



1 March 2024

The Hon Jeremy Rockliff MP
Premier

By email: policy@dpac.tas.gov.au

Dear Premier,

Child Safety Reform Implementation Monitor Bill 2024 – Consultation response

Thank you for the opportunity to provide feedback on the draft Child Safety Reform Implementation Monitor Bill 2024. We have considered the draft Bill in detail and are pleased to see the commitment to implementing this reform in Tasmania.

After thorough consideration of the draft Bill, we make the following specific observations and suggestions. Please note that this response has not been considered by the Board of the Integrity Commission.

Notable highlights of the draft Bill are sections 10 and 11 – the objectives, functions and powers of the role are clear and well set out.

Section 12(4)(a)

The requirement to consult with ‘each Agency’ appears onerous and may be unnecessary depending upon the functions of each agency. This could be amended to ‘each **relevant** Agency.’

Section 13

There appears to be no offence or enforcement provision connected to section 13 beyond the public reporting ability under section 17 (which appears to be a lengthy and bureaucratic process). We suggest that there should be offence and enforcement provisions. At a minimum, the Implementation Monitor should be enabled to report publicly at any time on a failure to respond.

Section 14

This section should be carefully considered, preferably in consultation with the Office of Solicitor General.

In our opinion section 14(1)(a) should be revisited, as it is not specific and does not provide for a pathway to determine a claim of privilege. This provision has the potential to severely limit the power of the Implementation Monitor.

Section 14(1)(b)(iii/c) should be removed as the privilege against self-incrimination would presumably be covered by section 14(1)(a). As currently drafted, section 14(1)(b)(iii/c) is extremely onerous.

In fact, the whole of section 14(1)(b) is so broad that it could essentially nullify the Implementation Monitor’s ability to require the production of information. We suggest that it should be deleted or radically altered. While obtaining individual information – particularly of a private nature – is clearly not the focus of the Implementation Monitor, it should not be excluded

due to the certainty that this would severely hamper and bureaucratise the information the Implementation Monitor is able to obtain.

Resourcing

Based on our experience, we suggest that to be truly independent of government the Implementation Monitor must have sufficient funds to work independently and not be reliant on other State Service agencies for administrative payroll, IT and human resources support (for example, payroll, IT and human resources). This is specifically noted in Recommendation 22.1, at clause 3(c).

Thank you for the opportunity to provide this submission, and please do not hesitate to contact our Director Operations Sarah Frost, should you wish to discuss this submission.

Yours sincerely,

Michael Easton
Chief Executive Officer