

The Independent Regulator



The Child and Youth Safe Organisations Framework is overseen and regulated by an independent body referred to as the Independent Regulator.

➔ What is the purpose of the Independent Regulator?

At the heart of the Framework is the principle of independent oversight.

We use the term ‘independent oversight’ to describe a situation where someone who isn’t part of an organisation is watching over the choices and actions of people who are part of the organisation.

Independent oversight of the Framework is vitally important because keeping things ‘behind closed doors’ within an organisation can put children and young people at increased risk of harm.

Having someone or something from outside an organisation, looking in, provides for oversight and creates an environment of accountability.

This is why the Framework is overseen by an Independent Regulator.

As the name suggests, the Independent Regulator is independent from the government and reports to parliament rather than a Minister.

➔ Why it matters



This isn’t government. It’s independent, and someone kids can go to themselves. That’s something we’ve never had before.

— A Tasmanian victim-survivor.



➔ What is the job of the Independent Regulator?

As well as providing for independent oversight, the Independent Regulator has a big role to play in **supporting organisations to follow the Framework.**

This means providing:

- guidance
- advice
- education and training
- resources
- and more.

This work supporting organisations to strengthen their skills and confidence is often referred to as ‘capability building’. It complements the Independent Regulator’s duty to monitor how well organisations are meeting their legal obligations under the Framework.

The Independent Regulator’s job also involves raising awareness across the community about how to create child and youth safe organisations.

The Independent Regulator also has an important role to play in data collection.

Given its role receiving notifications about reportable conduct, the Independent Regulator will have the ability to identify and communicate about patterns (for example, a particular type of reportable conduct is reported at a very high rate, or a lot of reports are coming from a specific type of organisation) that need to be addressed.

Under the Child and Youth Safe Standards, the Independent Regulator will have the power to:

- request information or documents to determine whether an organisation is complying with the Child and Youth Safe Standards and/or Universal Principle
- enter premises without consent when it is deemed necessary to ensure the organisation is complying with the Child and Youth Safe Standards and/or Universal Principle
- issue a notice to produce information or documents within certain timeframes to determine compliance
- issue a notice to comply when the Independent Regulator believes on reasonable grounds that the organisation is not complying with the Child and Youth Safe Standards and/or Universal Principle
- issue infringement notices to organisations or individuals for non-compliance offences
- share information with anyone to protect and promote the safety and wellbeing of children.

Under the Reportable Conduct Scheme, the Independent Regulator will have the power to:

- monitor an organisation's investigation into reportable conduct
- request information or documents to enable the Independent Regulator to monitor an organisation's investigation into reportable conduct or for the purpose of an own motion investigation
- in exceptional circumstances, conduct an own motion investigation in relation to reportable conduct or the handling of an investigation by an organisation or entity regulator
- enter premises without consent for the purpose of conducting an own motion investigation
- interview a person, worker or a child for the purpose of conducting an own motion investigation
- issue a notice to produce information or documents within certain timeframes to monitor an organisation's investigation into reportable conduct or for the purpose of an own motion investigation
- issue a notice to investigate to an entity regulator in certain circumstances
- share reportable conduct information with organisations, Tasmanian and interstate police bodies, the Registrar of the Working with Vulnerable People Act and other regulators.



The Independent Regulator is there to empower organisations and individuals that work within those organisations.

— Person with lived experience of child sexual abuse in a Tasmanian institution.

