

11 October 2022

Jeremy Harbottle
Acting Director
Department of Justice
Child Abuse Royal Commission Response Unit

Via email: haveyoursay@justice.tas.gov.au

Dear Mr Harbottle

Child and Youth Safe Organisations Bill

Thank you for the opportunity to provide a submission on the Child and Youth Safe Organisations Bill (the Bill). This submission has been prepared by the Local Government Association of Tasmania (LGAT) on behalf of the local government sector in collaboration with our Members; all 29 local councils in Tasmania.

LGAT is incorporated under the *Local Government Act 1993* and is the representative body and advocate for local government in Tasmania. Where a council has made a direct submission to this process, any omission of specific comments made by that council in this submission should not be viewed as lack of support by the LGAT for that specific issue.

The timing of the release of the Bill (during many councils' caretaker period) and the truncated timeframe provided for a response was not ideal. However, we recognise the subsequent steps taken to engage with individual councils and LGAT on the draft Bill. We acknowledge the collaboration of the Office of Local Government (OLG), the Department of Justice, and Sport and Recreation with LGAT and councils on the interpretation and implementation of the Royal Commission into Institutional Responses to Child Sexual Abuse recommendation 6.12. This constructive approach is sympathetic to the additional functions and tasks that councils must respond to in a short timeframe.

This submission identifies issues requiring further consultation and clarification regarding the implementation of both the Bill and recommendation 6.12. The Bill provides the legislative context for Child and the Youth Safe Standards and the Reportable Conduct Scheme. Recommendation 6.12 identifies a role for local government that will be significant in the implementation of this legislation. We also recognise that recommendation 6.12

springs from a recognition of the unique role of local government as the tier of government best placed to implement government policy in diverse local contexts.

We acknowledge the importance of the Bill in establishing standards for the safety and wellbeing of children and youth and to provide for the responsibilities of certain organisations, including councils, in relation to those standards. Councils that we've directly engaged have been supportive and raised no objections to the purposes of the Bill.

We note that individual councils are 'entities' required to comply with the Child and Youth Safe Standards and the Framework, and that the Reportable Conduct Scheme applies to each one. The local resources available to individual councils to undertake these responsibilities will vary according to their size, the nature of their community, and the entities that provide services in that community. This will require consultation and appropriate external resourcing to enable each council to undertake these important responsibilities.

The functions of local government under recommendation 6.12 are in addition to the role of councils as entities in the Bill. Consultation with OLG and other State Government agencies confirms that translation of these functions into achievable actions will require more work, which has just begun. The effective and efficient implementation of the Bill and the recommendation requires them to be considered together by the State Government. Councils will be implementing both and they must be understood together and acted on simultaneously. This approach will be critical to ensuring the right support from national and state governments is provided in the recommendation. This shared responsibility must include an approach to implementation that considers the capacity of individual councils to take effective action.

Our view is that the role of councils as outlined in recommendation 6.12 is essential in the implementation of the Bill's Child and Youth Safe Standards, the Reportable Conduct Scheme, and some of the roles and functions of the Regulator. There appears to be a possibility under the Bill that local government will be used as a mechanism for the Regulator to act on their powers and responsibilities. Examples include:

1. The possibility that (c) and (d) of 6.12 may be linked to the *powers of regulator* under s.11 of the Bill.
2. That a council may be a means of support for local institutions to respond to a *notice to comply* (s.15) and what form that support might take.

We request this be clarified, so it is the Regulator who is directly carrying out these duties and is resourced to do so.

The following recommendations identify some system level planning and coordination that are required to enable councils to undertake their essential role of promoting informed compliance and support for the changes in local communities and organisations.

Recommendations

1. The role and functions of councils identified across the Bill and recommendation 6.12 must be scoped and a statewide support plan and budget developed for the implementation. The plan must include how relevant government agencies, LGAT, and individual councils will work together.
2. Whole of government mechanisms need to be established to ensure alignment across State Government agencies, the larger, statewide entities (religious groups and child service providers), and local government. These entities are named in the Bill. A government-led process to support alignment and coherence across these entities will be essential. This will be needed through 2023 and then adapted after full commencement in January 2024. The current separate Advisory Panels may be the starting point for a new model. However, these will not be suitable when the focus is on the needs of children in complex circumstances.
3. The vital role of local government in supporting the whole of the community to ensure the safety of children and youth should be acknowledged and supported by the government. This resource support must be based on the needs of local communities and organisations and the strengths and capacity needs of individual councils.
4. Local government's roles and responsibilities as a tier of government must be represented in any governance model developed to implement and administer 6.12 and the Bills regulations.

If you have any questions or would like further information, please contact Dr. Lynden Leppard at lynden.leppard@lgat.tas.gov.au or (03) 6146 3744.

Yours sincerely



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CHIEF EXECUTIVE OFFICER