



# Creating a **Safer WA** for Children and Young People

Progress report on Western Australia's implementation of the Royal Commission into Institutional Responses to Child Sexual Abuse

**2022**

This initiative is part of the WA Government's action to create a Safer WA for Children by implementing the recommendations from the Royal Commission into Institutional Responses to Child Sexual Abuse.

## Acknowledgement of Country

The Western Australian Government proudly acknowledges the traditional custodians of this country and recognises the continuing connection to land, waters and communities.

We pay our respects to Aboriginal cultures and to Elders past, present and emerging.

We acknowledge that past government practices of child removal caused significant irreversible trauma for the children, families and communities affected, and their children and families. Adding to this trauma was the sub-standard care and abuse experienced in some care institutions.

We acknowledge the courage and dignity of Aboriginal people that work tirelessly to redress this trauma and create safe homes, families and communities for their children and for survivors of abuse.

## Acknowledgement of survivors

The Western Australian Government acknowledges the victims and survivors of all forms of child sexual abuse. We recognise their strength and courage. We recognise their pain and suffering. We recognise the people who help them carry the burden of their experience. We recognise the tragedy of those who have lost their lives.

## Information about support services

Supports and services are available for people who have experienced abuse or neglect via the following services and information lines:

[Kids Helpline](#) on 1800 55 1800

[Lifeline](#) on 13 11 14

[National Redress Information Line](#) on 1800 737 377

[Blue Knot Foundation](#) on 1800 421 468

[Survivors and Mates Support Network](#) on 1800 472 676

[Bravehearts](#) on 1800 272 831.

For information about local services, please visit [Safer WA](#).

## Reporting child sexual abuse

If you or someone else is in immediate danger, contact the WA Police Force on 000.

If you believe a child is or has been sexually abused, you must report it to the police on 131 444.

You can report online child sexual abuse, including online grooming, to the Australian Federal Police's [Australian Centre to Counter Child Exploitation](#).

You can report illegal or harmful online content, including photos or videos, to the Australian Government [eSafety Commissioner](#).



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# Minister's foreword



As Minister for Child Protection, I am pleased to present the 2022 Progress Report on the Western Australian Government's (WA Government) implementation of recommendations from the Royal Commission into Institutional Responses to Child Sexual Abuse (Royal Commission).

Since the Royal Commission released its Final Report in 2017, the WA Government has remained steadfast in its commitment to implementing the recommendations to better protect children and young people from abuse and harm and support victims and survivors to heal from their experiences.

Working to the 10-year implementation program proposed by the Royal Commission, the 2022 Progress Report marks the halfway point of our journey to complete these recommendations in Western Australia (WA). It is pleasing to not only present the significant achievements of 2022, but to reflect on all the work that has been undertaken to get to this point.

We have supported victims and survivors to **heal past hurts** through making civil litigation more accessible, our participating in the National Redress Scheme, and implementing recommendations from the Scheme's two-year review.

Legislative amendments passed during 2022 expanded mandatory reporter groups and established a Reportable Conduct Scheme enabling our Government to **protect children now** and hold perpetrators to account.

The WA Parliament also passed the *WA Working with Children (Criminal Record Checking) Amendment Act 2022* strengthening the screening and assessment of anyone undertaking child-related work, meaning we can **prevent further harm**.

I acknowledge the bravery and strength of victims and survivors who participated in the Royal Commission. I also acknowledge those who have since come forward, and those who are yet to disclose. It is all of you, and the future of our children and young people who are at the forefront of every idea, decision and implementation outcome of this work.

Children and young people, families, carers, and the community have a right to expect that children are safe within organisations and institutions that are entrusted to care for, protect, nurture and educate them. It is our job collectively, to ensure this happens.

I would like to extend my deepest appreciation for all that have been a part of the work that is represented in this report. Child safety is a priority of our Government and I look forward to all that will be achieved as we work to full implementation of the Royal Commission recommendations.

A handwritten signature in black ink that reads "Sabine Winton".

**The Hon. Sabine Winton MLA**  
Minister for Child Protection



# Introduction

The WA Government is proud of its work in implementing the recommendations of the Royal Commission.

Completing its work in December 2017, the Royal Commission Final Report made 409 recommendations of which, the WA Government accepted responsibility for the 310 recommendations that applied to WA, to be implemented over 10 years.

In delivering its findings and recommendations, the Royal Commission provided a blueprint for how governments, services and organisations must work together to prevent child sexual abuse in our institutions and communities and protect and respond to victims and survivors.

At the halfway point of the 10-year implementation schedule, this report provides examples of progress against the recommendations, and progress towards healing past hurts, protecting children and preventing further harm over the past five years.



## Key dates related to Royal Commission

- **2013** | Royal Commission commenced
- **2015** | Working with Children Checks Report released
- **2015** | Redress and Civil Litigation Report released
- **2017** | Criminal Justice Report released
- **2017** | Final Report released
- **27 June 2018** | WA Government released its [response](#) to the Royal Commission and the Premier delivered a formal [apology](#) to all Western Australian survivors of child sexual abuse.
- **22 Oct 2018** | National [apology](#) to survivors of institutional child sexual abuse.
- **2018** | 10-year program of implementation commenced

## Our approach

The recommendations made by the Royal Commission are complex, interrelated and are being actively supported by work across government, with community sector services, private industry and community groups.

Of 310 recommendations under the responsibility of the WA Government, the WA Government is addressing the findings by:



**Healing past hurts** for victims and survivors of child sexual abuse through:

- redress and reparation
- counselling services
- advocacy and support services.



**Protecting children now** by:

- embedding safeguards in institutions to identify children early who are at risk of, or experiencing, child sexual abuse
- increasing reporting requirements and responses
- creating safe, accessible, and trauma-informed civil and criminal justice systems that are responsive to the unique needs and vulnerabilities of victims and survivors of sexual abuse.



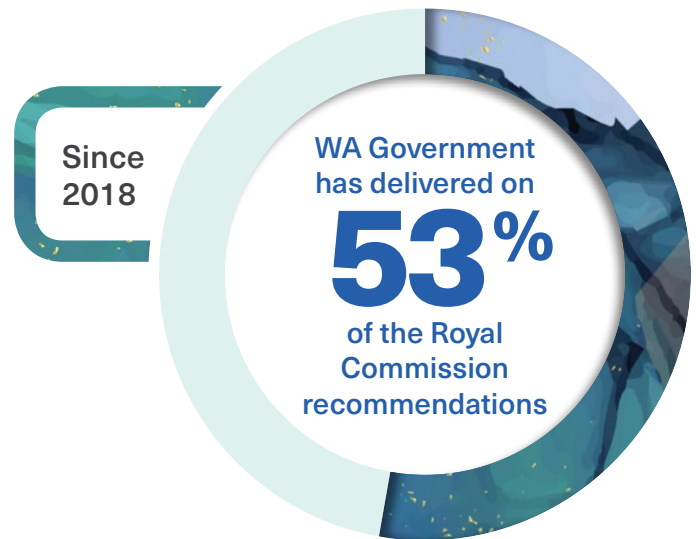
**Preventing further harm** by:

- promoting organisations' accountability and raising the bar of how they operate to ensure children are safe and their wellbeing is prioritised
- safeguarding our care environments with a particular focus on out-of-home care (child protection) and youth detention, improving our responses to harmful sexual behaviours, and improving how we screen people who work with, or provide activities to children and young people.

The WA Government takes child sexual abuse seriously and is committed to delivering legislative and non-legislative reform to improve the detection, reporting and responses to child sexual abuse.

# Highlights of halfway to implementation

As the WA Government continues to deliver on reforms, the halfway point to implementation provides an opportunity to reflect on past key achievements and the significant progress towards creating safety for children and young people in WA.



## Key achievements since 2018

### Public Apology by the WA Government

On 27 June 2018, the Hon. Mark McGowan MLA, Premier of WA, delivered an official apology on behalf of the WA Government for the sexual abuse of children in WA Government institutions. This was the first official apology delivered by a state Premier to survivors of child sexual abuse in response to the Royal Commission.

The Hon. Simone McGurk, then Minister for Child Protection, also delivered a speech to Parliament, acknowledging the failure of the WA Government to protect its most vulnerable citizens and committed to ensuring that the widespread scale of abuse that had happened before did not happen again.

“We can never undo what has happened. The knowledge of that is a burden we must bear and will not erase from history, but we can do our best to make amends and ensure it is never repeated. I would like to state simply: on behalf of the Western Australian Government, I apologise unreservedly for the sexual abuse of children in Western Australian Government institutions. The Government had a duty of care to the children in its protection, and the State of Western Australia failed in that duty. For that, I apologise. More broadly, for children in WA who experienced sexual abuse in any institution, I apologise. You experienced something horrible – unimaginable to many of us here. You had your innocence stolen, your faith and trust in society broken, and authorities did not recognise the pattern. For that, the Government of Western Australia and myself are truly sorry.”

**The Hon. Mark McGowan MLA,  
Premier of Western Australia**

## National Redress Scheme in WA

The Royal Commission made significant findings about the importance of having avenues available for survivors to pursue justice, healing and recognition. The Royal Commission recommended the establishment of a nation-wide redress scheme for survivors under which survivors could seek an ex-gratia payment in recognition of sexual abuse suffered within an institution, a personal apology and access to therapeutic counselling.

WA joined the National Redress Scheme on 1 January 2019, providing an alternative to pursuing justice through the courts.

## Civil litigation amendments and guiding principles

The *Civil Liability Legislation Amendment (Child Sexual Abuse Actions) Act 2018* removed any time limits for bringing a civil action for damages in child sexual abuse cases, thereby providing the avenue for them to seek justice, healing and recognition through civil litigation. With no cap on the amount of damages that can be claimed for personal injury, and the removal of limitation periods to commence civil action (including retrospectively), survivors are afforded more flexibility and options should they choose this path to justice.

In an effort to minimise the trauma that survivors may experience when participating in a civil action, the WA Government has developed a set of [guiding principles for responding to civil litigation involving child sexual abuse](#).



## The Children and Community Services Amendment Act

Significant changes to the protections and provisions for children and young people were set out in the *Children and Community Services Amendment Act 2021* (Children and Community Services Amendment Act).

The Children and Community Services Amendment Act implements recommendations from the Royal Commission and the 2017 Statutory Review of the *Children and Community Services Act 2004*. Some highlights include:

- **Expansion of mandatory reporting of child sexual abuse:** Eight new categories of reporters are being introduced in a staged approach, with ministers of religion becoming mandatory reporters as of November 2022 and out-of-home care workers, school counsellors, psychologists, early childhood workers and youth justice workers, assessors, and departmental officers of the Department of Communities to follow.
- **Improving support for care leavers:** The Children and Community Services Amendment Act changed child protection laws in WA to promote improved outcomes for children in care. This includes the provision of continued support and safeguarding by the WA Government for children leaving care during their transition to adulthood and independence.
- **The Aboriginal and Torres Strait Islander Child Placement Principle:** The connection to family, culture and Country for Aboriginal children in care is being improved through the prioritisation of placements that are in closer proximity to the child's community. If placement with family or an Aboriginal person in the child's community cannot be achieved, there are stronger requirements to consult with Aboriginal people and Aboriginal representative organisations when making placement decisions to maintain the child's connection to culture and Country.

## Safe and Friendly Schools Framework Self-Assessment Tool

The Department of Education released the Safe and Friendly Schools Framework Self-Assessment Tool in 2021. The framework and tool are designed to support schools to embed the National Principles for Child Safe Organisations and drive positive cultural change in child safety. The framework applies to all public schools, boarding facilities, residential and agricultural colleges, ensuring that the safety and wellbeing of students are at the core of all school's operations.

# 2022 progress report

As per Recommendation 17.2 of the Royal Commission Final Report, state governments have been required to provide annual reports on implementation progress for the first five years of implementation. This report is the fifth and final annual progress report as it relates to the requirements of the Royal Commission, **therefore completing this recommendation.**

As in previous years, the report is structured in four parts starting with an overview of our work in 2022 and priorities for 2023, followed by a detailed overview of progress against each of the broad reform areas 'healing past hurts', 'protecting children now' and 'preventing further harm'.

The WA Government is reporting the **completion of 24** recommendations in 2022 with substantial work progressed across all remaining recommendations.



2018



2019



2020




2021

# Key achievements

## Working with children


In 2022, a significant milestone was achieved with the passage of the *Working with Children (Criminal Record Checking) Amendment Act 2022* (WWC Amendment Act) through the WA Parliament. The WWC Amendment Act:

- completed Working with Children Checks Report recommendations
- enhanced WA's response to three previously completed Working with Children Checks Report recommendations
- partially addressed a further three Working with Children Checks Report recommendations.

 **Recommendations 4, 19, 20, 21, 25, 27, 29, 33, 34 and 35 complete**

## Mandatory reporting guide

In line with the new mandatory reporter groups being introduced, the Department of Communities' mandatory reporting guide has been updated with contemporised language and information to support mandatory reporters.

 **Recommendation 7.1 complete**

## Progress reporting

The WA Government has released and tabled five consecutive reports on progress from 2018–2022 as per the requirement of the Royal Commission.

 **Recommendation 17.2 complete**

## Information sharing across agencies

The State Records Office of Western Australia (State Records Office) consulted with WA Government agencies whose core business involves interaction with children, to identify agency business records that may be relevant to future child abuse cases or allegations. The State Records Office continues to advise and assist these agencies as they review their own Retention and Disposal Authorities to ensure child-related records are retained and managed appropriately.

 **Recommendations 8.1 and 8.2 complete**

## Guiding responses to harmful sexual behaviours

Launched in June 2022, the Framework for Understanding and Guiding Responses to Harmful Sexual Behaviours in Children and Young People brings together relevant research evidence, theoretical underpinnings, broad practice directions and the practice principles as recommended in 10.5 of the Royal Commission.

The Framework is being implemented across the Department of Communities for its focus on responding in the child protection context, with its operationalisation across other government agencies and the community services sector a key priority for 2023.



**Recommendation 10.5 complete**

## Child exploitation data

In progress reporting to the Australian Government for Recommendation 12.15, WA is acquitting this recommendation in 2022 on the basis that a definition for child sexual exploitation has been nationally agreed, however most jurisdictions do not currently collect the required information to report on these data.

Led by the Department of Communities, further efforts in this area will occur as part of recommendation 12.2 of which is still in progress.



**Recommendation 12.15 complete**

**167**  
**out of 310**  
recommendations are  
complete at halfway  
to implementation  
**(53%)**





# Looking ahead to 2023

In 2022, the Department of the Premier and Cabinet established the Human Services Directors General Group (HSDGG) in place of the former Directors General Implementation Group. The HSDGG provides strategic coordination, integration and delivery of whole-of-government priorities and policies across human services to improve outcomes for all Western Australians.

The HSDGG identified four key priority areas with multi-agency intersections including implementation of recommendations of the Royal Commission.

A Royal Commission Deputies Group is in place to support the HSDGG and provide strategic oversight and coordination of the implementation of the Royal Commission recommendations. Agencies including the Departments of the Premier and Cabinet, Health, Education, Communities, Justice, the Mental Health Commission, and the WA Police Force participate on the group.

## In 2023, work will be progressed towards:

- 1 Improving responses to harmful sexual behaviours** by building on the evidence base, providing workforce development and practice guidance to support practitioners to understand, assess and respond, and developing specialised training for foster carers, parents, and the community to support an understanding of the issue.
- 2 Strengthen the support service system** for victims and survivors and enhance the capacity of specialist services through the strategic commissioning plan for child sexual abuse therapeutic services and indigenous healing services.
- 3 Making institutions child safe** by continuing to build capability across a range of sectors to implement the National Principles for Child Safe Organisations and develop advice for government on an independent oversight model.
- 4 Improve access to justice** through legislative reform that takes a victim-centred approach while maintaining the precepts of the justice system.
- 5 Improve reporting** through phased introduction of new mandatory reporter groups and operationalisation of the Reportable Conduct Scheme across an estimated 4,000 government and non-government organisations.
- 6 Continual improvement of access to the National Redress Scheme** by ongoing implementation of the recommendations of the two-year review, and supporting victims and survivors' access to redress, direct personal responses and civil litigation.
- 7 Contemporising care environments** through the procurement of new models for out-of-home care services and enhancing responses.



## Healing past hurts

The WA Government continues to recognise the importance for survivors of child sexual abuse to seek justice and recognition of abuse suffered, and to have access to healing and support services.

Our work in addressing abuse that happened in the past includes promoting access to the National Redress Scheme, making civil litigation more accessible, and improving the advocacy, support and therapeutic treatment services available to victims and survivors.

Eighty-eight of the 310 recommendations of the Royal Commission that are applicable to the WA Government are related to this area, predominantly from the Final Report and the Redress and Civil Litigation Report.

The WA Government has completed **84 per cent of the recommendations** focused on healing past hurts. A summary and key achievements are provided in this section.



### Key achievements

The WA Government continues to actively support access to the National Redress Scheme, as follows:

- 808 National Redress Scheme applications
- \$39,104,445 was contributed by the WA Government for National Redress Scheme payments in the 2021-22 financial year
- 301 applicants requesting direct personal responses in 2022.



**Substantial progress** towards recommissioning child sexual abuse therapeutic services and indigenous healing services to grow and contemporise this service sector in a way that meets the findings and recommendations of the Royal Commission.

# Providing redress to survivors of child sexual abuse

The Redress and Civil Litigation Report was released in 2015, making 99 recommendations about redress and justice for survivors.

The National Redress Scheme commenced on 1 July 2018 with WA's participation in the Scheme beginning on 1 January 2019. The Scheme is made up of three components:

- a direct personal response by the institution where the abuse occurred
- monetary payments to recognise the abuse and harm survivors have suffered
- access to therapeutic counselling and psychological care.

The Redress Coordination Unit, located within the Department of Justice's Office of the Commissioner for Victims of Crime, manages applications to the Scheme by WA applicants, where the WA Government may be held liable.

The WA Government also accepts 'funder of last resort' responsibility, under the conditions prescribed by legislation, where a non-government organisation is defunct. This means that the WA Government will pay the costs associated with applicant's claim. In some cases, these costs are shared with the Australian Government. This is undertaken to prevent applicants being unfairly excluded from the benefits of the Scheme through circumstances that are beyond their control.

The Redress Coordination Unit provides a central coordination point for WA applicants, WA Government departments and the Scheme. It provides information about counselling and psychological care to eligible survivors and coordinates the delivery of direct personal responses.

The total cost (below) to the WA Government includes:

- the monetary payment to the survivor
- the cost of counselling and psychological care provided to the survivor
- administrative costs.

## In the 2021-22 financial year:



Since the Scheme commenced in WA on 1 January 2019, the WA Government has contributed \$93,734,771 for payments to applicants and other costs.

Since commencement there have been 1,323 payments made to WA applicants, the average payment amount is \$70,850. These payments include the redress payment and counselling costs. Due to the previous WA Redress Scheme and the Criminal Injuries Compensation Scheme, the redress payment made to an applicant may be less than the awarded amount as these prior payments are deducted from the final payment figure.

## National Redress Scheme two-year review

After two years of operation, the Australian Government appointed Dr Robyn Kruk AO to conduct an independent review of the National Redress Scheme. Dr Kruk released her report in March 2021, making 38 recommendations across three key areas for improvement: the survivor experience, the redress process, and the administration of the Scheme.

Of the 38 recommendations, 30 have already been partially or fully implemented by the WA Government, two were rejected and the remaining six are in the process of being considered further.

The Office of the Commissioner for Victims of Crime coordinated the WA Government's response to the consultation, which included contributions from relevant departments. The Office continues to work with the Australian Government and other participating jurisdictions to prioritise and implement the recommendations made in the report.

### Direct personal responses

Victims and survivors can choose to receive an apology, referred to as a 'direct personal response' (DPR) from a representative of the institution where the abuse occurred. The institution's representative can either deliver a DPR through a face-to-face meeting, or the applicant can request the response be provided by way of a written letter, or any other method they prefer, and agreed to by the institution.

In 2022, there were 301 WA applicants who indicated that they wanted the option of a DPR. To exercise that option, applicants need to contact the Redress Coordination Unit to commence the process. The take-up of this has been relatively low, with only 15 DPRs delivered. A further 13 DPR applications were commenced in 2022 and are still progressing, with three of these requesting face-to-face delivery.

### Changes to the delivery of counselling and psychological care

In the previous three and a half years of the National Redress Scheme's operation, counselling and psychological care (CPC) was provided to applicants by lump sum payment.

From 1 January 2023, the administration of CPC will be changing in WA. Applicants who receive an offer after 1 January 2023 will now be offered access to counselling and psychological care services through a referral and payment process with a qualified practitioner.

Under the new arrangements applicants will be provided with 20 hours of CPC, to a maximum cost of \$5,000, regardless of the amount awarded by the Scheme. This brings WA in line with the other Australian jurisdictions (except South Australia which has continued to provide lump sum payments).

The uptake of DPRs is expected to increase in light of these changes, where DPRs may be recommended as a healing option for suitable survivors. Feedback from those who received written DPRs has been mostly positive throughout 2022.



# Commissioning of child sexual abuse therapeutic services and indigenous healing services



## Substantial progress toward recommendations 9.1 to 9.3 and 9.6

The Department of Communities undertook a program of research throughout 2021-2022 to understand and assess the extent to which of these current services (funding and model) are in line with the related recommendations, and to inform development of a plan for growing and contemporising this service sector in a way that meets the findings and recommendations of the Royal Commission.

The Department of Communities funded \$5.4 million annually to child sexual abuse and therapeutic services and indigenous healing services across metropolitan and regional WA.

Activities that occurred in 2022 included:

- Research – a literature scan was commissioned, identifying key themes and elements of current good practice in Australian research.
- Analysis of data about clients, need and unmet demand – this included examination of prevalence data, administrative data from the WA Police Force and the Department of Communities (child protection), and data captured from child sexual abuse therapeutic services and indigenous healing services via agency progress reports.
- Consultation with subject matter experts – engagement has included one-to-one meetings with all funded child sexual abuse therapeutic services and indigenous healing service providers across WA; design labs; bringing providers, peak bodies and other stakeholders together to workshop specific elements of service re-design; optional online meetings to share information and gain further insights; and discussions with a range of broader stakeholders.
- Journey mapping – a series of mapping activities were undertaken with stakeholders, including frontline providers to develop an understanding of key interactions, pressure points and opportunities to strengthen responses for a range of cohorts.
- Lived experience insights – opportunities for people with a lived experience of child sexual abuse to provide insights into service design through a partnership project with a specialist trauma-informed service provider.
- A snapshot 'census' – this was distributed to service providers to enable them share information about current waitlists, staffing, geographic reach, and additional work that services are providing that may not be captured in the agency progress reports.

## Kimberley Sexual Abuse Prevention and Support Service

In 2022, the Department of Communities also provided funding to extend the Kimberley Sexual Abuse Prevention and Support Service (KSAPPS), operated by Anglicare, until 30 June 2023.

KSAPPS provides free counselling to approximately 300 child and adult victims of sexual abuse and assault each year. KSAPPS provides a safe environment where survivors work with highly qualified counsellors to work through trauma. The service is based in Broome and Kununurra, with outreach travel across the Kimberley for people living in remote communities.

The service had previously been funded by the Australian Government through the WA Primary Health Alliance (WAPHA). The Department of Communities worked closely with the WAPHA and Anglicare WA in 2022 to enable a smooth transition of funding agreement from WAPHA to the Department.



## Protecting children now

The Royal Commission found the distress and trauma suffered by victims and survivors of child sexual abuse is made worse if there are unnecessary delays in action, especially in identifying abuse and in responding to the risks or any actual incidents of child sexual abuse. When child sexual abuse occurs, responses must be reliable, swift and effective.

In order to minimise trauma for survivors, the WA Government's work in this area includes making sure that if abuse occurs, it is reliably reported and acted on, and investigations and prosecution of child abuse are conducted to the highest standard.

One-hundred-and-six of the 310 Recommendations of the Royal Commission applicable to the WA Government are related to this area.

In 2022, the WA Government progressed important safeguards to protect WA children. An overview of this progress is provided in this section, including key achievements for the year.



**Key achievements** include ministers of religion commencing as the first new group of mandatory reporters and the passage of legislation to establish a Reportable Conduct Scheme.



**Substantial progress** towards bail reforms that enhance protections for complainants of child sexual abuse, and amendments to legislation relating to rules of evidence.

# Improved reporting for child sexual abuse

## Mandatory reporting



**Recommendation 7.1 complete**



**Further work to embed the completed recommendations 7.3 to 7.5 and Criminal Justice Report 8 recommendations in progress**

The Children and Community Services Amendment Act expands WA's mandatory reporting scheme to eight new categories of reporter groups, including ministers of religion, out-of-home care workers, school counsellors, psychologists, early childhood workers, youth justice workers, departmental officers of the Department of Communities, and assessors appointed under the Children and Community Services Act. The Children and Community Services Amendment Act also establishes new powers to investigate offences under the Children and Community Services Act including failure to make a mandatory report.

The mandatory reporting amendments are being implemented through a staged approach to ensure that each new reporter group is provided tailored support to undertake their new responsibilities.

On 1 November 2022, ministers of religion became the first reporter group to come into effect under the Children and Community Services Amendment Act. The legislation specifically provides that ministers of religion will not be exempt from reporting relevant information gained during religious confession.

The Department of Communities worked with a wide range of faith and religious organisations to prepare them for commencement, which included a presentation at an Office of Multicultural Interests forum, the provision of free mandatory reporting online training, and an information sheet for ministers of religion.

In July 2022, updated online training was made publicly available on the Department of Communities website. The training includes information on the mandatory reporting requirements in WA and how to make a report, along with an introduction to child protection and information on child sexual abuse, sexual behaviours in children, and how to respond to young people who disclose allegations of sexual abuse.

As at 31 December 2022, almost 2,000 professionals have completed this training, including approximately 1,300 ministers of religion. In line with the new mandatory reporter groups being introduced, the Department of Communities' mandatory reporting guide has been updated with contemporised language and information to support mandatory reporters.

The next groups to be introduced on 1 November 2023 will be out-of-home care workers, departmental officers of the Department of Communities, and assessors appointed under the Children and Community Services Act. Work is underway to support these mandatory reporter groups to fulfill their reporting obligations.



## Key dates

Proposed commencement



Mandatory reporter group

**2022**

**2023**

**2024**

**2025**

**2026**

1 November

1 November

1 May

1 November

1 May

**Minister of religion**  
(commenced)

**Assessor**  
**Departmental officer**  
**Out-of-home care worker**

**School counsellor**  
**Registered psychologist**

**Early childhood worker**

**Youth justice worker**

## Laws pass to introduce the Reportable Conduct Scheme



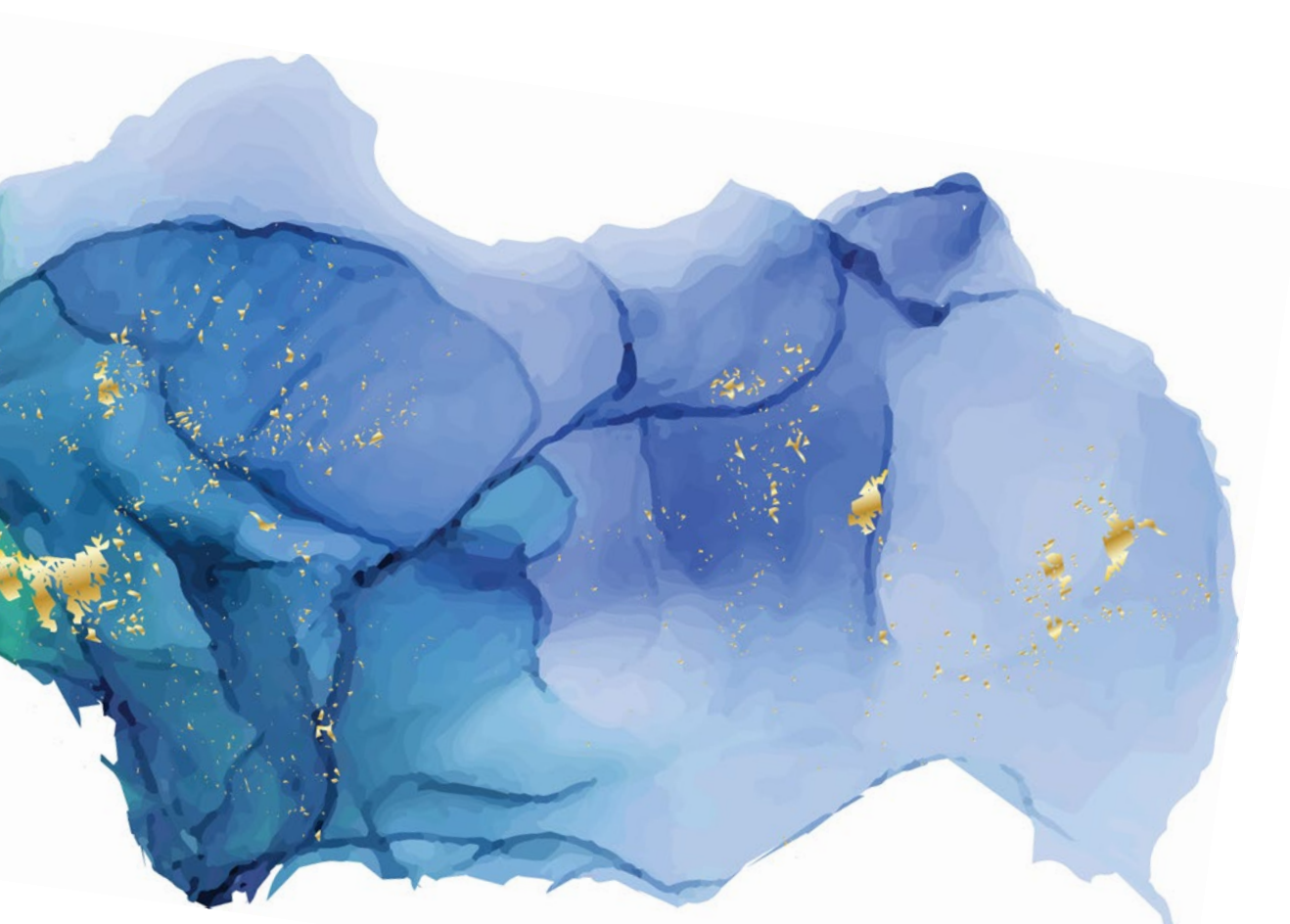
### Substantial progress toward the completion of recommendations 7.9 to 7.12

The *Parliamentary Commissioner Amendment (Reportable Conduct) Act 2022* (Reportable Conduct Act) received Royal Assent on 19 August 2022. The Reportable Conduct Act amends the *Parliamentary Commissioner Act 1971* to establish a legislated Reportable Conduct Scheme in WA. The Scheme commenced on 1 January 2023.

The Scheme implements a key recommendation of the Royal Commission by providing independent oversight of how organisations that exercise care, supervision or authority over children handle allegations of, and convictions for, child abuse by their staff.

The Scheme compels heads of organisations to notify the Ombudsman of allegations of child abuse involving the organisation's employees, volunteers and contractors. The Ombudsman provides oversight of an organisation's investigation, and the action taken if a finding of reportable conduct is made, and may also undertake their own investigation and make recommendations to the organisation.

The Ombudsman continues to work closely and cooperatively with stakeholders in key sectors and individual organisations included in the Scheme to provide education, advice and guidance to assist in building their capacity to meet their reporting obligations and comply with the Scheme. This includes developing tailored guidance and support materials and education programs for each sector, in collaboration with peak bodies for the sector.



# Providing access to justice through law reform

## *Bail Amendment Act 2022 (WA)*



### **Substantial progress toward Criminal Justice Report Recommendation 1**

The Bail Amendment Act, which amended the *Bail Act 1982 (WA)* (Bail Act), was passed by the WA Parliament on 30 August 2022 and was assented to on 3 September 2022.

The Bail Amendment Bill (2022) protects the safety and welfare of victims of alleged sexual offences by:

- ensuring that a person charged with a serious offence, as defined under section 3(1) of the Bail Act, cannot be released without bail by an authorised officer or justice and providing for the consistent use of the term 'serious offence' across the Bail Act
- highlighting the capacity of judicial officers or authorised officers to give specific consideration to deferring bail under section 9 in order to inform protective bail conditions in cases involving alleged sexual offences against persons who are under 18 at the time bail is considered.
- requiring bail decision makers to have regard to the conduct of the accused towards any alleged victim of an offence for which the accused is currently awaiting trial, in addition to any victim of an offence for which the accused has previously been convicted, since the time of the relevant offending. This requirement also extends to an examination of the accused's conduct towards any family member of such victims or alleged victims where applicable.
- requiring bail decision makers to take into account several additional bail considerations that are specific to bail in cases involving alleged sexual offences against child victims. These additional considerations seek to address the potential effect the release of an accused may have on the safety or welfare of a child victim of an alleged sexual offence.
- requiring prosecutors to inform bail decision makers of any safety or welfare concerns expressed by a child victim in relation to the release of the accused and the reasons for those concerns, so far as practicable.
- requiring bail decision makers to have regard to those safety or welfare concerns when determining bail for an accused.
- requiring judicial officers to consider the fact that a person has been convicted of an offence and any sentence that is likely to be imposed when determining bail for an accused awaiting sentencing.
- expanding the list of serious offences under Schedule 2 to the Bail Act to include sexual offences against children and several other offences in the WA and Australian Government statute books. This will mean that a broader category of accused persons who have allegedly committed a serious offence while already on bail or an early release order for another serious offence will bear the onus of satisfying the court that there are exceptional reasons as to why they should not be kept in custody.

This will introduce an express provision for elevating the voices of child victims, where they have raised concerns for their safety and welfare if the accused is not kept in custody.

## Rules of evidence



### Criminal Justice Report recommendations 44 to 51 in progress

On 8 September 2021, the Attorney General for WA, the Hon. John Quigley MLA, referred a project to the Law Reform Commission of Western Australia (LRCWA) with Terms of Reference requiring the LRCWA to answer a specific question about the rules of evidence that should apply to determine the admissibility of propensity and relationship evidence, and other evidence of discreditable conduct.

Propensity evidence (or tendency evidence) is evidence of an accused person's past conduct, character or reputation that demonstrates that they have a propensity to act in a certain way.

In Part VI of the Criminal Justice Report, the Royal Commission examined the law relating to the admissibility of tendency evidence in cases involving child sexual abuse where that evidence is not relied on to directly prove the commission of a charged offence, but which proves that an accused engaged in other discreditable conduct.

Further, the Criminal Justice Report recommended that laws governing the admissibility of tendency and coincidence evidence in prosecutions for child sexual offences should be the subject of legislative reform to facilitate the greater admissibility and cross-admissibility of such evidence. The Royal Commission also proposed draft legislative provisions.

Following this, the then Council of Attorneys General established a working group to consider the test for admissibility of tendency and coincidence evidence under the Uniform Evidence Law (UEL). As a result of the recommendations of the working group, the Evidence Law (Tendency and Coincidence) Model Provisions 2019 (Model Provisions) were developed, in order to facilitate greater admissibility.

The LRCWA reported in May 2022 for Project 112: Admissibility of propensity and relationship evidence in WA, and recommended adoption of UEL provisions on admissibility of tendency and coincidence evidence, as amended by Model Provisions.

New evidence legislation is currently being drafted in WA to replace the *Evidence Act 1906* (WA). The new Evidence Act will adopt the UEL but will retain any WA evidentiary provisions that are deemed sound. On 17 August 2022, the Attorney General announced that the WA Government accepts the LRCWA's recommendations. The UEL provisions on admissibility of tendency and coincidence evidence will be introduced in the new Evidence Act.





# Supporting witnesses through the justice system

## Courts Audio Visual Update Project



**Criminal Justice Report Recommendation 55 in progress**

Staff from the Department of Justice's Child Witness Services and Victim Support Services directorates are based at several metropolitan and regional court locations to provide assistance to vulnerable adult and child witnesses who are required to appear by audio visual (AV).

The Court and Tribunal Services' AV Services and Corporate Services' Infrastructure Maintenance directorates have also been undertaking ongoing works in metropolitan and regional locations across the state in order to improve the facilities for vulnerable adult and child witnesses.

Technological and environmental improvements have been completed in 15 courtrooms across five metropolitan court locations and 12 regional court locations. The intent of the upgrades is to align the rooms in each location to that of the District Court Building's Remote Witness Rooms, as closely as possible, to provide a standardised experience for vulnerable adult and child witnesses.

The upgrades will ensure the ongoing, reliable operation of the AV system at each location and provides contemporary design and functionality across all remote witness rooms.

AV Services continues to work with metropolitan and regional court locations, Victim Support Services and Child Witness Services to identify enhancements that can be implemented over time in an ongoing effort to make continual improvements.

## Witness Intermediary Service Project



**Criminal Justice Report Recommendation 59 in progress**


The Witness Intermediary Service project is being managed by the Court Counselling and Support Services directorate within Court and Tribunal Services in the Department of Justice.


The directorate is currently in consultation with other court jurisdictions in Australia and New Zealand that have established a witness intermediary service, in order to obtain feedback regarding key responsibilities and requirements for the service to be effective. The development of the project includes the refinement of a service delivery model for implementation in WA, followed by a budget submission.

The progression of the project is pending the completion and passing of fundamental amendments to the Evidence Act which will enable the provision of this service.



# Improved record keeping and retention

 **Recommendations 8.1 and 8.2 complete**

 **Substantial progress made towards recommendations 8.3 and 8.4**

In 2022, the State Records Office has continued its program to ensure the appropriate retention of WA Government records related to children, in line with recommendations 8.1 to 8.3.

The State Records Office has consulted with WA Government agencies whose core business involves interaction with children. The consultation involves identifying agency business records that may be relevant to future child abuse cases or allegations. The State Records Office continues to advise and assist these agencies as they review their own Retention and Disposal Authorities to ensure child-related records are retained and managed appropriately.

The State Records Office has also drafted a Recordkeeping Basics for Child Related Work advice document to address the five recordkeeping principles in Recommendation 8.4.

Recognising that many organisations in the State Records Office client base may not have specialist records management knowledge, this document uses plain language to explain the reasoning behind the five recordkeeping principles and describe specific activities that can be implemented to support them. While the document refers to legislation and policy relevant to State Records Office government clients, the intent is for the document to also be available as guidance for WA non-government and community entities.

This guidance forms part of a documentation suite currently under development to support a new State Records Commission standard for records management, anticipated for release in 2023. These will be made available to both government and non-government entities via the State Records Office website.

The State Records Office continues to provide advice and assistance to WA Government agencies as they review their Retention and Disposal Authorities to ensure child-related records are appropriately retained and managed.



## Preventing further harm

The Royal Commission recognised that to prevent the abuse of children, including in institutions, change is required across all aspects of our community including the way services and institutions operate. The scope of work set out by the Royal Commission to prevent further harm includes:

1. ensuring that all institutions implement child safe standards
2. improving responses to harmful sexual behaviours
3. improving screening of adults who work with or care for children
4. improving protections against child sexual abuse in high-risk environments and with vulnerable populations
5. improving information sharing between institutions across states
6. improving recording and reporting of data to promote accountability across institutions.

One-hundred-and-sixteen of the 310 Royal Commission recommendations applicable to the WA Government focus on reducing the likelihood of child sexual abuse, to prevent further harm.

In 2022, the WA Government progressed significant reform towards preventing child sexual abuse in WA institutions, as well as in our families and communities. A summary of this work is provided in this section, including key achievements for the year.



**Key achievements** include the passage of the WWC Amendment Act through the WA Parliament and significant investment into therapeutic responses to children with harmful sexual behaviours.



**Substantial progress** toward making institutions child safe and safeguarding out-of-home care.

# Making our institutions child safe



## Recommendations 6.6 and 15.1 in progress

Work across the WA Government continues to deliver on the Royal Commission Final Report Volume 6 recommendations focused on the requirement for organisations to provide safe environments where the rights, needs and interests of children are prioritised and met.

With the emphasis that child safe institutions are part of the essential foundation to nurturing safe and well children, the Royal Commission defined child safe organisations as those that foster child safe cultures through adopting strategies and actions to prevent harm to children, including child sexual abuse.

### Department of Health

The Department of Health has strengthened its response to implementation of the Royal Commission's recommendations by creating a specialist portfolio area to lead and coordinate system-level implementation by the WA health system. The Child Safeguarding Team will focus on supporting:

- child safe organisations
- responding, recording and reporting of child abuse
- enhancing support and treatment
- enabling implementation and governance.

Included in this strengthened response is the Department of Health and the Department of Communities' signing of an updated Memorandum of Understanding in September 2022.

This Memorandum of Understanding provides an overarching framework for a shared understanding and cooperative actions to:

- support and protect children at risk of harm who have come to the attention of either agency due to child abuse and neglect issues
- respond to the needs of children who experience actual, or potential, abuse or neglect, according to agency mandate
- address systemic and structural issues that affect the delivery of effective, coordinated services to children in the care of the Chief Executive Officer (CEO) of the Department of Communities.

## Department of Justice

The Department of Justice has finalised and published the Child Safety and Wellness Policy and the Reporting Concerns for the Wellbeing of a Child Procedure. The policy and procedure identify that all Department of Justice employees, contractors and volunteers have a duty of care or mandated responsibility to report concerns regarding the safety and wellbeing of children and young people who have touch points of contact across the whole breadth of the Department.

The requirement for all Departmental employees, contractors and volunteers to report concerns for children and young people is also included in the Department's Code of Conduct. The Code of Conduct identifies that any allegations of misconduct towards children and young people must be reported to the People, Culture and Standards Division of the Department.

The Youth Justice Services (YJS) branch of the Department has finalised the YJS Framework, Strategic Plan and Philosophy in consultation with young people and their families. It is anticipated the Framework and Strategic Plan will be published imminently. This work aligns with the work YJS is undertaking to review all existing practice procedures relating to statutory case management of young people in the community and in custody, diversion services, bail services and court and release advice, and reports.

The revision of all YJS practice procedures is an extensive body of work as it requires all practice procedures (three manuals which span over 25 years of YJS work) to be reviewed in accordance with the child safe standards. In 2022, 16 standalone YJS practice procedures were developed and embedded in YJS operations. This includes state-wide information and practice sessions and governance activities to ensure the intent of the practice procedures are being upheld.

## New team at the Department of Local Government, Sport and Cultural Industries to drive child safety

In June 2022, the Department of Local Government, Sport and Cultural Industries established the Child Safeguarding Implementation Unit to drive child safe work across the Department and the sectors it supports. This was in recognition of the ongoing, extensive work required to implement the Royal Commission recommendations, the increasing number of child safe reforms being introduced in WA, and the often-high-risk nature of child-related activities that the Department-supported sectors undertake. There are currently six staff members in the team, including existing staff that have been working on the Department's ongoing contribution to the National Redress Scheme.

In addition to the work on the National Redress Scheme, a key function of the Unit is to support the Department and the sport, recreation, cultural and arts sectors, and local governments, to implement the National Principles for Child Safe Organisations.

## Implementation of National Principles for Child safe Organisations

### Department of Communities

Work has continued in 2022 to support implementation of the National Principles for Child safe Organisations (National Principles) through a program of work overseen by the multi-agency National Principles for Child Safe Organisations Working Group. The working group formed in 2022 and developed a workplan later in the year with a range of deliverables, including:

- developing a Child Safe Organisations Code of Conduct template with minimum child safe requirements for inserting into existing codes of conduct for use across the WA public sector
- establishing a Statement of Commitment to Child Safety and Wellbeing intended for joint endorsement and use by key WA Government agencies delivering services to children, including the Departments of Communities; Education; Health; Justice; Local Government, Sport and Cultural Industries; and the WA Police Force
- contributing to the development of an independent oversight of child safe organisations model
- developing contract management guidelines for the National Principles clause embedded in Request for Services templates
- reviewing, enhancing and, where necessary, developing new human resource management tools to embed the National Principles, such as standard wording in public sector job descriptions.
- preparing consistent key messages for use across WA Government agencies in communications to their sectors and the broader Child Safe Organisations Campaign that was launched in Children's Week 2022.

The Royal Commission Deputies Group provides governance and guidance to the working group.





We're committed to being a child safe organisation

learn more

## Child Safe Organisations 2022 Children's Week Campaign

In 2022, the Supporting Communities Forum's Child Safe Organisations Working Group developed a campaign to promote the National Principles during Children's Week.

The Children's Week Child Safe Organisations Campaign objectives were to:

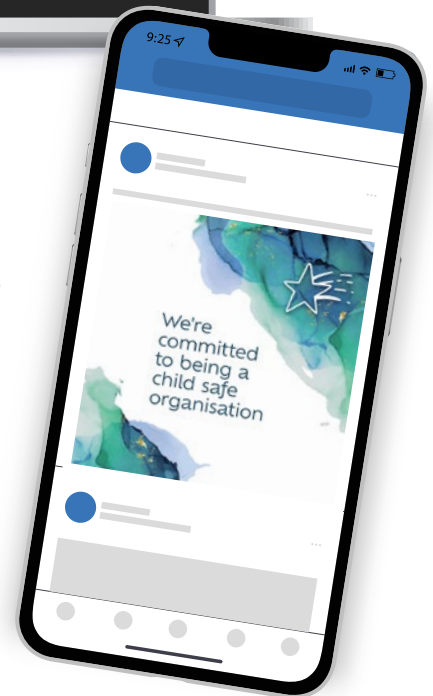
- raise awareness among leaders of organisations engaged in child-related work about the Royal Commission's recommendations related to child safe organisations and the WA Government's commitment to the safety of children and young people
- promote existing WA child safe resources and provide examples of work being undertaken by organisations to increase safety through implementation of the National Principles
- promote consistent messaging about where leaders can seek support for implementation
- support children, young people, parents and carers to have improved understanding of what a child safe organisation is.

Activities to promote child safe organisations during Children's Week included:

- an address by Hon. Lorna Harper MLC at Meerilinga's Family Fun Day event that promoted the National Principles to children, young people, parents, carers and organisations
- the development and distribution of case studies on the implementation of the National Principles
- creation of e-products (a social media tile, email footer and webpage banner) with text stating, 'We're committed to being a child safe organisation', for use by organisations engaged in child-related work across the state
- the release of a media statement by Hon. Minister McGurk MLA promoting children's safety and rights
- the release of communications targeted at the Department of Communities' employees to raise awareness of the National Principles
- promotion of the National Principles by the Department of Communities via social media, which directed viewers to further information.

The e-products and new child safe resources were distributed to over 700 people, including individuals who work for Department of Communities-funded services engaged in child-related work, WA Government members of the National Principles for Child Safe Organisations Working Group, and members of the Supporting Communities Forum's Child Safe Organisations Working Group. Leaders were encouraged to use and share the e-products throughout the year, read the case studies and submit a case study demonstrating how their organisation is implementing the National Principles.

The case studies are available on the [Department of Communities website](#).



## Department of Education

The Department of Education has implemented a Safe and Friendly Schools Framework and Self-Assessment Tool.

The framework and assessment tool, updated in August 2022, are designed to support schools to embed the National Principles and drive positive cultural change in the area of child safety.

The Department's Code of Conduct was updated and provides a set of standards to guide conduct as an employee and incorporates the National Principles.

The Department launched a new Integrity Framework in July 2022 and incorporates the National Principles as a key legislation and standard.

To strengthen and promote a culture of integrity across the Department, the Complaints and Notifications Policy was updated so that complaints or notifications about a staff member's conduct and behaviour can be received from students, parents and guardians, Department staff and community members.

The Department has further established a Student Wellbeing and Care Taskforce, which aims to set clear expectations and embed effective approaches to student wellbeing and care across the WA public school system.

## Complaints process management



### Recommendation 7.7 in progress

As part of the Department of Communities' ongoing commitment to be a child safe organisation, the Complaints Management Unit is currently strengthening its complaints processes to meet National Principle 6: Processes to respond to complaints and concerns that are child focused.

The Complaints Management Unit is developing a range of resources aimed at children and young people in care that explains the complaints process.

Having these resources available and designed for children and young people also contributes to:

- National Principle 2: Children and young people are informed about their rights, participate in decisions affecting them and are taken seriously.
- National Principle 10: Policies and procedures document how the organisation is safe for children and young people.

## The implementation process

As part of the Department of Communities' ongoing commitment to being a child safe organisation, it regularly reviews National Principle 9: Implementation of the national child safe principles so that improvements can be implemented within the agency.

In 2021, business units across the Department's various divisions undertook a self-assessment against the National Principles using the WA Commissioner for Children and Young People (CCYP) Self-Assessment and Review Tool. The agency self-assessment was then finalised by the Department's Complaints Management Unit and endorsed by the CCYP.

The self-assessment indicated the Department's complaints process largely met National Principle 6 and identified some key action areas for improvement to ensure the complaints process was child friendly.

The Department engaged interns from the University of Western Australia's McCusker Centre for Citizenship Internship Program to implement a project plan, informed by the self-assessment, to improve its child-friendly complaints processes and resources.

Activities undertaken by the Complaints Management Unit and university interns included:

- consultation with Department staff, including staff from the Standards and Monitoring Unit, Specialised Care and Accommodation directorate, Intelligence and Professional Standards directorate, and the Advocate for Children in Care
- development of a survey to better understand children and young people's awareness and experience of the complaints process and ways to improve the process – including for culturally and linguistically diverse individuals – and how children and young people prefer to make complaints
- development of new resources for children and young people on how to make a complaint, including a poster, fridge magnet, a pamphlet explaining the complaints process, and an easy-read Children and Young People Complaints Management Policy.

The project is ongoing, with the survey to be undertaken and further development of the resources to be completed.

## Improving responses to harmful sexual behaviours



**Recommendation 10.5 complete**



**Substantial progress towards completion of recommendations 10.2, 10.3, 10.4, 10.6 and 10.7**

Recognising the significant amount of work undertaken across the state, the Australian Centre for Child Protection (ACCP-WA) opened their WA branch in May 2022 as they continue to strengthen programs of work and growth of the team in WA.

The ACCP-WA – led by Professor Leah Bromfield and Deputy Directors, Ms Amanda Paton and Associate Professor Melissa O'Donnell – continued to work closely with the Department of Communities throughout the year to deliver its workplan to prevent and respond to children with harmful sexual behaviours and undertake broader projects and work focused on responding to child sexual abuse.

In 2022, the [Framework for Understanding and Guiding Responses to Harmful Sexual Behaviours in Children and Young People](#) (the Framework for Guiding Responses) was launched publicly, providing a conceptual map of research evidence, relevant theoretical underpinnings, general practice principles and practice wisdom. The Framework for Guiding Responses was developed in direct response to the Royal Commission Final Report, Volume 10: Children with Harmful Sexual Behaviours, and encompasses the recommended principles for therapeutic intervention thus acquitting recommendation 10.5.

## **Workforce development**

As part of the ACCP-WA's workforce development plan, it developed and released a short online course in 2022, titled Understanding and Responding to Harmful Sexual Behaviours. The foundational course is the first of several modules for practitioners, carers and members of the community interested in understanding how to respond to harmful sexual behaviours in various contexts, including foster, kinship and residential care.

ACCP-WA's workforce development was further enhanced in late 2022 when the Department of Communities invested additional funding to enable the delivery of specialised trauma training to practitioners across the state.

The funding will support 450 scholarship opportunities for child protection practitioners and other professionals, such as police and healthcare workers who work with children and young people with complex trauma, and help them to understand, respond, assess and treat harmful impacts for young people affected by abuse and trauma.

The scholarships will be released in stages throughout 2023.

## **CCYP independent review**

The Department of Communities prepared a response to the CCYP's Independent Review into the Department of Communities policies and practices in the placement of children with harmful sexual behaviours in residential care settings (CCYP Review) which was tabled in WA Parliament on 11 May 2022.

While the Framework for Guiding Responses and broader workplan of the ACCP-WA directly addresses some of the CCYP's recommendations, there was an identified need for activities, tools and resources to support operationalisation of the Framework for Guiding Responses, including risk assessment, safety planning and case coordination tools and guidance.

Given ACCP-WA's clinical expertise and research background in this highly specialised area, additional funding was provided to ACCP-WA to expand the contract to 31 December 2023 and deliver the recommended tools and practice guidance.

## **Pilot specialist intervention service for children with harmful sexual behaviours**

Funding of \$2.7 million over three years has been committed by the WA Government to pilot a specialist intervention program responding to children and young people who exhibit harmful sexual behaviours. Informed by ACCP-WA's jurisdictional scan of evidence-based models for responding to harmful sexual behaviours, the pilot will be located in a metropolitan location and a regional location and based on the New Street Adolescent Service in New South Wales.

Currently, there is no dedicated program addressing harmful sexual behaviours in WA, and while some child sexual abuse therapeutic services provide support to children and young people exhibiting harmful sexual behaviours, the services are limited in scope, lack the required specialist services to address harmful sexual behaviours, and largely focus on child victims of sexual abuse.



The establishment of the specialist service will be the first of its kind in WA, with the new funding to build on existing investment already provided to child sexual abuse therapeutic services, and to the ACCP-WA for their program of work in responding to children with harmful sexual behaviours.

Work will commence in early 2023 to procure providers of the specialist service, for service delivery to commence on 1 July 2023. Once appointed, and prior to service delivery commencing, a co-design process will occur as will initial engagement with an evaluator.

## Contemporising and safeguarding out-of-home care

### Commissioning project

Volume 12 of the Royal Commission Final Report focuses on safeguarding out-of-home care for children who have experienced abuse or neglect and have been removed from the care of their parents. It sets out a broad range of reforms to safeguard children and young people from abuse, while providing stable and nurturing environments for them to grow and thrive.

In the last 10 years there have been significant changes in the WA community and the out-of-home care system, including population growth and increasingly complex behaviour of children entering care. This has put pressure on the out-of-home care sector's ability to consistently deliver stable and healing care for these vulnerable children. Reform is required to the whole out-of-home care system to reset models of care, funding arrangements and oversight requirements.

The future of out-of-home care in WA aims to:

- have a suite of care arrangements that provide different levels of support to children with changing needs
- transition children from more intensively supported care arrangements to less intensively supported care arrangements as they heal from their trauma
- ensure care arrangements are consistent with the Aboriginal and Torres Strait Islander Child Placement Principle.

The Department of Communities is working in partnership with the community services sector to develop a suite of reforms to meet the challenges and pressures of the out-of-home care system, including through the Out-of-Home Care Commissioning Project.

In June 2022, following extensive consultation, the Department released a request for out-of-home care services. This request for tender reshapes the out-of-home care sector, by introducing new care arrangement types and funding based on the needs of children in care.



The Department aims to strengthen connections for Aboriginal children and focus on culturally responsive, effective, and sustainable solutions through prioritising the leadership of Aboriginal people and organisations in the planning, design and delivery of out-of-home care services.

Through the request for tender, the Department has sought proposals from prospective Aboriginal community controlled organisations (ACCOs) to identify safe families to care for Aboriginal children that is flexible to their changing needs, and work collaboratively with the Department to deliver positive life outcomes for children.

As part of the out-of-home care reform, a measurement framework is being developed to measure the safety and efficacy of the out-of-home care system in WA for all children in out-of-home care.

## Training and development



### Recommendations 12.8 and 12.17 in progress

In 2022, a review of the Department of Communities' carer assessment learning package was undertaken to check its effectiveness, and to incorporate feedback received. Previous participants, line managers and assessors were consulted, as were family carers.

A new package has been developed for 2023, that improves and expands on work already completed. The new package consists of the following courses:

1. Introductory course (online) – an overview of legislation and policies for family carer assessment
2. Foundation Course: Family Carer Assessment – two days plus a follow-up reflection meeting
3. Advanced Practice: Family Carer Assessment – a workshop to enable assessors to explore more complex aspects of assessment and discuss current experiences
4. Carer Learning and Support Plans – a workshop that explores the development of meaningful support plans for family carers
5. Report Writing for Family Carer Assessment – half day workshops to develop skills in report writing and the construction of assessment reports
6. Community of Practice: Family Carer Assessors – eight half-day reflective sessions to allow assessors to reflect, share, problem solve and access expert support to develop their skills and knowledge of assessment.

These courses will be delivered during 2023, with dates scheduled throughout the year.

The aim of the new course structure is to strengthen the process of assessment for the applicants and the Department by ensuring that assessors have a better understanding of the process, the experiences of the applicants, and what they are trying to achieve as assessors.

The Department's Learning and Development team provides a learning calendar for 'approved' carers. This includes foster and family carers from all agencies across the state and has already been made available for the 2023 year.

The Family Carer Learning Needs Project commenced in 2022, with the aim of developing additional options for family carers to engage in learning and training. This is a long-term project, and most likely will need to be location based, to be more responsive to the needs of family carers across the state.

## Independent oversight of child safe standards and out-of-home care



### Recommendations 6.9 to 6.11, 12.4 and 12.5 in progress

The Royal Commission made recommendations aimed at strengthening oversight mechanisms to enhance child safe environments in organisations that provide certain activities and services to children, including out-of-home care services. This includes ensuring that an independent body in each state and territory is responsible for monitoring and enforcing the National Principles for Child Safe Organisations.

The Department of the Premier and Cabinet continues work on the design of a policy model to provide independent oversight of the National Principles in organisations engaged in child-related work. Further targeted consultation on the scoping of the oversight approach occurred in 2022, building on what was heard through the public consultation process. The feedback received to date is supporting the development of a proposed model of independent oversight for consideration by the WA Government.

## Health Navigator Pilot Program

As at June 2021, there were 5,344 children in out-of-home care in WA. The needs of these children are often complex and challenging, entering care at a younger age and staying in care for longer periods of time, with Aboriginal children representing more than half of children in care. The Health Navigator Pilot Program is a two-year pilot hosted in the South West and Mirrabooka regions in collaboration between WA Health and the Department of Communities, and in partnership with Aboriginal health service (AHS) providers and ACCOs.

The WA model, based on a Queensland initiative, is tailored to provide culturally safe access to health and mental health supports, acknowledging the overrepresentation of Aboriginal children in out-of-home care.

The WA Health Navigator Pilot Program employs health navigators to help children and carers better navigate the health system and meet the health needs of children and young people in out-of-home care. AHS providers are funded to employ Aboriginal health navigator positions and increase existing service capacity to support Aboriginal children in out-of-home care. This is done through access to child health nurses and paediatricians with WA Country Health Services and Child and Adolescent Health Services that are funded for health navigator positions, coordination and management of the pilot.

Funding has also been provided to an ACCO to coordinate and promote services available across the ACCO sector, so children and families are better connected to receive access to the right services at the right time.

Nine workshops were held across Mirrabooka and the South West to co-design the program model with AHS providers, ACCOs, carers and young people. The engagement of ACCOs and AHS providers supports the program with health assessments and holistic and culturally appropriate care and provides diversity in skills and experience to benefit the health outcomes for Aboriginal children and young people in out-of-home care. AHS providers and ACCOs are also represented at each level of program governance, decision making and evaluation to ensure Aboriginal community informed advice is provided. The University of Western Australia will undertake an external evaluation to determine the effectiveness, appropriateness, efficiency and sustainability of the Health Navigator Pilot Program and funding provided to AHS providers and ACCOs.

# Strengthening worker screening processes

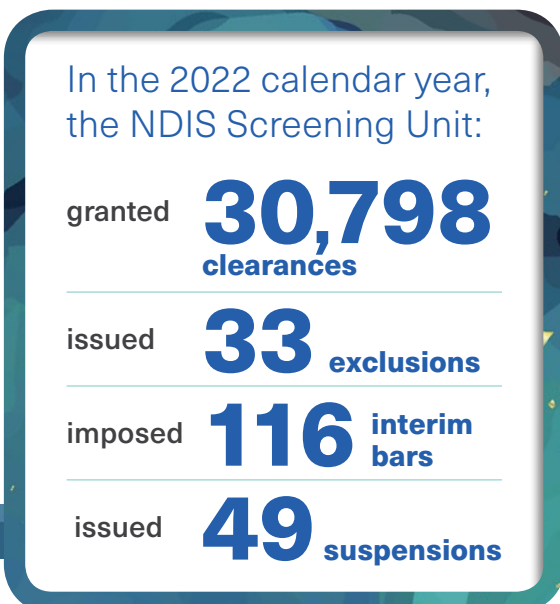
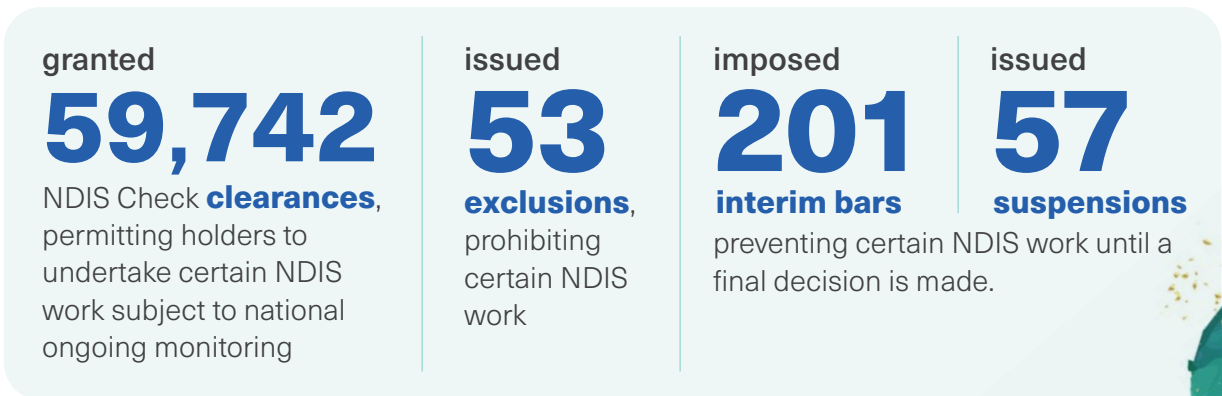
## National Disability Insurance Scheme Screening

WA's administration of National Disability Insurance Scheme (NDIS) Worker Screening is an important safeguard for children with disability and children of parents with disability. While this work was not a direct response to Royal Commission recommendations, it contributes significantly to creating a safer WA for vulnerable children and young people.

The *National Disability Insurance Scheme (Worker Screening) Act 2020* (Worker Screening Act) came into effect in its entirety on 1 February 2021. The NDIS Screening Unit within the Department of Communities is responsible for administration of the Worker Screening Act, with functions including assessing applications for a NDIS Check, issuing of outcomes and compliance functions.

The NDIS Check aims to minimise the risk of harm to people with disability from the people that work closely with them.

Since its inception to at end of December 2022, the NDIS Screening Unit:



In addition, the NDIS Screening Unit is carrying out continuous monitoring of **over 560,000** NDIS Check outcomes from across Australia.



## Working with children screening

The Royal Commission's Working with Children Checks Report made 36 recommendations to strengthen protections for children provided by working with children schemes in all jurisdictions.

Broadly, the recommendations aim to improve national consistency in the circumstances in which an assessment should occur, the information that should be assessed, and the outcomes that should result, among other matters aimed at allowing for mutual recognition of outcomes across jurisdictions.

In 2022, a significant milestone was achieved with the passage of the WWC Amendment Act through the WA Parliament.

The WWC Amendment Act:

- improves protections for children by strengthening the effectiveness of the WWC Act
- responds to numerous Working with Children Checks Report recommendations requiring, or associated with, some legislative change in WA. It:
  - completes six Working with Children Checks Report recommendations
  - enhances three Working with Children Checks Report recommendations which were previously completed
  - partially addresses a further three Working with Children Checks Report recommendations.

In 2022, the Department of Communities also formalised its completion of a further four non-legislative Working with Children Checks Report recommendations, including one recommendation addressed by the Department's key partner agency, the WA Police Force.

Work to operationalise the WWC Amendment Act has commenced. In Budget 2022-23, the WA Government allocated:

- \$4.2 million in new funding over 2022-23 and 2023-24 to the Department of Communities to prepare for implementation of the WWC Amendment Act. This funding will be directed towards the provision of broad and proactive community education on the changes, customer support for individuals and businesses regulated by the WWC Act and substantial information technology upgrades.
- \$200,000 in 2022-23 to the WA Police Force to upgrade its information technology system for improved ongoing monitoring of Working with Children Cardholders' and applicants' WA criminal records. The new system will substantially strengthen protections for children and is based on the system implemented for ongoing monitoring of criminal records under the Worker Screening Act.

The WWC Amendment Act is expected to commence operation on 1 July 2023. The information below outlines specific details relating to the recommendations that are either completed or partially completed as a result of the WWC Amendment Act.



**Working with Children Checks Report recommendations 19 to 21, 25, 29 and 33 complete**

The WWC Amendment Act received Royal Assent on 7 December 2022 and will substantively commence on a day to be proclaimed. The WWC Amendment Act amends the WWC Act to strengthen protections for children, addressing various recommendations of the Working with Children Checks Report.



## Changes to require review of relevant disciplinary and/or misconduct information during screening process



### Working with Children Checks Report Recommendation 19 complete

The Royal Commission recommended state and territory governments amend their Working with Children Check laws to require that relevant disciplinary and/or misconduct information is checked for all Working with Children applicants, with such information to encompass conduct which was against or involved a child, and the bodies responsible for that information to notify the screening agency.

Accordingly, the WWC Amendment Act amends the WWC Act to allow prescribed conduct review authorities to notify the CEO under the WWC Act of prescribed conduct review findings or outcomes, and for such notifications to trigger an assessment or reassessment of a Working with Children Cardholder or applicant.

Initially, it's intended to prescribe the Teacher Registration Board of WA and certain outcomes under the *Teacher Registration Act 2012*; and the Ombudsman and certain findings of reportable conduct under the Reportable Conduct Scheme. This will mean that a notification from one of those entities, of a relevant conduct review finding or outcome for which that entity is prescribed, can trigger an assessment or reassessment under the WWC Act.

## Changes to offence categorisation



### Working with Children Check Report recommendations 20, 21 and 29 complete

The Royal Commission made recommendations about how state and territory governments should respond to criminal records, and associated appeal rights.

In response to those recommendations, the WWC Amendment Act substantially changes the offence categorisations under the WWC Act, to broaden the number and type of criminal offences which are Class 1 or Class 2:

- The new Class 1 offences include all sexual offences against children, and the most serious of violent offences against children that involve an element of intent to kill or cause life-threatening harm to a child.
- The new Class 2 offences include a range of serious offences, including sexual offences against adults, and serious physical harm against adults, or where there is no element of intent to cause life-threatening or permanent injury.

Following commencement of the WWC Amendment Act, where a Working with Children Cardholder or applicant has a conviction or pending charge for a Class 1 offence committed or allegedly committed when an adult, they must be issued an automatic negative notice and any appeal would need to include evidence that their criminal record does not include such a conviction or pending charge.

## Ability to impose interim bar on applicants where their record may indicate a risk



### **Working with Children Checks Report Recommendation 25 complete**

The Royal Commission recommended that WWC applicants should be able to begin child-related work before the outcome of their application is determined, providing certain safeguards are in place.

The WWC Amendment Act amends the WWC Act to allow an interim negative notice, to be issued at any stage of an assessment or reassessment, if the CEO is of the opinion that there is a reasonable likelihood that a negative notice will be issued to the person. It also expands the circumstances in which an interim negative notice must be automatically issued.

An interim negative notice prohibits a Working with Children applicant or Cardholder from engaging in child-related work during an assessment or reassessment until a final decision is made.

The WWC Amendment Act also provides efficiencies and new capacities for online verification by an employer or education provider of a person's employment or proposed employment in child-related work.

## Compulsion of information for compliance monitoring purposes



### **Working with Children Checks Report Recommendation 33 complete**

The Royal Commission recommended that Working with Children Check laws include powers to compel the production of relevant information for the purposes of compliance monitoring.

The WWC Amendment Act amends the WWC Act to:

- include a new provision for authorised officers to direct persons to provide information, answer questions, or produce records or documents in their possession or under their control, for the purposes of determining compliance with, or investigating a suspected offence under the WWC Act
- create an offence for failing to comply with such a direction.



### **Further embedding of previously completed Working with Children Checks Report recommendations 16, 26 and 32 in progress**

## Improvements to compliance monitoring

The Royal Commission recommended that screening agencies or another suitable regulatory body should be granted statutory power to monitor compliance with Working with Children Check laws. The WWC Amendment Act amends the WWC Act to:

- delete the WWC Act's current compliance and enforcement provision (section 42)
- insert contemporary new provisions for monitoring and investigating compliance, which are consistent with other WA statutes administered by the Department of Communities.

## Improvements to online processing systems

The Royal Commission recommended that state and territory governments that do not have an online Working with Children Check processing system should establish one.

The WWC Amendment Act amends the WWC Act to improve capacities for electronic applications and online processing. It provides for:

- initial applications to be made online
- online verification by an employer or education provider of a person's employment or proposed employment in child-related work, as part of an improved online application process
- electronic notifications to employers of positive outcomes under the WWC Act.

## Improvements to offence provisions

The Royal Commission recommended that Working with Children Check laws should incorporate a consistent and simplified list of offences, including for Working with Children Cardholders and applicants failing to notify screening agencies of relevant changes in circumstances.

The WWC Act currently requires Working with Children Cardholders and applicants to give notice of a relevant change in their criminal record.

The WWC Amendment Act amends the WWC Act to:

- require Working with Children Cardholders and applicants to notify the CEO of a relevant change of particulars, including a change in their name, residential address or contact details, and their ceasing or commencing new child-related work
- creates an offence for Working with Children Cardholders and applicants who fail to notify the CEO of a relevant change of particulars.



**Substantial progress towards completion of Working with Children Checks Report recommendations 3a, 14c and 31b**

## Obligation to notify change in child-related work

The Royal Commission recommended that employers and Working with Children Cardholders engaged in child-related work must inform the screening agency when a person commences or ceases being engaged in specific child-related work.

The WWC Amendment Act amends the WWC Act to introduce such an obligation on Working with Children Cardholders and applicants. This will assist in ensuring that the correct employer is notified of any change in the person's Working with Children Check status.

## Limiting access to exemptions

The Royal Commission recommended that laws should prohibit people who have been denied a Working with Children Check, and subsequently not granted one, from relying on any exemption.

The WWC Amendment Act amends the WWC Act to allow the Regulations to qualify that a particular class of persons cannot access certain exemptions from child-related work.

It is initially intended to prohibit persons with a current interim negative notice or negative notice from accessing the child volunteer exemption in the WWC Act, or the parent volunteer exemptions in the Regulations.

## Provision of information to the Working with Children Checks National Reference System

The Royal Commission recommended that the Australian Government should facilitate a national model for Working with Children Checks, by:

- establishing a centralised database that is readily accessible to all jurisdictions to record Working with Children Check decisions
- together with state and territory governments, identifying consistent terminology to capture key Working with Children Check decisions for recording into the centralised database
- enhancing the relevant Australian Government agency's capacity to continuously monitor Working with Children Cardholders' national criminal history records.

The Working with Children Checks National Reference System is a database that sits within the Australian Criminal Intelligence Commission (ACIC) and was made available to states and territories from July 2019. States and territories have to date agreed to record, maintain and share key negative decisions. This enables all equivalent Working with Children screening units to identify if an applicant has been refused a Working with Children Check in another state or territory.

WA was the first state or territory to join the National Reference System, in September 2019.

The WWC Amendment Act amends the WWC Act to provide specific legislative authority for the CEO to disclose negative outcomes and any subsequent reversal of those negative outcomes, under the WWC Act, to the ACIC for insertion in a national database.

This addresses Working with Children Checks Report Recommendation 3(a)(ii) to the extent possible without further interjurisdictional agreement. In particular, the Australian Government's provision of a capacity for ongoing monitoring of Working with Children Cardholders' and applicants' national criminal records is required, to facilitate a national model for Working with Children Checks.



## Information gathering and sharing enhanced

The Royal Commission made various recommendations aimed at strengthening and improving information sharing within and across jurisdictions, to better protect children from abuse. In its Final Report, Volume 8: Record keeping and information sharing, the Royal Commission:

- noted that Working with Children Check schemes may not be as effective as they could be at contributing to children's safety in organisations and particularly, that the existence of eight separate Working with Children Check schemes and the differences between them creates barriers to the effective sharing of information across jurisdictions
- made various recommendations for an information exchange scheme that would allow regulators to work collaboratively and to share information with other bodies, and particularly to allow regulatory and oversight agencies to share information with their counterparts in other jurisdictions.

The WWC Amendment Act introduces various new and strengthened information gathering and sharing provisions, including for the purposes of assessments conducted under the WWC Act and for the purposes of investigating compliance with and prosecuting offences under the WWC Act, another law of WA or a law of another jurisdiction. These amendments were also informed by relevant recommendations in various independent and statutory reviews, and consideration of contemporary provisions in comparable legislation. For example:

- Other WA Government agencies and other persons or bodies prescribed by regulation may notify the Department of Communities' CEO of a criminal charge or conviction. The CEO is enabled to act on that notice, and on information received from police of another jurisdiction. This means that an assessment or reassessment under the WWC Act may be triggered by notice or information of a change in the criminal record of a Working with Children Cardholder or applicant, from entities other than the WA Police Force.
- The CEO is provided express broad powers to request information or documents relevant to an assessment from various third parties, and agencies within WA are authorised to disclose that information to the CEO despite any restrictions in law.
- The CEO is authorised to disclose certain information to certain other parties within WA or in other Australian jurisdictions, for certain purposes including the wellbeing or safety of children or other vulnerable cohorts.

## Provisions for a new system for ongoing monitoring and improved information sharing with the WA Police Force

The WWC Amendment Act introduces new provisions to support:

- the new system for ongoing monitoring of Working with Children Cardholders' and applicants' WA criminal records. The new process, based on that implemented for ongoing monitoring of criminal records under the Worker Screening Act, will ensure the WA Police Force Commissioner can disclose details of charges and convictions to the CEO as they occur, in real time.
- improved information sharing by the WA Police Force to ensure it may share appropriate information for a Working with Children Check purpose or for a purpose connected with the operation of a corresponding Working with Children Check law in another jurisdiction.

## Non-legislative recommendations of the Working with Children Checks Report completed

In 2022, the Department of Communities formalised its completion of four non-legislative Working with Children Checks Report recommendations, specifically 4, 27, 34 and 35.

### Improvements to criminal information exchange and criminal record checking



#### **Working with Children Checks Report Recommendation 4 complete**

Following the WA Police Force's completion of the digitisation of historic WA criminal records from microfilm to active policing systems in December 2020 to address recommendation 4(c), the WA Police Force and the Department of Communities have now formally completed their responses to the Royal Commission's Recommendation 4. Both agencies retain an ongoing commitment to driving practice improvements, as may be identified in the future, in the process of information exchange under the Intergovernmental Agreement for a National Exchange of Criminal History Information for People Working with Children.

### Timeframes for processing applications



#### **Working with Children Checks Report Recommendation 27 complete**

The Royal Commission recommended that state and territory governments should process Working with Children applications within five working days, and no longer than 21 working days for more complex cases.

The Department of Communities' Working with Children Screening Unit has reviewed and streamlined its processes, to reduce its timeframes for finalising applications:

- The average time taken in WA in 2021-22 to finalise an application where the applicant had no criminal record was 5.5 days, with the shortest processing time being five days and the longest being six days.
- The average time taken in WA in 2021-22 to finalise an application where the applicant had a criminal record was 21.5 days, with the shortest processing time being 19 days and the longest being 276 days.

This is comparable to the previous three financial years.

Set timeframes for processing of applications were not included in the WWC Amendment Act, as Working with Children Check application processing times vary depending on the criminal record and other history of the applicant, and the complexity of the application in terms of the searches required to ensure that the applicant does not comprise an 'unacceptable risk' to children. The time taken to process an application is also dependent upon how quickly information can be sourced from external stakeholders such as the WA Police Force, Office of the Director of Public Prosecutions, courts, or relevant agencies in other jurisdictions.

The Working with Children Screening Unit's performance against key performance indicators for processing applications, and other Working with Children Check statistics,

are included each year in the Department of Communities' Annual Report. This includes information on the proportion of:

- Working with Children Cards issued within 30 days of lodgement where the applicant has no criminal record
- decisions finalised within 60 days where the applicant has a criminal record.

In 2021-22, the Working with Children Screening Unit met its target for 98 per cent of cards issued within 30 days where the applicant has no criminal record, and exceeded its target of 96 per cent for finalising decisions within 60 days where the applicant had a criminal record (achieving 98 per cent).<sup>1</sup>

Comparable results were also achieved over the previous three financial years.<sup>2</sup>

## National Standards



### Working with Children Checks Report Recommendation 34 complete

The Royal Commission recommended that the Australian, state and territory governments should:

- through the Council of Australian Governments (COAG), or a relevant ministerial council, adopt the standards and set a timeframe within which all jurisdictions must report back to COAG, or a relevant ministerial council, on implementation
- establish a process whereby changes to the standards or to state and territory schemes need to be agreed to by COAG, or a relevant ministerial council, and must be adopted across all jurisdictions.

This recommendation has been addressed through the National Standards for Working with Children Checks (National Standards), developed collaboratively by all jurisdictions in response to the Working with Children Checks Report and published in 2019.

State and territory ministers responsible for Working with Children Check schemes in all jurisdictions broadly endorsed the National Standards in 2019, through the Council of Attorneys-General and the Community Services Ministers Forum. In adopting the National Standards, jurisdictions committed to work towards implementation of the policy in their respective jurisdictions.

The National Standards were endorsed on behalf of WA in January 2019 by the Hon. Simone McGurk, then Minister for Child Protection. WA endorsed all National Standards except standards 14, 15 and 16, which required further consideration to ensure the maintenance over time of appropriate protections for children, discretions for WA, and reliability of information constituting a trigger for an assessment or reassessment under the Act.

The National Standards:

- include no specific or binding timeframe for implementation in any jurisdiction
- require, at:
  - National Standard 33 – States and Territories will consult on any proposed changes to the National Standards or significant changes to a State's or Territories working with children check legislation (except where the changes are to implement the National Standards) to ensure best practice is built nationally and that the National Standards continue to develop in order to drive increased national consistency.

- National Standard 34 – States and territories will review the National Standards periodically to identify areas where further national consistency can be reached. Any changes are to be approved by the relevant Ministers.

National collaboration and work to implement the National Standards is ongoing.

The Australian Government Department of Home Affairs previously led an Interjurisdictional Working with Children Check Working Group on implementing the National Standards, including delivering on National Standard 17 regarding specific criminal offences that disqualify a person from holding, or being issued, a Working with Children Check in any state or territory.

The Interjurisdictional Working with Children Check Working Group was suspended on 1 February 2022, to reflect the formation of the Information Sharing Working Group under the National Strategy to Prevent and Respond to Child Sexual Abuse 2021–2030 led by the National Office for Child Safety.

See further information provided below regarding interjurisdictional work to progress national portability and mutual recognition of Working with Children Check outcomes across states and territories.

## Progress reporting on implementation of recommendations



### Working with Children Checks Report Recommendation 35 complete

The Royal Commission recommended that the Australian, state and territory governments should provide a report to COAG, or a relevant ministerial council, for three consecutive years following the publication of the Working with Children Checks Report, to be tabled in the parliaments of all nine jurisdictions, detailing their progress in implementing the recommendations and achieving a nationally consistent approach to Working with Children Checks.

The intent of this recommendation has been achieved through the WA Government's tabling in the Parliament of annual progress reports, detailing progress towards implementation of all Royal Commission recommendations, each year since 2018 in accord with recommendation 17.2 of the Royal Commission's Final Report, Volume 17: Beyond the Royal Commission.

#### **Recommendation 17.2:**

The Australian Government and state and territory governments should, beginning 12 months after this Final Report is tabled, report on their implementation of the Royal Commission's recommendations made in this Final Report and its earlier Working with Children Checks, redress and civil litigation and criminal justice reports, through five consecutive annual reports tabled before their respective parliaments.



Other jurisdictions have similarly reported annually on their progress in implementing Royal Commission recommendations. The progress reports of all jurisdictions are publicly available, including on the website of the Australian Government Response to the Royal Commission into Institutional Responses to Child Sexual Abuse.

States and territories also provide annual input to the Australian Government's Annual Progress Report, which outlines the Australian Government's progress in implementing the Royal Commission's recommendations, including work undertaken by the Australian Government collaboratively with states and territories.

## Next steps for Working with Children Checks Report implementation

The WA Government's future focus in relation to the Working with Children scheme will be on addressing remaining Working with Children Checks Report recommendations. These can be broadly grouped into those:

- associated with the categories of child-related work and the exemptions to those categories (the scope of the WWC Act)
- regarding national portability and mutual recognition of Working with Children Check outcomes across states and territories.

These remaining recommendations require extensive consultation with stakeholders and/or have substantial interdependencies with other jurisdictions and are intended for address in future phases of reform to the WWC Act.

Initially though in 2023, the WA Government will focus on ensuring public and stakeholder understanding of the effects of the WWC Amendment Act.

### Public education on the WWC Amendment Act

In 2023, the Department of Communities will initially focus on the delivery of a broad and proactive public education campaign, funded in Budget 2022-23 to occur prior to the WWC Amendment Act's substantive commencement, to ensure all stakeholders properly understand the changes made to the WWC Act.

This work will involve broad publicity, stakeholder communications and education sessions, and information to regulated parties.

The Department's Working with Children Screening Unit will undertake this education campaign by offering a comprehensive suite of education and engagement opportunities including state-wide delivery of workshops, regional roadshows, online consultation opportunities and supporting resources and checklists.

## Recommendations related to the categories of child-related work and exemptions

The Royal Commission made various recommendations for the scope of Working with Children Check laws in each jurisdiction – that is, for the categories of child-related work and the persons who are exempt from the WWC Act requirements.

The WA Government's response to these recommendations:

- will require substantial consultation with WA stakeholders, to ensure that any changes to the scope of the WWC Act are appropriate in the WA context
- are related to various recommendations of the Royal Commission's Final Report, Volume 6: Making Institutions Child Safe, regarding an independent oversight scheme for the National Principles for Child Safe Organisations (such as recommendations 6.9 and 6.10)
- are an intended area of focus for the WA Government in 2023 and 2024.

## Recommendations related to national portability

The Royal Commission recommended strengthening the protections children receive through Working with Children Checks, including through national consistency and mutual recognition (where decisions made in any jurisdiction are portable across borders).

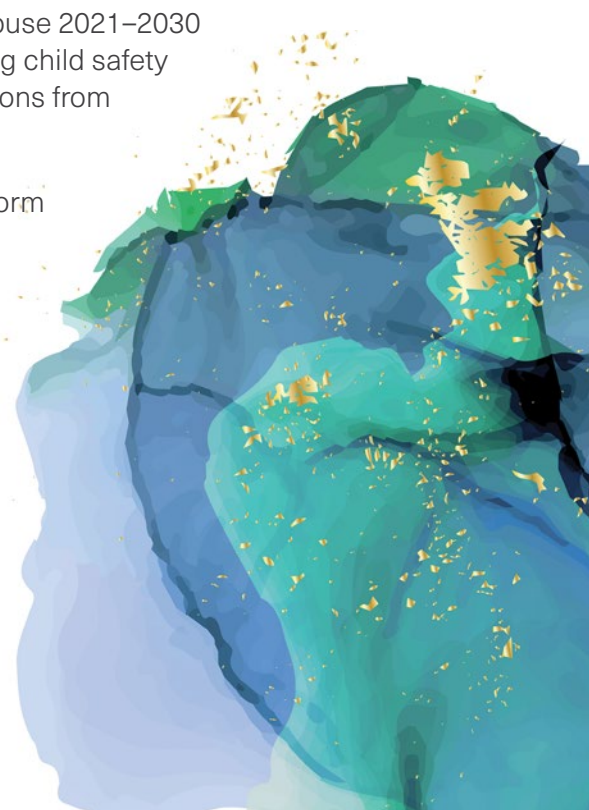
A key prerequisite to national portability, to uphold safety standards for children, is the provision by the Australian Government of a system for ongoing monitoring of Working with Children Cardholders' and applicants' national criminal records.

In 2022, WA worked with inter-jurisdictional colleagues to progress these important Working with Children Checks Report recommendations regarding national consistency and mutual recognition.

- A 'Workplan to reduce the burden of overlapping regulation' was endorsed by National Cabinet in December 2021, which includes an item to improve national consistency of Working with Children Checks to make children safer and reduce regulatory impact on business.
- In early 2022, an Information Sharing Working Group was formed under the National Strategy to Prevent and Respond to Child Sexual Abuse 2021–2030 and tasked with enhancing national arrangements for sharing child safety and wellbeing information, including relevant recommendations from the Working with Children Checks Report.

A national model for long-term Working with Children Check reform is currently intended for agreement in 2024, with legislative amendments to progress subsequently in each jurisdiction.

WA values this important opportunity to progress the remaining Working with Children Checks Report recommendations requiring national collaboration to inform their design. Across 2023-24 and beyond, this continued national collaboration will be a key focus of the Department of Communities in further progressing Royal Commission recommendations regarding Working with Children Checks.



## The WA Commissioner for Children and Young People

A key partner and advocate for the rights of WA children and young people to be safe and respected wherever they are, is the CCYP. An overview of CCYP's work in supporting organisations to be child safe and friendly is provided below.

CCYP published the [Monitoring of complaints systems report](#) in January 2022.

The report provides information on the activities of the CCYP to monitor the progress of WA Government agencies towards implementing child-friendly complaints systems. Agencies utilised a self-assessment tool to evaluate their complaint processes against the National Principles for Child Safe Organisations.

The 2022 report identified limited and uneven progress by agencies in ensuring the concerns of children and young people, including some of the most vulnerable children in WA, are heard and acted upon. The CCYP provided direct feedback to government organisations, which were asked to identify their own improvement strategies, and will continue to support these agencies to improve their child safe practices and child-friendly complaints mechanisms.

On 11 May 2022, the then Minister for Child Protection tabled in Parliament the WA Government response to the CCYP report on the [Independent Review of Department of Communities policies and practices in the placement of children with harmful sexual behaviours in residential care settings](#) (September 2021).

The nine recommendations made by the CCYP were accepted by the WA Government, and the then Minister indicated an annual report would be provided to the CCYP on the progress towards implementing the recommendations. The first annual report was received on 24 November 2022 and the CCYP, on reviewing the information provided, will seek additional information – particularly how the implementation of the 33 Royal Commission recommendations noted in the report are being prioritised, as per Recommendation 1.

The CCYP has continued to provide resources, presentations, and information to organisations to assist them in implementing the National Principles for Child Safe Organisations and has been represented on the Supporting Communities Forum's Child Safe Organisations Working Group during 2022.

# Endnotes

1. Department of Communities Annual Report 2021-22, page 26
2. Department of Communities Annual Report 2020-21, page 124;  
Department of Communities Annual Report 2019-20, page 214;  
Department of Communities Annual Report 2018-19, page 146.





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