From:
Sent: Friday, 22 March 2024 11:57 AM
To: Policy
Subject: Child Safety Reform Implementation Monitor Bill 2024

I was delighted to read the draft *Child Safety Reform Implementation Monitor Bill* 2024 together with the brief explanation of its key provisions.

The Bill seems to address and at times amplify the recommendations made in the Commission of Inquiry Report and the underlying reasoning and recommendations for establishing the position of an independent Child Sexual Abuse Implementation Monitor.

I make some suggestions;

1. Section 6(2)(b)(i & ii) seems to limit the appointment to a senior public servant. This may restrict or limit the pool of available talent which might otherwise be available to undertake this role. Consequently, is this criteria necessary in the legislation or at the least should s6(2)(b)(i) be deleted.

2. I had envisaged that the Monitor position would be part time rather than full time and as the recommendations of both the National Royal Commission, the Commission of inquiry ('COI'), etc were implemented the role of the Monitor, at least in terms of time, would reduce.

3. Part 3 of the Bill seems comprehensive and seemingly reflects the recommendations made by the COI and the rationale upon which they were based. It does strike me that there could at times be conflict between the Monitor and the Agencies, for instance the meaning of the terms and the extent of the terms in section 14(a) & (b). Given the current practice (and perhaps requirement) in Tasmania that the Solicitor General provide advice and guidance to executive and legislative Government, in whatever form it takes. This could leave the Solicitor General in a position of significant conflict. At present there is a facility to ask either the Treasurer or the Attorney General (I am not sure which Minister) for permission to take legal advice outside the scope of the Solicitor General's office. Would it be worthwhile providing that the monitor could independently seek legal advice in circumstances that warrant concern from outside the Solicitor General's office.

4. Each of the Commissioners of the COI held Working with Vulnerable People registration throughout the life of the COI. From the Bill it appears that the Monitor will be required to likewise have such registration, I fully support that requirement. However, some of the provisions of the Bill, such as section 18(2), may place the Monitor in a difficult circumstance were failing to make a notification would be in breach of obligations under the *Registration to Work with Vulnerable People Act* 2013. At the same time, making a notification maybe in breach of provisions of the Bill, including s18. Would it be prudent to include a provision that a notification by the monitor or a delegate of the monitor to make notifications to protect children and or to report the possibility of a crime that may be committed, are exceptions to breach of obligations under the Bill.

5. One of the most powerful aspects of the work of the COI were the private sessions where numbers of Tasmanians, often for the first time, disclosed their childhood sexual abuse. These disclosures were often private and were not and could not be subject of identifying comment in the COI report. This was very much the Desmond Tutu approach as with the South African Truth and Reconciliation Commission, which helped heal peoples of the that Nation by investigating human rights violations that had occurred during the apartheid period. Such a continuing process for survivors of child sexual abuse also fits in well with notions of restorative justice.

I suggest that you consider a provision to enable survivors of child sexual abuse to be permitted tell their story to the monitor and have that story treated in the same private and confidential way as if they were private sessions in

the COI. It would give relief for those survivors. Child sexual abuse is not rare, it is significant to note that in April 2023 Australia's National Children's Commissioner Anne Hollonds reportedly said;

Confronting new findings from the Australian Child Maltreatment Study provides evidence, for the first time, of the scale of child maltreatment in Australia.

Child maltreatment is a much bigger problem than we thought, leading to serious negative lifelong harms for children, and massive costs to the community.

The ground-breaking nationwide study of 8500 Australians aged 16 and over has painted a truly harrowing picture of the scale and impact of child maltreatment in this country, with a staggering two-thirds of respondents reporting having experienced maltreatment in childhood. 32% of these respondents had experienced physical abuse, ***28.5% had experienced sexual abuse,*** *30.9% had experienced emotional abuse, 8.9% had experienced neglect, and 39.6% had experienced domestic and family violence. 39.4% of respondents had experienced two or more types of child maltreatment.*

A continuing process to enable stories of sexual abuse to be told and at times reported would provide opportunities for those who suffered child sexual abuse. It may also enable the monitor to better understand, over the years, any changes arising from the implementation of the various recommendations. It would be valuable to enable the one in three or one in four children subjected to child sexual abuse, to have a safe mechanism to tell their stories to someone in authority. With the consent of the survivors, such crimes could be reported to police, child protection authorities and the like or they could remain private, as is enabled under the *Commissions of Inquiry Act* 1995.

Regards

Robert Benjamin AM SC