



Tasmanian Council of Social Service Inc.

SUBMISSION TO THE IMPLEMENTATION MONITOR

September 2025



INTEGRITY
COMPASSION
INFLUENCE

About TasCOSS

TasCOSS' vision is for one Tasmania, free of poverty and inequality where everyone has the same opportunity. Our mission is two-fold: to act as the peak body for the community services industry in Tasmania; and to challenge and change the systems, attitudes and behaviours that create poverty, inequality and exclusion.

Our membership includes individuals and organisations active in the provision of community services to Tasmanians on low incomes or living in vulnerable circumstances. TasCOSS represents the interests of our members and their service users to government, regulators, the media and the public. Through our advocacy and policy development, we draw attention to the causes of poverty and disadvantage, and promote the adoption of effective solutions to address these issues.

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TasCOSS welcomes the opportunity to provide a submission to the Child Safety Reform Implementation Monitor (the 'Monitor') in relation to its role as an independent entity which will review, analyse and report on the implementation of the recommendations of in-scope inquiries.¹ This includes the Commission of Inquiry into the Tasmanian Government's Responses to Institutional Child Sexual Abuse ('the COI'), related Tasmanian inquiries (for example, the Weiss Independent Review) and related national inquiries such as the Royal Commission into Institutional Responses to Child Sexual Abuse.²

We understand the following to be key aspects of the Monitor's role, as per the Final Report of the COI:³

- The Monitor must be truly independent and able to engage in critical analysis of how the Government is progressing its reform agenda. This is crucial in ensuring public confidence, improving transparency and accountability in relation to Government decision-making and actions.
- The Monitor must report publicly on its findings to provide feedback and information to the broader Tasmanian community.
- The Monitor must be able to engage with a wide range of stakeholders to inform the approach and engage in their work.

As we have highlighted in previous submissions to the Tasmanian Government,⁴ TasCOSS strongly supports the appointment of a Monitor and highlights the importance of this role, particularly given the volume of recommendations made in various inquiries over the past decade, the complexity involved in understanding the legislative and policy framework in relation to child safety and wellbeing, and the urgency needed to create and sustain meaningful change to protect and support Tasmanian children and families.

¹ Objectives of the Child Safety Reform Implementation Monitor outlined at *Child Safety Reform Implementation Monitor Act 2024* (Tas) s11:

- (a) to ensure accountability and, as far as possible, transparency in the implementation of the monitored recommendations; and
- (b) in reviewing the implementation of the monitored recommendations, to consult with, and engage with, relevant stakeholders in respect of the monitored recommendations including, but not limited to –
 - (i) children and young people; and
 - (ii) persons who have been affected directly by sexual abuse, or other abuse, as a child in an institution operated by, or on behalf of, the State; and
- (c) to evaluate, and report on, the impact and effectiveness of implementation actions including, but not limited to, their impact and effectiveness in the following areas:
 - (i) the prevention of the sexual abuse, or other abuse, of children in institutions operated by, or on behalf of, the State;
 - (ii) institutional responses to the sexual abuse, or other abuse, of children in institutions operated by, or on behalf of, the State;
 - (iii) the support of children who may experience such abuse.

² See *Child Safety Reform Implementation Monitor Act 2024* (Tas) s12 for a complete list of inquiry recommendations to be monitored by the OIM.

³ *Commission of Inquiry into the Tasmanian Government's Responses to Child Sexual Abuse*, Final Report, August 2023, pp. 194-195.

⁴ For example, TasCOSS submissions to the [Parliamentary Joint Sessional Committee inquiring into the Recommendations of the Final Report of the Commission of Inquiry](#) (2025); and the [Child Safety Reform Implementation Monitor Bill 2024](#) (2024)

Whilst we appreciate the need for a focus on the implementation of the recommendations from in-scope inquiries, we firmly believe that for the Monitor to achieve the intended impact – of guiding Government in prioritising and progressing reforms, while also fostering greater community awareness and understanding of issues relating to child safety and wellbeing – it is vitally important that the Monitor adopts a holistic approach to its work. We consider the four recommendations outlined in this submission essential to realise this.

We further note that the implementation of these recommendations would require additional resources to support and strengthen the role of the OIM and confirm we would support any further advocacy to increase the funding provided to ensure the office can fulfil its function to provide independent, comprehensive and child-centred oversight.

1. Establish a set of guiding principles to inform the work of the Monitor

As per previous submissions,⁵ our primary recommendation is for the Monitor to develop a set of overarching ‘guiding principles’, informed by the evidence heard throughout the COI and the findings outlined in the Final Report.

We strongly recommend consideration of the approach of the Scottish Government when implementing the findings from the Independent Care Review, a review held from 2017-2020 which examined the care system (including ‘legislation, practice, culture and ethos’), listening to and hearing over 5,500 experiences of children, young people, adults, families, workers and volunteers.⁶ This review resulted in The Promise,⁷ an overarching, forward-facing and aspirational guide which aims to shape current practice and reality relating to care experienced children. The Promise is both a commitment and an independent entity, supported by a team of professionals (including Independent Strategic Advisor Fiona Duncan, the previous chair of the Independent Care Review) who inform the development of policy and practice to promote the changes and additional support needed across statutory and community-based settings.

The Promise is built on five foundations (identified through the extensive consultations undertaken through the Independent Care Review):⁸

- **Voice:** all children must be listened to and supported to meaningfully participate in decisions and processes relating to their care
- **Family:** children must remain with their families, if they can remain safe and feel loved, and families must be provided with any supports they need to enable this

⁵ TasCOSS submission to the [Child Safety Reform Implementation Monitor Bill 2024](#) (2024)

⁶ These stories and experiences guided the Care Review and shaped everything the care view concluded. In addition, ‘the Care Review considered the research on the ‘care system’ and commissioned its own research to fill knowledge gaps. It reviewed all of the laws and rules, collected data, and made connections across the ‘roots and branches’ of the ‘care system’.’ [Scotland’s Independent Care Review](#) (2020).

⁷ [The Promise Scotland](#) (2025).

In 2020, the [Independent Care Review](#) published seven reports – The Promise and a Pinky Promise for younger readers, The Plan, The Money and Follow the Money, The Rules, Thank You. These reports reflect the changes the Care Review recommends, plans for implementing changes and the investment in services that is required.

⁸ The Promise, Chapter 1, accessed at <https://www.carereview.scot/wp-content/uploads/2020/02/The-Promise.pdf>.

- **Care:** if children can't stay with their family for whatever reason, they must be supported to stay with their siblings whenever it is safe – and children should belong to a loving home
- **People:** children are supported to build and maintain relationships with people of trust in the community
- **Scaffolding:** when children and families require the support and interventions of the statutory system, they are able to receive supports that respond to actual need and in ways that are accountable

The development of these overarching principles has shaped and continues to guide work across Scotland in transforming legislation, policy and practice relating to those with care experience. This includes the development of strategic plans outlining what steps will be taken, by whom and by when, in order to fulfill the Scottish Government's stated commitment to improving outcomes for care experienced children and adults. This includes the development of plans relating to specific time periods through the implementation journey ('Plan 21-24' and 'Plan 24-30').⁹ There are also examples of community-embedded 'The Promise' practitioners, whose role is to directly transfer and transmit the work of The Promise into the practice, culture and work of community-based organisations.¹⁰

The work of The Promise has also included the development and use of a specific progress framework outlining how progress will be measured/evaluated (aligned with the five foundations of The Promise). This included the development (and use) of three key questions to measure whether and how progress is taking place:

- Does the care community feel the impact of the promise being kept?
- How is Scotland doing in its progress towards keeping the promise?
- How are organisations doing in their work to keep the promise?

While Scotland still has work to do to meet its objectives and commitments to improve the safety and wellbeing of people with experience of the care system, there have been significant changes made to promote and protect the safety and wellbeing of care experienced children, young people and adults. This includes (but is not limited to) significant legislative reform to improve the safety and wellbeing of care experienced children,¹¹ including legislation enabling the closure of HMYOI Polmont (until recently Scotland's only youth prison).¹²

⁹ The Promise Scotland, [Plan 21-24](#) (2021) and [Plan 24-30](#) (2024).

¹⁰ For example, the Care Inspectorate – the body responsible for inspecting and scrutinising care homes and facilities across Scotland – have a dedicated worker embedded within their organisation whose role it is to ensure the strategic work of The Promise is being implemented within their organisation, as well as disseminated to care organisations across the country. This work has involved the development of a model across 6 workstreams focused on what The Promise means for the work of the Care Inspectorate, as well as the development of internal training and learning resources. For more information see: <https://careinspectorate.com/index.php/the-promise>.

¹¹ See [Children \(Care and Justice\) \(Scotland\) Act 2024](#) – for an overview of the changes see <https://www.cycj.org.uk/wp-content/uploads/2024/06/Children-Care-and-Justice-Scotland-Act-2024-Info-Sheet.pdf>.

¹² Children's Hearings Scotland, [All under-18s to be removed from Young Offender Institutions](#) (25 July 2024), 'The Children (Care and Justice) (Scotland) Act 2024, which was passed by the Scottish Parliament on 25 April 2024 and became an Act on 4 June 2024, provides that under-18s will no longer be placed in Young Offenders Institutions, and should be accommodated in residential or secure accommodation instead.' For a detailed overview see: <https://www.cycj.org.uk/wp-content/uploads/2024/09/Children-Care-and-Justice-Scotland-Act-Briefing-Paper-1-Updated.pdf>.

We believe this model has several key benefits:

- A similar framing in Lutruwita/Tasmania could be achieved using the extensive experience, stories, evidence and recommendations already shared with the COI and other frontline organisations (such as the Commissioner for Children and Young People);
- Framing the reform around a small number of clear, easily identifiable principles would greatly assist in understanding and meaningfully implementing recommendations, particularly given their sheer number and complexity;
- Establishing key principles is an opportunity to reinforce the messages from children, young people, families and organisations who shared their experiences of child sexual abuse and are longing to be heard, recognised and have their concerns acted on;
- We believe the framing and approach taken by the The Promise, the Oversight Board, and the Scottish Government to implement reforms from the Independent Care Review, has facilitated strengthened community and government understanding of the key issues, shaped meaningful public conversation and policy development, and provided clear and accessible ways to monitor and evaluate progress;
- Developing and using a centralised framework of guiding principles or foundations may help promote a consistent policy and legislative reform agenda – both within Government and community-based services and organisations. We believe clear principles (based on the actual needs and experiences of those who have experienced or are at risk of institutional abuse) will help to streamline reform and ensure proposed changes are not contradictory to key underlying principles or objectives outlined in the COI;¹³
- A set of centralised principles – and reporting framed around these principles – may also assist with planning Government expenditure and the prioritisation of funding, as well as assisting both Government agencies and community organisations in preparing and responding to budget submissions and demands; and
- We also believe embedding a specialist practitioner (or a number of practitioners) with knowledge and understanding of the broader reform framework and model within community organisations could play a vital role in sharing information, learnings, perspectives and approaches within the community and across community organisations, as well as providing opportunities to increase links between the work of an independent entity (such as the Monitor) and those who are working directly with children and families.

¹³ As per our submission and oral evidence to the Joint Sessional Committee (attached as appendices to this submission), we have previously raised concerns about policy coordination, fragmentation and the impact of competing policy agendas on the effectiveness of the implementation project. Some examples of this tension are found in relation to the number of ‘tough on crime’ policy and legislative announcements (such as the consideration of a QLD-style ‘adult crime, adult time approach to be implemented here in Tasmania and changes to police powers and practice to increase police oversight, searches of and interactions with children and young people). We believe some of these developments either directly contradict the findings and recommendations of the COI or are inconsistent with general principles and findings outlined in the Final Report, and would welcome an approach which increases the likelihood of consistent policy and practice development, as well as allowing for greater accountability in relation to instances where the Government is choosing to adopt a position which is not consistent with the findings or recommendations.

We strongly believe that the Hon Robert Benjamin AM SC as the Monitor is uniquely placed to use his experience as a Commissioner to develop a similar framework to guide, monitor and report on the implementation of COI and other recommendations. He has heard the evidence of many children, young people, adults, experts, organisations and agencies relating to child safety and wellbeing. He has also co-developed the findings and recommendations from the COI which clearly outline what needs to change. We strongly recommend the Monitor uses the stories and information already shared with the COI, as well as the numerous reports from community organisations and agencies working with children and young people (which include, but are not limited to, the office of the Commissioner for Children and Young People and Create Foundation), to develop a number of principles or ‘foundations’ to guide, monitor and assess how implementation is tracking – we believe this will be extremely useful not only for Government agencies who are in the process of implementing change across a range of Departments, agencies, entities and organisations, but also for community members and organisations who need and want to remain informed about COI implementation progress and the impact of any change.

2. Review proposed legislative and policy change and provide feedback on alignment with these foundational principles

Aside from providing clarity in the role and approach of the OIM, we believe developing a set of foundational principles would also be extremely useful in shaping how the OIM can review and report on Government policies and proposals relating to the implementation of COI findings and recommendations. A current example of how this might work in practice relates to the current plan relating to the proposed development of a new youth detention centre in Pontville.¹⁴ While the closure of the Ashley Youth Detention Centre (AYDC) is a recommendation from the COI, we had hoped that the implementation of this recommendation would also include a more holistic review of other, related findings and recommendations – in particular, the need to implement significant and sustained changes to prevent the involvement of children in the criminal legal system. This approach is not only consistent with what we believe to have been the approach of the COI, but also key findings and recommendations for other key agencies working the area of child rights, such as the National Children’s Commissioner.¹⁵

TasCOSS is concerned that the prioritisation of the development of Pontville (and the current plan proposed) fails to meaningfully implement the findings and recommendations from the COI. The Final Report of the COI highlighted the importance of prevention and early intervention, noting the urgent need to reduce the number of Tasmanian children coming into contact with the criminal legal system. We had hoped any proposed changes to the youth legal system would include funding to expand existing community-based supports, ensure greater and more equitable access to non-prosecutorial outcomes (such as diversion), legislative reform to reduce the number of children in our courts and in custody, and consideration of alternative, problem-solving approaches to problem behaviour. We firmly believe the current plan and approach is a missed opportunity to critically examine our current services and responses

¹⁴ For details, see <https://www.decyp.tas.gov.au/safe-children/youth-justice-services/youth-justice-reform-in-tasmania/tasmanian-youth-justice-facility/>.

¹⁵ See the recent report, Australian Human Rights Commission (2024). ‘Help way earlier!’: How Australia can transform child justice to improve safety and wellbeing. Sydney: Australian Human Rights Commission – accessed at <https://humanrights.gov.au/our-work/childrens-rights/publications/help-way-earlier>.

to children and their families, and we hope the OIM will be able to advocate for more holistic, long-term and effective changes to our entire criminal legal system to ensure the recommendations from the COI can be put into practice.

3. Meaningfully embed the voice of those with lived experience

The COI, its findings and recommendations were centred on the voice, stories and experiences of those who had experienced or been impacted by child sexual abuse. It is of vital importance that this experience continues to shape the work of government agencies as they implement change to protect and promote the safety and wellbeing of all Tasmanian children.

We strongly support grounding the work of the Monitor in the experiences and work of lived experience. This could include the following:

- Developing a set of principles based on the stories and experiences already shared with the COI (as outlined above);
- Embedding lived experience within the regulatory framework of the Monitor – for example, the oversight board of The Promise, which monitors and reports on whether Government progress is aligned with their stated commitments, has a significant representation of people with lived experience (more than half its members). We believe shaping the oversight mechanism to encompass the lived experience of those who have been in care (and in a way which is meaningful rather than tokenistic – for example, over half of board members with care experience rather than one or two appointments) is crucial to ensuring the work of the board is reflective of the experiences of those who are in or have been in care;
- All resources, reports, information and evaluations should be designed in ways that are user-friendly, accessible and accompanied by Plain English guides to ensure they are relevant and easily understood by those with care experience (including children in care); and
- Considering ways organisations working directly with children and young people – particularly those who are most at risk of experiencing institutional abuse, including (but not limited to) Aboriginal children, children with disability, children in out-of-home care and with criminal legal system involvement – can participate in the work of the Monitor.

4. Promote and use a child-centred approach to policy development by adopting (or adapting) the Child Rights Impact Assessment framework and tool

To address inconsistencies in the development of policy affecting the rights, safety and wellbeing of children, we have continued to advocate for the Tasmanian Government to implement the Child Rights Impact Assessment (CRIA) framework and tool, developed by the Australian Human Rights Commission. The CRIA provides a clear, structured and systematic process to ensure that the potential effects of policy and legislative reform on children and their rights are thoroughly considered.¹⁶

¹⁶ Australian Human Rights Commission (2023), [Child Rights Impact Assessment \(CRIA\) tool](#) and [Safeguarding Children: Using a child rights impact assessment to improve our laws and policies](#).

The National Children's Commissioner has consistently emphasised the importance of the CRIA as a practical mechanism to support decision-makers to assess and monitor the impacts of policy and legislation on children's rights and wellbeing, across the policy cycle and in all portfolio areas that affect children, young people and families.¹⁷

The CRIA has been designed with flexibility, making it suitable for use across all Australian jurisdictions. When applied comprehensively, it has been shown to strengthen policy and legislation, minimise unintended negative impacts – both direct and indirect – on children's wellbeing and reform that is aligned with the best interests of children and their families. Its application also enhances transparency and accountability in policymaking, by embedding child-rights considerations into decision-making processes and offering guidance on how completed CRIAs might be shared with the public.¹⁸

Different forms of CRIAs have been developed and applied both within Australia and internationally. For instance, the Queensland Family and Child Commission created the 'Queensland Child Rights Impact Assessment' tool and has been working to expand its implementation across government departments.¹⁹ In Wales, Ministers have a legal duty to exercise 'due regard' to the UNCRC when exercising their functions. To demonstrate this duty, the Welsh Government has pledged to conduct CRIAs for all proposed policy,²⁰ and publish completed CRIA's on the Welsh Government's website.²¹

We believe that the use of CRIA's within the Tasmanian context would help to reduce policy fragmentation and foster a more coordinated, consistent, and child-centred approach across agencies. Embedding this framework would position the Tasmanian Government to develop policy and legislation that is systematically aligned with the rights and best interests of children and their families, while strengthening transparency and accountability in decision-making. It would support independent bodies, community sector stakeholders, and community members to engage in, and advocate for, child centred approaches to policy development.

¹⁷ Australian Human Rights Commission (2024), ['Help way earlier!': How Australia can transform child justice to improve safety and wellbeing](#).

¹⁸ Ibid, AHRC.

¹⁹ Queensland Family & Child Commission, Parliamentary Joint Committee on Human Rights Inquiry into Australia's Human Rights Framework, 01 September 2023.

²⁰ Examples include [Building Safety \(Wales\) Bill](#); [Homelessness and Social Housing Allocation \(Wales\) Bill](#); [The Food \(Promotion and Presentation\) \(Wales\) Regulations 2025](#); [Inspection ratings for care homes and domiciliary support services](#).

Llywodraeth Cymru Welsh Government, [Publication of children's rights impact assessments](#).

²¹ Llywodraeth Cymru Welsh Government, [Publication of children's rights impact assessments](#).