms O'CONNOR - Can I just quickly check? This extraordinary body of work and the suite of your responsibilities. What's the headcount in the office?

Mr BENJAMIN - 6.5.

Ms O'CONNOR - Goodness me.

Mr BENJAMIN - And often five. I'm very fortunate - I said at the start, I'm very fortunate to be supported with people like Glenn and Kath and Ella.

Ms O'CONNOR - You are.

Mr BENJAMIN - And Marnie and the others. I mean, you couldn't do this by yourself.

CHAIR - On that note. I think that's probably a very nice spot for us to be coming to a conclusion today. We are deeply thankful for the work that you're doing and for making yourselves available for us here today to have conversations about this report. It's a huge body of work and it's really helpful to us in our role as well. So, thank you to Glenn and to Kath and to you Robert, and also to Ella, for your time today at the table, on behalf of the committee.

I do need to remind you that the evidence that you have provided at today's hearing is protected by parliamentary privilege. I take the opportunity to remind you that any comments you may make to the media or others outside of the room, even if you repeat what you've said here, will not be protected. Do you understand that?

WITNESSES - Yes.

Mr BENJAMIN - Can I make - just a final thing?

CHAIR - You're very welcome to.

Mr BENJAMIN - We've had a pretty dour day, in some respects; it's really troubling. But there are some glimmers of hope, I tell you. In June of this year, I read about a case, and I won't name the case. It's a Victorian case where a Tasmanian man was convicted of some Commonwealth offences. I hadn't heard about it, so I did what any sensible lawyer would do. I went to the court, and I got a copy of the reasons for judgement and read it and made some inquiries. I found a couple of things which were terrific. This person had a working with vulnerable persons check or registration and when the police arrested this man on the mainland, they contacted our registrar on that day and that registration was suspended that day. The registrar contacted the place where he worked, which was a child-facing place and his position was suspended that day, presumably on full pay. I thought that was a really good start. I then learned that, on entering a plea of guilty, that person resigned - or thereabouts resigned that position, but the agency continued with the ED5, and that person was subsequently dismissed. So, I kind of felt there were glimmers there.

A couple of things arose out of it. Firstly, the sentence was reduced because of his good character -

Ms O'CONNOR - Boo.

Mr BENJAMIN - but it was a Commonwealth offence, so I could write to the Commonwealth Attorney-General, as I did, and say, 'Dear Attorney, in Tasmania, we've got some pretty good laws here to stop that.' And I heard back from the Attorney that the Commonwealth were going to create such laws. At the same time that with some other information, I found that person went on to the child offenders registry, and I'd learned - because I'm learning all the time on this job - that it goes onto a central registry which is available to all police, but not necessarily available to the registrar, to AHPRA, to the Teachers Registration Board or to child protection authorities. So, I'm talking about how we make sure that material is available to institutions or agencies at least, because that offers another degree of protection. So, whilst things are sometimes a bit slow and a bit cumbersome and a bit challenging, I see we're actually getting somewhere. We are making a difference.

CHAIR - There are some systems that are working.

Mr BENJAMIN - Yes. And it's great to see them working. So, I thought rather than end on a - we could end on a -

CHAIR - Thank you. I'm sure we all appreciate that very much.

Mr BENJAMIN - Thank you.

CHAIR - And so on that note, thank you very much. And we'll say goodbye.

The witnesses withdrew.

The committee adjourned at 3.50 p.m.