

# ANNUAL REPORT 2019-20





20 October 2020

President  
Legislative Council  
Parliament House  
HOBART TAS 7000

Speaker of the House  
House of Assembly  
Parliament House  
HOBART TAS 7000

Dear Mr President  
Dear Madam Speaker

**Annual Report for 1 July 2019 to 30 June 2020**

The Commissioner for Children and Young People Annual Report is presented to Parliament in accordance with the *Commissioner for Children and Young People Act 2016*, section 19(2).

Yours sincerely

**Leanne McLean**  
Commissioner for Children and Young People

Commissioner for Children and Young People Tasmania Annual Report 2019-20

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## Message from the Commissioner

As Tasmania's Commissioner for Children and Young People, it is my job to advocate for the rights and wellbeing of Tasmania's children and young people aged less than 18 years. There are many ways that I go about doing this and this report summarises my activities for the 2019-2020 financial year.

There is a consistent theme in the way that I undertake my work in that I try to make sure that everything I do is informed by the views of children and young people.

Since I began as Commissioner in late 2018, I've had the pleasure of learning more about the unique and valuable perspectives that children and young

people bring to the issues that affect them. As the COVID-19 pandemic has permeated many aspects of our lives in 2020, I've been particularly interested in hearing how Tasmania's children and young people have experienced the pandemic and how it has affected their wellbeing. As is often the case, children and young people's views on COVID-19 have been insightful, heart-warming and at times saddening.

Some children and young people have told me that aspects of their lives have changed for the better as a result of COVID-19 — they have enjoyed spending more time at home with family and loved ones and have felt well supported by trusted adults. Some children and young people have also had access to more money as a result of increased Federal Government support measures. It saddens me that these measures are now being phased out and that these children may once again be living in circumstances where their basic needs cannot be adequately met.

For some children and young people, life during the pandemic has been a challenge to navigate. Isolation from family and friends or missing normal sporting, arts or cultural activities have all been flagged by the children and young people I have spoken with as having a detrimental impact on their wellbeing. Some children and young people have lost their jobs, or are living in families and communities affected by COVID-19 related job losses.

Also, sadly, during Tasmania's lockdown, some children and young people have experienced more time in households where they have felt unsafe, or have been unable to access the services and

supports necessary for them to maintain good wellbeing.

What makes these experiences even harder is the sense of uncertainty about how long this will take to play out, and what the future might hold. This creates stress and anxiety as real for children and young people as it is for adults. These feelings can compromise their mental health and sense of wellbeing and have a profound impact on their future wellbeing.

Tasmania is shifting in its approach to improving the wellbeing of Tasmania's children and young people, including — in response to my February 2020 report *Investing in the Wellbeing of Tasmania's Children and Young People* — a new commitment to develop Tasmania's first whole-of-government strategy to improve the wellbeing of our children and young people.

It is especially pleasing to see an increasing willingness from those who play a role in children and young people's wellbeing to make contact with me to find out how the views of children and young people can be included in decisions which affect them.

Now, more than ever, our children need adults around them who empower them to have a say through listening to them and answering their questions with honesty, openness, and respect. We must engage them in conversations so that children and young people actively contribute to decisions that affect them — decisions that advance their wellbeing and create the best possible future for us all.

# About the Commissioner for Children and Young People



The Commissioner for Children and Young People is an independent statutory officer responsible to the Parliament of Tasmania and established under the *Commissioner for Children and Young People Act 2016* (Tas) (the CCYP Act).

The CCYP Act sets out the guiding principles, functions and powers of the Commissioner and includes specific provisions which acknowledge the independent and impartial role of the Commissioner. The Commissioner's general functions are:

- advocating for all children and young people in the State generally
- acting as advocate for a detainee under the *Youth Justice Act 1997*
- researching, investigating and influencing policy development into matters relating to children and young people generally

- promoting, monitoring and reviewing the wellbeing of children and young people generally
- promoting and empowering the participation of children and young people in the making of decisions, or the expressing of opinions on matters that may affect their lives
- assisting in ensuring the State satisfies its national and international obligations in respect of children and young people generally
- encouraging and promoting the establishment by organisations of appropriate and accessible mechanisms for the participation of children and young people in matters that may affect them
- unless otherwise specified, the Commissioner must act independently, impartially and in the public interest.

The CCYP Act provides a strong mandate for the Commissioner to perform her functions and exercise powers through the lens of a child-rights framework. When performing a function or exercising a power, the legislation requires the Commissioner to:

- do so according to the principle that the wellbeing and best interests of children and young people are paramount
- observe any relevant provisions of the *United Nations Convention on the Rights of the Child* (UNCRC).

In essence, the Commissioner's role is to ensure that the interests, views and opinions of Tasmania's children and young people are advocated, represented and heard across Government and the community.

Importantly, the CCYP Act gives the Commissioner the power to initiate an inquiry or investigation into systemic matters and makes it clear that the Commissioner has wide powers to compel the production of information and documents.

The CCYP Act also clarifies the circumstances in which the Commissioner may refer information to relevant authorities, including Tasmania Police, the Ombudsman and the Custodial Inspector.

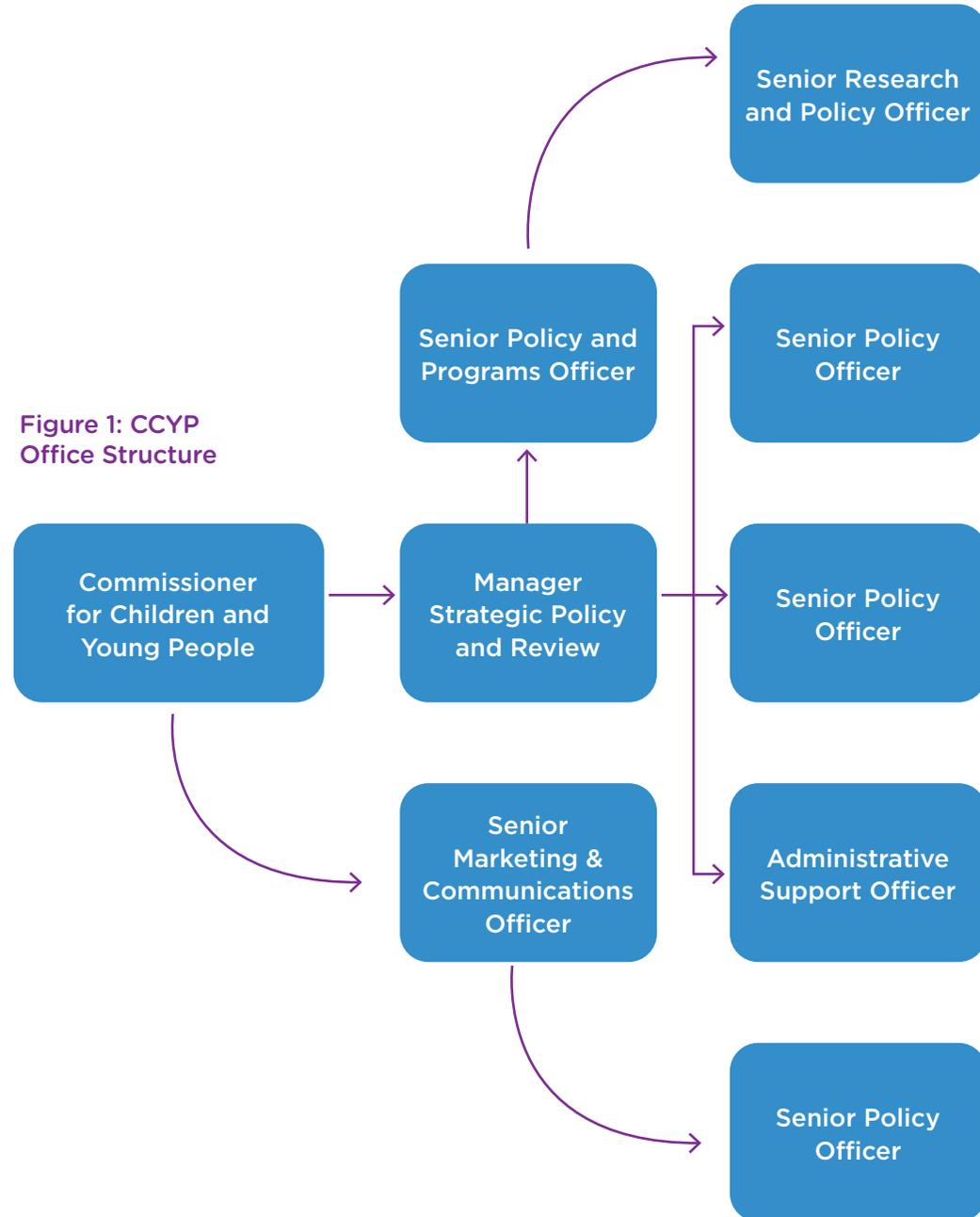
The Commissioner is not permitted to deal with complaints made by or on behalf of an individual and does not have the authority to investigate or review the circumstances of individual children (unless requested to do so by the Minister). The Commissioner may, however, investigate or otherwise respond to an issue that affects the wellbeing of children more generally, even if it is raised through a matter relating to a specific child.

The work of the Commissioner is currently supported by eight State Service employees with policy, review, program, research, communications and administrative responsibilities.

Funding in the 2019–2020 State Budget has enabled the creation of a Senior Marketing and Communications position to support strategic communication and media services and the Commissioner’s role in promoting the importance of empowering children to participate in decision-making processes.

The budget for the Commissioner’s office for the 2019–2020 financial year was \$1.368 million.

**Figure 1: CCYP Office Structure**



# Seeking the Views of Children and Young People

*“Promoting children and young people’s participation in decision making and encouraging them to express their views on issues that are important to them are key aspects of the Commissioner for Children and Young People’s role.”*

Commissioner for Children  
and Young People

*“We will inherit this country; our current government officials are not eternal and we as youth deserve to have our opinions heard now instead of needing to wait so long. There’s a new generation in need of voices.”*

Dan, Member, Youth Expert Panel

*“A lot of people don’t realise that youth need a voice... it’s important to have higher influence.”*

Lara, CCYP Ambassador and  
Member, Youth Expert Panel

## Overview

The Commissioner for Children and Young People is explicitly charged with promoting and empowering the participation of children and young people in the making of decisions, or the expressing of opinions on matters that may affect their lives. To help her carry out this function, Commissioner McLean has created the CCYP Ambassador Program and a Youth Expert Panel.

These initiatives acknowledge that while young people are experts in their own lives, their knowledge and experiences can be overlooked, brushed off or ignored altogether.

Enabling young people to share their views and experiences, be listened to, and influence decision making contributes to their wellbeing and provides an essential and powerful contribution to Tasmania’s future.

## CCYP Ambassador Program

The CCYP Ambassador Program is an opportunity for children and young people to have their voices heard on how things can be improved for children and young people in Tasmania. CCYP Ambassadors come together to discuss key issues and help the Commissioner understand what's important to them and their communities.

The program started in April 2019 and during the latter half of 2019, CCYP Ambassadors shared their views on how things could be improved for children and young people in Tasmania through:

- regional meetings in Burnie, Devonport, Launceston and Hobart
- a statewide event in Launceston attended by political leaders and representatives from Tasmanian Government departments and non-government organisations
- out-of-session projects on what is important to CCYP Ambassadors and their community, and on why children's rights matter.

The 2019 CCYP Ambassadors identified key areas of concern to them as young Tasmanians. They want action on education, equity and diversity, climate change and the environment, bullying and mental health, participation and recognition of children and young people, safety, and access to necessities, services and supports. Similar themes were identified by the 2020 cohort of CCYP Ambassadors.

In March 2020, 143 CCYP Ambassadors aged from 9 to 17 years were appointed from across Tasmania and from a wide variety of social and economic backgrounds. Not long after, the COVID-19 pandemic

restrictions were imposed, forcing a rethink of the program's emphasis on face-to-face interactions.

The CCYP team quickly shifted the program online. The CCYP Ambassador portal, which was already in development, was fast-tracked and launched in May 2020. The portal provides CCYP Ambassadors with a secure online platform to interact with the Commissioner, share information, and discuss the big and small issues that are important to them as young Tasmanians.

The Commissioner also launched an online creative project in collaboration with art and social change organisation, Big hART. CCYP Ambassadors are currently working on a digital mini-magazine, or zine, exploring their aspirations for a future Tasmania. Big hART's artists are bringing these ideas together into the zine for CCYP Ambassadors to present to decision makers in September 2020 at the CCYP Ambassador statewide event.

## Youth Expert Panel

A small group of committed 2019 CCYP Ambassadors indicated a desire for greater leadership opportunities. This led to the establishment in 2020 of a new expert advisory panel of six young people aged 15 to 18 years. The panel provides a way in which the perspectives of young people can inform the Commissioner's work. Panel members undertake two important functions:

1. To provide advice on publications developed by the CCYP office.
2. To be a point of consultation on the strategic direction and workplan of the CCYP office.



As one member put it:

*"I was offered the opportunity and I constantly want to impact my country and the future as best as I can when I'm unable to vote. It's incredibly inclusive and enjoyable and I feel very well heard."*

Meetings are held on an as-needed basis.

# Children and Young People Having an Impact

*"Imagine a Tasmania where our youngest citizens are empowered to actively contribute to decision-making processes that affect their lives now and into the future; where, as a matter of course, their views are sought, respected and influence the outcomes of those processes."*

Commissioner for Children and Young People

*"A famous quote stated that 'Knowledge is power' and I would love to see the power of youth make an impact on Australia."*

CCYP Ambassador

## Overview

Throughout 2019–2020, there were several formal and creative opportunities for young people to influence decision making. CCYP Ambassadors contributed their views to a review of the Melbourne Declaration on Educational Goals for Young People, and the state school ban on mobile phones.

The views and ideas of children and young people were also conveyed to decision makers through an inspiring umbrella installation.

The views, voices and experiences of children and young people in out-of-home care and young people in youth justice detention, as well as CCYP Ambassadors, were also captured and shared in the *Listening to Children and Young People in Tasmania 2019* report, providing important insights into their experiences of wellbeing. New work is also underway through *The Tasmania Project* which will offer unique insights from children and young people about how Tasmania can respond to the COVID-19 pandemic over the longer term.

## Review of the Melbourne Declaration on Educational Goals for Young Australians

In August 2019, CCYP Ambassadors had the opportunity to participate in two 'young people-specific forums' convened by the Honourable Jeremy Rockliff MP, Minister for Education and Training, to contribute their views on the review of the Melbourne Declaration. The Melbourne Declaration is a joint declaration by the Commonwealth, State and Territory Governments that sets a vision and goals for education in Australia.

The Commissioner was also invited by the Minister to participate in a stakeholder forum, and while unable to take up the invitation, shared with the Minister

some examples of the key messages she had heard from CCYP Ambassadors about their experiences of education and their vision for its future.

The key messages provided to the Minister for Education from the CCYP Ambassadors included ensuring the voices of children and young people are considered in education, and that they are offered opportunities to engage meaningfully in learning and curriculum development.

The Minister advised that the CCYP Ambassadors' observations and comments were passed on to the Tasmanian youth representatives who attended the National Youth Workshop for the Melbourne Declaration to help provide a full perspective of the experiences of young people.

## State School Ban on Mobile Phones

In November 2019, the Commissioner expressed her support for the announcement of new restrictions on mobile phones to be applied in Tasmanian Government schools, while urging further consultation with students to implement the new policy.

The Commissioner's conversations with children and young people involved in the CCYP Ambassador Program made it clear that there were a variety of views among Tasmania's children and young people on the new restrictions.

The CCYP Ambassadors emphasised the need for further consultation with students about implementation of the policy, particularly in relation to exemptions and the monitoring and enforcing of the new restrictions. They also emphasised the

need to properly resource schools where mobile phones are currently used by students as learning devices where available resources are insufficient, for example, in lieu of laptops or calculators.

The Commissioner provided the views and opinions expressed by CCYP Ambassadors to the Honourable Jeremy Rockliff MP, Minister for Education and Training to inform further consultations and evaluations with Tasmanian students, educators and families regarding implementation of the new policy.

The Minister advised the Commissioner that he agreed with her recommendation to continue engagement with students as the new mobile phone policy is implemented, and that schools will be supported to do so. The Minister also advised of his commitment to a comprehensive review of the policy after 12 months (originally scheduled to be undertaken in Term 2 of 2020), which would include seeking the views of students, principals, teachers and families.

## Umbrellas

An umbrella installation created by CCYP Ambassadors brought the views of children and young people about their safety and access to services in their communities into the halls of decision making.

Nearly 50 repurposed umbrellas were painted by CCYP Ambassadors at their 2019 Statewide event. These umbrellas were installed in the Executive Building of the Tasmanian Government, speaking directly to political leaders and policy makers in their workplace. More installations are planned for the future.



## CCYP Student Voice Award

The inaugural *Commissioner for Children and Young People's Award for Student Voice* was awarded to Cosgrove High School in Hobart for exemplary efforts and purposefully providing opportunities to students to participate in decisions about their school and their education. This award was presented at the Department of Education "Together We Inspire" conference in September 2019.

## The Tasmania Project

The Commissioner collaborated with members of the University of Tasmania's *The Tasmania Project* research team to develop survey questions designed to elicit the views of children and young people about their experiences during COVID-19 and their aspirations for the future of Tasmania.

This project complements *The Tasmania Project* surveys and interviews already being conducted with adults, the results of which will be used as a resource for those making critical decisions in response to the pandemic.

## Tasmanian Renewable Energy Action Plan

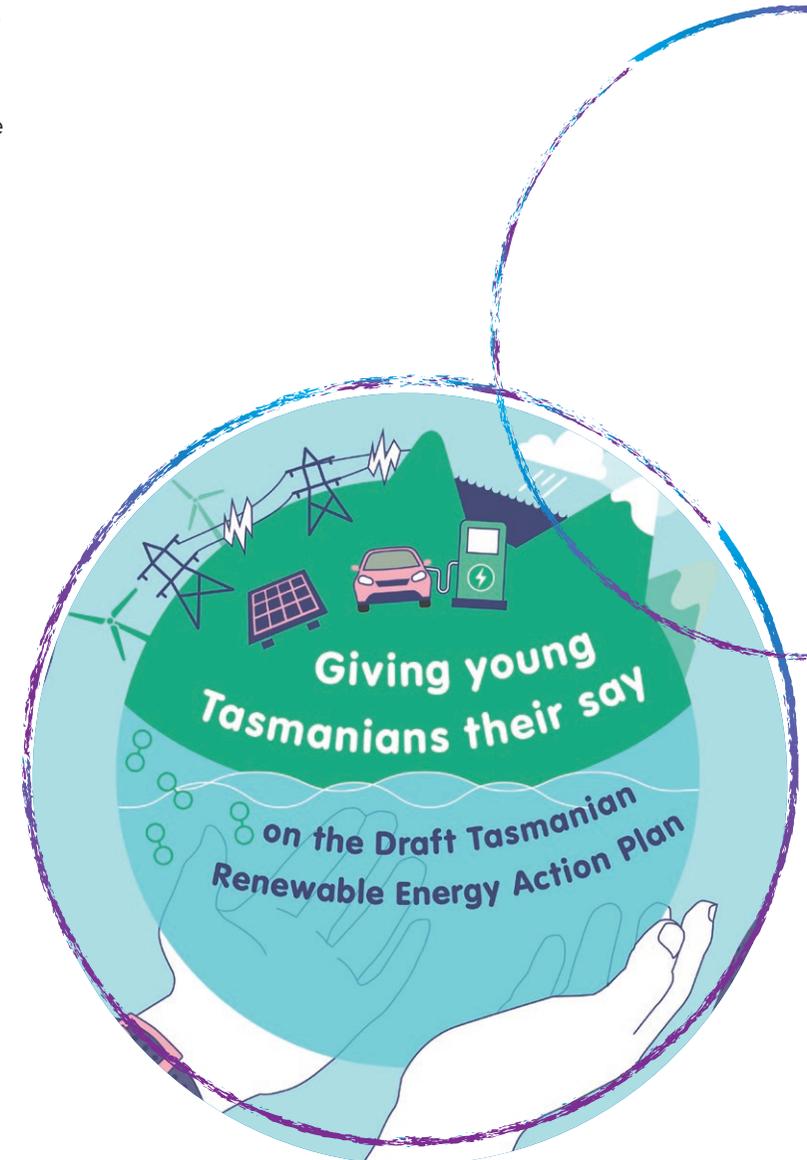
The Commissioner is working with the Department of State Growth Tasmania to facilitate opportunities for children and young people to have a say on the state's renewable energy future.

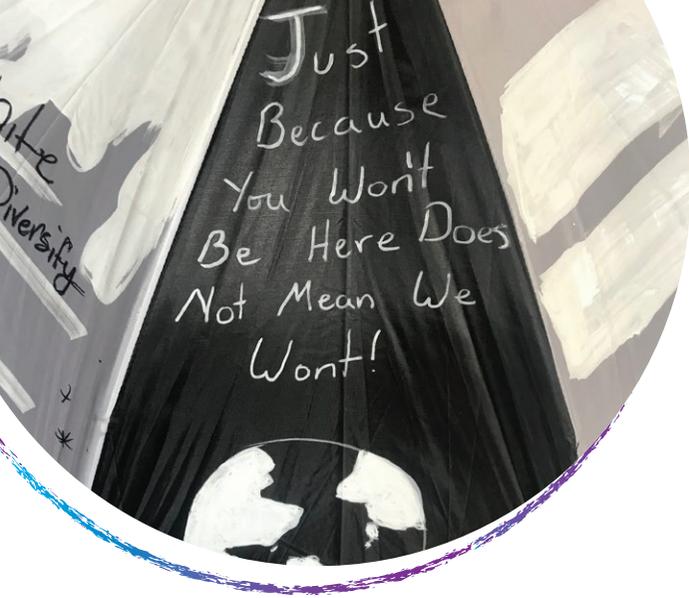
During 2019, children and young people involved in the CCYP Ambassador Program expressed concern about climate change and the natural environment; they were passionate about improving awareness

and finding solutions at both a community and global level, including through renewable energy.

In April 2020, the Tasmanian Government released its *Draft Tasmanian Renewable Energy Action Plan 2020* (TREAP) which aims to double the state's renewable energy output. Children and young people will clearly be affected by decisions relating to renewable energy and climate change now and into the future.

In consultation with the Commissioner, the Department of State Growth is developing an accessible and engaging version of the Draft TREAP, with consultation questions specifically designed for children and young people. Children and young people interested in reading the full Draft TREAP can do so by visiting: [https://www.stategrowth.tas.gov.au/energy\\_and\\_resources/energy/renewable\\_energy](https://www.stategrowth.tas.gov.au/energy_and_resources/energy/renewable_energy)





## Listening to Children and Young People in Tasmania 2019 Report

The *Listening to Children and Young People in Tasmania 2019* report captures the voices of almost 200 children and young people involved in the CCYP Ambassador Program, and the voices of children and young people in out-of-home care, young people in youth justice detention and others who shared their views with the Commissioner in forums and meetings.

The report will help inform the Commissioner's advocacy for Tasmania's children and young people and it is also hoped the report will be used as a resource for decision makers and advocates.

### Key Themes from CCYP Ambassadors

- Education and opportunities — although many CCYP Ambassadors were happy with their experience at school, they also expressed their views and ideas on how their experience could be improved.
- Equity and diversity — CCYP Ambassadors expressed their views, ideas and vision for a fairer and more equitable experience for all children and young people in Tasmania.
- Climate change and the environment — CCYP Ambassadors are clearly concerned about climate change and the natural environment and are passionate about improving awareness and finding solutions at a community and global level to collectively address this issue.
- Bullying and mental health — CCYP Ambassadors saw bullying and supports for mental health and wellbeing as intrinsically linked. They strongly indicated that current support systems and strategies for addressing and responding to bullying and/or mental health concerns are not working as well as they could be and suggested methods for improvement.
- Participation and recognition of children and young people — CCYP Ambassadors want children and young people to be recognised as valued and contributing members of the Tasmanian community. They emphasised the benefits that flow when their right to have a say is upheld.
- Safety — CCYP Ambassadors highlighted safety as a key area of importance for children and young people in Tasmania. CCYP Ambassadors are concerned about both individual and community safety and have lots of ideas for creating a safer Tasmania.
- Access to necessities, services and supports — CCYP Ambassadors identified the pressing need for improved access to support services, housing, public transport, financial support and material basics for children, young people and their families and carers. CCYP Ambassadors highlighted their willingness to be part of the solution to improve the circumstances of many children, young people and their families in Tasmania.

# Influence and Impact of COVID-19

## Overview

In April 2020, the Commissioner published *Monitoring and Advocacy During COVID-19*, a framework outlining the focus of her monitoring and advocacy work during the response phase of the pandemic. These monitoring and advocacy activities include considering the experiences of children and young people in the child safety and youth justice systems and focusing on the short-, medium- and long-term effects of COVID-19 on the rights and wellbeing of all children and young people in Tasmania.

*“To gain a picture of how children and young people are faring in the context of the pandemic, I have embarked on a process of engaging with and listening to any concerns raised by children and young people, service providers, advocacy organisations, family and carers and other community members, about the provision of services and supports to children and young people in Tasmania.*”

*I am also interested to hear about things that may be going well at this time and to understand any opportunities that have arisen in the context of COVID-19 which can help to better promote the wellbeing of children and young people.”*

Commissioner for Children  
and Young People



## Monitoring and Advocacy During COVID-19

When children and young people feel informed and included in decision-making processes they can actively participate in, and contribute to, the pandemic response. It is vital that the views and ideas of children and young people are sought, heard and considered at this time.

To achieve this critical input, Commissioner McLean has been:

- actively engaging with and listening to any concerns raised by children and young people, service providers, advocacy organisations, family and carers, and other community members about the provision of services and supports
- ensuring that public messaging is relevant to children and young people
- bringing stakeholders together to learn from each other and engage in shared advocacy on issues of concern

- monitoring data and other information relevant to the impact of the pandemic
- advocating for improved responses to the pandemic by providing advice to key government and non-government decision makers about issues affecting the rights and wellbeing of Tasmanian children and young people.

More information about the Commissioner's framework is available here:

<http://bit.ly/COVID-19framework>

During the course of the pandemic, the Commissioner has continued to engage with children and young people, including through:

- participation in COVID-19 Q&A sessions for Tasmanian children and young people on ABC Radio Hobart's Drive program and other child-focused Q&A sessions in collaboration with Ministers, government agencies and/or non-government organisations including the CREATE Foundation (Tas), using a variety of online platforms
- the development of a new coronavirus webpage on the CCYP website including up-to-date information about COVID-19, responses to FAQs, and links to useful resources for children, young people, parents, carers, teachers and others
- the delivery of a variety of social media campaigns, including an Instagram project for children and young people to share innovative ways of keeping in touch and engaged in purposeful activities: @child\_comm\_tas #safelysocial #CCYPTAS.

Commissioner McLean's June 2020 submission to the first consultation phase of the Premier's Economic and Social Recovery Advisory Council (PESRAC) outlined some of the known effects of the public health response to the COVID-19 pandemic on Tasmania's children and young people. In her submission, the Commissioner advocated for the adoption of a wellbeing framework that measures the effects of the response to COVID-19 on children and young people, tracks progress in overcoming and mitigating those effects, and informs future actions.

The Commissioner identified several medium- and longer-term strategies and actions to promote the wellbeing of children and young people during and beyond the pandemic. The submission can be read in full on the CCYP website:

<http://bit.ly/PESRACsubmission1>

## Experiences of Learning During COVID-19

During May 2020, the Commissioner distributed a short survey to CCYP Ambassadors asking about their experience of learning during COVID-19 restrictions.

The 49 CCYP Ambassadors who responded to the survey were generally happy with their experiences of learning during the pandemic — they valued being able to work at their own pace, experienced limited distractions, and were able to focus and have more control over the timing of their learning.

Challenges experienced by the CCYP Ambassadors included timely access to educators for support with daily tasks, access to the internet, understanding various online platforms, access to mental health supports, limited social interaction with friends, and the increase in work being distributed by schools.

CCYP Ambassadors also provided valuable insights into the supports and services that they thought should be put in place to further support their learning.

## Youth Change Makers

Youth Change Makers (YCM) is convened by the Child Advocate for children in care in the Department of Communities Tasmania with assistance from CREATE Foundation (Tas). YCM provides a forum for Tasmanian children and young people with a care experience to be heard on matters affecting them.

On two occasions in May 2020, Commissioner McLean met online with a total of 18 YCM members from around Tasmania ranging in age from 14 to 21 years to hear about their learning and other experiences during COVID-19.

These young people shared the challenges they were experiencing, including:

- the absence of assistance usually provided to students at school, noting that this support is broader than just guidance by teachers
- the inability to access devices required to engage in online learning or to do so in a timely way
- the heightened risk of educational disengagement or 'falling behind' for students facing obstacles to their learning including mental health challenges, memory issues and learning difficulties
- the reduced ability of school social workers, principals, teachers and teacher aides to have face-to-face contact with vulnerable children and young people
- reduced or no access to the 'psychologically safe' place and social connections that school environments can provide for children and young people whose home environments are unstable or unsafe.

## Adapting to Different Communication Channels

While technology has always provided a useful platform to make connections with children and young people across Tasmania, its use by the Commissioner and her team proved to be a major advantage during COVID-19.

The CCYP Ambassador portal — already under development when the pandemic struck — was fast-tracked. The portal provides the Commissioner with a powerful means of quickly ascertaining the views of children and young people to inform her work.

In the absence of face-to-face meetings, an online collaborative project to produce a digital zine provided CCYP Ambassadors with the opportunity to work remotely on a creative project which will provide a way for them to have their views on topics important to them heard by the Commissioner and decision makers.

The Commissioner also continued her active engagement with a wide range of stakeholders and conducted monitoring and other activities utilising online platforms.

## 2020–2021 Annual Plan and COVID-19

The 2020–2021 Annual Plan incorporates information about how the Commissioner's program of work will take account of COVID-19 beyond the current reporting period to ensure the rights and wellbeing of Tasmania's children and young people are promoted and protected. The Annual Plan is available here: <http://bit.ly/annualplan20-21>

# Wellbeing of Children and Young People

*“Wellbeing is when people feel happy, healthy, capable and engaged and able to have a good life. At its most basic, it is the quality of people’s lives...”*

*By refocusing our collective efforts towards promoting and improving the wellbeing of our children, including by creating a shared vision, agreeing on what and how we will improve, investing earlier and smarter and by cleverly measuring our progress, we can make a difference in the lives of Tasmanian children and young people.”*

Commissioner for Children and Young People

## Overview

The quest to improve the wellbeing of children and young people in Tasmania has been a key driver for Commissioner McLean since her appointment to the role. Her listening tour, conducted both face-to-face and virtually across the state in 2019–2020, engaged children, young people and other key stakeholders in conversations to reveal critical insights about their wellbeing and where improvements are needed.

The Commissioner recognised, however, that understanding the lived experiences of children and young people provides only part of the wellbeing picture — monitoring data and understanding the evidence of what works to improve wellbeing is also essential. To progress this work, in September 2019 Commissioner McLean convened a Child Wellbeing Forum featuring national and international experts.

Following the success of the forum, Commissioner McLean, with the assistance of the CCYP Expert Advisory Council on Wellbeing, published *Investing in the Wellbeing of Tasmania’s Children and Young People*. The report recommended a whole-of-government approach to prioritising the wellbeing of Tasmanian children and young people. In his March 2020 State of the State address, the Honourable Peter Gutwein MP, Premier of Tasmania, acknowledged that investing in the wellbeing of children and young Tasmanians is critical for our State’s future and announced the development of Tasmania’s first comprehensive, long-term, whole-of-government Child and Youth Wellbeing Strategy.

The strategy will include a focus on the early years, including the first 1000 days, which is an area the Commissioner is actively engaged in with the B4 Coalition.



## Listening Tour

In 2019 Commissioner McLean initiated a statewide listening tour — an ongoing program of engaging with and listening to children and young people, their families, local communities, and service providers to better understand their views and lived experience of wellbeing. This listening tour continued into 2020.

Key themes that emerged included:

- access to transport and services in regional Tasmania
- continuing concern about mental health and wellbeing.

More broadly, participants expressed a need to improve the wellbeing of children and young people, and to support them to grow to be happy, healthy and productive adults.

In building her understanding of the perspectives and experiences of children and young people and those who care for and support them, the Commissioner engaged with 26 organisations including Neighbourhood Houses, Aboriginal community organisations, women's shelters, services for young mothers and their babies, and health services with a focus on children and young people.

While COVID-19 limited her face-to-face Listening Tour activities in 2020, Commissioner McLean was available by phone or digital communication to anyone wishing to raise issues of concern or share their perspectives on matters affecting the wellbeing of Tasmania's children and young people.

## Child Wellbeing Forum

In September 2019, the Commissioner convened a Child Wellbeing Forum at Parliament House. Hosted by the Honourable Sue Hickey MP, Speaker of the Tasmanian House of Assembly and facilitated by Anne Hollonds, Director of the Australian Institute of Family Studies, the forum and panel discussion aimed to:

- raise the profile of children and young people's wellbeing in Tasmania including by explaining what wellbeing means to a broad audience
- explore the evidence for investing in children and young people's wellbeing, particularly in the early years, and the positive benefits which can flow
- consider the challenges and benefits of placing children's wellbeing at the centre of government policy making, noting the approach adopted in New Zealand

- encourage attendees to engage in a conversation about how Tasmania could do things differently to make a tangible difference to the wellbeing of our children and young people.

Two speakers presented to the forum:

- Dr Tim Moore, Senior Research Fellow, Murdoch Children's Research Institute, explored the evidence for investing in children and young people's wellbeing. Dr Moore emphasised the importance of the first 1000 days, and the early years, in laying the foundation for children and young people's life-long wellbeing. He also spoke about the long-term benefits of investing in children and young people's wellbeing and the cost to society and individuals of failing to intervene early.
- Maree Brown, Director Child Wellbeing Unit, New Zealand Department of the Prime Minister and Cabinet spoke about New Zealand's first *Child and Youth Wellbeing Strategy*. The Strategy provides a framework for a whole-of-government approach to improving children and young people's wellbeing and focuses on those with greater needs, including reducing child poverty and socio-economic disadvantage. It includes six wellbeing outcomes and performance indicators.

The forum was attended by Members of Parliament, senior public servants and representatives of non-government organisations and peak bodies. The event highlighted the interest of stakeholders in how Tasmania could improve the wellbeing outcomes of all children and young people.



## Investing in the Wellbeing of Tasmania's Children and Young People

Following the success of the Child Wellbeing Forum, Commissioner McLean worked closely with the CCYP Expert Advisory Council on Wellbeing to research and publish *Investing in the Wellbeing of Tasmania's Children and Young People*.

The report aimed to:

- explain why the wellbeing of Tasmanian children and young people matters
- explore how Tasmania is travelling in improving the wellbeing outcomes of children and young people
- recommend a way forward for Tasmania
- highlight opportunities to strategically invest in improving the wellbeing of children and young people in Tasmania, particularly in the first 1000 days, from conception to age two.

The report promotes the rights guaranteed to children under the UN Convention on the Rights of the Child and reinforces the importance of investing in the wellbeing of Tasmania's children and young people as a foundation for the future prosperity of all Tasmanians.

A snapshot of 29 indicators of children and young people's wellbeing in Tasmania, aligned to the Tasmanian Child and Youth Wellbeing Framework, provides insights into progress being made in Tasmania. Despite significant efforts over time by successive governments and decision makers, many of the indicators show wellbeing outcomes have remained stagnant or worsened.

For example:

- since 2011, there has been a 37% increase in the number of children and young people in out-of-home care in Tasmania
- in 2019, the youth unemployment rate for 15 to 24-year-olds is 14% and has not changed since 2012
- the percentage of children and young people (0 to 24-year-olds) who report having a mental or behavioural condition has increased from 10.6% in 2012 to 18.8% in 2018
- the percentage of children meeting all 21 markers on the Kindergarten Development Check has declined year-on-year since 2013, from 74.5% in 2013 to 67.8% in 2018
- the percentage of 15 to 24-year-old school leavers fully engaged in education, training and employment was 48.1% in 2019, compared to 74.6% in 2015.

## CCYP Expert Advisory Council on Wellbeing

The CCYP Expert Advisory Council on Wellbeing (EACW) was established in June 2019 to support the Commissioner's work promoting, monitoring and reviewing the wellbeing of children and young people in Tasmania.

The EACW was critical in the design and delivery of Investing in the Wellbeing of Tasmania's Children and Young People, providing high-level strategic, conceptual and analytical advice.

Members of the EACW are Leanne McLean (Chair), Professor Rufus Black, Professor David Adams and Professor Maggie Walter (University of Tasmania), Professor John Burgess (formerly Australian Medical Association Tasmania), and Kym Goodes (formerly Tasmanian Council of Social Service).

The Commissioner's report proposes placing the wellbeing of children and young people at the centre of the Tasmanian Government's policy and decision making. It also outlines factors that have hampered efforts to achieve significant changes, such as the ability to track and monitor meaningful data at a place-based level and 'fragmentation of effort' where advocacy, public policy and services are unconnected, poorly coordinated and operate in narrow programmatic silos.

The report concludes that earlier investment, including in the first 1000 days of a child's life, can have a large and lasting impact on a person's wellbeing into adulthood.

The report recommends:

- a long-term cross-partisan strategy for promoting wellbeing, led by the Cabinet of the day, that coordinates effort across agencies and provides effective monitoring and analysis of wellbeing outcomes
- data collected for monitoring children's wellbeing to be publicly available, simple, concise and relevant to populations locally and statewide
- immediate priority actions to include more support in the first 1000 days of children's lives, including during pregnancy, and reducing fragmentation of effort in service delivery.

Consistent with the recommendations made in the Commissioner's report, on 3 March 2020, the Premier, the Honourable Peter Gutwein MP, announced in his State of the State Address that

the Tasmanian Government will fund and deliver Tasmania's first comprehensive, long-term, whole-of-government Child and Youth Wellbeing Strategy. The strategy will focus on conception to age 25.

### The First 1000 Days

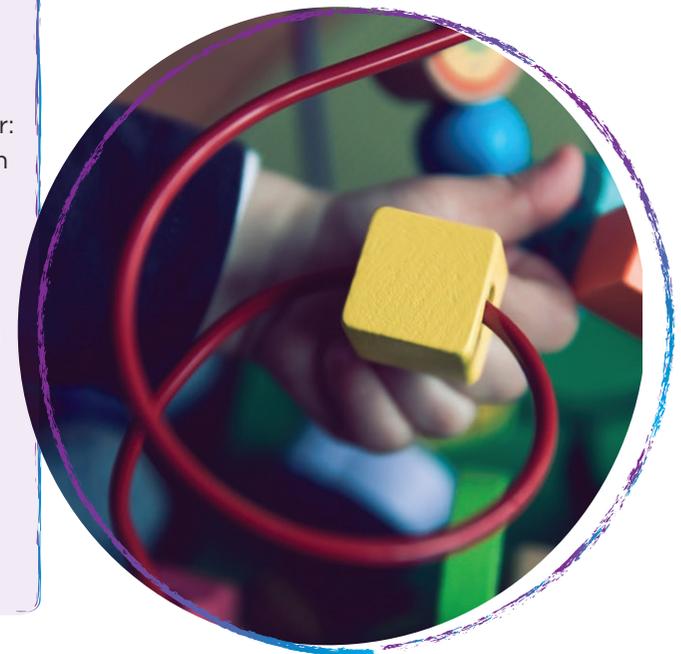
"The earliest stage of human development — the period from conception to the end of a child's second year — has become known as the first 1000 days. Due to the significance of this period for future health and developmental outcomes, there has been a growing focus on the first 1000 days by governments, the early years sector and some commercial organisations.

The evidence for the biological, global, social, ecological, and individual factors that are reshaping our understanding of the first 1000 days is now clear: the way humans develop is a result of the interaction between a variety of genetic, epigenetic, and environmental factors that operate as an integrated system. This means we are not predetermined by any single factor; but rather from a mix of what we inherit from our ancestors and the contexts in which our development takes place. This is an important message, because it can help us resist the illusion that we have no control over who and how we are."

Centre for Community Child Health, *The First Thousand Days: An Evidence Paper – Summary 2017*

### Supporting B4 Early Years Coalition

The Commissioner co-chairs the B4 Early Years Coalition (B4) with respected educator Elizabeth Daly OAM. B4 recognises that high quality support to families and their children from birth to four years, and particularly in the first 1000 days, is crucial to ensuring lifelong health and development. It uses the Collective Impact approach, which brings individuals, businesses, organisations and communities together with the shared purpose that every child in Tasmania has the best possible start in life.



# Monitoring Tasmania's Out-of-Home Care System

*"Since being appointed as Commissioner for Children and Young People, I have had the great pleasure of meeting many children and young people who are in or who have lived in Tasmania's out-of-home care system. Many of these children and young people have had a positive experience in out-of-home care and enjoy good health and wellbeing. However, I am acutely aware that this is not the case for all children and young people in out-of-home care."*

*"Through monitoring activities, it has become apparent that more needs to be done to ensure that all children and young people in out-of-home care in Tasmania can be assured that they receive the quality of care necessary to support and promote positive wellbeing outcomes."*

Commissioner for Children  
and Young People

## Overview

Independent systemic monitoring of the out-of-home care (OOHC) system in Tasmania is an important way in which the Commissioner can contribute to oversight of that system and promote and protect the wellbeing of children and young people in OOHC.

Monitoring activities undertaken for the Commissioner's 2019 report, *Monitoring Report No. 1: The Tasmanian Out-of-Home Care System and "Being Healthy" – Out-of-Home Care Monitoring Program 2018–2019*, included gathering data from a variety of sources, monitoring visits to OOHC providers, consultations with advocacy organisations, peak bodies and other stakeholders, and engagement with children and young people through a Fact Sheet, Youth Roundtable, and postcard and supporting video.

The 2018–2019 monitoring program included a focus on "being healthy" and on the cross-cutting theme of "children and young people's participation".

In March 2020, the Tasmanian Government formally responded to the recommendations in the Commissioner's monitoring report.

During the reporting period, the Commissioner was also actively involved in other activities aimed at improving the wellbeing of children in OOHC including through input into a questionnaire designed to provide information about the wellbeing of children and young people in OOHC, and comment on a new Stability Framework to provide guidance to Child Safety Officers in the Department of Communities Tasmania.



## Out-of-Home Care Monitoring Program

In 2017–2018, resources were committed to the Commissioner for Children and Young People to conduct independent systemic monitoring of OOHC in Tasmania; monitoring activities began formally in July 2018.

Since her appointment in November 2018, Commissioner McLean has engaged in a range of monitoring activities as part of the CCYP Monitoring Program, including:

- monitoring of regular data from government agencies, especially the Department of Communities Tasmania
- monitoring visits to all OOHC providers in Tasmania and discussions with advocacy organisations, peak bodies and other key stakeholders
- engaging with children and young people in OOHC

- thematic monitoring focused on the wellbeing domain of “being healthy” — with a cross-cutting theme of “children and young people’s participation”.

The Monitoring Program has been informed and supported by an Expert Panel which is chaired by Commissioner McLean. Its membership is:

- Professor Sharon Bessell, Crawford School of Public Policy, Australian National University
- Professor Daryl Higgins, Institute of Child Protection Studies, Australian Catholic University
- Dr Greet Peersman, BetterEvaluation Ltd
- Professor Kitty te Riele, Peter Underwood Centre, University of Tasmania.

In October 2019, the Commissioner published her *Monitoring Report No. 1: The Tasmanian Out-of-Home Care System and “Being Healthy” — Out-of-Home Care Monitoring Program 2018–2019*.

The Commissioner’s Report outlines the monitoring activities undertaken and recommends ways in which we can do things better to improve and protect the wellbeing of children and young people in OOHC in Tasmania. View the report here:

<http://bit.ly/OOHCreport1>

Commissioner McLean made five overarching recommendations, each supported by detailed actions. The recommendations and associated actions are extracted from the report and reproduced in full over the next four pages.

In making her recommendations, Commissioner McLean recognised that the Tasmanian OOHC system is facing a number of challenges, including significant growth in the number of children entering care, and the need to adapt to ongoing reform in the Departments of Communities Tasmania, Health, and Justice. The Commissioner’s recommendations were designed to contribute to this significant reform agenda and to strengthen the OOHC system’s foundations.

Planning for the next cycle of independent, external monitoring of the OOHC system was interrupted by the outbreak of the COVID-19 pandemic, with the Commissioner releasing a Framework in April 2020 outlining the focus of her monitoring and advocacy during the response phase of the pandemic (refer to page 12 of this annual report). Within this broader context, the Commissioner undertook monitoring and advocacy activities relevant to children and young people in OOHC. The outbreak of the pandemic also meant that the Commissioner’s usual face-to-face visits to OOHC service providers and other stakeholders could not occur.



**Recommendation 1:**  
*Making sure children and young people in out-of-home care have a say about their care and their lives*

1. That the Tasmanian Government encourages and empowers children and young people in out-of-home care to express their views and participate in decisions affecting them, by:
  - a. Ensuring all out-of-home care providers have mechanisms in place for children and young people in out-of-home care to communicate their views about their care, as well as concerns and complaints, consistent with Recommendation 12.10 of the Royal Commission into Institutional Responses to Child Sexual Abuse (the Royal Commission).
  - b. Ensuring that children and young people in out-of-home care have their voices heard in the development and review of Case and Care Plans and participate in day-to-day decision making that affects their lives.
  - c. Establishing a visitor program funded by the Tasmanian Government, initially focusing on children and young people in out-of-home care who are living in non-family-based care settings.
  - d. Ensuring that visits from Child Safety Officers occur regularly and in accordance with policies of the Department of Communities Tasmania.
  - e. Consistent with former Commissioner Morrissey's Recommendation 6C, expediting the establishment of a Tribunal in Tasmania, that can review decisions about children and young people's wellbeing while they are in out-of-home care.



*Recommendation 2: Making sure everyone involved in the care of children and young people in out-of-home care is doing a good job*

2. That the Tasmanian Government strengthens the quality, safety and accountability of the out-of-home care system in Tasmania by:
  - a. Implementing a robust ‘purchaser-provider’ model for out-of-home care in Tasmania by more clearly delineating the role of the Department of Communities Tasmania as system owner from its role as provider of out-of-home care.

- b. Progressing the development and implementation of a Quality and Continuous Improvement Framework for Out-of-Home Care in Tasmania, which includes Tasmanian standards and ensuring there is a specific standard (or standards) which incorporate(s) the National Principles for Child Safe Organisations.
- c. Ensuring that implementation of the Quality and Continuous Improvement Framework:
  - i. is appropriately resourced and includes rigorous quality assurance processes;
  - ii. occurs in accordance with an Implementation Plan which is publicly available; and
  - iii. occurs in a staged manner as follows:
    - A. the capacity of the existing independent external oversight of out-of-home care currently undertaken by the Commissioner for Children and Young People is expanded and resourced to undertake systemic monitoring based on agreed standards
    - B. the introduction of a system of accreditation of out-of-home care providers, including the Department of Communities Tasmania, based on compliance with the agreed standards.
- d. Ensuring that communication processes between the Department of Communities Tasmania, non-government out-of-home care providers and carers are improved, so that:
  - i. critical up-to-date information is shared about a child or young person in out-of-home care in a timely manner;
  - ii. children and young people can receive timely answers to everyday questions such as: “Can I dye my hair?”; “Can I go on a sleepover?”; and “Can I go on a school excursion?”;
  - iii. there is a clear delineation of responsibilities for the care of a child in out-of-home care including for organising health care and during crisis situations; and
  - iv. non-government out-of-home care providers are aware of and have access to applicable Departmental policies.
- e. Putting in place, as a priority, overarching Funding Agreements for all non-government out-of-home care providers delivering Special Care Packages to ensure quality and consistency of care.
- f. Extending any examination of the model and cost of care for children and young people in out-of-home care with the most complex, specialised needs to include an investigation of mechanisms to promote Tasmanian Government agencies working more collaboratively and sharing accountability for achieving wellbeing outcomes for children and young people in out-of-home care.



***Recommendation 3: Making sure everyone involved in the care of children and young people in out-of-home care knows about the child they are caring for, what they need and how they are going***

3. That the Tasmanian Government strengthens and improves the capacity of the Department of Communities Tasmania and non-government out-of-home care providers to collect, manage, analyse, use and report on data relevant to the Tasmanian out-of-home care system generally and on the wellbeing outcomes of children and young people in out-of-home care in Tasmania, including by:

- a. Commissioning an independent review to determine data system capacity, capability and resourcing requirements to support effective system oversight and purchasing arrangements which promote positive wellbeing outcomes for children and young people in out-of-home care.
- b. Supporting non-government out-of-home care providers to improve their ability to report on the wellbeing of children and young people placed with them.
- c. Finalising the indicators for the Outcomes Framework for Children and Young People in Out of Home Care in Tasmania and initiating a process of regular reporting on the wellbeing outcomes of children and young people in out-of-home care, including to the Commissioner, as recommended by former Commissioner Morrissey in his 2017 review into out-of-home care.

***Recommendation 4: Making sure we know about and promote Aboriginal culture***

4. That the Tasmanian Government:
  - a. Ensures that the Aboriginal and Torres Strait Islander Child Placement Principle is embedded in legislation, policy and practice, including an increased focus on cultural planning.
  - b. Ensures the participation of representatives of Aboriginal communities and organisations in service design, delivery and individual case decisions, and otherwise promotes and invests in genuine partnerships with Aboriginal communities to support self-determination.
  - c. Ensures all those involved in decisions regarding Tasmanian Aboriginal children and young people in out-of-home care are appropriately trained to ensure they have an understanding and appreciation of Tasmanian Aboriginal history, heritage and culture.
  - d. Ensures the Aboriginal identity of children and young people in out-of-home care is appropriately and promptly ascertained and communicated to carers and to non-government out-of-home care providers.
  - e. Funds and develops, in collaboration with representatives of Aboriginal communities and organisations, the establishment of a therapeutic 'on country' residential program for Aboriginal children and young people which is delivered in Tasmania by Aboriginal people.



**Recommendation 5:** *Making sure children and young people in OOHC can be healthy*

5. That the Tasmanian Government:

- a. Ensures that all children and young people entering out-of-home care in Tasmania receive a preliminary health assessment with a General Practitioner within one month of entering out-of-home care and a comprehensive paediatric health and developmental assessment within three-to-six months of entering care.
- b. Implements a policy of priority access to health services for children and young people in out-of-home care in Tasmania.
- c. Establishes and appropriately resources a dedicated paediatric out-of-home care clinic in the North and North West of Tasmania to redress the inequitable access to health services experienced by children and young people in these regions.
- d. Ensures each of the paediatric out-of-home care clinics are resourced with sufficient multi-disciplinary allied health expertise to meet the needs of children and young people in out-of-home care in Tasmania.
- e. Ensures that personal health information of children and young people in out-of-home care is up-to-date and available to non-government out-of-home care providers, carers and health professionals, in a timely manner.

## Government Response Report and Action Plan

In March 2020, the Tasmanian Government provided its *Response Report and Action Plan 2020* which sets out commitments across the Departments of Communities Tasmania, Health, and Justice to addressing the five themes and the detailed recommendations contained in the Commissioner's OOHC Monitoring Report.

In its Response Report, the Tasmanian Government expressed its commitment to improving the health and wellbeing of children and young people in OOHC.

The Response Report acknowledges that many of the recommendations made by Commissioner McLean in her Monitoring Report align with work already underway, including work undertaken by the Tasmanian Government in response to the Royal Commission into Institutional Responses into Child Sexual Abuse, and work captured and reported in other action plans. The Commissioner is monitoring progress towards implementation of Priority Actions and responses to her Recommendations in the Monitoring Report.

The Government Response Report is available on the Commissioner's website at:  
<http://bit.ly/GovtResponseOOHC>

## Consultations on Viewpoint

The Department of Communities Tasmania's Child Advocate for children in care is developing a web-based questionnaire through which children and young people in OOHC can provide information

about their wellbeing and have input into the care planning processes that affect them.

Children and young people involved in the Youth Change Makers group have worked with the Child Advocate to co-write the draft questions to be used in the questionnaire. In June 2020, the Commissioner was invited to trial the first draft of the questionnaire, and staff from the Commissioner's office participated in an online forum to discuss and provide feedback on the questions and survey design. It is anticipated that de-identified data derived from the web-based questionnaire will help to inform the Commissioner's monitoring of the OOHC system in Tasmania, and in particular, provide insights into the subjective wellbeing of children and young people in OOHC.

## Stability Framework

In January 2020, the Children and Youth Services Division of the Department of Communities Tasmania consulted the Commissioner about an A3 poster and draft Stability Framework Explanatory Attachment. The Stability Framework was developed from earlier consultations designed to inform a permanency framework for children and young people in the child safety system.

The intention of the poster, entitled "Achieving stability: a sense of belonging and connection for children and young people", and the explanatory text, are to provide guidance to Child Safety Officers and other staff within Child Safety Services when applying their professional judgement to decisions about options to achieve stability for children and young people in the child safety system in Tasmania.

The Commissioner expressed support for the Framework to be directed toward supporting stable relationships and physical and legal security rather than a focus on legal permanency.

The Commissioner encouraged further consideration around the principles, definition of stability, poster design and content, and the proposed implementation plan. She also noted the need to:

- provide strengthened intensive in-home or alternative residential-based supports and mentoring to families
- work in partnership and collaboration with Tasmanian Aboriginal communities to build their capacity to play a greater self-determining role in promoting the safety and wellbeing of their children and young people
- seek the views of children and young people with lived experience of the child safety system – especially OOHC – on the content of the poster and the explanatory text, as well as inform the development of resources intended to communicate this new way of working to children and young people in the child safety system.

# Children and Young People in Conflict with the Law

*“...there is still a need for the development of a structured and coordinated approach to the implementation of a therapeutic model of custodial youth justice which also brings together other initiatives of relevance to the broader youth justice system in Tasmania. This is required to ensure a clear acknowledgement that detention is only one element on a continuum of youth justice services and is an element of last resort.”*

Commissioner for Children and Young People

## Overview

The Commissioner for Children and Young People continues her focus on ensuring the rights of children and young people in Tasmania's youth justice system are respected and promoted. While COVID-19 brought a temporary halt to personal visits, Commissioner McLean continued her individual advocacy for young people detained at the Ashley Youth Detention Centre (AYDC), using technology to remain accessible.

To ensure the human rights of these children and young people are recognised, respected and promoted more broadly, Commissioner McLean has also advocated for increasing the minimum age of criminal responsibility; ensuring searches of children and young people in custodial settings are in line with well-established human rights standards, principles and best practice; and continuing implementation of a therapeutic approach to youth justice in Tasmania.



## Advocate for Children and Young People in Youth Justice Detention

The Commissioner has a specific role to act as advocate for individual children and young people detained under the *Youth Justice Act 1997*. In fulfilling this role, the Commissioner may:

- listen and give voice to the concerns and grievances of a young person and facilitate resolution of those concerns
- seek information about and facilitate access by a detainee to support services
- assess whether a detainee has been provided with adequate information about his or her rights
- assess the physical and emotional wellbeing of a detainee.

As a prescribed officer within the meaning of section 135A of the Youth Justice Act, the Commissioner

is entitled to be allowed access at any reasonable time to any detention centre or any detainee at the centre for the purposes of performing her function as advocate. The CCYP Act also allows the Commissioner, after taking account of the views and wishes of the young person, to ask a staff member a question about the young person or inspect or take copies of a document relating to a young person. The relevant legislation includes additional provisions regarding confidentiality of communications between the Commissioner and a detainee, and the privacy of detainees.

Until the arrival of COVID-19, Commissioner McLean visited AYDC approximately every three weeks and was available via telephone to detainees wishing to raise issues, concerns or grievances. Young people could also contact her by letter.

Because of the COVID-19 pandemic, the Commissioner suspended physical visits to AYDC from late April implementing instead visits via videoconference. A poster and a short video were also produced to explain the adjusted approach to visits and to reiterate the Commissioner's role as advocate. The Commissioner continued to be available to the young people by phone and mail during this time.

## Monitoring a Therapeutic Approach to Youth Justice

During the reporting period, the Commissioner monitored the Tasmanian Government's progress towards implementing an integrated statewide therapeutic youth justice model for Tasmania.

In October 2019, Commissioner McLean wrote to the Minister for Human Services, the Honourable Roger Jaensch MP, to advocate for the urgent development of an overarching strategic plan to guide the implementation of the model. In her letter, the Commissioner advocated for a more structured and coordinated approach to implementing a therapeutic model of custodial youth justice, including bringing together other relevant initiatives for the broader youth justice system in Tasmania. This integrated approach is required to acknowledge that detention is only one element of a continuum of youth justice services and a measure of last resort.

The Commissioner noted that the development of an overarching strategic plan would provide a framework within which an implementation plan incorporating targets and regular reporting against progress could be developed.

The Commissioner is progressing this issue through discussions with government.



## Searches of Children and Young People in Custody in Tasmania

The CCYP *Annual Report 2018–2019* outlined an Advice provided by the Commissioner to the Tasmanian Government in relation to searches of children and young people in custody in custodial settings in Tasmania.

The Advice outlined a framework to better promote and protect the rights and wellbeing of children and young people in custodial settings by ensuring relevant legislation, policies and procedures regarding personal searches of children and young people in custody are in line with well-established human rights standards and principles, and contemporary best practice

In her Advice, Commissioner McLean recommended a single legislative basis for all searches of children and young people in custody across all custodial facilities — including police watch-houses, reception prisons and detention centres — and that decisions

around when and how to search children and young people should be based on a consideration of risk and what is reasonable and necessary in particular circumstances.

In June 2020, the Commissioner welcomed the Tasmanian Government's acceptance of her recommendations regarding the searches of children and young people in custody in Tasmania.

The Commissioner has also been advised that:

- on 1 July 2019, as a result of a review of relevant Director's Standing Orders, the Tasmanian Prison Service implemented a risk assessment which informs correctional officers as to whether a juvenile presents a low, moderate or high risk of harming themselves or others and the appropriate level of search required to mitigate that risk, commencing with non-intrusive search methods such as using a metal detector
- in September 2019, the Department of Communities Tasmania implemented a new policy and procedure governing searches of young people detained at AYDC.

Full implementation of the Commissioner's recommendations will require legislative change. The Commissioner has been advised there is work underway on legislative and other reforms and looks forward to the opportunity to contribute to this process.

## Minimum Age of Criminal Responsibility

Together with other members of the Australian and New Zealand Children's Commissioners

and Guardians (ANZCCG), Commissioner McLean is a strong advocate for an increase in the minimum age of criminal responsibility from 10 to at least 14 years.

In February 2020 the Commissioner made a submission to the Council of Attorneys-General Age of Criminal Responsibility Working Group review in which she noted that the UN Committee on the Rights of the Child has called on Australia to raise its minimum age of criminal responsibility to an internationally accepted level of at least 14 years. Accepting this change would involve a move away from a criminal justice response for children under 14 years to a more developmentally appropriate and trauma-informed early intervention model. Notwithstanding the relatively small number of children aged less than 14 years who come into contact with Tasmania's youth justice system, evidence indicates that the younger children are when they first encounter the system, the more likely they are to become caught up in it.

In adopting a public health approach, the Commissioner's submission considered several options for evidence-based universal preventative initiatives, early interventions and individualised responses for the small number of children whose behaviour causes serious harm. She argued that where prevention and early intervention programs and approaches are resourced and implemented effectively, very few children aged less than 14 years will require an intensive response to protect the community from their harmful behaviour.

# General Systemic Advice and Advocacy

*“Children deserve to grow up in a community that is accepting of everyone, regardless of gender, sexuality, race or religion ... I want the next generation to have no clue what sexism, racism and homophobia is.”*

CCYP Ambassador, Northern Tasmania

## Overview

It is vital that law and policy makers, and those organisations — government and non-government — delivering programs and services to children and young people in Tasmania, understand and take account of the rights and wellbeing of children and young people. To ensure this is achieved and the voices of children are heard, a core element of the Commissioner’s annual work program is the provision of impartial, independent and apolitical advice on issues affecting children and young people in Tasmania. The Commissioner also advocates widely in the public conversation about the rights and wellbeing of children and young people, through comment in the media, making speeches, active involvement in forums, conferences, meetings and roundtables, attendance at events, participation in consultative processes and membership of working groups or other bodies. The Commissioner also provides formal, written comment in the context of a wide range of regulatory, legislative and policy development activities.

In all these instances, the Commissioner seeks to ensure that the human rights of children and young people are protected, respected and promoted, and the views and experiences of children and young people are considered by decision makers.



## Monitoring Reforms

Throughout the reporting period, the Commissioner has monitored, and where appropriate, contributed to implementation of reforms relevant to the wellbeing of Tasmania's children and young people, including:

- implementation of initiatives arising from *Redesign of Child Protection Services Tasmania: Strong Families, Safe Kids* (March 2016)
- reforms to the out-of-home care system including changes to family-based care
- recommendations of the Royal Commission into Institutional Responses to Child Sexual Abuse.

The Commissioner has also actively promoted the importance of child safe organisations and the National Principles for Child Safe Organisations endorsed by COAG.

## Organisational Liability for Child Abuse Bill 2019

### *Submission to Department of Justice, August 2019*

Following recommendations made by the Royal Commission into Institutional Responses to Child Sexual Abuse in its *Redress and Civil Litigation Report*, the Tasmanian Government released the Justice Legislation (Organisational Liability for Child Abuse) Bill 2019 for comment. The Bill was designed to require organisations with responsibility for the care, supervision or authority of children to do everything in their power to prevent child abuse.

The Commissioner provided in-principle support for the approach adopted by the draft Bill and encouraged further progress and provision of appropriate resources to implement other important initiatives recommended by the Royal Commission to build organisational capacity to promote and protect child safety and wellbeing, including child safe standards.

The *Justice Legislation Amendment (Organisational Liability for Child Abuse) Act 2019* commenced on 1 May 2020. It affects the liability of government and non-government organisations for child abuse.

## Legal Recognition of Sex and Gender

### *Submission to Tasmania Law Reform Institute (TLRI), September 2019*

The TLRI's issues paper, *Legal Recognition of Sex and Gender*, considered how the *Justice and Related Legislation (Marriage and Gender Amendments) Act 2019* will operate and what consequential

issues may arise. It also considered laws relating to medical treatment to alter a person's sex or gender, particularly on children with intersex variations of sex characteristics, having regard to relevant human rights obligations.

In her submission, the Commissioner acknowledged the range and complexity of the legal issues raised in the issues paper, and recommended that consideration be given to the development of legislation governing consent to medical treatment for children generally in Tasmania, within which consideration could be given to consent to medical treatment for intersex and transgender children.

The TLRI's Final Report No. 31, *Legal Recognition of Sex and Gender*, issued in June 2020, recommends the Government enact a Consent to Medical Treatment Act that covers the field with respect to children's consent to medical care.

The Commissioner's submission also recommended that:

- any contemplated legislative reform should be informed by those with relevant expertise in family, medical and constitutional law in order to avoid the potential for any unintended adverse consequences for children and their families
- any reforms should be informed by the lived experiences of children, young people and adults who are intersex, transgender or gender diverse.

Commissioner McLean also noted there should be a concerted effort to promote improved awareness and understanding in the community of the unique needs and experiences of transgender and intersex children.



## Religious Discrimination Bill 2019 – Comment on Exposure Drafts

### *Submissions to Attorney-General, Australian Government, October 2019, January 2020*

Consistent with her statutory functions, the Commissioner's response to two Exposure Drafts of the Religious Discrimination Bill 2019 focused on matters particularly relevant to promoting and protecting the rights, wellbeing and best interests of children and young people in Tasmania.

The Commissioner framed her responses within the international human rights context where both the International Covenant on Civil and Political Rights and the United Nations Convention on Rights of the Child recognise that everyone has the right to freedom of thought, conscience and religion.

Commissioner McLean supported the right of everyone to freedom of religion and belief and to protections from discrimination on the ground of religious belief or activity.

However, she also highlighted that the right to manifest one's belief or religion is qualified because of the potential for a person to express their religion or beliefs in ways that infringe the fundamental rights and freedoms of others.

In addressing specific aspects of the Exposure Draft (October 2019), the Commissioner considered the draft Bill went too far, unjustifiably undermining the protection of the enjoyment of other human rights and freedoms, including by children and young people.

In providing comments on the Second Exposure Draft (January 2020), the Commissioner noted that

the draft Bill did not provide adequate protection from discrimination on the ground of religious belief or activity for those who do not hold a religious belief or engage in religious activity. Instead, it privileged and prioritised the protection of freedom of religious expression over other well-accepted and recognised rights such as the right not to be discriminated against on the basis of one's sex, pregnancy, sexual orientation, gender identity, marital status, race or disability.

## State Service Review

### *Submission to Department of Premier and Cabinet, November 2019*

The review of the Tasmanian State Service is designed to examine the governing framework of the Service to ensure it is fit-for-purpose, and to identify structural, legislative and administrative improvements that will transform current structures, services and practices to deliver a more efficient and effective public service.

In her submission to inform the final Terms of Reference for the review, the Commissioner recommended that the experiences and views of children and young people are sought to ensure the review adequately addresses two key focus areas:

- Focus area 1, *to promote improved client experiences*
- Focus area 2, *more effective ways to deliver government services and programs.*

The timeframes for the review have been affected by the COVID-19 pandemic.

## Harmful Sexual Behaviours

### *Submission to Department of Communities Tasmania, December 2019*

The Royal Commission into Institutional Responses to Child Sexual Abuse recommended adoption of a public health approach as an overarching framework for preventing and responding to harmful sexual behaviours exhibited by children and young people. It also recommended a nationally consistent definition of harmful sexual behaviours to promote meaningful and accurate communication between specialist practitioners and others working with and caring for children and young people who exhibit harmful sexual behaviours.

In acknowledging the complexity of the legal and policy issues in this context, the Commissioner strongly supported adoption of a nationally consistent definition of harmful sexual behaviours and provided comment across three general topic areas:

1. Public health approach to prevent and respond to harmful sexual behaviours.
2. Improved service systems with clear and agreed referral pathways available to all children and young people exhibiting harmful sexual behaviours.
3. Specialist therapeutic responses to harmful sexual behaviours, including the best practice principles developed by the Royal Commission into Institutional Responses to Child Sexual Abuse.

The Commissioner also urged adoption of independent outcome and process evaluations to

ensure interventions deliver positive short- and long-term outcomes and to assess the effectiveness of the Tasmanian Government's overarching program.

## Joint Select Committee on Australia's Family Law System

### *Submission to Joint Select Committee on Australia's Family Law System, December 2019*

The Commissioner focused her submission on issues arising in the family law context that are particularly relevant to promoting and protecting the rights, wellbeing and best interests of children and young people in Tasmania.

In her submission, Commissioner McLean made the following recommendations:

- that the rationale and recommendations of the Australian Law Reform Commission's (ALRC) *Law for the Future: An Inquiry into the Family Law System - Final Report* are taken into account, particularly as they relate to the promotion of the wellbeing and best interests of children. The Commissioner noted Recommendation 5 of the ALRC which seeks to simplify the decision-making framework regarding parenting arrangements by amending section 60CC of the *Family Law Act 1975* to ensure it promotes the best interests of children — and especially their safety
- that in determining which parenting arrangements promote a child's best interests, decision makers ascertain and take into account the views and opinions of children and young people in parenting proceedings. The Commissioner's recommendation in this respect was informed by

the views expressed by children and young people in the Australian Institute of Family Studies' *Final Report Children and young people in separated families: Family law system experiences and needs*

- that consideration be given to the ALRC's recommendation that the Family Law Council establish a Children and Young People's Advisory Board to provide advice and information about children's experiences of the family law system to inform policy and practice
- that the Committee inform itself of the complexities and dynamics of family violence, and in particular, the effects of family violence on children and young people given the prevalence of family violence as a factor in many matters coming before the court for resolution, and the relevance of family violence to determination of proceedings relating to parenting orders
- that the Committee examine and consider the 2017 House of Representatives Standing Committee on Social Policy and Legal Affairs report *A better family law system* to support and protect those affected by family violence.

Commissioner McLean was also invited to participate in a public hearing of the Joint Select Committee held on 27 May 2020. A transcript of the Commissioner's evidence and her submission are available on the Joint Select Committee website.

## Sentencing Information Guide for Tasmania

### *Submission to Sentencing Advisory Council of Tasmania, January 2020*

The Commissioner reiterated strong support for the Sentencing Advisory Council's aim to communicate accessible and useful sentencing information to children and young people in Tasmania. Commissioner McLean acknowledged the Council's accommodation of earlier feedback and responded to the latest draft with more detailed comments to ensure accuracy, sufficiency of purpose and suitability for the audience. The Commissioner's feedback was informed by conversations with a small group of young people detained at AYDC.

## Draft Evidence Amendment Bill 2020: Publication of certain identifying particulars prohibited (section 194K)

### *Submission to Department of Justice, February 2020*

The draft Bill replaces section 194K of the *Evidence Act 2001* (Tas) with a new section that, among other matters, allows the publication of identifying information about a victim of, or witness to, a sexual crime in certain circumstances.

In her submission, the Commissioner sought:

- greater clarity about some sections of the Bill as they relate to children and young people. Consistent with the views expressed in her May 2019 submission to a Discussion Paper on this issue, the Commissioner indicated her strong

reservations about any reform that allows the consent of a complainant aged less than 18 years to be sufficient in and of itself for the publication of identifying details in relevant circumstances

- inclusion of a provision that provides the court with the discretion to make an order prohibiting the publication of details that may cause harm, distress, humiliation or embarrassment to a child victim and a right to appeal or seek a review, variation or revocation of a court order
- a review, no later than two years after commencement, of the operation of the new section 194K to ensure it is operating as intended, and that there are no unintended adverse consequences.

The Commissioner also noted the importance of clear and accessible information being made available through a variety of communication channels, so that community members, including victims of sexual offences and publishers of newspapers, are made aware of their rights and obligations under the new law.

## Renaming Sexual Offences - Proposal Paper

### *Submission to Department of Justice, February 2020*

The *Proposal Paper – Renaming sexual offences* proposed removing and replacing outdated language in Chapter XIV of Tasmania's *Criminal Code Act 1924*. The Paper sought the views of stakeholders on the language and terminology used to name sexual crimes committed against people, including children and young people. It was not

intended to change the elements of the crimes themselves.

Commissioner McLean emphasised the importance of using appropriate language to describe sexual abuse of children and expressed general support for terminology that more accurately reflects the criminal conduct it describes.

The Commissioner proposed Chapter XIV be renamed 'Sexual crimes' rather than the outdated heading, 'Crimes against morality'. She also addressed specific language used to name several sexual crimes against children and young people. For example, she argued that the terminology of 'sexual intercourse' in relation to children, should be replaced with the term 'penetrative sexual abuse'.

The *Criminal Code Amendment (Sexual Abuse Terminology) Act 2020* commenced on 6 April 2020. It has made several amendments to the *Criminal Code Act 1924* to remove outdated terminology in relation to sexual offending, particularly against children and young people.

## Family and Sexual Violence Website

### *Submission to Department of Communities Tasmania, March 2020*

Commissioner McLean responded to an invitation to inform the development of a family and sexual violence website as a single information portal for Tasmania. In her response, the Commissioner commended the Family Violence Law Help website developed by National Legal Aid and made the following key points relevant to children and young people visiting the proposed site:

- information and resources need to be explained in child-friendly language
- the website needs to be safe, accessible, helpful and engaging for children and young people. This can be achieved by ascertaining the views of, and exploring options for co-design with, children and young people during the design, development and evaluation stages
- the project needs to take account of the significant barriers faced by many young Tasmanians in accessing information online, particularly Tasmanians with low income, employment and education levels, and those in regional areas
- other matters raised include ensuring the website is culturally safe, and inclusive of all users; appropriate for users with disability; accessible to users with speech, language and communication needs, low literacy or those who are not fluent in English; accessible to users with low bandwidth connections or lower quality technology; and informative about how to keep safe when visiting and after visiting the site.

On 16 June 2020, the Tasmanian Government launched the Safe from Violence website. It includes information and advice for children aged 5-11 years and young people aged 12-17 years:

<https://www.safefromviolence.tas.gov.au>

## Evidence (Children and Special Witnesses) Amendment Bill 2020

### *Submission to Department of Justice, April 2020*

The Evidence (Children and Special Witnesses) Amendment Bill 2020 formed part of the response of the Tasmanian Government to the Royal Commission into Institutional Responses to Child Sexual Abuse. It sought to implement a pilot witness intermediary scheme which aims to reduce stress for children who are witnesses in criminal proceedings for child sexual abuse or murder, and to help them give their best evidence.

Commissioner McLean indicated her strong support for the establishment and implementation of an appropriately resourced, statewide intermediary pilot scheme. She made several comments or recommendations for the consideration of the Department of Justice, including that:

- guidelines are issued so that police officers who conduct investigative interviews with children, particularly in relation to child abuse matters, are appropriately informed of the pilot scheme and are strongly encouraged to make appropriate use of witness intermediaries so that victims are able to give their best evidence
- appropriate resourcing is provided so that witness

intermediaries can access high quality training and continuing professional development and are remunerated at a rate commensurate with their important role

- robust and transparent processes for monitoring, quality assurance and independent evaluation are incorporated into the project design from the outset
- the pilot scheme is available to child defendants who choose to give evidence where the judge is satisfied that use of a witness intermediary will assist the proceedings
- noting the evidence that many young people who come into contact with the justice system have unidentified communication disorders, the Commissioner also sought clarification as to whether investigating police, defence lawyers or magistrates sitting in the Youth Justice Division of the Magistrates Court could avail themselves of the pilot scheme to receive advice or assistance regarding any communication needs of children and young people who are suspected of or charged with committing an offence, to enable their meaningful participation in justice processes such as investigation, diversion or court proceedings.

## Button Battery Safety – Assessment of Regulatory Options

### *Submission to Australian Competition and Consumer Commission (ACCC), May 2020*

In responding to the Consultation Paper about options to ameliorate the risk of severe injury or death for children who ingest button batteries, Commissioner McLean noted that

voluntary supplier self-regulation has not sufficiently reduced the risk of injury or death to children from exposure to button batteries and endorsed mandatory regulation.

Consistent with the ACCC's preferred option, the Commissioner expressed support for a blend of complementary mandatory safety standards including requirements for secure battery compartments, and child resistant packaging and warnings to improve awareness among parents, carers and others of the dangers associated with button batteries for children.

The Commissioner also strongly supported moves to address risks to child safety arising from button batteries in hearing aid devices and the development of a national database for consumer product-related injuries and attendances at emergency departments in Australia.

## Establishment of a Civil and Administrative Tribunal for Tasmania

### *Submission to Department of Justice, June 2020*

On 18 March 2020, the Government announced that a Tasmanian Civil and Administrative Tribunal (TasCAT) will be established to streamline services and improve access to justice in Tasmania.

In her submission, the Commissioner indicated she was generally supportive of the establishment of TasCAT. However, she emphasised the importance of TasCAT being sufficiently adaptable, accessible, skilled and resourced to enable the addition of new jurisdictions as needed.

In particular, the Commissioner noted her previous advocacy (in the context of the Commissioner's out-of-home care monitoring function) for the establishment of a tribunal which can independently review decisions which affect children and young people's wellbeing while they are in out-of-home care.

The Commissioner acknowledged that the types of administrative decisions affecting children in the out-of-home care context that could be reviewable by the tribunal would be a matter for further discussion and consultation.

## Draft National Injury Prevention Strategy

### *Submission to Australian Government Department of Health, June 2020*

Commissioner McLean contributed to a consultation process to inform the development of the National Injury Prevention Strategy 2020–2030. The Commissioner supported the vision of the draft Strategy, especially its emphasis on addressing the inequities that contribute to the disproportionate burden of injury experienced by Aboriginal and Torres Strait Islander people, people living in rural and remote areas, and people experiencing socio-economic disadvantage. She indicated broad support for the targets and principles outlined in the draft Strategy, but argued for a stronger emphasis on co-ordination, a focus on the participation of children and young people, and the inclusion of accountability as a principle.

The Commissioner also emphasised the importance of:

- acknowledging the direct and indirect effects which can arise for children and young people when a parent or carer is injured (for example because of injury experienced by a parent as a result of family violence)
- preventing injury in babies and children aged 0–14 years as non-fatal injuries during this life-stage can have lifelong detrimental impacts on a person's health, education and social connectedness. Universal home visiting programs were identified as an effective injury prevention measure for babies and children
- raised the susceptibility of young people, particularly adolescents, to permanent damage from alcohol and other drug use as their brains are still developing, and the need to address prevention of harm from drug use
- recommended inclusion of the risk of harm arising from parental drug use in the antenatal period in addition to harmful alcohol use.

The Commissioner advocated for better alignment with relevant existing and forthcoming frameworks to achieve the Strategy's vision, clearer accountability mechanisms and stronger data capacity for state and territory government organisations to measure progress through the Monitoring and Reporting Framework.

# Australian and New Zealand Children's Commissioners and Guardians (ANZCCG)

## Overview

Tasmania's Commissioner for Children and Young People is a member of the ANZCCG which includes national, state, territory and New Zealand children and young people commissioners, guardians and advocates.

The ANZCCG:

- promotes the rights of children and young people
- ensures the best interests of children are considered in the development of policies and programs
- gives voice to the views of, and encourages direct consultation with, children and young people on matters that affect them
- encourages systemic improvement informed by evidence-based research.

The ANZCCG generally meets face-to-face twice a year in May and November with hosting responsibilities rotated between members. The ANZCCG's May 2020 meeting was unable to proceed due to COVID-19 restrictions. Instead, members met by teleconference in April, May and June with secretariat support provided by the New South Wales Office of the Children's Guardian.



## Communique

Following its November 2019 meeting, the ANZCCG issued a communique in which members:

- reaffirmed their commitment to advocate for the appointment of Aboriginal, Torres Strait Islander and Māori commissioners for children and young people in all jurisdictions
- advocated for national and international bodies to create opportunities to listen to the voices of children and young people and involve them in decision making. Members highlighted the experience of a 12-year-old Arrente/Garrwa boy from central Australia whose contact with the youth justice system was captured in the film *In My Blood It Runs*
- supported the rights of LGBTIQ+ children and young people to have a say in decision making. ANZCCG members will advocate for gender diversity to be appropriately considered in the 2021 Australian Census

- recommended the minimum age of criminal responsibility be raised to at least 14 years in line with the UN Committee on the Rights of the Child recommendation. ANZCCG members will continue to advocate for this reform
- committed to continue monitoring progress to implement the recommendations of the Royal Commission into Institutional Responses to Child Sexual Abuse, including the development and implementation of nationally consistent child safe standards and reportable conduct schemes
- highlighted the importance of educating the community on emerging technologies to promote safe online engagement for children and young people
- welcomed the establishment of the Royal Commission into Violence, Abuse, Neglect and Exploitation of People with Disability and commended its commitment to examining and supporting the rights of children and young people with disability
- committed to continue to monitor:
  - \* the challenges faced by children who need support from both the National Disability Insurance Scheme, and state and territory-based child protection services; and
  - \* the rights and wellbeing of children in immigration detention, including community detention
- noted the significant impact of poverty on a child's life outcomes and committed to continue advocacy to seek solutions to child poverty across Australia and New Zealand.

## ANZCCG Letter to Federal Minister for Health

In June 2020, the Australian members of the ANZCCG wrote to the Honourable Greg Hunt MP, Federal Minister for Health, to congratulate him on the establishment of the National COVID-19 Health and Research Advisory Committee.

The ANZCCG noted with concern the potential effects of the COVID-19 pandemic on the health and wellbeing of children and young people. While noting the focus of the Committee is on shorter-term issues in response to COVID-19, the ANZCCG also encouraged the Minister to seek and consider evidence-based advice on the longer-term wellbeing and general health of children and young people during the response and recovery phases of the pandemic, with a particular focus on Aboriginal and Torres Strait Islander children and young people and those who experience vulnerabilities or disadvantage for any reason.

This advice is intended to enable the Federal Government to develop and implement strategies and initiatives during and after the pandemic which keep the rights of children and young people, and the broader contexts in which they live, at the forefront of our responses going forward.

# Other CCYP Activities

## Public Comment - Media Releases and Opinion Pieces

- Support for Children Impacted by Family and Sexual Violence Welcomed — 1 July 2019
- CCYP — Student Voice Award — 19 September 2019
- Climate Strike — 20 September 2019
- Premier's Youth Advisory Council — 04 October 2019
- Wellbeing Survey — 16 October 2019
- Out-of-Home Care Monitoring Report — 28 October 2019
- CCYP Annual Report — 29 October 2019

- Talking Point: Mental Health — 04 November 2019
- Celebrating World Children's Day and the 30th Anniversary of the UN Convention on the Rights of the Child — 19 November 2019
- Mobile Phone Restrictions at Schools — 27 November 2019
- Commissioner for Children and Young People calls for greater focus on early intervention in child protection — 23 January 2020
- Investing in the Wellbeing of Children and Young People — 11 February 2020
- Child and Youth Wellbeing Strategy — 03 March 2020
- Commissioner's comments on Tasmanian Government Response to first Out-of-Home Care Report — 11 March 2020
- Talking Point: Supporting our children during uncertain times — 20 March 2020
- Talking Point: Protecting the Wellbeing of Children During Covid-19 — 27 April 2020
- Protecting the Rights and Wellbeing of Children and Young People During Covid-19 — 27 April 2020
- Government Homeless Package Welcomed — 29 April 2020
- Listening to Children and Young People — 14 May 2020
- Children and Family Learning Centres — 04 June 2020
- Searches of Children and Young People in Custody in Tasmania — 30 June 2020

As a member of ANZCCG, the Commissioner also participated in the following Media Releases:

- Raise the age of criminal responsibility — November 2019
- Australia and New Zealand Children's Commissioners and Guardians commend 'In My Blood It Runs' Documentary — 29 November 2019





## Speeches and Presentations

- Rotary Club of Devonport — 04 July 2019
- The Living Room, paranapple centre — 05 July 2019
- Tasmanian Aboriginal Health Reference Group Meeting — 06 August 2019
- National Council of Women (Tasmania) — 21 August 2019
- Paediatric Clinical Meeting (Royal Hobart Hospital) — 23 August 2019
- National Association for the Prevention of Child Abuse and Neglect (NAPCAN) National Child Protection Week event — 04 September 2019
- Young Archies Awards presentation — 08 September 2019
- Child Wellbeing Forum — 12 September 2019
- Launceston City Council Open Council — 19 September 2019
- Department of Education Together We Inspire Awards presentation — 19 September 2019
- Early Childhood Australia National Conference — 29 September 2019
- Teddy Bears' Picnic — 23 October 2019
- Break O'Day Allied Health and Community Services Network — 29 October 2019
- Tasmanian Youth Mental Health Forum — 06 November 2019
- Tasmanian Branch of the Australian Association of Infant Mental Health (AAIMH) launch — 07 November 2019
- Equal Opportunity Tasmania Human Rights Week event — 10 December 2019
- Ogilvie High School Presentation Evening — 16 December 2019
- TasCOSS Community Services Industry COVID-19 Response and Recovery meeting — 11 April 2020
- Youth Action Priorities (YAP) meeting — 07 April 2020



## Membership of Groups

- Australian and New Zealand Children's Commissioners and Guardians
- B4 Early Years Coalition
- Child and Youth Wellbeing Alliance Governance Structures – Integrated Governance Structure Design Group
- Council of Obstetric and Paediatric Mortality and Morbidity (COPMM) (Commissioner McLean only)
- Family Violence Consultative Committee (Federal Court, Family Court and Federal Circuit Court Tasmania)
- Family Violence Consultative Group – a consultative mechanism established as part of *Safe Homes, Safe Families: Tasmania's Family Violence Action Plan 2015-2020*
- Glenorchy Action Interagency Network (GAIN) and Youth Action Network Glenorchy (YANG) – now Thrive to 25
- Magistrates Court Hobart Court Users Group
- Monash University Exploring Churn in Family Services Research Project Reference Group
- National Mental Health Initiative, Be You Implementation and Engagement Group
- Premier's Economic and Social Recovery Advisory Council (Commissioner McLean only)
- Reconciliation Tasmania Collective
- Southern Regional Mental Health Group
- Statewide Youth Collaborative Group
- Strong Families, Safe Kids Champions

- Strong Families Safe Kids Cross Sectoral Consultative Committee
- Tasmanian Collaboration for Health Improvement
- University of Tasmania Research Advisory Panel, Regional Recovery after COVID-19
- Youth Action Priorities

## Right to Information Requests

The *Right to Information Act 2009* (the Act) gives the public the right to obtain information contained in the records of the Government and public authorities unless it is exempt from disclosure under the Act. The Act provides a framework for, and encourages, routine disclosure of information.

The Commissioner releases submissions, reports and other information routinely on the Commissioner for Children and Young People website: <https://www.childcomm.tas.gov.au/>. The Commissioner did not receive any applications for disclosure of information during 2019-2020.

By virtue of the *Community, Health, Human Services and Related Legislation (Miscellaneous Amendments) Act 2019*, as of June 2019, the Act does not apply to information in the possession of the Commissioner for Children and Young People unless that information relates to the administration of the Commissioner.

# Priorities for 2020–2021

In accordance with section 7 of the *Commissioner for Children and Young People Act 2016*, by no later than 31 March each year, the Commissioner is required to develop an annual plan which sets out the priorities and work program for the coming year. The Annual Plan is also to be provided to the Minister for Human Services.

The 2020–2021 Annual Plan is available on the Commissioner's website at

<https://www.childcomm.tas.gov.au>

