

Your Ref:
Our Ref: 886

1 April 2021

Professor Michael Pervan
Secretary
Department of Communities Tasmania *By email: michael.pervan@communities.tas.gov.au*

Dear Secretary

Re: Comment on *Tasmania's Child and Youth Wellbeing Strategy Discussion Paper – January 2021*

Thank you for the opportunity to respond to the *Tasmania's Child and Youth Wellbeing Strategy Discussion Paper - January 2021* (the Discussion Paper). I am grateful for the two-week extension of time within which to provide my submission – that extension was granted by your Department on 15 February 2021.

I have a strong interest in the successful development and implementation of a strategy to promote and improve the wellbeing of all Tasmanian children and young people. The development of such a strategy would provide a significant opportunity to make a real difference for generations of children and young people in Tasmania. The consultation process comes at an opportune time given the additional challenges faced by children, young people and families because of the COVID-19 pandemic. Now, more than ever, we should collectively commit to improving and sustaining positive wellbeing outcomes for all Tasmanian children and young people and further addressing any gaps in services and supports to assist in the achievement of those outcomes.

Role of the Commissioner for Children and Young People

The Commissioner for Children and Young People is an independent statutory office established under Tasmania's *Commissioner for Children and Young People Act 2016* (the CCYP Act). My functions and powers and the principles to which I must have regard are set out in that Act. The Commissioner's functions include providing systemic advocacy for all children and young people in Tasmania, and a specific function to promote, monitor, and review the wellbeing of children and young people in Tasmania.

Consistent with my statutory functions, my comments below focus on matters that are particularly relevant to promoting and protecting the rights, wellbeing and best interests of children and young people in Tasmania.¹

Preliminary comments

In my February 2020 report, *Investing in the Wellbeing of Tasmania's Children and Young People*, I made the observation that, despite our best efforts over time, many of the wellbeing outcomes of

¹ Pursuant to section 3 of the CCYP Act, 'child' means a person who has not attained the age of 18 years; and 'young person' means a person, who has not attained the age of 18 years, as determined by the Commissioner in accordance with section 8(4).



children and young people in Tasmania have remained stagnant or worsened. One of the key recommendations of my report was the development of a long-term, cross-partisan, evidence-informed strategy for promoting and improving the wellbeing of children and young people in Tasmania, with the first 1,000 days as a key priority for all relevant government agencies.

In March 2020, the Tasmanian Premier, the Hon Peter Gutwein MP announced in his first State of the State address that the Government would progress a child and youth wellbeing strategy including a specific focus on the first 1,000 days of children's lives.

I acknowledge the significant amount of work undertaken to prepare the comprehensive Discussion Paper and to develop flexible and creative consultation mechanisms to enable broad engagement in a community discussion about what is needed to promote and improve the wellbeing of Tasmania's children and young people (see wellbeing.tas.gov.au). The development of any strategy to improve the wellbeing of children and young people in our state should be guided and informed by the voices of Tasmanians, most importantly our children and young people and those who care for them.

In 2020, I was asked by the Tasmanian Government to undertake targeted consultations with children and young people to ensure the voices of young Tasmanians aged 0-17 years can contribute to the co-design and development of a child and youth wellbeing strategy. Specific funding was provided for this purpose and consultations occurred in November and December 2020. I have compiled a report (*We Call it Happy. CCYP Wellbeing Consultations with 0-18 Year Old Tasmanians*) and, with the assistance of external partners, helped children to create a children's book (*When I Wake Up I Smile. A book of wellbeing by 156 children across Tasmania*). These publications capture the breadth and diversity of the views of children and young people who took part in the consultations, as well as the parents and carers of very young children and will be launched later in 2021. I have therefore not included in this submission specific quotes from children and young people, but rather I have drawn on their views, as expressed in these publications.

The broad approach to consultation outlined in the Discussion Paper and reflected in the consultation options still available on the dedicated wellbeing website offer an exciting opportunity. It means that decision-makers can really hear and engage with the voices of children and young people, parents and carers, and those who support children and young people in our community, so that their hopes and dreams for Tasmania's children and young people can be considered and reflected in policy development.

For ease of reading, I have divided this submission into two parts. **Part 1** includes high-level feedback and comments intended to inform the development of a strategy to improve the wellbeing of Tasmania's children and young people. **Part 2** provides detailed information about the types of evidence-informed initiatives that I believe are worthy of initial inclusion in such a strategy under each of the domains of the *Tasmanian Child and Youth Wellbeing Framework*, including for children and young people with specific needs and interests.

Part 1. High-level feedback

1. Long-term evidence-informed strategy

The aim of a Tasmanian child and youth wellbeing strategy should be to promote and enable a coherent and consistent approach across government and the Tasmanian community to achieving improved and enduring wellbeing outcomes for Tasmania's children and young people. A strategy such as this should tell us what we collectively want to achieve, who will do what and where, and how we will know if, collectively, our policies, programs and services are making a difference to the lives of young Tasmanians. It should include shared objectives and outcomes to work towards



(across the government and non-government sectors), and a way to measure progress focusing on all aspects of children's development and wellbeing. Therefore, the first step in developing a strategy such as this should be to develop shared wellbeing objectives and desired outcomes. This step is vital as it would provide overarching statements about what we would like to achieve (the desired results) and would help to monitor progress towards the broader vision.

The objectives could be aligned to each of the six domains of the *Tasmanian Child and Youth Wellbeing Framework*, or cross-cutting objectives could be included to recognise the importance of, for example, early intervention and prevention across multiple domains. Fundamentally, without objectives and outcomes, it is difficult to align and prioritise initiatives or to know how to measure progress toward the outcomes. Draft objectives and outcomes should be developed and consulted on so that there can be broad agreement across the community as to what we would like to collectively achieve. Current and proposed initiatives could then be tied to the achievement of those objectives and outcomes to maximise success. The development of shared wellbeing objectives and outcomes should be a fundamental part of the development of a child and youth wellbeing strategy, rather than just an element of the information strategy mentioned at page 75 of the Discussion Paper.

Notwithstanding my comments above, there are some initiatives which, in my opinion, could lead to substantial improvements in the wellbeing of Tasmanian children and young people and are therefore worthy of consideration as initial actions, while objectives and outcomes are being agreed. I have described these initiatives in **Part 2** of this submission.

The next step should be the selection of indicators at both the output and outcome levels to measure progress against the objectives. These indicators would need to be clearly defined and operationalised by defining how and by whom the data would be collected and analysed. I understand that the proposed information strategy would provide a measurement framework for the strategy. In my view, a measurement framework should be incorporated into the substantive strategy rather than sitting in a separate or standalone strategy. (I discuss approaches to measurement and data sources in more detail below.)

The development and refinement of a child and youth wellbeing strategy should be ongoing over its lifetime to ensure that we are regularly reflecting on and incorporating the changing context over time. Regular reviews of the strategy would enable the identification of any gaps or programmatic overlaps, initiatives that may need redesigning, or output and outcome indicators that may no longer be relevant. As has been done in the context of New Zealand's Child and Youth Wellbeing Strategy, the development of action plans outlining priority action areas, for example, for a particular period of time, or for particular groups of children, aligned with wellbeing domains, may provide a mechanism for ongoing refinement to occur. Further, regular consultation and feedback from stakeholders, including children and young people, should be embedded into the lifecycle of a strategy.

A strategy such as this should demonstrate to children, young people, their families and the wider community that government is serious about supporting a better future for all Tasmanian children and young people, not just in the short-term but for many years to come.

2. Overarching vision

I understand that through the broad consultation process, children, young people and their parents/carers, organisations working with children and young people, and other stakeholders have expressed views on their vision for improving the wellbeing of children and young people in Tasmania. It is clear from the consultations I have held around the state with children, young people and parents/carers that they have lots of great ideas that could contribute to the development of an overarching vision for a strategy to improve the wellbeing of Tasmania's children and young people. I strongly recommend that any vision reflects the ideas and aspirations of children and young people



and those who care for them and is reflective of how Tasmanian children and young people think and talk about wellbeing.

3. Wellbeing domains

Based on my consultations with children and young people, there is a clear need for any strategy to improve the wellbeing of children and young people in Tasmania to take account of the effect of climate change and the environment on the wellbeing of children and young people now and into the future. Concerns about climate change and the environment have been consistently raised with me by Tasmanian children and young people throughout my term as Commissioner, including during the CCYP wellbeing consultations mentioned above.

Children and young people have spoken to me about how they see a link between the health of the environment and their own wellbeing, and their wish for genuine leadership on addressing climate change. They also spoke about the need for Tasmania to lead the way by having a greater focus on sustainable living, environmental protections, and green technology. Concerns about the future are leading to increases in stress and worry in the lives of children and young people, which are having a clear impact on their wellbeing.

Before the recent CCYP wellbeing consultations with children and young people, in early 2020, children and young people participating in the CCYP Ambassador Program developed an online digital magazine (“zine”), called *Future Tasmania*, which examined issues they would like addressed to make their future Tasmania a better place. The Ambassadors chose to explore three key topics, one of which was climate change and the environment. The zine was presented to political leaders and key decision-makers at a state-wide event in September 2020 and can be viewed on my website [here](#). The zine provides insights into children and young people’s views on their future and how climate change affects every part of their lives and their wellbeing. More information about the CCYP Ambassador Program is available on my website.

4. First 1,000 days: Ensuring the best start in life of all Tasmanian children

I am a strong advocate for investing early in the life of a child, particularly in the first 1,000 days. In my view, the first 1,000 days of a child’s life should be a specific focus of any strategy to improve the wellbeing of children and young people. The first 1,000 days are a precious opportunity to give all children the best start in life and lay the foundations for healthy, happy and prosperous lives. Investment in the first 1,000 days should begin during pregnancy to ensure parents are supported to provide a safe, healthy and nurturing environment for their growing child.

The first 1,000 days should be a discrete component of a strategy such as this to ensure its importance is adequately elevated. This would include dedicated objectives, outcomes and measures linked to tangible efforts to improve wellbeing from conception to two years. As Co-Chair of the B4 Early Years Coalition (B4), I see the potential for a specific role for B4 in any governance arrangements established to oversee the development of the first 1,000 days component of a child and youth wellbeing strategy and also a distinct role in its implementation. For example, I note that Western Australia has established the Early Years Initiative, a 10-year three-way partnership between the Western Australian Government, Minderoo Foundation and Telethon Kids Institute (through CoLab) to improve the health, development and learning of children from conception to the age of 4. The Initiative’s board is made up of representatives from these organisations, with two independent co-chairs. The Initiative will bring together community leaders, all levels of government, researchers, business and philanthropic organisations to achieve better outcomes for Western Australian children and families.



To adapt to a new policy setting, B4 would need to be refocused and refined to have more reach and influence across Tasmanian communities, particularly in regional areas. Consideration should be given to B4's potential future role and scope, including it being:

- an independent voice to government and the community with a primary focus on the first 1,000 days, as well as on the first 4 years of children's lives;
- centrally located to be a primary advisor and communicator on emerging whole-of-government policy on the importance of the first 1,000 days to Tasmanian children and young people's wellbeing;
- appropriately resourced to enable influence, communication (including social media and marketing campaigns) and best practice development and promotion; and
- connected (including through the ability to partner) for influence including with communities, businesses, government and non-government organisations.

There is no reason to delay the investment in, and implementation of, evidence-informed actions relevant to the first 1,000 days of children's lives. In **Part 2** of this submission, I have identified several priority initiatives under this specific focus area.

5. Governance and accountability

Wellbeing affects the immediate quality of a child's life and their ability to thrive today, but it also shapes their future wellbeing and, in turn, the wellbeing of our population as a whole. It is also important to acknowledge that improved child and youth wellbeing cannot be achieved through direct government action alone – it is a collective responsibility. The ecological model of child development recognises that families, communities and broader society all contribute to a child's sense of wellbeing. Therefore, the roles and responsibilities of everyone involved in promoting the wellbeing of children and young people need to be explicitly acknowledged in a strategy such as this, including how the government will support and assist families, communities, and the non-government sector to contribute to the desired wellbeing outcomes. Governments should listen to and seek advice from communities on their priorities for achieving improved wellbeing for children and young people. In this way, we can identify place-based solutions that can be owned and implemented by communities.

I acknowledge the development of a combined governance framework to oversee major reforms relating to the safety and wellbeing of children and families. The Children, Young People and Families Safety and Wellbeing Governance framework includes a Cabinet Committee supported by a Steering Committee, a Cross Agency Working Group and a Community Consultative Group – Child and Youth Wellbeing, as well as a Community Consultative Group – Family and Sexual Violence. This approach reflects my view, as expressed in my February 2020 report, that responsibility for improving wellbeing outcomes for Tasmania's children and young people should sit with the Cabinet of the day, along with active engagement by central agencies. I also note that work is underway to develop an improved cross-sectoral policy response for children aged less than 16 who experience homelessness alone.

In his *Review of the Tasmanian State Service Interim Report*, Dr Ian Watt AC proposes that the Government identify a number of 'premier priorities' to be addressed collectively (i.e. through a multi-agency response and possibly with collaboration outside the Tasmanian state service (TSS)), with clear accountabilities and reportable targets. Dr Watt emphasises that:

Government commitment at the outset will be critical, especially from the highest levels of leadership. The approach to identifying 'premier priorities' must be led by the Premier and Ministers to ensure the issues selected are genuinely high priority and meet the criteria of requiring a multi-agency response, and, in some cases, partners outside of government. They should be identified, defined and agreed to based on the best available data and evidence, and be measurable with targets and Key Performance Indicators. Each priority should be driven by a lead agency; however, all agencies



involved in the response should be responsible for addressing the issue. Heads of Agencies should be accountable for providing regular advice to Government on priorities and for developing targets. They must be accountable for organising and mobilising their agency's resources in a way that contributes effectively to the shared imperative of meeting those targets.²

It is my strong view that promoting child wellbeing should be one such 'premier priority' for the Tasmanian Government. Greater accountability for improving the wellbeing of our children and young people now and into the future will be achieved by collectively identifying and committing to specified wellbeing outcomes, aligning our efforts, and measuring and reporting on our progress.

A legislative mechanism would ensure a long-term commitment to, and accountability for, improving the wellbeing of children and young people. Overarching enabling legislation could, for example, contain principles for promoting and improving child wellbeing, long-term goals and even targets and require governments to regularly report publicly on their progress.

Part 1 of the New Zealand's *Children's Act 2014* provides an example of a long-term legislative commitment mechanism for improving the wellbeing of children and young people. It requires successive governments to adopt (in consultation with children, the Children's Commissioner, and Maori representatives), publish and review a strategy for improving the wellbeing of all children with a particular focus on those with greater needs, and for reducing and mitigating the impacts of child poverty and socio-disadvantage experienced by children. The strategy is intended to help New Zealand meet its international obligations, including its obligations under the UN *Convention on the Rights of the Child*. The strategy must indicate the outcomes sought, the extent to which those outcomes are measurable, and how those outcomes will be measured (including how disparities in outcomes will be measured for children in poverty and those experiencing socio-economic disadvantage). Further, the strategy must indicate the evidence-informed policies that the government intends to implement to achieve the outcomes sought, and provide details of any intended evaluation of the effectiveness of those policies (subsequent strategies must then indicate steps taken to evaluate the effectiveness of those policies). Importantly, the responsible Minister must prepare and table an annual progress report in achieving the strategy's outcomes. Further, New Zealand's *Child Poverty Reduction Act 2018* requires the government of the day to set long-term and intermediate targets on a set of child poverty measures against which the government must report annually.

As outlined in the Discussion Paper and in Appendix 1 of my February 2020 report, there are many international examples of how wellbeing measures, targets, and strategic focus areas can be enacted in legislation to ensure successive governments can be held accountable for progress. It is my preference that any strategy to promote and improve the wellbeing of children and young people in Tasmania, and in particular mechanisms to promote accountability including through public reporting, is underpinned by a legislative framework. Such an approach is more consistent with the long-term, cross-party strategy I recommended in my February 2020 report.

Child impact assessment is critical to identifying the potential impacts of a policy or legislative amendment on the rights and wellbeing of children.³ Child impact assessment can assist and enable government and non-government organisations to 'identify, analyse and assess the impacts of any proposed law or policy on the rights and wellbeing of children and young people. The impacts can be direct or indirect; short, medium or long-term; and positive, negative or neutral'.⁴ Regardless of any legislative requirements, all decisions on key policies and legislation in Tasmania should be informed by an assessment of the impact of proposed laws, policies, projects, and programs on the rights and wellbeing of children and young people in Tasmania. Evidence indicates that child impact assessments are more likely to be effective where there is sustained political commitment, child

² Dr Ian Watt AC, *Review of the Tasmanian State Service Interim Report, 2020*, Department of Premier and Cabinet, 25.

³ <https://www.cyp.wa.gov.au/media/4338/ccyp-child-impact-assessment-g-web-enabled-file-june-2020.pdf>

⁴ <https://www.msd.govt.nz/about-msd-and-our-work/publications-resources/resources/child-impact-assessment.html>



rights training and access to expert advice, tools to guide and shape the process, access to relevant data sets, and a clear expectation of involving children in the assessment.⁵ Child impact assessment tools have been developed in several countries, including New Zealand and Scotland, and some Australian states (see for example, Western Australia).

I note the recommendations of the Premier's Economic and Social Recovery Advisory Council (the PESRAC). Recommendation 40 includes that a new sustainability vision and strategy for Tasmania take account of impacts on future generations, consistent with the United Nations Sustainable Development Goals. Implementation of this recommendation would require new systems and structures to ensure child impact assessment is undertaken, including by seeking the views and considerations of children and young people on any matters that affect them.

It is important that any strategy adopted is a 'living strategy' – i.e. it is flexible enough to respond to changing environmental and social conditions, what the data are telling us, and emerging evidence about what works, but stable enough to provide a framework for an enduring commitment to improving the wellbeing of children and young people. It is also important that any strategy is cognisant of and aligned with Tasmania's commitments to relevant national frameworks and strategies – e.g. the National Partnership Agreement on Closing the Gap, the forthcoming successor plan to the National Framework on Protecting Australia's Children, and the forthcoming National Children's Mental Health and Wellbeing Strategy, and others.

There is also a need to acknowledge the important role that independent external monitoring plays in ensuring the Government is accountable for upholding the rights and improving the wellbeing of children and young people. There are various bodies, including independent statutory entities, whose functions are relevant to monitoring and promoting the wellbeing of children and young people in Tasmania.

For example, the CCYP Act includes a specific function to promote, monitor and review the wellbeing of children and young people in the state. Consistent with this function, I will monitor the development and implementation of any strategy to improve the wellbeing of Tasmania's children and young people - and this might include publicly reporting on specific issues or data relevant to the wellbeing of children and young people in Tasmania. While I am not suggesting that this independent monitoring should replace the public reporting and other accountability mechanisms required of the Government, I would welcome further consideration of and discussion regarding the possible role of the CCYP in the context of a strategy, particularly given the independent nature of the CCYP role. I have other legislated functions which are also relevant to the wellbeing of children and young people in Tasmania generally. For example, I currently provide advice regarding the potential impact of policy or legislation on the wellbeing of children and young people consistent with my statutory functions. However, this role would not necessarily provide independent oversight of child impact assessment processes conducted by the Government, should it be agreed to adopt such processes. To embed such an oversight function with the CCYP would require further discussion and resourcing. I acknowledge these are matters which raise several issues of complexity and would welcome the opportunity to discuss them further.

It is timely for a review of the CCYP Act to ensure the legislative framework enables the Commissioner to operate effectively and efficiently and as was intended. It is also important to fully review and assess the operation of other relevant legislation including the *Children, Young Persons and Their Families Act 1997*, the *Youth Justice Act 1997*, and the *Education Act 2016* to name a few. It is necessary to ensure that all Tasmanian legislation which affects the wellbeing of children and young people in Tasmania remains contemporary and is consistent in its approach to promoting the wellbeing of children and young people, as well as to ensure accountabilities are clear and governance structures are fit for purpose. The development of overarching enabling legislation

⁵ <https://www.tandfonline.com/doi/abs/10.1080/13642987.2018.1558989>



placing child wellbeing at the centre of all relevant decision-making and service delivery could provide an umbrella for the separate pieces of legislation affecting the wellbeing of children and young people in Tasmania and provide a benchmark for their review.

While I have not completed a comprehensive jurisdictional scan, Victoria's *Child Wellbeing and Safety Act 2005* provides an example of an overarching legislative framework which establishes fundamental principles for the wellbeing of children. The principles in section 5 of that Act are specifically intended to guide the development and delivery of government, government-funded and community services for all children and families in Victoria. The principles align with the ecological model of child development and acknowledge the fundamental roles of families and communities as well as government in collectively promoting the wellbeing and safety of children in Victoria.

6. Measurement and data

I understand that the development of measures, including the data sources and tools for collecting data, could form part of the proposed information strategy, as outlined in the Discussion Paper. My comments on measurement and data therefore provide some direction for how measures could be developed, or existing measures utilised, however my comments should not be seen as exhaustive. Given my statutory role in promoting, monitoring and reviewing the wellbeing of children and young people, I would greatly welcome the opportunity to have further input into the development of a measurement framework.

In general, I am supportive of the approach outlined at page 74 of the Discussion Paper in developing the proposed information strategy, in particular the need to define the principles, partners and priorities for outcomes and measurement. The principles for the proposed information strategy would need to ensure that control, respect and accessibility of data is recognised and upheld, in particular recognition of principles of indigenous data sovereignty. I also agree with the statements listed under the headings 'Stop' and 'Start' as reasonable ways to approach creating and collecting data. As I have already indicated, I believe that the measurement framework outlined in the proposed information strategy should be incorporated into the substantive strategy to improve the wellbeing of children and young people, rather than sit outside it in a separate or standalone strategy.

The first, and perhaps most important step to understanding the effectiveness of various government initiatives to promote wellbeing is to create robust measures of child and youth wellbeing. This step should recognise that child and youth wellbeing is a multi-faceted concept, and any singular measure will at best be a proxy and incomplete. The measures adopted will need to be robust in that they are comprehensive and capture all aspects of child and youth wellbeing, and each measure will need to be statistically sound. Individual measures of wellbeing should be complemented by cumulative measures of wellbeing to tell us whether children and young people are vulnerable across different wellbeing domains. This cumulative measure should be as comprehensive as possible; it should be constructed from as many of the individual child and youth wellbeing measures as possible, which would require administrative datasets to be merged at the individual level. If possible, this measure should also be constructed at disaggregated levels, thereby allowing place-based data to be collated across different regions of Tasmania.

A body with specialist expertise and resources, independent from government, should be tasked with not only identifying and regularly reporting on these measures, but also comprehensively reviewing the list of selected measures. This body should work collaboratively with the Tasmanian Government in developing and reviewing the measures. In addition, and as mentioned in my February 2020 report, it is important that Tasmanian Aboriginal people lead the development of measures related to the wellbeing of Tasmanian Aboriginal children and young people. The *Mayi Kuwayu National Study of Aboriginal and Torres Strait Islander Wellbeing* is a good example of a study that was created by and for Aboriginal and Torres Strait Islander people to explore how culture affects their health and wellbeing.



As mentioned in the *Review of the Tasmanian State Service Interim Report*, the ability of the TSS to fully utilise and link administrative data is a current weakness. Therefore, an opportunity exists for the Tasmanian Government to partner with an entity that has the capability to provide data linkage, data analysis, and independent advice on the best measures to support the implementation and monitoring of a strategy such as this. The Interim Report references the University of Tasmania as a potential partner to support the TSS in data linkage and recommends the ongoing development of the current Partnership Agreement between the University and the Government to support this work. I am broadly supportive of this approach and the further exploration of opportunities for collaboration between the TSS and the University of Tasmania.

The development of measures can only occur once objectives and outcomes are defined and agreed, and the breadth of initiatives and actions under each wellbeing domain is articulated. Only once this process has been completed can measures which can accurately assess whether the initiatives implemented are truly making a difference be agreed upon. The body responsible for determining the measures would then need to identify whether Tasmania currently has the right data available to be able to measure progress. If the data exists, the body would need to determine the best source of data, and if the data doesn't exist, new data sources would need to be created to collect the information needed.

Despite the difficulty in defining measures before a strategy is developed, there are several measures which are generally accepted as being part of any measurement of child and youth wellbeing, some of which are outlined in the Discussion Paper.

For example, many of the measures included in my February 2020 report, *Investing in the Wellbeing of Tasmanian Children and Young People* may be relevant to measuring whether we are making a difference to children and young people's wellbeing in Tasmania, provided they are closely coupled to specific initiatives. One specific example is the set of measures associated with the Australian Early Development Census (AEDC), particularly the percentage of children classified as developmentally vulnerable on two or more domains of the AEDC. The advantage of this measure is that it is generated by a nationwide data collection for all Tasmanian children at the time they commence their first year of full-time school. Data collection is repeated every three years and the data is available by local government area and Statistical Area Level 2 and 3. Data from the AEDC is currently used to direct investment and guide decisions on policy areas across health, mental health, education, community and family services, disability and housing. The power of this measure is that it can be linked to other administrative datasets to reveal other challenges children might be facing alongside developmental vulnerability which may be impacting on their wellbeing.

One of the biggest challenges facing the development of a wellbeing measurement framework is the quality and reliability of current data sources. Data to measure progress against a child and youth wellbeing strategy could be collated from: administrative data; existing census or survey data; community sector project or program monitoring data; and data collected by conducting one or more new surveys. It is likely that to comprehensively measure child and youth wellbeing a combination of all these sources of data will need to be utilised. The challenge with existing survey data, particularly data from surveys conducted by the Australian Bureau of Statistics, is that these surveys do not always sample enough individuals or households in Tasmania to make the statistics reliable. This is also an issue for other surveys done at the national level which only provide small numbers of data points in Tasmania, for example the Mission Australia Youth Survey Reports. The challenge with a small number of survey respondents is that it is more difficult to ensure that the sample surveyed is representative of the broader population. It also poses significant challenges to place-based measurement.

I note that the Discussion Paper refers to existing surveys for collecting qualitative data from children and young people about how they see their wellbeing. It is crucial to ensure that in measuring our



progress in promoting and improving the wellbeing of children and young people, we seek and take account of the views of children and young people on how they feel about their own wellbeing. In this respect, I note that the Discussion Paper refers at page 74 to the potential for strategic investment to survey young people's views 'focussing beyond learning to whole-of-life wellbeing and changing concerns and opportunities'. I am generally supportive of this approach. Clearly expert advice and assistance would be needed to ensure these surveys are useful, valid and reliable, align with the agreed outcomes, and contribute to our understanding of whether we are making a difference.

The proposed information strategy presents an exciting opportunity to create a multi-faceted picture of how Tasmanian children and young people are faring, and to identify areas for improvement and focus. There is potential for creative linkage of administrative data to measure children and young people's wellbeing in Tasmania, by enabling the collation of large amounts of information across a wide cross-section of the population. Integrated administrative data can provide information about the cumulative wellbeing challenges experienced by some children and young people and whether it is the same children and young people experiencing vulnerability across multiple measures. There is also the possibility to integrate datasets across government agencies, between government and non-government programs, and between state and federal government agencies to gain a holistic picture of children and young people's wellbeing across several domains.

The availability of quality publicly accessible data continues to be a challenge in Tasmania. It is important that any data which is collected and analysed as part of any strategy is made available publicly, as ownership of data should be a collective responsibility. Making data available to the public allows communities to recognise achievements, identify challenges to improving children and young people's wellbeing and to be active participants in decision-making processes. Communities should have input into the selection and adoption of measures so that they accurately reflect the unique Tasmanian context.

Part 2. Evidence-informed initiatives for achieving wellbeing outcomes for Tasmanian children and young people

My role as Commissioner includes advocating for all children and young people in Tasmania, with a particular focus on, and consideration of, the interests and needs of children and young people who are disadvantaged or vulnerable for any reason.⁶ To do this, I advocate for a balance of universal and targeted programs and services delivered at a scale and intensity proportionate to the degree of need. Outlined below are initiatives and actions which I believe could lead to substantial improvements in the wellbeing of Tasmanian children and young people and are therefore worthy of consideration as initial actions of a strategy to improve the wellbeing of children and young people in Tasmania. Where appropriate, I have provided supporting evidence to illustrate the effectiveness of the proposed initiatives.

It is important to note that the range of initiatives I recommend below should not be taken as exhaustive. If I have not mentioned an initiative which is outlined in the Discussion Paper this should not be taken to imply that this initiative is not viewed by me as valuable.

Specific needs and interests

As highlighted in the Discussion Paper, certain communities of children and young people require additional supports to achieve positive wellbeing outcomes. I understand that the Department of Communities Tasmania has held targeted consultations with children and young people with specific needs to inform particular actions or initiatives.

⁶ *Commissioner for Children and Young People Act 2016*, s3(2)(b)



Tasmanian Aboriginal children and young people

It is imperative that any strategy to improve the wellbeing of Tasmania's children and young people includes a specific focus on improving the wellbeing of Tasmanian Aboriginal children and young people.

The new National Agreement on Closing the Gap provides a refresh of targets and a commitment to working in partnership with the Coalition of Aboriginal and Torres Strait Islander Peak Organisations and community-based Aboriginal organisations and bodies. Any actions, indicators and targets relevant to Tasmanian Aboriginal children and young people under a child wellbeing strategy would therefore need to align with and support the Tasmanian Government's commitment to the achievement of the Closing the Gap targets.

It is critical that the development, implementation and measurement of actions relevant to improving the wellbeing outcomes of Tasmanian Aboriginal children and young people be undertaken through a full and genuine partnership between the Tasmanian Government, Tasmanian Aboriginal children and young people, their families and communities, as well as organisations representing and supporting Aboriginal families and communities to care for their children and young people.

The establishment of an Aboriginal Children's Commissioner in Tasmania may indeed be critical to improving the wellbeing of Tasmanian Aboriginal children and young people. The establishment of a statutory role which is specifically responsible for promoting, monitoring and reviewing the rights and wellbeing of Tasmanian Aboriginal children and young people would honour the ongoing commitment of the Tasmanian Government to reset its relationship with Aboriginal communities and enable self-determination. An Aboriginal Children's Commissioner would be uniquely positioned to engage in a culturally safe and respectful manner with Aboriginal children and young people, their families and communities to and to advocate for their needs.

Children and young people with a care experience

Independent systemic monitoring of out-of-home care (OOHC) was commenced by my office in July 2018 and my first monitoring report of the Tasmanian OOHC system was released in October 2019. This report provided the Tasmanian Government with five recommendations to improve the wellbeing outcomes of children and young people living in OOHC. It is essential that these recommendations are considered in the development of a strategy to improve the wellbeing of Tasmania's children and young people and that there is alignment with the ongoing work being undertaken by the Department of Communities Tasmania to develop and implement standards and a quality and accountability framework for OOHC.

Children and young people involved in the justice system

One of my functions is to provide advocacy for children and young people detained under the *Youth Justice Act 1997*. As Commissioner, I have advocated for the adoption of an integrated therapeutic youth justice model, which includes youth justice detention as a last resort. The adoption of such an approach is integral to improving wellbeing outcomes for young people in or at risk of entering the youth justice system.

LGBTIQ+ children and young people

Throughout my consultations with children, young people and service providers across the state, I have heard that LGBTIQ+ children and young people may feel marginalised, misunderstood, and frustrated by the lack of tailored services and supports. These feelings of exclusion and marginalisation affect all parts of their lives, their sense of wellbeing, and their ability to access basic services such as housing and healthcare.

I note the inclusion in the Discussion Paper of the LGBTIQ+ Whole of Government Framework and note the University of Tasmania's survey of LGBTIQ+ Tasmanians aged 16 years and over. This survey is designed to understand the needs of the LGBTIQ+ community when using government services



and programs to inform current and future decision making about how services are delivered. This approach enables users of government services to provide feedback on how the service system is working for them and to provide advice which will inform service delivery.

Children and young people with a disability

It is abundantly clear to me, based on conversations with service providers, children and young people, and families and carers, that more needs to be done to ensure that Tasmanian children and young people with disability and their parents and carers are able to access timely and appropriate assessment, supports and services. This is especially the case for children and young people with disability with high and complex care needs. I am keenly aware that ongoing human resources challenges are having an impact on the wellbeing of children and young people with disability, as is the current tight housing market. It is also the case that some children and young people with disability do not qualify for NDIS support. There is a critical need to ensure, including through ongoing consultation and data capture, that service gaps are identified and addressed to enable children and young people with disability to fully participate in our community.

First 1,000 days: Ensuring the best start in life for all Tasmanian children

The first 1,000 days of a child's life are critical to achieving lifelong health and wellbeing. Ensuring parents and children have supportive environments in these early years enables children to thrive.

Sustained nurse home-visiting program

There is a need to introduce a sustained nurse home-visiting program in Tasmania that is embedded in the universal system but which has the capacity to provide more intensive supports as required. For example, these intensive support services could include periods of residential/inpatient support in multidisciplinary parenting centres or through sustained supports within the home to assist families with complex parenting issues, or other related issues (e.g., drug and alcohol, family violence).

Randomised controlled studies of several nurse home-visiting programs have reported positive outcomes. A three-year follow up of participants in the pilot of the right@home program (Victoria and Tasmania) recently found that parents who received 25 nurse home-visits from birth until their child turned two reported lower rates of depression, anxiety and stress, and better wellbeing, one year after the visits ended, compared to those who received the standard free centre-based nurse consultations (currently six visits for children up to age two in Tasmania).⁷

Internationally, the Elmira Nurse-Family Partnership followed up with participants and their children 15 years after their engagement with the program, and found that those who had the most intensive home visiting prenatally and until the child turned two, had fewer hazards in the home, fewer child injuries or ingestions, fewer instances of reported child abuse and neglect, and fewer notations of child behavioural problems.⁸ Among low-income single mothers, participants spent less time needing emergency food assistance, had fewer pregnancies, and longer intervals between births than similar women in the control group.⁹

Mother and baby units and other residential supports

Mother and baby units provide in-patient support and care to families who are experiencing ante-natal and post-natal issues including postnatal depression and anxiety, unsettled and irritable babies, and difficulties with feeding, sleeping, and settling. They play a vital role in supporting parents, as well as their babies, at a critical time in their growth and development. The availability of

⁷ S. Goldfeld, H. Bryson, F. Mensah, L. Gold, F. Orsini, S. Perlen, A. Price, H. Hiscock, A. Grobler, P. Dakin, T. Bruce, D. Harris and L. Kemp. 'Nurse Home Visiting and Maternal Mental Health: 3-Year Follow-Up of a Randomized Trial,' *Pediatrics*. DOI: [10.1542/peds.2020-025361](https://doi.org/10.1542/peds.2020-025361)

⁸ A. M. Stone and E. E. Page. (2009). *Home Visitation Programs as an Early Intervention Strategy*. Georgetown Public Policy Institute Paper presented at Family Impact Seminar, Washington, DC, September 21, 2009.

⁹ Ibid.



mother and baby units in Tasmania is currently limited, particularly for public patients, with only one privately-run unit available in Hobart within which there are one or two publicly available beds which are very difficult to access. Mother and baby units are a key part of the service system supporting new parents. Units should be available across Tasmania to ensure all parents who are struggling can get the help they need. Similarly, access for vulnerable parents and babies to intensive residential support services (including 24-hour wrap-around support) should be available state-wide. It is clear that if we can get our supports and interventions right at this critical stage of children's growth and development we can have a significant impact on the wellbeing outcomes of not only children and young people, but their parents and the community as a whole.

B4 Early Years Coalition

I acknowledge the establishment and ongoing work of the B4 Early Years Coalition (B4) in providing a platform to increase awareness and collaboration between individuals, communities and organisations to ensure all Tasmanian children get the best start in life. A strategy to promote and improve the wellbeing of children and young people in Tasmania would offer a unique opportunity to further align the role of B4 with the achievement of wellbeing outcomes for children from birth through to four years. The B4 Coalition would be well placed to play an important role in the development and implementation of goals and objectives focussing on the first 1,000 days. B4 leaders currently support the idea that while existing B4 goals and objectives remain largely relevant, they could be refocused and refined, to adapt to a new policy setting, enable more partnerships and collaboration and therefore have more reach and influence across Tasmanian communities, particularly in regional areas and targeting families who may be doing it tough. See my additional comments regarding B4 in Part 1 of this submission.

Domain: Tasmanian children are loved and safe

Integrated therapeutic youth justice model

As stated above, I have been a strong advocate for the development and establishment of an integrated therapeutic approach to youth justice, including at Ashley Youth Detention Centre (AYDC). I acknowledge the ongoing work being undertaken to implement this approach at AYDC, in particular the development and implementation of the trauma-informed Practice Framework and Learning and Development Framework for AYDC.

However, in my opinion, more work is needed to develop a structured and coordinated approach to the implementation of an integrated therapeutic model of youth justice across the continuum of youth justice services. This is required to ensure a clear acknowledgement that detention is only one element of a youth justice response and is an option of last resort. There should be a strengthened focus on prevention and early intervention services in the community to support children and young people at risk of entering the youth justice system. This could include, for example, the provision of appropriate bail accommodation, youth-specific residential treatment programs for drugs, alcohol and mental health, and more appropriate diversionary programs. At the other end of the continuum, further support should be provided for young people exiting AYDC, including the provision of transitional accommodation options, particularly for young people on care and protection orders.

I note the plan to establish two Youth Early Intervention Services and a state-wide Youth Forensic Mental Health Service as part of the phased implementation of the review of the Child and Adolescent Mental Health Services (CAMHS). In my opinion, these reforms should be fully funded and their implementation accelerated.

Minimum age of criminal responsibility

I am on the record as supporting an increase in the minimum age of criminal responsibility to at least 14 years (see my website for public comments on this matter). This would involve a departure from a justice response for children under 14 years to a developmentally appropriate, trauma-informed and culturally safe early intervention model which would support children and their families and



communities. Prevention and early intervention programs are critical to addressing the biological and environmental risk factors for children entering the youth justice system. Targeted programs throughout childhood (beginning in the first 1,000 days) can address risk factors and increase protective factors at the individual, social and community levels to prevent children and young people engaging in antisocial and other problematic behaviours.

Despite work that has occurred or is underway in Tasmania, in my opinion there continues to be a need for further investment in prevention, early intervention and diversionary services to address the complex needs of children and young people who engage in anti-social or harmful behaviour. This area of work will be even more critical if the age of criminal responsibility is raised in Tasmania. We need to invest more in prevention and early intervention programs to address the risk factors for problematic or harmful behaviours. It is my intention, in late 2021, to provide more comprehensive advice to the Tasmanian Government on this topic.

Physical punishment of children

In January this year, I commented publicly on the need to change or abolish section 50 of Tasmania's *Criminal Code Act 1924*. Section 50 of the Code states that "it is lawful for a parent or a person in the place of a parent to use, by way of correction, any force towards a child in his or her care that is reasonable in the circumstances." I believe this law is outdated and fails to reflect Tasmania's obligations under the United Nations *Convention on the Rights of the Child*. I therefore encourage the inclusion of a substantial review of section 50 of *Tasmania's Criminal Code 1924* as a priority action under a strategy to improve the wellbeing of children and young people in Tasmania.

Child safe standards and reportable conduct scheme

I acknowledge the work underway to progress recommendations of the Royal Commission into Institutional Responses to Child Sexual Abuse relating to the development of a child safe legislative framework, including child safe standards and a reportable conduct scheme. I note that these are priority actions for 2021 as outlined in the Tasmanian Government's *Third Annual Progress Report and Action Plan 2021*. In my recent comment on the draft Child Safe Organisations Bill 2020 (available [here](#)), I pointed out that the development and implementation of a child safe legislative framework and associated reforms is fundamental to our efforts to promote and protect the safety and wellbeing of all children and young people in Tasmania.

The Royal Commission also recommended the implementation of standards for OOHC and the establishment of a carers' register. I strongly support these recommendations. It is imperative that the establishment and implementation of a child safe legislative framework (incorporating standards, independent oversight, and a reportable conduct scheme), OOHC standards and a carers' register are included as actions in a strategy. These initiatives are essential to improving the wellbeing of Tasmania's children and young people.

Children of prisoners

Over the last decade, both worldwide and in Australia, the number of women entering prison has increased, and these women are likely to be the sole or primary carer of a child. Having a parent, particularly a primary carer, in prison can adversely impact on a child's wellbeing including their mental health, social behaviour, educational outcomes, and cause financial hardship.¹⁰ These children may also experience social isolation and stigma as well as the emotional trauma of experiencing a parent's arrest or events leading up to their arrest, as well as experiencing separation from their parent during their parent's incarceration.¹¹ It is also more likely that children of prisoners have experienced other childhood adversity such as being exposed to violence in their home or community, or exposure to drugs and alcohol.

¹⁰ N. La Vigne, E. Davies, & D. Brazzell. *Broken Bonds: Understanding and Addressing the Needs of Children with Incarcerated Parents*, 2008.

¹¹ *Ibid.*



It is important that the needs of this cohort of children are addressed not only when their primary carer is first incarcerated but also during arrest, the sentencing process, during the period of incarceration, and upon returning to their home and community. Tasmania's sentencing legislation does not specifically mention the likely impact upon dependent children as a matter to which the court must have regard in sentencing, unlike s16A(2)(p) of the Commonwealth *Crimes Act 1914*. Consideration could be given to reviewing Tasmania's *Sentencing Act 1997* to ascertain whether and if so, how, the needs of dependent children might be included as a matter to which the court has regard when sentencing a parent, particularly a primary carer. In suggesting this, I acknowledge the complexity of the sentencing process and the attendant sensitivities.

Universal positive parenting programs

The overall objective of positive parenting programs is to improve the wellbeing outcomes of the child. This is achieved through increasing a parent's knowledge, skills and capacity as a caregiver, by improving parent-child interactions, and addressing parental wellbeing and family relationships. These types of programs are beneficial for all parents, not just for those who are experiencing difficulties. They can be particularly useful for parents who are geographically isolated, for single parents, and those experiencing conflict within the family around parenting issues. Some other states and territories, for example Queensland and Victoria, are funding free access to positive parenting training online, and both states have seen a marked increase in uptake during the COVID pandemic. I recommend that, in addition to the targeted parenting programs highlighted in the Discussion Paper, the government ensures the provision of a free universal positive parenting training program (in particular for parents of children under the age of eight). Ideally this program would be offered both online and in person to ensure all Tasmanian parents are able to access quality parenting support.

Domain: Tasmanian children and young people have material basics

School lunches

International and Australian research has found significant evidence of benefits of children eating healthy and nutritious meals (particularly breakfast and lunch) which contributes to improved energy, attention, behaviour and overall capacity for learning at school.¹² This is particularly true for children from families who experience food insecurity due to low income and socio-economic disadvantage. For example, in 2020, the 'Love in a Lunchbox' program piloted a whole-of-school lunch service program at Clarendon Vale Primary School, where lunches were provided every school day for four consecutive weeks. The evaluation of the program found that there were many positive benefits for children, their parents and the school.¹³ Benefits for the students included more exposure to a variety of new foods and flavours, social benefits from sitting and eating lunch together, and using the lunches to "fill up" if food security was an issue at home. Parents and teachers reported that the program had positive impacts on healthy eating behaviour, food security, attendance, behaviour in the playground, and social wellbeing.

The Tasmanian School Canteen Association also implemented a pilot school lunch program for five days a week for four weeks in Term 4 of 2020 across three schools: Triabunna District School, Warrane Primary School, and Richmond Primary School. The Association has also been funded to develop School Food Plans in six schools to determine when and how food can be provided to children whilst at school.

In my opinion, the provision of whole-of-school lunch program should be a priority action in a strategy to improve the wellbeing of children and young people in Tasmania. There is potential to build on these pilots in Tasmania and explore options for providing healthy and nutritious school lunches in more schools across the state.

¹² B. McGill, L. Cranney, L. Corbet and M. Thomas. *School meal provision: a rapid evidence review*. Prepared for the NSW Ministry of Health: Sydney. Physical Activity Nutrition Obesity Research Group, The University of Sydney, November 2020.

¹³ M. Vandenburg, *Love in a Lunchbox Evaluation Report: A partnership project of Clarendon Vale Primary School & Clarence Plains Child & Family Centre*, 2020.



Housing and homelessness

Recommendation 32 of the PESRAC's Final Report states that the "State Government should develop a comprehensive Tasmanian Housing Strategy and drive practical actions to deliver more sustainable housing market outcomes across Tasmania for all Tasmanians."¹⁴ Stable housing is integral to children and young people's wellbeing; it improves family relationships and parental mental health and stress, children attend fewer schools, and have better educational performance and school completion rates.¹⁵ I am therefore strongly supportive of the development of a Housing Strategy which addresses whole of population issues as well as the particular needs of specific groups. The following groups should be prioritised for immediate and targeted assistance:

1) Responding to homelessness for unaccompanied children under 16 years

Addressing youth homelessness, particularly for unaccompanied children under the age of 16, should be a priority action in any strategy to promote the wellbeing of children and young people in Tasmania. In my March 2019 [advice](#) to the Hon Roger Jaensch MP, Minister for Human Services, endorsing advice provided by former Interim Commissioner Clements, I pointed out the urgent need for further work to be done in Tasmania to ensure we have in place a policy and program response which specifically responds to the unique needs of this highly vulnerable group. In that advice, I highlighted the unique and complex needs of this cohort of children, and their particular need for medium- and long-term housing solutions, supported by intensive therapeutic and trauma-informed services. I note the establishment of the Under 16 Youth Homelessness Taskforce and the subsequent establishment of a working group to oversee the implementation of the Taskforce recommendations and actions, including the delivery and expansion of the Education First Youth Foyers and Youth at Risk Centres across the state. Despite the progress to date, there is still no commitment to trialling new and innovative medium and longer-term accommodation models for this cohort of children. These services need to be supported by intensive therapeutic and trauma informed support services and capacity for outreach. There are evidence-based models available which could be funded and trialled as priority actions under a strategy to improve the wellbeing of children and young people in Tasmania. These models could also help to address the lack of transitional accommodation options for young people leaving AYDC, particularly those on care and protection orders, as well as accommodation for children and young people on bail.

2) Housing for vulnerable women and children

Additional housing options are needed for women leaving prison, experiencing domestic and family violence or who are at risk of homelessness and who have dependent children. A lack of stable accommodation can be a factor in child safety assessments, and there is a risk that children will be removed from a parent if they are unable to provide a stable and secure home environment for their child. We should be exploring innovative models which can support women and children, not just with long-term accommodation, but which also provide a range of support services including counselling, health care, assistance in navigating government assistance, legal support, and further education and employment.

3) Housing for young people leaving care

The transition from adolescence to adulthood can be a difficult time for young people. For young people leaving OOHC this transition can be particularly challenging. It is the case that young people leaving OOHC are at an increased risk of homelessness and unemployment and may struggle securing and maintaining long-term housing. Young people leaving care should be provided with flexible and innovative accommodation options to support their individual needs. This could include priority access to public housing for care leavers,

¹⁴ [Premier's Economic and Social Recovery Advisory Council Final Report, 2021](#)

¹⁵ Australian Housing and Urban Research Institute. (2006). *How does security of tenure impact on public housing tenants?* (Research and Policy Bulletin No. 78). Melbourne: AHURI. Retrieved from <www.ahuri.edu.au/publications/download/rap_issue_78>.



transitional public housing units, providing housing subsidies for care leavers, increasing emergency accommodation supports or providing supported living units or cluster housing for care leavers with complex needs.

Transport and getting around

A clear gap that has been consistently raised with me by Tasmanian children and young people is the lack of reliable and regular public transport and other safe active transport options such as bike lanes and footpaths, particularly in rural and remote areas. This affects the social connectedness of children and young people and their participation in extra-curricular activities, cultural events and hobbies, and is also a barrier to accessing healthcare, education and other services and supports. A strategy to improve the wellbeing of children and young people in Tasmania should aim to address barriers to transport options for children, young people and families across the state.

Domain: Tasmanian children and young people are healthy

Health literacy

During childhood, fundamental cognitive, physical and emotional development takes place including the development of health-related behaviours and skills. As a result, these stages of development are crucial for future health and wellbeing outcomes. Starting health literacy interventions (including mental health literacy) in childhood, can assist in promoting healthy behaviours and ameliorating the risk of future health challenges. There are several proven health literacy programs currently operating in Tasmania and Australia targeted at early childhood and school-age children. Given their link to future wellbeing outcomes for children and young people, evidence-based health literacy programs should be prioritised and expanded under a strategy to improve the wellbeing of children and young people in Tasmania.

Child and youth mental health

I welcome the recommendations of the CAMHS review. Children and young people and their parents/carers have consistently raised the need for improved access to the full continuum of child and youth mental health services in my consultations across Tasmania. My report, *The Tasmanian Out-of-Home Care System and "Being Healthy" Out-of-Home Care Monitoring Program 2018-19* also highlighted that children and young people in OOHC are not always able to receive the mental health care that they require due to significant waiting times and insufficient trauma-informed therapeutic supports. It is imperative that implementation of the CAMHS reforms is accelerated and fully funded.

In addition to further investment in CAMHS, Tasmania should lead the way in implementing best practice mental health service provision co-designed with children and young people. One international evidence-based model is the establishment of Youth Wellness Hubs in Ontario to address gaps in the service system for young people. These Hubs provide fully integrated one-stop-shops for young people aged 12 to 25 to address their needs related to mental health, substance abuse, primary health care, education, employment, training, housing and other community and social services, including peer services and outreach. Further, my consultations indicate unmet demand for mental health supports and services in schools and I would support further initiatives, co-designed with children and young people, to support better access to counselling and other mental wellness initiatives within the school environment.

Health prioritisation for children in OOHC

In my report, *The Tasmanian Out-of-Home Care System and "Being Healthy" Out-of-Home Care Monitoring Program 2018-19*, I recommended that the Tasmanian Government implement a policy of priority access to health services for children and young people in OOHC in Tasmania. I acknowledge and welcome the recommendation of the CAMHS review to establish two dedicated and highly specialised CAMHS services for children in OOHC. These services should be established without delay and be fully funded. Ensuring that children and young people in OOHC have priority



access to the health services they require should be a priority action under any strategy to improve the wellbeing of children and young people in Tasmania.

Consent to medical treatment

I take this opportunity to reiterate my view that consideration be given to the development of legislation governing consent to medical treatment for children generally in Tasmania. I have advocated for this in several publicly available submissions, for example amendments to the *Birth, Deaths and Marriages Registration Act 1999*, the review of the *Mental Health Act 2013*, and my submission to the Tasmanian Law Reform Institute's issues paper, *Legal Recognition of Sex and Gender* (all of which are available on my website).

Domain: Tasmanian children and young people are learning

Tasmanian children and young people have strong views on how the education system in Tasmania could be strengthened. Children and young people have consistently told me that our education system needs to be more supportive of, and responsive and adaptive to their needs. For example, children and young people want a curriculum that is flexible, relevant, and reflective of their own aspirations and interests. They understand that education provides a unique opportunity to support and fulfil their future aspirations, and they want an education system which is flexible enough to provide intensive assistance to students who need it, whilst supporting others to extend and expand their learning at their own pace.

Children and young people would also like to have more of a say in schools, and not just through existing structures such as student councils. They want to be involved in the decisions that affect the school environment, the curriculum, their learning, and wellbeing supports such as psychologists and counsellors. The COVID-19 pandemic has also exacerbated existing issues of engagement and attendance at school, and now is the right time to consider different ways of delivering education to take account of these new realities.

I would be supportive of initiatives aimed at genuinely increasing the participation of students in decision-making processes within our education systems, including in relation to what they learn, how they learn and the supports they require to succeed. In particular, I am aware of several innovative approaches to education delivery including the Big Picture model and the Advocacy model which could be expanded or piloted in the context of a strategy to improve the wellbeing of children and young people in Tasmania to ensure children and young people receive an education which is reflective of their needs.

Literacy and language development

The ability to access and utilise language in all forms is fundamental to wellbeing. In particular, I note the connection between a child or young person's ability to access and utilise language, their literacy, and their fundamental right to have a say in all matters affecting them, as outlined in the *United Nations Convention on the Rights of the Child*.

Despite sustained investment and support aimed at improving children and young people's literacy in Tasmania, we are still not seeing consistent improvements in Tasmanian students' literacy outcomes in national assessment data. In 2019, one in five Year 7 students in Tasmania started the year at or below the NAPLAN National Minimum Standard (NMS) for reading.¹⁶ Unfortunately there has been no improvement in this measure since NAPLAN began in 2008. Clearly more needs to be done.

I acknowledge the Tasmanian Government's recent announcement of a target to improve Year 7 reading by 2030, to implement evidence-based phonetics instruction from Prep to Year 2 in all

¹⁶ <https://www.nap.edu.au/results-and-reports/national-reports>



government schools, and to set up an expert advisory panel to oversee the development of a community-wide framework to improve literacy in Tasmania. A specific target or targets to improve literacy should be incorporated into any strategy to improve the wellbeing of children and young people in Tasmania. This should be accompanied by actions to achieve sustained improvements to literacy. For example, schools should be equipped to adopt a more diagnostic approach to literacy for each individual child and resourced to respond with appropriate interventions.

Working Together to Support Early Learning

Given the rapid and significant brain development that occurs between birth and the age of five, the early years are critical to embedding lifelong learning and wellbeing. This period of growth and development can be supported by providing quality, play-based learning for all children through our early childhood education and care system. There is an opportunity to overhaul the provision of early learning in Tasmania and for the Government to place more value on and provide greater support for play-based learning by making it, in partnership with the Early Childhood Education and Care Sector, universally accessible and integrated to our public education system so that all children can benefit. Provision of early learning opportunities for all Tasmanian children is key to achieving positive child wellbeing outcomes and a solid and broad foundation for lifelong learning for all Tasmanians.

The pilot program *Working Together for 3 Year Olds* was first rolled out in 2019 and has provided support for 55 children to be enrolled in 10 early learning centres across Tasmania. Following positive findings across the pilot evaluation, including its effectiveness in preparing children for school, the initiative was expanded in 2020 and further in 2021. This program is clearly working to support more children to engage in early learning opportunities in Tasmania. Initiatives to promote and support early learning opportunities for children should be a priority action under any strategy to improve the wellbeing of children and young people in Tasmania.

Student Wellbeing Survey

I acknowledge and support the continuation of the Department of Education's Student Wellbeing Surveys. These surveys are a key tool for measuring student wellbeing across Tasmanian Government schools. I am also supportive of ideas to extend or modify the survey to collect information outside of government schools (i.e. independent and Catholic schools) and beyond learning environments (i.e. whole of population) as outlined in the Discussion Paper. There would also be value in further disaggregating the data collected through the survey to identify areas of improvement at the systemic level, for example for Tasmanian Aboriginal children, children in OOHC, and children with a disability.

Domain: Tasmanian children and young people are participating

During CCYP consultations with Tasmanian children and young people they have told me that their participation in community activities is hampered by the availability of activities (particularly in more rural or isolated areas), a lack of infrastructure such as parks, sporting infrastructure and pools, the cost of activities and a lack of transport to access them. Whilst initiatives such as "Ticket to Play" have received good feedback from those who are eligible, there is a clear desire for a more multifaceted approach to addressing the range of barriers to participation - and not simply cost.

One of my key functions as Commissioner is to promote and empower the participation of children and young people in the making of decisions, or the expressing of opinions on matters, that may affect their lives.¹⁷ This domain is therefore key to encouraging and empowering children and young people to participate in all aspects of their lives; their family, their school, their community and their state and country. An important part of participation is supporting children and young people to be a genuine part of conversations and decisions that affect them. Providing children and young people

¹⁷ Commissioner for Children and Young People Act 2016, s8(1)(e)



with opportunities to learn how to participate, question, and improve society and democracy is an important part of becoming an active and engaged citizen.

Empowering children and young people to participate in decision-making

Children and young people can, and indeed have the right to, contribute their unique experiences, insights and opinions to decision-making processes that affect them. By actively empowering children and young people and providing them with opportunities to inform decision-making, we enable them to build upon their existing strengths, knowledge and confidence, so they are better equipped to speak up and have a greater say in all matters that affect them.¹⁸

I note the inclusion of the CCYP Ambassador Program and my role as advocate for young people in AYDC as initiatives under this domain in the Discussion Paper. In 2021, I will be continuing the CCYP Ambassador Program in its current form, which provides an opportunity for children and young people to have their voices heard on how things could be improved for children and young people in Tasmania.

Despite the success of the CCYP Ambassador program, participation remains limited to a core group of around 150 young Tasmanians who are able and supported to participate. Greater effort is now required to embed systemic mechanisms, available to all children and young people, to empower more young Tasmanians to have a say on matters that are important to them, and participate in decisions which impact on them now and into the future.

As a key action of a strategy to improve the wellbeing of children and young people in Tasmania, the Tasmanian Government should fund a new way for all children and young people in Tasmania to be involved as ambassadors and participate in decisions that affect them at the local and state level. This could be achieved through a new CCYP interactive digital platform and associated educative programs for adults to better empower children in schools, in homes, and in the community. A platform such as this would provide greater opportunities for children and young people to have a say on issues that affect them, to contribute to the work of the Commissioner, as well as resources and activities to increase their participation in decision-making in their family, school and community.

Access to information and advice about the law

Children and young people can experience a range of legal problems but often lack knowledge about their legal rights, and experience barriers to obtaining information or advice including uncertainty about how to access it. A strategy to improve the wellbeing of children and young people in Tasmania should aim to address barriers faced by children and young people in accessing child-friendly legal information, advice and representation.

For example, I have been made aware that children appearing before out-of-hours courts across Tasmania, but particularly in the North and North-West, cannot readily access legal representation. Many children in conflict with the law already face a range of communication and other barriers to accessing justice which can be exacerbated by a lack of access to legal representation.

The availability of timely and effective legal representation and advice for children appearing before out-of-hours courts is just one essential part of a far broader approach to facilitating children and young people's access to legal information, advice, support and assistance. I would also generally support greater access to child-friendly legal information and advice, including through schools, via a collaboration between the Department of Education and Tasmania Legal Aid.

¹⁸ Commission for Children and Young People (Victoria), [Empowerment and Participation – A guide for organisations working with children and young people, 2021](#)



Digital inclusion

The recent disruption to education and learning due to the COVID-19 pandemic has exposed the differences between those children and young people who can access, afford and use digital resources in ways that enable them to connect and use technology on and offline, and those who cannot. Despite schools returning to face-to-face learning in Tasmania, the reliance and emphasis on digital education tools and online remote learning will continue long into the future. Access to, the affordability of, and the ability to use and understand digital resources is essential for children and young people to engage effectively with not just school-based learning but whole life learning.

I therefore encourage further investment to address digital inclusion as a priority action under a strategy to improve the wellbeing of children and young people in Tasmania.

Domain: Tasmanian children and young people have a positive sense of culture and identity

In addition to the programs listed in the Discussion Paper, there should be a broadening of initiatives to support children and young people to develop positive self-identity and self-esteem, a culture of respect, and feelings of belonging. During CCYP consultations with children and young people, they have told me that they want to live in a community that is free of racism and other forms of discrimination, and where diversity is recognised, respected and celebrated.

Bullying

One of the clearest messages I have heard from children and young people since I started in the role of Commissioner (and which was again raised during my wellbeing consultations) has been how improvements can be made to addressing and responding to bullying at home and at school. For example, children and young people would like to see a zero-tolerance approach to bullying in schools, and for parents and teachers to be more proactive in addressing persistent bullying. During consultations, children and young people stated that current responses to bullying in schools are not always appropriate or sufficient and that new systems for dealing with bullying and psychosocial issues should be implemented consistently, monitored, and reviewed for their effectiveness. I have previously advocated for a whole-of-community response to bullying which I believe is the most effective way to reduce its occurrence and respond effectively when it does occur. I understand there is work underway to address bullying (particularly in the education sector). This work should be accelerated and better communicated as an action under any strategy to improve the wellbeing of children and young people in Tasmania.

Respectful relationships

I note the inclusion of respectful relationships programs in the Discussion Paper under the domain of Loved and Safe. In my opinion, these programs could also be included under the 'positive sense of culture and identity' domain, as they aim to encourage the fostering of a culture of respect, as well as equitable and respectful relationships. When consulting with children and young people across the state, I regularly hear that they want to learn more about gender, sexual diversity and gender equality. Given the current attention on issues of consent, sexual harassment and assault in Tasmania and nationally, I strongly encourage the Tasmanian Government to mandate a universal, consistent approach to teaching consent, respectful relationships and related matters in schools. It is important that respectful relationship education is embedded into the curriculum and a standardised approach is used in the classroom. By providing the most relevant, up-to-date and age-appropriate education on consent and related matters to promote respectful and equal relationships, we can prevent and address disrespectful attitudes that can lead to gendered violence and discrimination.



Conclusion

Thank you again for the opportunity to comment on the Discussion Paper. If you or members of the consultation team have any questions about my submission, please do not hesitate to contact me on (03) 61661366 or via email to childcomm@childcomm.tas.gov.au.

Yours sincerely

Leanne McLean
Commissioner for Children and Young People