

Child Safe Organisations Bill 2020

Submission to the
Tasmanian Department
of Justice

5 March 2021

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About knowmore

Our service

knowmore legal service (knowmore) is a nation-wide, free and independent community legal centre providing legal information, advice, representation and referrals, education and systemic advocacy for victims and survivors of child abuse. Our vision is a community that is accountable to survivors and free of child abuse. Our mission is to facilitate access to justice for victims and survivors of child abuse and to work with survivors and their supporters to stop child abuse.

Our service was established in 2013 to assist people who were engaging with or considering engaging with the Royal Commission into Institutional Responses to Child Sexual Abuse (the Royal Commission). From 1 July 2018, knowmore has been funded to deliver legal support services to assist survivors of institutional child sexual abuse to access their redress options, including under the National Redress Scheme.

knowmore is funded by the Commonwealth Government, represented by the Attorney-General's Department and the Department of Social Services, and receives additional funding from the Financial Counselling Foundation.

knowmore uses a multidisciplinary model to provide trauma-informed, client-centred and culturally safe legal assistance to clients. knowmore has offices in Sydney, Melbourne, Brisbane and Perth. One of our lawyers is based in Tasmania, and we deliver services to Tasmanian clients through a number of different means, including through outreach when possible. Our service model brings together lawyers, social workers and counsellors, Aboriginal and Torres Strait Islander engagement advisors and financial counsellors to provide coordinated support to clients.

Our clients

In our Royal Commission-related work, from July 2013 to the end of March 2018, knowmore assisted 8,954 individual clients. The majority of those clients were survivors of institutional child sexual abuse. Almost a quarter (24%) of the clients assisted during our Royal Commission work identified as Aboriginal and/or Torres Strait Islander peoples.

Since the commencement of the National Redress Scheme for survivors of institutional child sexual abuse on 1 July 2018 to 31 January 2021, knowmore has received 41,741 calls to its 1800 telephone line and has completed intake processes for, and has assisted or is currently assisting, 8,034 clients. Almost a third (29%) of knowmore's clients identify as Aboriginal and/or Torres Strait Islander peoples. Just over a fifth (22%) of clients are classified as priority clients due to advanced age and/or immediate and serious health concerns including terminal cancer or other life-limiting illness.

Our clients in Tasmania

knowmore has a significant client base in Tasmania— five per cent of our current clients reside in the state. We therefore have a strong interest in Tasmanian law reform that aims to prevent institutional child sexual abuse by making institutions safer for children.

knowmore's submission

This section outlines knowmore's overall position on the Consultation Draft of the Child Safe Organisations Bill 2020 (the draft Bill), as well as knowmore's recommendations to improve the draft Bill.

In providing comments on the draft Bill, knowmore has reflected on both the findings and recommendations of the Royal Commission into Institutional Responses to Child Sexual Abuse (the Royal Commission) and its own work supporting survivors of institutional child sexual abuse.

The Royal Commission's Child Safe Standards

The Royal Commission shed light on the nature and extent of child sexual abuse in Australian institutions, including in schools, out-of-home care, youth detention environments, health and allied services, services that support people with disabilities, child care centres and youth groups, recreational clubs and associations, and commercial services. The Royal Commission concluded that institutional child sexual abuse is not a problem of the past, and that "institutional cultures and practices that allow abuse to occur and inhibit detection and response continue to exist in contemporary institutions."¹

Poor and inadequate institutional responses to child sexual abuse can have a devastating and long-lasting impact on victims and survivors, members of their family, and other children in their community:

[i]nappropriate or damaging responses by institutions can result in the sexual abuse continuing for the victim, as well as placing other children at risk. Victims and their families can be left feeling betrayed by the institutions they trusted, resulting in fear and distrust of, and contempt for, institutions. Survivors told us that these responses can not only compound the impacts of the abuse, but cause additional impacts and re-traumatisation. We heard that some victims were ostracised by the institution because of disclosing the abuse.²

The Royal Commission developed the Child Safe Standards as a benchmark against which all institutions can assess their child safe capacity.³ The Child Safe Standards are designed to

¹ Royal Commission into Institutional Responses to Child Sexual Abuse, *Final Report: Volume 6, Making institutions child safe*, 2017, p. 14, <https://www.childabuseroyalcommission.gov.au/sites/default/files/final_report_-_volume_6_making_institutions_child_safe.pdf>.

² Royal Commission, *Final Report: Volume 3, Impacts*, 2017, pp. 11-12, <https://www.childabuseroyalcommission.gov.au/sites/default/files/final_report_-_volume_3_impacts.pdf>.

³ Royal Commission into Institutional Responses to Child Sexual Abuse, *Final Report: Volume 6, Making institutions child safe*, 2017, p. 13.

ensure that an institution that engages in child-related work upholds the rights of all children under their care and supervision and

*consciously and systematically creates conditions that reduce the likelihood of harm to children, creates conditions that increase the likelihood of identifying and reporting harm, and responds appropriately to disclosures, allegations or suspicions of harm.*⁴

knowmore strongly supports the full implementation of the Royal Commission's Child Safe Standards and related recommendations in all Australian jurisdictions. In our view, the implementation of these recommendations is essential to reducing the risk and incidence of child sexual abuse in Australian institutions and ensuring that institutions respond appropriately to allegations of child sexual abuse.

knowmore notes that the Child Safe Standards have been incorporated into the National Principles for Child Safe Organisations (the National Principles), which were endorsed by all Australian governments in February 2019.⁵ The National Principles are as follows:

National Principles for Child Safe Organisations

1. Child safety and wellbeing is embedded in organisational leadership, governance and culture.
2. Children and young people are informed about their rights, participate in decisions affecting them and are taken seriously.
3. Families and communities are informed and involved in promoting child safety and wellbeing.
4. Equity is upheld and diverse needs respected in policy and practice.
5. People working with children and young people are suitable and supported to reflect child safety and wellbeing values in practice.
6. Processes to respond to complaints and concerns are child focused.
7. Staff and volunteers are equipped with the knowledge, skills and awareness to keep children and young people safe through ongoing education and training.
8. Physical and online environments promote safety and wellbeing while minimising the opportunity for children and young people to be harmed.
9. Implementation of the national child safe principles is regularly reviewed and improved.
10. Policies and procedures document how the organisation is safe for children and young people.

⁴ Ibid, p. 12.

⁵ Australian Human Rights Commission, *National Principles for Child Safe Organisations*, AHRC, Canberra, 2019 <[https://childdsafe.humanrights.gov.au/sites/default/files/2019-02/National Principles for Child Safe Organisations2019.pdf](https://childdsafe.humanrights.gov.au/sites/default/files/2019-02/National%20Principles%20for%20Child%20Safe%20Organisations2019.pdf)>.

knowmore's overall position on the draft Bill

knowmore welcomes the Tasmanian Government's commitment to introducing a legislative framework which ensures that organisations engaging in child-related work prevent and appropriately respond to child sexual abuse.⁶

While knowmore supports the draft Bill in principle, we recommend that the Tasmanian Government consider a number of suggested amendments to ensure that the proposed reforms:

- are consistent with national approaches to child safety, including the Royal Commission's Child Safe Standards⁷ and the National Principles for Child Safe Organisations agreed to by the Council of Australian Governments;⁸
- apply to all institutions providing child-related services in Tasmania; and
- provide for adequate monitoring and enforcement by an independent oversight body, such as the Commissioner for Children and Young People.

In the context of considering the draft Bill, we note the recently announced Commission of Inquiry to investigate the responses of Tasmanian Government Agencies in relation to the management of historical allegations of child sexual abuse. We consider it important that the reforms effected by the draft Bill be enacted in a timely manner and note that the Commission of Inquiry is expected to take approximately twelve months to complete. While we do not recommend that implementation of the reforms be fully delayed pending the final report of the Commission of Inquiry, we note that given the nature of its investigations, the Commission of Inquiry may result in findings that could usefully inform the Tasmanian Government's understanding of specific shortcomings in the responses of institutions to child sexual abuse. The Inquiry may also make specific recommendations relating to the implementation of child safe standards in Tasmania. We would therefore suggest that some review mechanism be included to ensure that any necessary amendments, arising from the Commission of Inquiry's findings and recommendations, be actioned quickly upon the Commission of Inquiry reporting.

Recommended changes to the draft Bill

Adopting a nationally consistent approach

knowmore advocates for nationally consistent approaches to laws regulating child safe institutions. In our view, this is necessary to ensure that all children receive equal protection from the risk of child sexual abuse in institutions.

⁶ Elise Archer MP, Attorney-General, *Making institutions child safe*, 23 December 2020, <<https://elisearcher.com.au/making-institutions-child-safe/>>.

⁷ Royal Commission, *Final Report: Volume 6, Making institutions child safe*, 2017, see Recommendations 6.4 to 6.11.

⁸ Australian Human Rights Commission, *National Principles for Child Safe Organisations*, AHRC, Canberra, 2019.

Following its extensive inquiry, the Royal Commission concluded that existing approaches to child safety in jurisdictions and institutions throughout Australia were substantially inconsistent.⁹ The Royal Commission warned that inconsistent approaches can compromise child protection, with a child's safety becoming dependent upon the jurisdiction in which they live and/or the institution they engage with.¹⁰ Inconsistent approaches can also lead to inefficiencies, as well as additional costs and administrative burdens for institutions.¹¹ This is particularly the case for institutions operating in more than one jurisdiction and/or across multiple sectors.

Based on these findings, the Royal Commission recommended a national approach to child safe institutions. This position was overwhelmingly supported by experts, institutions and other organisations that contributed to the Royal Commission's inquiry.¹² It was also endorsed by the Council of Australian Governments, including the Tasmanian Government, through the adoption of the National Principles in February 2019.

Despite this commitment to a nationally consistent approach, we consider that the legislative framework proposed should be improved to better promote national consistency. Specifically, the standards proposed in clause 2 of Schedule 1 of the draft Bill are inconsistent with both the Royal Commission's Child Safe Standards and the National Principles. knowmore is concerned that:

- the draft Bill only includes five standards, instead of the ten distinct standards identified by the Royal Commission and incorporated into the National Principles; and
- the draft Bill seeks to merge a number of standards together, resulting in unnecessarily lengthy provisions which may result in some important standards being overlooked and inadequately implemented by institutions.

knowmore recommends that to better achieve a nationally consistent approach to child safe institutions, the proposed Child Safe Standards in clause 2 of Schedule 1 of the draft Bill be amended to ensure that they closely mirror the National Principles.

Ensuring that all organisations providing child-related services are required to comply with the Child Safe Standards

Clause 7 of Part 2 of the draft Bill requires certain bodies to incorporate the principles and standards in their organisational policies, procedures and practices. These bodies include:

- an organisation that provides a child-related service; or
- a prescribed body.

In knowmore's view, the draft Bill lacks clarity as to the types of institutions that will be required to comply with the proposed Child Safe Standards. The definition of 'organisation' in the draft Bill is unnecessarily limited, providing no guidance as to what constitutes an

⁹ Royal Commission, *Final Report: Volume 6, Making institutions child safe*, 2017, p. 239.

¹⁰ Ibid, p. 251.

¹¹ Ibid, p. 252.

¹² Ibid, p. 249.

organisation beyond a government agency. For example, it does not clarify whether it covers incorporated and unincorporated organisations, religious bodies, community-based clubs and associations, or commercial businesses. The definition of ‘child-related service’ is similarly limited, referring to regulations that are yet to be enacted.

The Royal Commission recommended that state and territory governments should require all institutions in their jurisdictions that engage in child-related work to meet the Child Safe Standards.¹³ At Recommendation 6.9, the Royal Commission specifically listed the types of institutions that should be subject to legislative requirements to comply with the Child Safe Standards.¹⁴ The types of institutions identified by the Royal Commission include those providing core services such as child protection, education, health, justice and detention services, as well as institutions providing:

- accommodation and residential services for children;
- activities or services of any kind under the auspices of a religious denomination;
- childcare or child-minding services;
- relevant activities or services provided by clubs and associations;
- coaching or tuition services;
- commercial services for children;
- services for children with disability; and
- transport services for children.¹⁵

knowmore is concerned that the provisions in the draft Bill may not sufficiently cover all institution types identified by the Royal Commission and that this key issue has largely been left to delegated legislation, which has not been circulated for consultation. While we acknowledge the importance of flexibility within the Scheme, particularly where evidence emerges about risks of child abuse in new environments, there must nevertheless be transparency and certainty from the outset as to the institutions that are required to comply with the proposed Child Safe Standards.

knowmore recommends that the Tasmanian Government closely review Recommendations 6.8 and 6.9 from the Royal Commission’s Final Report, as well as the legislative frameworks adopted in other jurisdictions such as Victoria,¹⁶ and amend the draft Bill to ensure that the Scheme clearly covers all institution types identified by the Royal Commission. This will prevent any doubt as to whether particular institutions are subject to the Scheme and will “send a strong message that children’s safety in institutions is not optional.”¹⁷

¹³ Ibid, Recommendation 6.8.

¹⁴ Ibid.

¹⁵ Ibid, Recommendation 6.9.

¹⁶ *Child Wellbeing and Safety Act 2005* (Vic).

¹⁷ Royal Commission, *Final Report: Volume 6, Making institutions child safe*, 2017, p. 267.

Providing for adequate monitoring and enforcement

Ensuring that all organisations are subject to monitoring and enforcement measures

In addition to our concerns that certain types of institutions may not all be covered by the definition of ‘organisation’ in Part 1 of the draft Bill, we are also concerned that even where they are covered, they may not be subject to the monitoring and enforcement measures set out in Part 2 of the Bill.

The monitoring and enforcement measures in the draft Bill only appear to apply to a limited number of institutions engaging in child-related work. Specifically, the reporting requirements in clauses 9 and 10 of Part 2 of the draft Bill only apply to government agencies and non-government organisations that have entered into a ‘funding agreement’ with a government agency for the provision of certain services. The only other monitoring or enforcement measure, clause 8 of Part 2 of the draft Bill, is limited to regulating the conditions of funding agreements between government agencies and non-government organisations.

As a result, the monitoring and enforcement measures do not apply to:

- non-government organisations that have entered into a funding agreement with a government agency to provide services other than health, welfare, education, child care or residential services;¹⁸ or
- non-government organisations engaging in child-related work that do not receive funding from a government agency.

In our view, this is inconsistent with the Royal Commission’s findings and recommendations relating to appropriate monitoring and enforcement of the Child Safe Standards. While the Royal Commission recognised the diverse nature of institutions and the need for flexibility, it ultimately recommended consistent and effective compliance and enforcement for all institutions that are required to meet the Child Safe Standards.¹⁹ It did not recommend exceptions or exemptions for any of the institution types identified in Recommendation 6.9.

The Royal Commission was of the view that inconsistent monitoring and enforcement can lead to inadequate protection for children, stating:

[t]he varied approaches also allow perpetrators of child sexual abuse to seek out jurisdictions and institutions with weaker child safe approaches. We know that some perpetrators deliberately seek out employment as a cover to target and sexually abuse children. They can work to circumvent or exploit weaknesses in an institution’s protective practices or cultural and environmental characteristics to abuse children and avoid detection or disclosure.²⁰

The below narratives from the Royal Commission’s private sessions with Tasmanian victims and survivors demonstrate the pressing need for all institutions engaging in child-related

¹⁸ See the definition of ‘funding agreement’ in clause 3 Part 1 of the draft Bill which only captures funding agreements for the provision of certain services: health, welfare, education, child care or residential services wholly or partly for children.

¹⁹ Royal Commission, *Final Report: Volume 6, Making institutions child safe*, 2017, p. 279.

²⁰ *Ibid*, p. 251.

work in Tasmania to not only be required to meet the Child Safe Standards, but to also be subject to appropriate monitoring and enforcement measures.

The story of Veronique, who was abused by her local priest

Veronique grew up in the 1970s in a small town in Tasmania. Her family were committed Catholics. The parish priest was a regular visitor to their home. And when he was away, the relieving priest, Father Brennan, was also warmly welcomed.

Veronique's grandfather had recently died, leaving a gap in family life that Father Brennan was happy to fill. He was especially attentive to Veronique, the youngest in the family, then about six years old. It didn't occur to Pat (Veronique's mother) to question his behaviour, or his motives. She'd been brought up believing that priests and nuns were like saints.

Father Brennan began sexually assaulting Veronique when she was in Grade 1. The abuse continued until she was about 10, in Grade 5. It happened on walks he took her on, and elsewhere, including the presbytery and the sacristy.

'The funny thing is, not once did he ever tell me not to tell anyone. He never said that to me', Veronique told the Commissioner. She now sees that as a sign of his arrogance.

For one of his visits to the parish, Father Brennan organised to stay with Veronique's family... In the weeks before he was due to arrive Pat noticed a change in Veronique. Her teachers noticed it too. 'There was something not right.' The change was even more noticeable when Brennan arrived to stay. 'I was wary. I knew something was up, and I didn't know what', Pat said. After Father Brennan left, Pat raised her concerns with Veronique, and she eventually disclosed the truth.

That evening Pat called the Dean responsible for the priests in the parish. She told him what had happened and asked for immediate action. A series of disappointments followed. The Dean spoke to Father Brennan before talking to the family. When Brennan and the Dean met with Pat, the Dean didn't contribute and Brennan was given the opportunity to make excuses.

A short while later the Dean contacted Pat. '[He] said you don't have to worry about Father Brennan anymore because he's not allowed to say mass in Tasmania again.' She told him she was concerned about the harm Brennan might do to other kids. 'But he seemed to brush that aside. He wasn't interested in that.'

The Church in Tasmania took no further steps against Brennan, who did go on to sexually assault other children. He died in the early 1980s.

Extracts from Royal Commission, *Narratives: Veronique's story*,
<www.childabuseroyalcommission.gov.au/narratives/veroniques-story>. Real names of individuals have not been used.

The story of Maddie, who was abused by a coach in her local sports club

Maddie grew up in Tasmania in a tight-knit Christian family. She described her early childhood as being normal and that she was a 'pretty naive and innocent young girl'. In the 1990s she was signed up for lessons at a local sports club. Maddie was 12 at the time.

Her coach at the club was Brad Neumann, a man in his late 30s, who was married with a young child. Neumann took a special interest in Maddie. After some grooming an unhealthy relationship began that started off with touching and escalated into sexual penetration. This continued until Maddie was about 17, when she began to feel uneasy about the relationship.

Maddie never spoke of her encounters with Neumann to anyone while she was still entrapped. She was sure people were suspicious nevertheless. 'I know that people asked him what was going on because he would tell me that people would ask him ... It doesn't give you a lot of faith in people, because people saw and thought something was going on but never did anything.'

Maddie changed cities in an attempt to break with Neumann and concentrate on her schoolwork. Neumann kept contacting her and asking her to come back home, which she did. Maddie described Neumann as manipulative and controlling. 'He had a young daughter. He said he would lose her, he would go to jail, and it puts you in a very hard situation. If you go and tell your parents, it's shameful.' Maddie was confused and felt powerless to say 'no more.'

Ten years after the abuse Maddie reported the matter and gave a statement to the Tasmanian Police. 'I felt like he was still allowed to go on with his life in coaching and all that sort of stuff, but, in a way, had destroyed parts of my childhood. He's never said sorry, never acknowledged it.' The case was investigated, but when questioned Neumann claimed that Maddie had been much older at the time of the relationship. The police did not investigate further. Maddie feels her allegations weren't taken seriously.

Extracts from Royal Commission, *Narratives: Maddie's story*, <www.childabuseroyalcommission.gov.au/narratives/maddies-story>. Real names of individuals have not been used.

knowmore recommends that the Tasmanian Government review the provisions in Part 2 of the draft Bill with a view to ensuring that all institutions that are required to comply with the proposed Child Safe Standards are also subject to appropriate monitoring and enforcement measures. We also refer the Tasmanian Government to the comprehensive monitoring and enforcement provisions in the legislative frameworks adopted, or proposed to be adopted, in other jurisdictions such as in New South Wales²¹ and Victoria.²²

²¹ Exposure draft of the Children's Guardian Amendment (Child Safe Scheme) Bill 2021, circulated by the NSW Office of the Children's Guardian for consultation. See <<https://www.kidsguardian.nsw.gov.au/about-us/news/child-safe-standards-regulatory-scheme-feedback-sought>>.

²² *Child Wellbeing and Safety Act 2005* (Vic).

The importance of independent oversight and monitoring

The Royal Commission made several recommendations to state and territory governments aimed at ensuring adequate independent oversight and monitoring of the Child Safe Standards. We have set out some of those key recommendations below.

Recommendation 6.10

State and territory governments should ensure that

- a. an independent oversight body in each state and territory is responsible for monitoring and enforcing the Child Safe Standards. Where appropriate, this should be an existing body.
- b. the independent oversight body is able to delegate responsibility for monitoring and enforcing the Child Safe Standards to another state or territory government body, such as a sector regulator.
- c. regulators take a responsive and risk-based approach when monitoring compliance with the Child Safe Standards and, where possible, utilise existing regulatory frameworks to monitor and enforce the Child Safe Standards.

Recommendation 6.11

Each independent state and territory oversight body should have the following additional functions:

- a. provide advice and information on the Child Safe Standards to institutions and the community
- b. collect, analyse and publish data on the child safe approach in that jurisdiction and provide that data to the proposed National Office for Child Safety
- c. partner with peak bodies, professional standards bodies and/or sector leaders to work with institutions to enhance the safety of children
- d. provide, promote or support education and training on the Child Safe Standards to build the capacity of institutions to be child safe
- e. coordinate ongoing information exchange between oversight bodies relating to institutions' compliance with the Child Safe Standards

Royal Commission into Institutional Responses to Child Sexual Abuse, *Final Report: Volume 6, Making institutions child safe*, 2017, p. 14,
<https://www.childabuseroyalcommission.gov.au/sites/default/files/final_report_-_volume_6_making_institutions_child_safe.pdf>.

knowmore understands that these recommendations were accepted in principle by the Tasmanian Government.²³ In doing so, the Tasmanian Government noted the potential extended role of an existing statutory office in monitoring and enforcing compliance with the Child Safe Standards and committed to considering options for implementation.²⁴

Despite this, the legislative framework proposed by the Tasmanian Government fails to provide for adequate independent oversight, monitoring or enforcement of the proposed Child Safe Standards. The draft Bill falls short of the framework proposed by the Royal Commission. We are particularly concerned that:

- There is no single independent body with responsibility for monitoring and enforcing compliance with the proposed Child Safe Standards. Instead, this role will be performed by numerous agencies, which are primarily government agencies.
- There is a considerable risk that the proposed approach will lead to inconsistent monitoring and enforcement across different agencies; we note in particular that there are no provisions to support a consistent approach to monitoring and enforcement, such as information sharing provisions.
- Some government agencies may not have the appropriate level of expertise and experience in child safety to perform this function effectively.
- Some government agencies with responsibility for monitoring and enforcing the proposed Child Safe Standards are themselves currently under scrutiny for their alleged failure to protect children from institutional child sexual abuse.
- The proposed regulatory framework for government agencies lacks accountability; for example, it is not clear who will be responsible for enforcing a government agency's compliance with the proposed Child Safe Standards and what enforcement tools will be available to them.

knowmore recommends that the Tasmanian Government amend the draft Bill to give an independent oversight body responsibility for monitoring and enforcing the Child Safe Standards. In our view, consideration should be given to the Tasmanian Commissioner for Children and Young People performing this role.²⁵ Such an approach would be consistent with the Royal Commission's suggestion that state and territory governments enhance the roles of existing children's commissioners or guardians to perform this function,²⁶ and is also consistent with the regulatory frameworks in various other jurisdictions.

²³ Tasmanian Government, *Tasmanian Response: Royal Commission into Institutional Responses to Child Sexual Abuse*, 2018, pp. 17-18, <https://www.justice.tas.gov.au/_data/assets/pdf_file/0010/418186/Tasmanian-Response-Child-Abuse-Royal-Commission.pdf>.

²⁴ Ibid, p. 17.

²⁵ We note that the Tasmanian Commissioner for Children and Young People already has oversight responsibilities in relation to the out-of-home care and youth justice systems and has made a considerable contribution to developing a framework for child safe organisations in Tasmania. See for example, Commissioner for Children and Young People, *Strengthening Child Safe Organisations*, 2015, <https://www.childcomm.tas.gov.au/wp-content/uploads/2015/09/SCSO_Report_2015_low-res_20150907.pdf>.

²⁶ Royal Commission, *Final Report: Volume 6, Making institutions child safe*, 2017, p. 16.

The Commissioner for Children and Young People should be adequately funded and resourced to perform such a role effectively. While we acknowledge the additional cost to government to establish this function, the cost of inadequate monitoring and enforcement must also be acknowledged:

[w]e believe government and institutional investment to prevent institutional child sexual abuse is justified. The impact of institutions' child sexual abuse often has lifelong repercussions and can have significant social and economic consequences on victims and survivors, their family, friends and the community. Significant social and economic costs of institutional child sexual abuse include costs related to healthcare, lost earnings and tax revenue, increased need for welfare and child protection, the criminal justice system, and crime.²⁷

We also recommend that the Tasmanian Government strengthen the proposed monitoring and enforcement framework to ensure that the Commissioner for Children and Young People is appropriately empowered to fulfil its monitoring and enforcement responsibilities, as well as to undertake critical education and capacity building work. We note the Royal Commission's comments that:

[w]hen enforcing the Child Safe Standards, regulators should take a responsive approach and focus on building the capacity of institutions that are either unwilling or unable to comply. Regulators should be empowered with mechanisms to fulfil their role, such as the ability to make requests for information on how an institution is implementing the Child Safe Standards. Enforcement tools such as financial penalties or orders to comply should be available to regulators where institutions are consistently and intentionally unwilling to comply.²⁸

²⁷ Ibid, p. 17.

²⁸ Ibid, p. 240.

Conclusion

As outlined above, while knowmore supports the draft Bill in principle, we recommend that the Tasmanian Government consider the suggested amendments to ensure that the proposed reforms:

- are consistent with national approaches to child safety, including the Royal Commission's Child Safe Standards and the National Principles for Child Safe Organisations agreed to by the Council of Australian Governments;
- apply to all institutions providing child-related services in Tasmania; and
- provide for adequate monitoring and enforcement by an independent oversight body, such as the Commissioner for Children and Young People.

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Image inspired by original artwork by Dean Bell depicting knowmore's connection to the towns, cities, missions and settlements within Australia.

knowmore acknowledges the Traditional Owners of the lands across Australia upon which we live and work. We pay our deep respects to Elders past, present and emerging.