

Legislative Council

Hansard

Thursday 13 November 2025

The President, Mr Farrell, took the Chair at 11 a.m., acknowledged the Traditional People and read Prayers.

[excerpt...]

Commission For Children and Young People Bill 2025 (No. 54)

Second Reading

[2.56 p.m.]

Ms WEBB – Mr President, I rise to make a relatively short contribution on this bill that I'm delighted to see come to the parliament. It is certainly an important recommendation from the commission of inquiry that we establish a Commission for Children and Young People that has more breadth, more heft to it, more independence to it and a range of roles that are expanded and strengthened. I think that's a really positive thing when it comes to the rights of children in this state and the safety of children in this state and advocacy on behalf of children in this state. I'm very pleased to see this bill and hopefully the establishment of the new commission model that it gives effect to.

It's also worth congratulating the Government and the department on the process that's been undertaken on this bill. I think we're up to version 21 or something like that of this bill. That's because there has been extended and ongoing iterations of consultation, from the relevant current statutory agencies that exist in this space with the the community sector, with the broader community, and with others who have an interest in this topic and what this bill is giving effect to. That consultation hasn't been a tick-box exercising consultation, I'm really pleased to say. It has actually been about co-design and now that's a term that's bandied about by this Government far too readily in lots of different areas and it's rarely actually true that that's what's occurring - a genuine consultation and co-design. In this case, with this bill, from the descriptions that we've had of the consultation and what we can see in terms of a gradual evolution towards the version of the bill that we have here to be considered in the parliament, it does look like a very thorough and genuine process and I acknowledge that and note it, and wholeheartedly congratulate the government and the department on that. Credit where credit's due, Mr President.

It's a good example that I hope will be learnt from, particularly because it does make things much easier as the bill comes through this place when that sort of effort has gone into a consultation process and a genuine co-design process. What we end up with here in parliament is something that we, in our roles here, can have so much more faith in and confidence in being the right bill to be considering and supporting, potentially as it goes through. In my mind, an ideal situation would be if we virtually never had to think about amending things in this place or even potentially saying no to things in this place because we don't have confidence in it or that we feel that it hasn't been developed in an appropriately consultative way or considered way. It's incredibly nice to not be in that situation with this bill. This is a more of a whole-of-government approach to this consultation. It's reached out across departments and also into the community. I'm really pleased that we can probably feel sure that there is very overwhelming support for this bill from within, across government and from the community. I note that the

new commission that it establishes goes from our model of one Commissioner for Children and Young People to having three roles, distinctly a Commissioner for Children and Young People, an Aboriginal Commissioner for Children and Young People and the Child Advocate role brought into the Commission and that's incredibly positive. The Child Advocate which was created when I was in the community sector. It was maybe 2016 or 2017 and it was always wrongly situated. It was within the department, and this is an individual advocacy role. A role to support individual advocacy for children and young people, particularly in state care and in state systems.

That should always have been a distinctly independent role situated outside of the the department and in a way that could be identifiably and practically very distinct from government and from the department that also housed the services in which the children that would be advocated with and for were placed. It is a positive move to be taking that child advocate role from within the department and putting it into this commission. It's incredibly good and belongs there.

The other thing I'm pleased to see come to fruition and again, it's a conversation had in this state for a very long time is that the commission formed under this bill will be able to set up via the Commissioner for Children and Young People and the Child Advocate, and the Aboriginal Commissioner also. All the roles, correct me if I'm wrong, Leader of government in the summing up. There'll be visitors' schemes put in place and independent visitor schemes. That's going to be important.

A very long time ago there were there was an independent visitor scheme under a previous Commissioner for Children and Young People, probably about four or five commissioners for children and young people ago. There might have even been a pilot scheme for visitors that would be connected into children in out of home care and potentially, in the youth justice system. These volunteer visitors would be then having regular points of contact that were outside of the system and outside of the department as a way of some oversight and a way for children to be able to raise issues. Basically, for there to be another trusted adult children in our systems could turn to if they needed to.

That pilot didn't endure. It was brought to a close and nothing was put in its place. Before my time in this place, from within the community services sector, we would be having conversations and advocating for the reinstatement of such a system. It was recognising how important it is for children to have trusted adults to go to, particularly if they are within institutional settings and in systems that the government run. Knowing it's not necessarily that we can assume they're safe in those systems and the people who are tasked with or responsible for their care will always be doing the right thing. Children need to have someone who they can turn to. An official visitor scheme can be an important avenue. The fact that's to come about under this model is incredibly positive and important.

The more distinct independence of this new commission taken out of the department and put as a very separate statutory entity managing its own finances and staff directly. It's going to be its own state service agency. The commissioner will be the head of that agency. That elevates it beyond how it has been previously configured within the department. That's positive.

I would like to point to and celebrate the principles outlined in this bill now include positively explicit acknowledgement of rights and principles specified in United Nations Convention on the Right of the Child, the UN Declaration on the Rights of Indigenous Peoples and the Convention on the Rights of Persons with Disabilities. It is important to explicitly

embed rights in every piece of legislation where that is relevant. We've been doing that now for a while. It is pleasing to see.

We know our Education Act has now a rights basis. Our Homes Tasmania Act explicitly states that housing is a human right. We've put explicit rights references into the recent Disability Safeguarding Act that we put through into the title rights and safeguarding it, and now here in this act, an explicit reference to rights. We are making our steady way down the path to a Tasmanian human rights act. That's where we're headed and it will be a day to celebrate when we catch up with some other jurisdictions who are already fortunate enough to have such an instrument in their jurisdiction. We will have a Tasmanian human rights act that will be to all of our benefits. A real celebration of our state maturing into its recognition of rights and, therefore, whenever we are making policy, legislation, funding decisions or whatever it might be, we have an explicit statement of human rights to be measuring against and checking, checking for compliance with. That's great to see in this legislation.

I am going to flick through to make sure there were not some other things I wanted to point to before I resume my seat. I wanted to pick out some aspects of this and not exhaustively go through every part of it because it is a pretty complex bill. We will take a bit of time as we go through it, no doubt, in committee stage. There might be specific things to dig down into. Of course, the oversight is always important and the bill establishing a committee of this parliament to fulfil that oversight role to some measure is a positive one, I support that.

The joint standing committee will be to review the functions, powers and operations of the commission and each commissioner. The fact that committee will be tasked with a formal review at the third anniversary of the commencement of the relevant provision is going to be a positive fairly near future time for us to assess how well this new model is doing. There's a statutory review also which is to occur in the five-year period after commencement.

Knowing we can look ahead to those two opportunities for review of aspects of this helps us to have confidence we can put this in place, know it will take a little while to settle in. Especially, because from the Leaders second reading speech one aspect of this is, while we are bringing two roles together. Our current Commissioner for Children and Young People role together with the independent regulator role, may not happen until 2029, when the current independent regulator contract comes to an end. We will need a little more time to have that five-year review once those are definitely together in the one spot, hopefully.

If this passes and we then have a conversation about setting up that committee, it is one I would certainly consider - although I am not sure I will put my hand up for it - but it would be a very interesting one to be on, to be able to be overseeing and looking at the development of the new commission as it goes forward. I am supportive of the bill in relation to the committee as it is now, at this time.

No doubt, we may have a conversation about proposed amendments, but I am not going to delve into that argument and that conversation during my second reading speech. That will come, if it comes, during committee stage, but just broadly speaking, I am in favour of the clause as it is stated currently in the bill and thank you to the government for bringing this and for the manner in which it has been developed and brought to this place.

I am very excited to see what this new commission will be able to deliver in terms of a bulwark for young people and children in this state in terms of their rights, advocacy and oversight in a very independent rights-based way, on behalf of our state. I note the bill and am very supportive.