

Child Safe Organisations Bill 2020

Submission to the Child Abuse Royal Commission
Response Unit, Department of Justice

15 February 2021

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Who we are

The Australian Lawyers Alliance (ALA) is a national association of lawyers, academics and other professionals dedicated to protecting and promoting justice, freedom and the rights of the individual.

We estimate that our 1,500 members represent up to 200,000 people each year in Australia. We promote access to justice and equality before the law for all individuals regardless of their wealth, position, gender, age, race or religious belief.

The ALA is represented in every state and territory in Australia. More information about us is available on our website.¹

The ALA office is located on the land of the Gadigal of the Eora Nation.

¹ www.lawyersalliance.com.au.

Comments

1. The ALA welcomes the opportunity to comment on the Child Safe Organisations Bill 2020 (the Bill).
2. The ALA fully supports the provisions set out in the Bill. However, the ALA considers that the legislation is of no practical use. The ALA does not believe that these provisions will lead to increased safety for children in Tasmania. The Bill will do little to expand the duties and responsibilities that already exist at law for organisations dealing with children. At the same time the issues around child safety in Tasmania are not necessarily the result of lax regulations, rather they stem from a failure of enforcement.
3. Tasmania has historically had relatively strong legislative protections for children, and was one of the first states to require mandatory reporting of child abuse and neglect. As has become increasingly clear these protections have done little to improve child safety in Tasmania due to a systemic failure of enforcement. This has recently resulted in the announcement of a Commission of Inquiry (CoI) that will examine these failures.
4. Importantly in relation to this Bill, the CoI – unlike the Royal Commission – is not confined to examining 'historic' failures reflecting the reality that this remains a significant problem in Tasmania. While the implementation of the Royal Commission's recommendations must be fully supported it is evident that without addressing the systemic issues that appear to be unique to Tasmania, issues that were not examined by the Royal Commission, there can be no real improvement to child safety.
5. The CoI, unlike the Royal Commission, will investigate the systemic conditions and failures relevant to Tasmania. Unlike the Royal Commission the findings and recommendations of the CoI will provide a framework to improve child safety specific to the situation in Tasmania. At the same time, the continued reliance on the findings of the Royal Commission could have an adverse effect on child safety. On the one hand, the Government has acknowledged the need for a separate inquiry as the Royal Commission did not address the issues relevant to Tasmania. On the other hand, the Government is seeking to use the Royal Commission's reputation in the community to create the perception that it is being proactive on this issue.
6. The ALA submits that the continued reliance on the Royal Commission to legitimise legislative reforms that do not address systemic drivers of abuse in Tasmania is completely

inappropriate. While the ALA supports all reforms that improve child safety, we are concerned that the Government continues to use the Royal Commission to add credibility and weight to reforms that are unlikely to achieve that goal.

Conclusion

7. The Australian Lawyers Alliance (ALA) welcomes the opportunity to have input into the Child Safe Organisations Bill 2020. The ALA supports the Bill but considers that the legislation is meaningless unless there is a genuine commitment to enforce its provisions.

A handwritten signature in blue ink, appearing to be 'S Buscemi', written in a cursive style.

Sebastian Buscemi

Tasmanian President and State Director

Australian Lawyers Alliance