



Tasmanian Council of Social Service Inc.

TasCOSS Response: Change for Children and Collaborating for Change

August 2024



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About TasCOSS

TasCOSS's 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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1. Introduction

TasCOSS welcomes the opportunity to provide feedback on the recently released draft child sexual abuse strategy and action plan ('the Draft Strategy and Action Plan'). This feedback is further to our initial input provided to the Department of Premier and Cabinet ('DPAC') prior to the development of the strategy, as part of our work on Government's implementation project ('the Commission of Inquiry Implementation Project').

Our response to the Draft Strategy and Action Plan is informed by our project principles,¹ which were developed to guide TasCOSS' approach to all proposed reform relating to the Commission of Inquiry Implementation Project. Our project principles were developed by reviewing existing research and literature on child safety and wellbeing, including Tasmanian and national frameworks, as well as our values (integrity, compassion, influence) and the potential impact of reform on Tasmanians experiencing hardship and/or disadvantage.² TasCOSS' submission is also informed by the views and experiences of Tasmanian community organisations. We have spoken to organisations across the state who have shared with us their key concerns around child safety and wellbeing in their communities, as well as examples of programs and initiatives which have worked well.³

2. Overview of our response

There are many elements of the Draft Strategy and Action Plan which we support and which are consistent with our project principles and what we have heard from community organisations. For example, TasCOSS applauds the Government for genuinely accepting responsibility for previous harm caused to Tasmanian children, and for recognising the urgent need for significant, system-wide reform (including the importance of changing institutional culture and working collaboratively across Government agencies). We strongly support the recognition of the particular needs and experiences of minority groups who are vulnerable to harm. Finally, we note the Draft Strategy and Action Plan references the need to be working in ways that are child-centred, as well as the importance of recognising and promoting children's rights.

However, there are many areas in which we believe the draft strategy and action plan falls short of providing clear guidance and targeted measures needed to identify, prevent and respond to child sexual abuse. Our overarching recommendation is for the strategy and action plan to be reworked to put prevention and early intervention at the centre, focusing on strengthening child and youth wellbeing and addressing the underlying factors which leave many children vulnerable to experiencing abuse. This approach would align the Draft Strategy and Action Plan with existing Tasmanian policy, such as the *Tasmanian Child and Youth Wellbeing Framework*, as well as the *National Strategy to Prevent and Respond to Child Sexual Abuse* ('the National Strategy').⁴

¹ See Appendix A.

² Commonwealth of Australia, *National Strategy to Prevent and Respond to Child Sexual Abuse (2021-30)*, Department of the Prime Minister and Cabinet (2021); Commonwealth of Australia, 'Safe and Supported: Aboriginal and Torres Strait Islander First Action Plan 2023-2026' Department of Social Services (2023); Tasmanian Government, 'It Takes a Tasmanian Village: Child and Youth Wellbeing Strategy, Department of Prime Minister and Cabinet (2021).

³ An overview of key themes from our consultations with communities is found at Appendix B.

⁴ Tasmanian Government, 'It Takes a Tasmanian Village: Child and Youth Wellbeing Strategy, Department of Prime Minister and Cabinet (2021); Commonwealth of Australia, Department of the Prime Minister and Cabinet, *National Strategy to Prevent and Respond to Child Sexual Abuse 2021-30* (2021).

The Draft Strategy and Action Plan should also include specific actions to further support and promote a right-based and child-centred approach (including, but not limited to, expanded opportunities for youth participation). We also recommend more detailed information about how entities/agencies/systems will be supported to work collaboratively and in partnership, including partnerships between Government and community organisations, to share knowledge and skills and promote consistent practice across the service system. Finally, we strongly recommend the Government implement processes (including new ways of sharing information and updates) to promote public involvement in and understanding of the work currently underway to protect Tasmanian children and families. This includes measures aimed at increasing public participation in government consultations, initiatives to promote transparency and accountability in government decision-making, and ensuring new and existing oversight bodies have the powers and resources needed to provide comprehensive and effective oversight.

Our submission will focus on the following key amendments we believe will strengthen the Draft Strategy and Action Plan:

- A more explicit focus on prevention and early intervention;
- Recognition of the importance of local organisations (including Neighbourhood Houses and councils) in keeping people connected within community, promoting safety and wellbeing, and delivering programs tailored to the specific needs of particular communities;
- Specific, detailed and evidence-based actions in relation to any identified priority areas;
- Inclusion of specific actions to promote a greater understanding and promotion of children's rights and civic participation;
- Acknowledge and address key underlying factors contributing to child sexual abuse;
- Inclusion of detailed information about how Government will share information with the community and allow for ongoing engagement with the Commission of Inquiry Implementation Project; and
- An overview (accompanied by specific actions) of how the government will work in partnership with Tasmanian community organisations (including Neighbourhood Houses and local councils) to develop and implement programs to support families and children.

3. Key focus areas

3.1 Prevention and early intervention

The Draft Strategy and Action Plan acknowledges the need for change to adequately prevent, identify and respond to child sexual abuse. However, despite this recognition of the need for prevention initiatives, the Draft Strategy and Action Plan remain focused on tertiary interventions and responses to abuse. We are also extremely concerned the Draft Strategy and Action Plan do not identify prevention and early intervention as priority action areas. This is inconsistent with the National Strategy, which has 'Awareness Raising, Education and Building Child Safe Cultures' as a key theme and includes concrete measures such as a national awareness-raising campaign and additional resourcing for child safety-related education.⁵ While the draft action plan does include 'child safe cultures' as a priority area, we do not believe it includes sufficient detail about what measures the government will be developing and resourcing to support the work of transforming pervasive and problematic attitudes, beliefs and practices.

⁵ Commonwealth of Australia, *National Strategy to Prevent and Respond to Child Sexual Abuse (2021-30)*, Department of the Prime Minister and Cabinet (2021), p34.

This was a key theme raised in our consultation with Tasmanian community members and organisations. We heard people are struggling to provide their children with the guidance they need on issues such as body autonomy, consent and healthy relationships. We know Tasmanian community organisations are already working to provide education and training to children around these issues, but there is clearly a need for these programs to be expanded to allow for greater access. We also heard from parents who would welcome additional training or education around how to support children to develop healthy attitudes and boundaries relating to personal safety – we heard these programs should be delivered as early as possible, to ensure parents and caregivers are prepared to answer questions or engage in healthy discussions with children whenever these issues arise.

We recommend the Draft Strategy and Action Plan include consideration of recognised areas where prevention and early intervention are most needed. We recommend the ‘prevention and early intervention’ action area identifies key settings or ways in which these initiatives could be developed, expanded and resourced. According to recent research from the Australian Institute of Family Studies, key areas for these initiatives include the following:

- Schools and education settings
 - o Includes measures such as increased funding for therapeutic workers within these settings, such as social workers and support staff]
- Universal health, safety and wellbeing
 - o Includes expanded funding for existing ‘hub’ style services such as Child and Family Learning Centres, as well as using generalist or mainstream services as touchpoints for preventative education and other initiatives
- Supporting identified children and families who are ‘at risk’
 - o Includes expanded resourcing for organisations and programs working with groups who are particularly vulnerable to abuse
- Early supports for Aboriginal children and families
 - o Includes additional funding for Aboriginal organisations working alongside families and children, funding for initiatives to address current gaps in service delivery for Aboriginal children and families, and the development of culturally safe programs to address underlying and unmet needs of Aboriginal children.⁶

We recommend the Draft Strategy and Action Plan:

- Recognise child sexual abuse as an extremely serious, yet preventable, public health issue;
- Place prevention at the centre of any government and community responses to child safety and wellbeing (includes all identified priority areas including specific measures aimed at the prevention of harm);
- Embed the principle of universal health, safety and wellbeing, recognising that all health services, particularly universal services, provide key opportunities to engage in early intervention and prevention initiatives; and
- Make ‘child safe cultures’ the first priority action area and expand it to ensure it refers to creating and maintaining child safe cultures in all settings (including organisations, institutions, communities and

⁶ Stevens, E and Gahan, L, ‘Improving the safety and wellbeing of vulnerable children: A consolidation of systemic recommendations and evidence’ Australian Institute of Family Studies (2024) Improving the safety and wellbeing of vulnerable children (apo.org.au) pp12-14; A list of example recommendations is found at pp43-45.

families). It should therefore also include specific action items relating to the development and promotion of child-safe and child-centred practices in a wide variety of settings, such as:

- A state-wide community education/awareness raising campaign about key issues relating to child safety and focused on prevention of abuse (including, but not limited to, healthy relationships and sexual behaviours, personal safety and body autonomy).
- Expansion of existing education and training initiatives for children, ideally offered as early as possible as part of the education curriculum in all schools, developed and delivered by community organisations with experience working with children and young people.
- Implementation of programs (including additional resourcing for existing programs that are working well) designed to support families and children to develop child-safe attitudes and behaviours.
- Funding for organisations to engage in early intervention with families and children to ensure they are linked into local community-based supports.

3.2 Supporting local organisations to engage with families and children

In our conversations with Tasmanian communities we have repeatedly heard the important role played by community organisations in keeping people connected within community, promoting safety and wellbeing, and delivering programs tailored to the specific needs of local families and groups.

There is an identified need for additional funding to support specialist organisations working to promote and protect the safety of families and children. Such organisations are best placed to provide targeted support in areas including sexual and family violence awareness and responses. However, there is also a need for additional resourcing for generalist community organisations – including Neighbourhood Houses and local councils – who are already supporting children and families in their local communities but are struggling to meet demand.

Keeping children safe requires a whole of community response and a wide range of supports to assist Tasmanian families in a variety of different circumstances. We cannot adequately identify, respond to or prevent child sexual abuse with tertiary interventions alone. We need to focus on how we can promote the inclusion of all families into our communities, using evidence-based programs and initiatives to work with families from an early stage and providing opportunities to link Tasmanians in with services and supports as soon as possible.

We have heard from Tasmanian community organisations about programs which are working well and could (with additional resourcing) be expanded to better meet the needs of families. For example, many organisations spoke of the impact of programs working with new parents, such as Circle of Security, and the positive impact these programs had on individual families as well as the community.⁷ We also heard that local, place-based organisations are unable to meet demand for such programs. Additional funding for such initiatives (and organisations such as Child and Family Learning Centres) would also be consistent with the identified priorities in other Tasmanian strategies, such as the importance of the first 1,000 days highlighted in the *Tasmanian Child and Youth Wellbeing Strategy*.⁸

⁷ Information about this program can be found at: <https://www.circleofsecurityinternational.com/circle-of-security-model/what-is-the-circle-of-security/>.

⁸ Tasmanian Government, 'It Takes a Tasmanian Village: Child and Youth Wellbeing Strategy, Department of Prime Minister and Cabinet (2021), p33.

We also heard about the need to provide programs and support to families and children across the lifespan. For example, many communities spoke highly of initiatives such as parenting support programs offered through Child and Family Learning Centres, but identified difficulties experienced by families when their children transition out of services due to their age. The gap in services for primary school-aged children was particularly identified as problematic. We strongly recommend the development of programs to assist children (and their caregivers) across the lifespan of a child, as well as sufficient funding for community-based organisations who work with families and children.

Alongside the provision of expanded services within universal programs, there is an identified need for additional support for children and families who are most vulnerable to experiencing harm. Aboriginal and Torres Strait Islander children continue to be overrepresented in both the youth justice and out of home care systems (identified as areas of risk for children and young people). Recent reports have outlined best practice in supporting Aboriginal communities across the country in responding to and preventing the sexual abuse of First Nations' children, highlighting the importance of developing culturally responsive and trauma-informed responses and working alongside Aboriginal communities and community-controlled organisations, as well as the need for greater awareness in all services of how to respond to disclosures in ways that are culturally safe.⁹ We heard from a Tasmanian Aboriginal organisation that they require more flexible funding to be able to work in culturally safe, responsive ways with their community. They noted that they are best placed to identify children and families requiring support, and can build long-term, supportive relationships to prevent harm, but that current funding does not enable this.¹⁰

Finally, recent reports featuring the voices of young Tasmanians have highlighted the importance of creating and maintaining cultures and environments of safety in all organisations, including community organisations. All Tasmanian organisations – including community-based organisations – should be able to access the training and resources they need to create safe, welcoming and child-friendly spaces and practices. We have heard several examples of good practice from community organisations, such as the internal resources and training tools developed by Playgroups Tasmania to ensure all playgroups within the network are child-safe, accessible and friendly.¹¹ Community organisations are also actively involved in developing and delivering training to promote good practice and child and youth participation in policy and practice development. For example, resources developed by the Youth Network of Tasmania (YNOT) focused on participation and leadership, as well as youth advocacy networks in place at local governments across the state such as the Brighton Youth Action Group.

We recommend the Draft Strategy and Action Plan:

- Recognise the key role generalist community services play in working proactively with families and communities to prevent child sexual abuse, including local, place-based services working with children and

⁹ Yamurrah and SNAICC, 'Believe Inquire Respond to Disclosures (Bird)' (2023), accessed at https://www.snaicc.org.au/wp-content/uploads/2024/06/240605-BIRD-Research-Report_5_June.pdf.

¹⁰ An overview of key themes from our consultations with communities is found at Appendix B.

¹¹ Playgroup Tasmania have developed modules (to support playgroups across the state) which can be accessed via a link on their website: <https://www.playgrouptasresourcehub.org.au/module-2-child-safe-child-friendly-playgroups/>.

their families across the lifespan (this includes, but is not limited to, organisations such as Burnie Works, local governments and Neighbourhood Houses Tasmania);

- Focus on initiatives to support children and families in the first 1000 days, with actions to expand existing services (such as Child and Family Learning Centres) as well as commitments to implement new community-based early intervention and prevention initiatives;
- Commit to the implementation of community-based support programs addressing identified service gaps
- This includes programs to support families and children who are experiencing adolescent violence in the home, expansion of services to address children's unmet needs (such as mental health and AOD services), and programs to support parents to identify and respond to problem behaviours;
- Include the development of programs to work with children across the lifespan, eliminating current gaps in service provision as children and families transition out of existing targeted supports;
- Explicitly outline how support for Aboriginal community-controlled organisations will be increased; and
- Commit to the development of resources to ensure all Tasmanian organisations (including government entities and community service organisations) are culturally safe, child-friendly and trauma informed.

3.3 Specific, detailed and evidence-based actions

We are concerned by the lack of concrete objectives or activities in relation to many of the stated 'actions' in the Draft Strategy and Action Plan, and strongly recommend the Government focus on the inclusion of specific, measurable actions and outcomes (with a stated timeframe for when Tasmanians can expect results) to ensure the impact of the Draft Strategy and Action Plan is clear and measurable. This includes changing the format so that actions are clearly listed for each priority area, as they are in the National Strategy.

As outlined above, TasCOSS strongly believes the action items should be focused on increasing Tasmanians' access to preventative programs and initiatives to reduce sexual harm. We therefore strongly recommend the inclusion of objectives which include preventative measures/actions – this might include, for example, establishing a target for the reduction of children involved in the criminal legal system. It should also reflect commitments already made by the Tasmanian Government under the National Agreement on Closing the Gap.

There are many examples of clear action items which we believe should be included in relation to the identified priority areas. In Appendix C, we have provided an inexhaustive list of concrete actions related to three of the identified priority action areas, to be used as an example of what types of actions should be included.

Alongside the inclusion of specific and actionable objectives, we also strongly recommend the Draft Strategy and Action Plan include details of how the Government intends to monitor and measure progress against its stated objectives. In developing a framework for how progress will be measured, monitored and reported on, we echo the recommendation from the Sexual Assault Support Service ('SASS') that the Government develop a monitoring, evaluation and learning framework, using existing frameworks from other jurisdictions to inform what should be included and how progress should be measured.¹² Research from the Tasmanian Policy Exchange (commissioned by

¹² Commonwealth of Australia, 'Monitoring and Evaluation Framework: National Strategy to Prevent and Respond to Child Sexual Abuse 2021-30' (2023); Victorian Government, Department of Premier and Cabinet, Family Violence Branch, Family Violence Outcomes Framework: Measurement and Monitoring Implementation Strategy' (2020).

the Tasmanian Government) recommends the framework include short-term, medium-term and long-term targets which are timebound and measurable.¹³ We agree with SASS' recommendation that the Government include a focus on reducing other forms of adverse childhood experiences or treatment, and that the monitoring framework also measure and report on underlying risk factors to present a more comprehensive overview of progress towards improved wellbeing for children.¹⁴

We recommend the Draft Strategy and Action Plan:

- Commit to clear and measurable actions;
- Include a greater focus on prevention and early intervention in all identified areas; and
- Include a monitoring, evaluation and learning framework (based on best practice from other jurisdictions and informed by the recommendations of Tasmanian academics and organisations).

3.4 Actions relating to children's rights and civic participation

While the Draft Strategy and Action Plan does include references to children's rights, we do not believe it is truly grounded in promoting and enshrining the rights and participation of children and young people.

We recommend the Draft Strategy and Action Plan expand on the references made to 'children's rights' by explicitly framing statements and actions in a rights-based framework. There are excellent examples of research and policy using a rights-based framework which could be used as templates, such as a recent report from 54 Reasons, *Putting children first: A rights respecting approach to youth justice in Australia*. This report recommends key obligations under international law – such as the best interests of children, non-discrimination, the right to life, survival and development, and the right to participate – be heard and taken seriously, and outlines how they intersect with existing systems, as well as how they should underpin policy decision-making.¹⁵ The National Children's Commissioner has also recommended government entities regularly review legislation and policy to ensure their compliance with international obligations, recommending the use of a tool such as the 'Child Rights Impact Assessment Tool' to ensure these obligations are met, as well as encouraging the broader understanding and promotion of the rights of children.¹⁶

Actions relating to the promotion of children's rights should also be accompanied by additional resourcing for organisations who work to ensure the understanding of, and compliance with, these rights. This includes organisations providing advocacy and support services for children and young people (including, but not limited to, Tasmania Legal Aid, the Tasmanian Aboriginal Legal Service and Community Legal Centres), as well as funding for new initiatives which could increase children's understanding of their rights (such as the school lawyer program, which was recommended in a recent report from Tasmania Legal Aid).¹⁷

¹³ University of Tasmania, Tasmanian Policy Exchange, 'A comparative review of strategies to prevent and respond to child sexual abuse' (2024), pp50-51.

¹⁴ Sexual Assault Support Service, 'Submission to the Change for Children Strategy and Action Plan' (2024), pp18-20.

¹⁵ 54 Reasons, 'Putting children first: A rights respecting approach to youth justice in Australia' (2023), accessed at pp6-8.

¹⁶ Australian Human Rights Commission, 'Safeguarding Children: Using a child rights impact assessment to improve our laws and policies' (2023); The standalone tool can be accessed on the Australian Human Rights Commission website: https://humanrights.gov.au/sites/default/files/document/publication/cria_2023_-_standalone_assessment_tool_-_18_aug_2023_1.pdf

¹⁷ Information about the school lawyer program can be found at WestJustice's website: <https://www.westjustice.org.au/community-development-and-law-reform/community-development-and-law-reform-projects/school-lawyer>; Tasmania Legal Aid, 'Children First: Children in the child safety and youth justice system' (2021), p19.

As noted in previous submissions, human rights charters in other jurisdictions have proved to be important tools in advocating for and protecting children's rights – for example, a decision to hold Victorian children in an adult detention centre was found by the Victorian Supreme Court to have breached their right to humane treatment in detention under the Victorian Charter of Rights and Responsibilities, resulting in their return to youth justice facilities.¹⁸ TasCOSS therefore believes that a Tasmanian Human Rights Act would assist in the recognition and protection of rights, as well as encouraging a cultural change in attitudes and beliefs, improved accountability and transparency, and greater community awareness of rights and responsibilities.¹⁹ We therefore strongly recommend the Tasmanian Government prioritises the development and implementation of a Tasmanian Human Rights Act, as recommended by the Tasmanian Law Reform Institute²⁰ and the most recent report from the Parliamentary Joint Committee on Human Rights.²¹ This legislation should be accompanied by actions to raise awareness of, and promote understanding of, the rights of all Tasmanians (including children and young people), and it must ensure all Tasmanians are able to access effective remedies in instances where their rights are breached.

A recent report from the Commissioner for Children and Young People of Tasmania ('the Tasmanian CCYP') highlights a clear need to ensure the voices and experiences of young people are reflected in policy and Government decision-making.²² This report, produced with the Youth Consultative Council, includes several recommendations to increase opportunities for the meaningful participation of children and young people, and the need to recognise their voices and experiences. These recommendations have been echoed by a number of Tasmanian community organisations, including YNOT and SASS, who have recommended the development of a youth participation framework or strategy (to be accompanied by other resources – including a toolkit and program for professional learning) to ensure all Tasmanian organisations engage with children and young people in ways that are meaningful, ethical and aligned with best practice. TasCOSS strongly supports the development of a participation framework, and recommends the Government use the example of the Victorian Commissioner for Children and Young People's 'Empowerment and Participation Framework' as a template for the development of a similar tool in Tasmania.²³

We recommend the Draft Strategy and Action Plan:

- Be explicitly framed to reference and support key principles and children's rights under international law;
- Commit to using an impact assessment tool, such as the 'Child Rights Impact Assessment Tool', to ensure policy and legislative development involves consideration on the potential impact on children and their rights;

¹⁸ TasCOSS, Submission to the Legislative Council Inquiry into Tasmanian Adult Imprisonment and Youth Detention Matters (April 2023); *Human Rights Law Centre and Certain Children v Minister for Families and Children* [2017] VSC 251 – summarised in Human Rights Law Centre, 'Charters of Rights Make Our Lives Better: Here are 101 cases that show how' (June 2022), p55.

¹⁹ For a general discussion of the impact of the Victorian charter, see Human Rights Law Centre (2012), 'Victoria's Charter of Human Rights and Responsibilities in Action: Case studies from the first five years of operation', March 2012; see also Human Rights Law Centre (2022), 'Charters of Rights Make Our Lives Better: Here are 101 cases that show how', June 2022.

²⁰ Tasmanian Law Reform Institute, 'A Charter of Human Rights for Tasmania? Update: Research Paper No 6' (April 2024).

²¹ Parliamentary Joint Committee on Human Rights, 'Inquiry into Australia's Human Rights Framework' (May 2024).

²² Commissioner for Children and Young People and The Voices for Tasmanian Youth Consultative Council, 'Speaking Out for a Safer Tomorrow: Our Messages for Change' (2024).

²³ Commissioner for Children and Young People (Victoria), 'Empowerment and Participation: A guide for organisations working with children and young people' (2021).

- Include actions to provide greater support and resourcing to organisations advocating for the rights of children and young people, as well as commitments to new initiatives which could promote children's rights;
- Commit to implementing a Tasmanian human rights charter; and
- Be accompanied by an 'Empowerment and Participation Strategy' or include a commitment to develop a framework/strategy.

3.5 Recognition of, and actions relating to, key underlying factors

As per our earlier input, TasCOSS strongly recommends the inclusion of measures to address the underlying issues which may result in children and families being at an elevated risk of experiencing child sexual abuse.²⁴ These issues include (but are not limited to) the following:

- Poverty and financial insecurity, which can significantly impact the safety and wellbeing of children, as well as placing additional pressure on families;²⁵
- Housing and homelessness, which have a significant impact on the health and wellbeing of affected young people and can place children and young people at increased risk of sexual abuse;²⁶
- Family and/or gendered violence, which can often co-occur with child sexual abuse;²⁷ and
- Unaddressed health and mental health needs, which have implications for child safety and limit opportunities for early intervention or prevention initiatives.²⁸

The Draft Strategy and Action Plan should also include detailed information about strategies and objectives intended to address the ongoing and persistent disadvantage experienced by Aboriginal communities, including initiatives to recognise and address systemic barriers within government institutions.

As outlined above, all actions (including actions relating to underlying factors) should be clear, time-bound and measurable.

²⁴ TasCOSS, Submission to the Department of Premier and Cabinet, 'TasCOSS Input to the Child Sexual Abuse Strategy and Action Plan' (April 2024).

²⁵ For example, see Hinton, T, Anglicare Tasmania Social Action and Research Centre, *Breaking the Cycle: Supporting Tasmanian Parents to Prevent Recurrent Child Removals* (September 2018), pp121-122; Fidler, L, Anglicare Tasmania Social Action and Research Centre, *In Limbo: Exploring Income and Housing Barriers for Reunifying Tasmanian Families* (September 2018), pp49-68; National Association for the Prevention of Child Abuse and Neglect (NAPCAN), *Submission to Inquiry into the Extent and Nature of Poverty in Australia to the Senate Community Affairs References Committee* (February 2023), pp6-8.

²⁶ Brennan, N., Boon, B., Di Nicola, K., Christie, R., and Baird, V, Mission Australia, 'The unfair divide: Disadvantage faced by young people who are homeless - A Mission Australia Youth Survey Report' (2024): Australian Government, Australian Institute of Health and Welfare, *Australia's Youth: Homelessness and Overcrowding* (June 2021); Shelter Tasmania, *Submission to the National Strategy to Prevent Child Sexual Abuse: Final Consultation Paper* (May 2021), p. 2.

²⁷ Gracia, E, Martin-Fernandez, M & Marisol, L, *Acceptability of Family Violence: Underlying Ties Between Intimate Partner Violence and Child Abuse*, Journal of Interpersonal Violence (2020), no. 35, pp3217-36; also recognised in Commonwealth of Australia, Department of the Prime Minister and Cabinet, *National Strategy to Prevent and Respond to Child Sexual Abuse 2021-30* (2021), p64, which states that, '[s]exual abuse rarely occurs in isolation. It often happens alongside other forms of child maltreatment... [which] includes physical, sexual and emotional abuse, neglect [and] exposure to domestic and family violence'.

²⁸ Royal Australian College of General Practitioners, *Abuse and Violence: Working with our Patients in General Practice* (April 2022), p125.

We recommend the Draft Strategy and Action Plan:

- Specify clear, timebound and measurable actions relating to the underlying factors which contribute to child sexual abuse, including actions aimed at reducing ongoing systemic disadvantage experienced by Aboriginal families and communities.

3.6 Government accountability and transparency

All reforms relating to Commission of Inquiry recommendations provide an opportunity for the Government to increase and maintain public understanding and trust. The Commission of Inquiry highlighted a culture of secrecy within Government agencies, a culture which allowed abuse to continue and failed to provide accountability for harm caused to children and families.

We strongly recommend the Draft Strategy and Action Plan address the need for greater transparency in relation to Government decision-making. TasCOSS has previously advocated for reforms to enhance Government accountability, as well as increased public understanding of and participation in consultation on reforms.²⁹ While the Draft Strategy and Action Plan do contain information about work internal to government, we believe these should be accompanied by measures to promote public understanding of decision making.

We recommend the Draft Strategy and Action Plan:

- Include measures to increase public awareness of, and engagement in, government process and decision-making – this could include:
 - o Development of a dedicated website for the Commission of Inquiry Implementation Project to provide up-to-date information and resources;
 - o Policy and legislative change to increase accountability and transparency in relation to government decision-making; and
 - o Enhanced consultation processes to make consultation easier and more streamlined for community members and organisations;³⁰ and
- Include information and actions related to the scope of oversight bodies, including the soon-to-be introduced Reform Implementation Monitor and the Tasmanian National Preventative Mechanism.³¹

3.7 Partnerships with community organisations

The objectives of the Commission of Inquiry Implementation Project cannot not be achieved by the Government in isolation. Addressing child sexual abuse – both within and outside of government or public entities – requires ongoing and meaningful collaboration and partnership between Government and community organisations.

²⁹ For example, TasCOSS, Submission to the Department of Premier and Cabinet, 'TasCOSS Input to the Child Sexual Abuse Strategy and Action Plan' (April 2024); TasCOSS, Submission to the Tasmanian Government, 'Child Safety Reform Implementation Monitor Bill 2024' (April 2024).

³⁰ TasCOSS' approach to consultation is outlined in 'TasCOSS Consultation Strategy: Commission of Inquiry Reform Implementation Project' (April 2024), accessed at <https://tascoss.org.au/projects/coi-implementation-project/>.

³¹ For more recommendations relating to the Reform Implementation Monitor, see TasCOSS, Submission to the Tasmanian Government, 'Child Safety Reform Implementation Monitor Bill 2024' (April 2024); For more recommendations relating to the Tasmanian National Preventative Mechanism, see TasCOSS, Submission to Tasmanian Government, 'Submission in response to expectations of the Tasmanian National Preventative Mechanism' (2024); TasCOSS, Submission to the Tasmanian Government, 'Tasmanian NPM Implementation project, Consultation paper 1 - Approach to OPCAT Article 4: identifying places of detention' (February 2023); TasCOSS, Submission to Tasmanian Government, 'Tasmanian NPM Implementation Project Consultation Paper 2: Australia's international obligations related to the prevention of torture and ill-treatment' (June 2023).

The evidence shows that strong community and family connections are a clear protective factor in preventing child sexual abuse and maltreatment.³² We want Tasmanians to be supported at the earliest possible stage by their local community organisations. This includes not just specialist services, but organisations such as local councils and Neighbourhood Houses who already provide early intervention initiatives to people across the state and have longstanding relationships with community members.

There must be explicit action items relating to how the community services industry can be adequately resourced to provide long-term, evidence-based and trauma-informed services to Tasmanian children and families. There should also be clear action items relating to how the Government will use the expertise of community organisations to develop and implement changes.

Many of the commitments made by the Tasmanian Government in relation to the findings and recommendations of the Commission of Inquiry require a deep level of understanding, trust and collaboration between Government and community organisations, as well as adequate resourcing and support for community organisations to assume additional responsibilities for Tasmanian children. For example, the commitment to fully implement all elements of the Aboriginal and Torres Strait Islander Child Placement Principle includes:

partnering with Aboriginal communities to:

- i. promote and support establishing recognised Aboriginal organisations with local knowledge of Aboriginal children, families and communities, to facilitate the participation of Aboriginal children and families in child safety and out of home care decision-making processes*
- ii. develop a model or models for the transfer of child safety decision making authority to recognised Aboriginal organisations*
- iii. invest in recognised Aboriginal organisations' capacity to ensure they are fully resourced, and their workforces fully equipped and supported, to participate in child safety and out of home care decision-making processes for Aboriginal children, including involvement in cultural support planning, and to manage any transfer of decision-making authority for Aboriginal children.³³*

There are examples from other Australian jurisdictions showing how governments have effectively partnered with Aboriginal communities and organisations to ensure they have the resourcing to assume responsibilities in a way that is culturally safe, consistent with the principle of self-determination and supportive of the needs of community organisations.

³² Sculthorpe, H, Tasmanian Aboriginal Centre, *luwutina mana-mapali krakani waranta ('Keeping Our Children With Us'): Report to Government and the Aboriginal Community about Changes Needed to the Child Protection System in Tasmania* (2014); Hinton, T, Anglicare Tasmania Social Action and Research Centre, *Breaking the Cycle: Supporting Tasmanian Parents to Prevent Recurrent Child Removals* (September 2018); Fidler, L, Anglicare Tasmania Social Action and Research Centre, *In Limbo: Exploring Income and Housing Barriers for Reunifying Tasmanian Families* (September 2018).

³³ Recommendation 9.15 of the *Commission of Inquiry into the Tasmanian Government's Responses to Child Sexual Abuse* (Report, August 2023), Volume 1: Recommendations, pp97-98.

Case study: Wungurilwil Gaggapduir and Nugel

Victoria has recently shifted its policy position to explicitly support the self-determination of Aboriginal people to create better outcomes for Aboriginal children, families and communities.³⁴ In 2018, *Wungurilwil Gaggapduir: Aboriginal Children and Families Agreement* was made between the Victorian Government, Victorian Aboriginal communities and the child and family services sector, and includes a commitment to transitioning authority for Aboriginal children in care to Aboriginal organisations.³⁵ This transition had already commenced in the years preceding the Agreement, with case management offered by some Aboriginal organisations alongside case planning and monitoring by statutory child protection services.³⁶ However, recent reforms have seen instances of the transfer of legal responsibility for Aboriginal children to Aboriginal organisations, meaning they are responsible for functions such as case planning and cultural planning, case management, decision-making responsibility and out of home care provision.³⁷ Starting as a pilot program, this program - referred to as 'Nugel' (meaning 'belonging') - has since been implemented via two Victorian Aboriginal organisations, with plans for more organisations to become approved providers.³⁸ The principle of Aboriginal self-determination now underlies various policies and procedures guiding the work of staff within the Victorian Department of Families, Fairness and Housing, giving greater responsibility to Aboriginal organisations.³⁹ A complete transfer of responsibility for child protection services has also since been recommended by the Yoorook Commission.⁴⁰

In implementing these changes, the Victorian Government recognised Aboriginal organisations require support and strengthening to be able to implement significant policy shifts, including financial investment to increase 'capacity, infrastructure, funding, capability and self-management'.⁴¹ Aboriginal organisations providing care have partnered with a specialist team within the Department, of Health and Human Services, and the Government has also developed additional resources to support these organisations in their work, such as a quarterly Aboriginal Children's Forum, which acts as a governance platform and provides opportunities for Aboriginal community leaders and experts to come together to work collaboratively address issues.⁴²

³⁴ State of Victoria, Department of Health and Human Services, *Wungurilwil Gaggapduir: Aboriginal Children and Families Agreement* (April 2018), p15.

³⁵ State of Victoria, Department of Health and Human Services, *Wungurilwil Gaggapduir: Aboriginal Children and Families Agreement* (April 2018), p15.

³⁶ State of Victoria, Department of Health and Human Services, *Transitioning Aboriginal children to Aboriginal community-controlled organisations: Transition guidelines* (October 2018).

³⁷ Victorian Aboriginal Child Care Agency, *Nugel* (web page, 2024) <<https://www.vacca.org/page/services/children-and-families/children-in-care/nugel>>.

³⁸ State of Victoria, Department of Health and Human Services, *Wungurilwil Gaggapduir: Aboriginal Children and Families Agreement* (April 2018), p16.

³⁹ State of Victoria, Department of Families, Fairness and Housing, *Protecting children: Protocol between the Secretary of the Department of Families, Fairness and Housing, Aboriginal Children in Aboriginal Care providers and Victoria Police* (January 2023).

⁴⁰ SNAICC – National Voice for our Children, *Family Matters Report 2023* (2023), p83.

⁴¹ State of Victoria, Department of Health and Human Services, *Wungurilwil Gaggapduir: Aboriginal Children and Families Agreement* (April 2018), p31.

⁴² State of Victoria, Department of Health and Human Services, 'Changes to the care and case management of Aboriginal children: Fact sheet for Community Service Organisations' (March 2017); State of Victoria, Department of Health and Human Services, *Wungurilwil Gaggapduir: Aboriginal Children and Families Agreement* (April 2018), p10.

We recommend the Draft Strategy and Action Plan:

- Include clear and measurable objectives relating to developing and maintaining partnerships between community organisations and Government; and
- Include clear and measurable objectives relating to capacity building and resourcing, to ensure community organisations are adequately supported to fulfil additional responsibilities as recommended by the Commission of Inquiry.

Appendix A – TasCOSS Project Objectives

TasCOSS' work in this project will be informed by four key principles.

Keeping children safe requires a focus on the prevention of harm:

- The harm and abuse of children is a preventable public health issue.
- We must invest in protecting children, families and communities from abuse, rather than responding to acts of harm.
- Reform must acknowledge and address the many (and often intersecting) forms of harm which may be experienced by children and young people.
- All Tasmanians should be supported to learn how to better protect and support the safety and wellbeing of children – this includes more comprehensive prevention education for children and also the broader community.
- Children should be empowered to feel strong and safe.
- Children's rights should be upheld, protected and promoted by communities, organisations and institutions.
- There are communities who face elevated or additional safety risks - leaders and organisations who already know and work alongside these communities are best placed to design and lead early intervention and prevention initiatives.

Keeping children safe requires strong, well-connected communities:

- Promoting and maintaining the safety and wellbeing of children requires a whole of community response.
- Children and families are safest when they can access a range of support in the community.
- Strategies and reforms should focus on how we can better support families and groups to provide community-based care for children and young people.
- Strategies and reforms must include consideration of how to reduce the institutionalisation of families or children where possible (for example, within the justice system or out of home care).
- Tasmanian Aboriginal children, young people and families are best supported by strong, empowered Aboriginal communities.
- Initiatives which promote the safety and rights of all Tasmanians, and actively encourage diverse and inclusive organisations and communities, will also promote the safety and wellbeing of children.

Keeping children safe requires well-supported community organisations:

- The community services industry already plays a vital role in promoting and protecting the safety and wellbeing of children. Workers and organisations within this industry should be supported to continue and expand their work.
- Strong networks require a well-resourced and well-supported community services industry to provide a wide range of accessible and effective support.
- Reforms should draw on the expertise and experience of workers within the industry.
- Organisations working to support children and families who experienced elevated risk of harm (such as those working with Aboriginal families, LGBTQIA+ families or families living with disability) must be supported to continue their specialist work and advocacy, and the entire industry should be supported to draw on their expertise to ensure policies and practices are not resulting in further marginalisation.

Keeping children safe requires transparent and accountable institutions:

- Tasmanians must have trust in the institutions that are intended to protect and assist the most vulnerable.
- Government agencies and institutions should work together to respond to issues relating to child safety and wellbeing, in ways that are transparent and consistent with best practice.
- Tasmanians must be given more information about how institutions operate and how institutional decision-making takes place, as well as greater opportunities to meaningfully participate in decision making in areas that impact them.
- Reform must be consistent with national strategies, recommendations and priorities, including the National Strategy to Prevent and Respond to Child Sexual Abuse ('the National Strategy') and best practice from other jurisdictions.
- Reforms must be subject to rigorous independent evaluation processes that involve the public and whose outcomes are publicly available.

Appendix B – Summary of key themes emerging during consultation

Over the past two months, TasCOSS and NHT have facilitated conversations with community organisations as well as some community members. Organisations consulted included Neighbourhood Houses, peak bodies, specialist organisations, and local government, as well as those providing a diverse range of services to children, families and carers. Conversations were held online and in person in the south, north and northwest of the state.

The aim of the conversations was to gather information to inform the direction of our project work, and our submissions to Government, in several areas related to child and family wellbeing:

- key issues affecting children and families, and the community organisations that support them
- the *Change for Children* Strategy and Action Plan
- the Child and Youth Safe Organisations Framework.

The following is a summary of key themes raised in our conversations.

Child sexual abuse must be considered in the context of the whole service system

We consistently heard that child sexual abuse is not an isolated issue – it cannot be separated from other issues impacting families. We were told that to prevent, identify and respond to abuse, the system overall must effectively support families in other areas, including:

- housing
- financial insecurity
- family violence
- parenting
- alcohol and other drugs (AOD)
- health
- mental health
- childcare
- transport.

It has been made clear by research that children are more vulnerable to sexual abuse when they experience other risk factors. In addition, if they have already experienced abuse, its impact is compounded by other experiences of adversity. Children and families must therefore be supported by both government and non-government systems to be safe and well. However, we were told that Tasmanian children and families are increasingly experiencing adversity, and that the community sector is not currently resourced to provide the high level of intervention and material support needed. All organisations consulted reported increased demand for their services as well as higher levels of need.

We heard about families who are living in unsafe situations, including where children are at risk of abuse, because there are no other accommodation options. We heard about families not being able to take their children to the doctor, because there are no appointments available, or no services that bulk bill. Similarly, young people are waiting for months or even years for appropriate mental health support that could prevent harm to themselves or others. This includes long wait lists for specialist sexual assault services. We heard about families not able to attend parenting

programs or accept employment offers due to lack of childcare. All of these factors affect the community's ability to keep children safe.

Prevention and early intervention

We were told over and over about the effectiveness of early intervention and prevention measures to protect children from harm. These include families developing strong relationships with place-based services such as Child and Family Learning Centres, parents accessing parenting and other support programs through Neighbourhood Houses and other local community organisations, and educational activities related to child safety and wellbeing delivered to parents, caregivers and children.

Despite this, many community services reported that they are not resourced to provide adequate prevention and early intervention services – the points where assistance can prevent harm or further harm from occurring. This was identified as a clear, central need in a whole of community framework to prevent, identify and respond to child sexual abuse.

Participants identified effective services that exist but are under resourced:

- consent and relationships education programs for children and young people
- education, care and support services for 0–5-year-olds
- support services for primary school age children
- activities and specialist services for young people
- effective parenting programs (such as Circle of Security)
- programs and actions to prevent harm to people with disability
- supported housing for young people
- offender behaviour-change programs and diversionary programs.

The following key service gaps were identified:

- flexible family support programs that can intervene early and provide long-term support
- harmful sexual behaviours prevention, early intervention and treatment programs for children and young people who are not yet involved in the youth justice system
- support and education for parents about how to talk to their children about abuse
- family violence programs for young offenders and their families
- school social workers with capacity to work preventatively
- alcohol and other drug programs for young people
- services for young people at risk of entering the criminal justice system
- flexible funding for communities to identify and address local issues
- genuine partnerships between Aboriginal communities and Government
- support for Aboriginal communities to work alongside families in ways that support self-determination and self-identified family and community goals.

Organisations told us about what kinds of services effectively prevent harm to children. For example, one provider spoke about working with families during pregnancy, then adapting to support the parents and child throughout their early years via parenting programs and referrals for any other needs identified. They explained that through building

strong relationships with families that are not tied to one program or funding model, they can support them over the long term. This included educating parents about child sexual abuse and other forms of harm and identifying any concerns about their children early. This provider told us that with more resources, they could expand and adapt these programs to the changing needs of their local community. The message that services would like to provide whole of family support over longer periods of time, as an essential means of keeping children safe, was clearly conveyed to us by this and other organisations.

Inability of Child Safety system to respond to concerns

We regularly heard that the community sector supports child sexual abuse reform. However, organisations told us that often when they identify and report concerns, the child safety system cannot respond appropriately. This was attributed mostly to staffing and resourcing. Organisations then feel that they are left to support children living in unsafe situations, despite lacking the resources to do so adequately. There is little trust in child safety's capacity to help those in need.

Child and Youth Safe Organisations Framework (CYSOF)

Community organisations frequently reported that while they support CYSOF, these changes have not been matched by additional resources for implementation and responding to concerns. They are therefore placing a further burden on community organisations. There is also concern that the wider system cannot currently respond appropriately when risks to children are identified, which in turn impacts community organisations' ability to comply. We were told that service providers are not comfortable encouraging children and families to report concerns if there are not effective systems in place to respond.

Appendix C – Sample actions

The following is a list of suggested actions in relation to the first three identified ‘priority areas’ of the Draft Strategy and Action Plan:

Suggested actions in the area of Youth Justice (more comprehensive overview relating to these recommendations can be found in earlier TasCOSS submissions)⁴³

- Include actions directly related to prevention and early intervention – for example, a target of a specified reduction in criminal charges/prosecutions of children and information about how this information will be recorded, measured and reported on
- Enact legislative reforms to reduce the involvement of children and young people in the criminal legal system, including:
 - o Raising the age of criminal responsibility to at least 14 years and the age of detention to at least 16
 - o Removal of legislative provisions prohibiting diversion for ‘prescribed offences’
 - o Additional legislative provisions allowing for magistrates to recommend diversionary options without prosecutorial or police approval
 - o Amend the principles of the Act to ensure a focus on the recognition of trauma and importance of rehabilitation
 - o Clear legislative provisions to remove general deterrence as a sentencing consideration for young people
 - o Additional legislative provisions in relation to bail outlining factors to be considered by bail decision-makers, and prohibiting a refusal of bail on the ground that a child does not have appropriate accommodation
- Enact changes to practice within key organisations to reduce the involvement of young people in the legal system, and provide greater and more targeted supports to those who children who are most at risk, including:
 - o Establishing clear protocols with Tasmania Police relating to the charging practices for young people (such as introducing a system of review of charging decisions relating to young people and processes to consult with community or family prior to arrest or charge)
 - o Developing a specialist ‘youth court’ (ideally a HUB-style model with wraparound support services)
 - o Additional funding for existing services to engage in expanded supports in key areas – such as supervised and/or supported bail for children and young people – as well as funding for existing service gaps (such as Aboriginal community-led bail and other support programs)
 - o Increase the number of diversionary programs throughout the State, particularly programs developed and led by community organisations with specialist knowledge and expertise

⁴³ See, for example, TasCOSS and Create Foundation, Submission to the Tasmanian Government, ‘Reforming Tasmania’s Youth Justice System’ (March 2022); TasCOSS and Create Foundation, Submission to the Department of Education, Children and Young People, ‘Response to the Youth Justice Blueprint’ (December 2022); TasCOSS, Submission to the Legislative Council Inquiry into Tasmanian Adult Imprisonment and Youth Detention Matters (April 2023).

- Ensure organisations working with children involved in (or at risk of being involved in) the youth justice system are adequately resourced to meet community need
 - o This includes funding for specialist services working to support children and families who are most at risk, including (but not limited to) Aboriginal and Torres Strait Islander Children, children with disability and families involved in (or at risk of being involved in) the statutory child safety system

Suggested actions in the area of Out-Of-Home Care

- Include actions directly related to prevention and early intervention – for example, a target of a specified reduction in criminal charges/prosecutions of children and information about how this information will be recorded, measured and reported on
- Include actions directed towards eliminating ‘crossover children’ (children within both the youth justice and child safety systems)
- Full implementation of the Aboriginal and Torres Strait Islander Placement Principle
- Additional funding for Aboriginal community-controlled organisations supporting families who are involved in (or at risk of being involved in) the child safety system, including sufficient resourcing for kinship and foster carers within the Aboriginal community to ensure ongoing cultural supports can be provided to Tasmanian children
- Sufficient funding for community-based organisations to work proactively with children (and with their families, where appropriate) on a long-term basis to develop and maintain strong relationships for children in care within their community
- Increased opportunities for children in out-of-home care to access advocacy and complaint management services
- Development of partnerships to consider (and potentially implement, if considered appropriate by the Aboriginal community) the transfer of care/jurisdiction of Aboriginal children in out-of-home care to Aboriginal community-controlled organisations, using the Victorian Nugel program and recent recommendations from the Yoorook Justice Commission as an example

Suggested actions in the area of Harmful Sexual Behaviours (for a more comprehensive overview in relation to these recommendations, please refer to SASS’ Submission to the Change for Children Strategy and Action Plan).⁴⁴

- Expand existing education and awareness raising activities in relation to healthy sexual and interpersonal relationships, and ensure universal access to programs (eg through schools)
- Provide funding for Aboriginal community organisations to develop culturally safe education and awareness raising initiatives
- Increase funding for organisations providing specialist harmful sexual behaviour responses

⁴⁴ Sexual Assault Support Service, ‘Submission to the Change for Children Strategy and Action Plan’ (2024), pp21-27.

- Expand existing opportunities for children in contact with the youth justice system who are at risk of, who have experienced sexual abuse or have engaged with harmful sexual behaviours have access to specialised therapeutic support – this should include the development of targeted diversionary programs
- Provide increased training and support for youth justice workers to identify and respond to risks, concerns and disclosures of child sexual harm (using the knowledge and experience of community-based organisations with specialist knowledge and expertise in this area)
- Ensure parenting and other early intervention programs with families and caregivers include information and advice about healthy sexual development and behaviours, to increase the capacity of parents to identify and respond to behaviours in ways that are developmentally appropriate and therapeutic