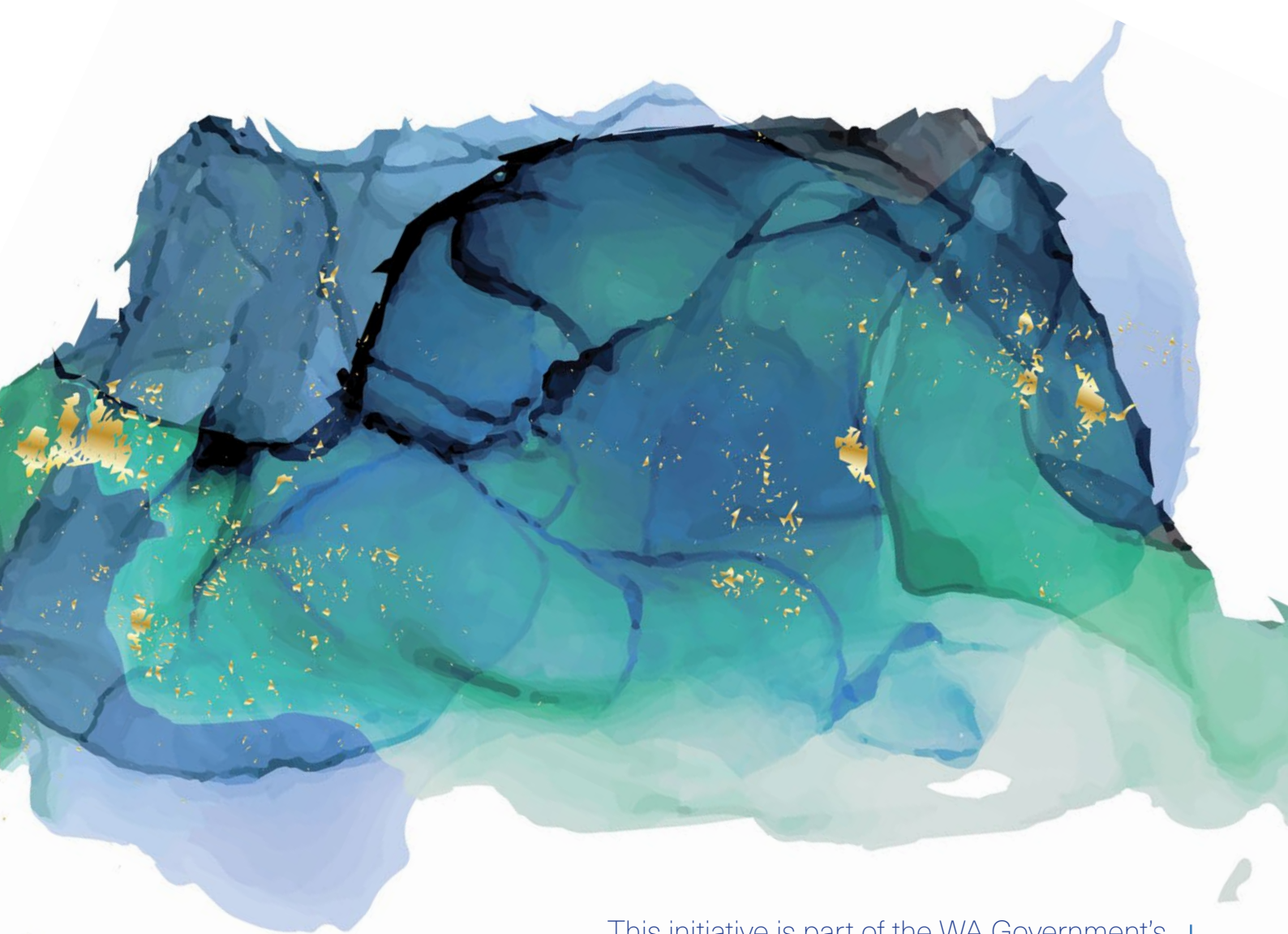




GOVERNMENT OF  
WESTERN AUSTRALIA

# A Safer WA for Children and Young People

## 2020 Progress Report



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.



# Contents

1. Ministers Foreword	3
2. Introduction	4
3. Our Approach	4
4. Our Overall Progress	7
5. Preventing Further Harm	9
6. Protecting Children Now	31
7. Healing Past Hurts	36
8. Next Steps for Implementation	40



# 1. Minister's Foreword

I am proud to present the 2020 Progress Report on the Western Australian Government's implementation of the recommendations of the Royal Commission into Institutional Responses to Child Sexual Abuse (the Royal Commission).

2020 presented unprecedented challenges to our community and the way that we live our lives. The ongoing COVID-19 pandemic has required us all to think and act differently and respond to issues such as safety of children and families in our community in more innovative ways. The Western Australian Government was well placed to negotiate these challenges to progress the significant body of work required.

We are now three years into our 10-year implementation journey and are beginning to see a cultural shift in how we as a community speak about child sexual abuse, how institutions are moving forward as child safe organisations and how we are creating a Safer WA for all children now and in the future.

In February 2020, I was pleased to present a \$3 million Lotterywest grant to support the establishment of the WA Centre for Excellence in Responding to Child Abuse and Neglect. The WA Centre is an innovative partnership between Parkerville Children and Youth Care, the Australian Centre for Child Protection, University of South Australia and will promote improved outcomes for children and young people who have experienced trauma from abuse.

As Minister for Child Protection, I tabled the *Parliamentary Commissioner Amendment (Reportable Conduct) Bill 2020* as a green bill for public consultation. The draft bill seeks to establish a reportable conduct scheme to provide independent oversight of how organisations handle allegations and convictions of child abuse. This is an important step forward to ensure that organisations that are trusted with supporting our children have independent oversight.

The safety of children is a whole of community responsibility. This 2020 Annual Progress Report demonstrates the strong working partnerships across State and local governments, the non-government sector and the community which are critical to our continued success in addressing systemic issues related to child safety.

I would like to extend a heartfelt thank you to all who have been a part of the work that is presented in this report. The passion and commitment that you all have to creating more safety for WA children is inspiring.

I also want to acknowledge the bravery of all the victims and survivors who have shared their stories and thank them for continuing to guide this work.

**Simone McGurk MLA**

Minister for Child Protection; Women's Interests; Prevention of Family and Domestic Violence; Community Services

## 2. Introduction

The Western Australian State Government is proud of its work to implement the recommendations of the Royal Commission into Institutional Responses to Child Sexual Abuse (Royal Commission).

The Royal Commission delivered its Final Report in December 2017 and estimated a 10-year program of work to achieve full implementation. The courage shown by those who stepped forward to share their stories with the Royal Commission will not be forgotten and is at the heart of everything we do.

In our third year of reporting, examples of progress against recommendations are included. This foundation will shape the direction which will be undertaken in coming years. Strategic partnerships have been forged by a shared purpose and concerted action to ensure the safety of children and young people. These partnerships extend beyond government agencies to include institutions committed to working together to create a safer Western Australia for all children.

## 3. Our Approach

The 310 recommendations are complex, interrelated and require work across government agencies such as law enforcement, justice, health, education, child protection and community-based cultural and sporting services.

The State Government is responsible for completing 310 recommendations and continues its commitment to creating a safer Western Australia by:

- Healing Past Hurts
- Protecting Children Now
- Preventing Further Harm

The COVID-19 pandemic has presented challenges for the progression of Royal Commission work. Western Australia has been well-positioned to continue the progress of this work due to a \$3.6 million investment by the State Government dedicated to the implementation of the recommendations of the Royal Commission.



Collaboration is important in creating lasting change. State government agencies have worked together in a considered and methodical way to achieve results. Extensive collaboration both within and beyond Western Australia allows us to develop flexible, innovative, and effective solutions to implementation challenges.

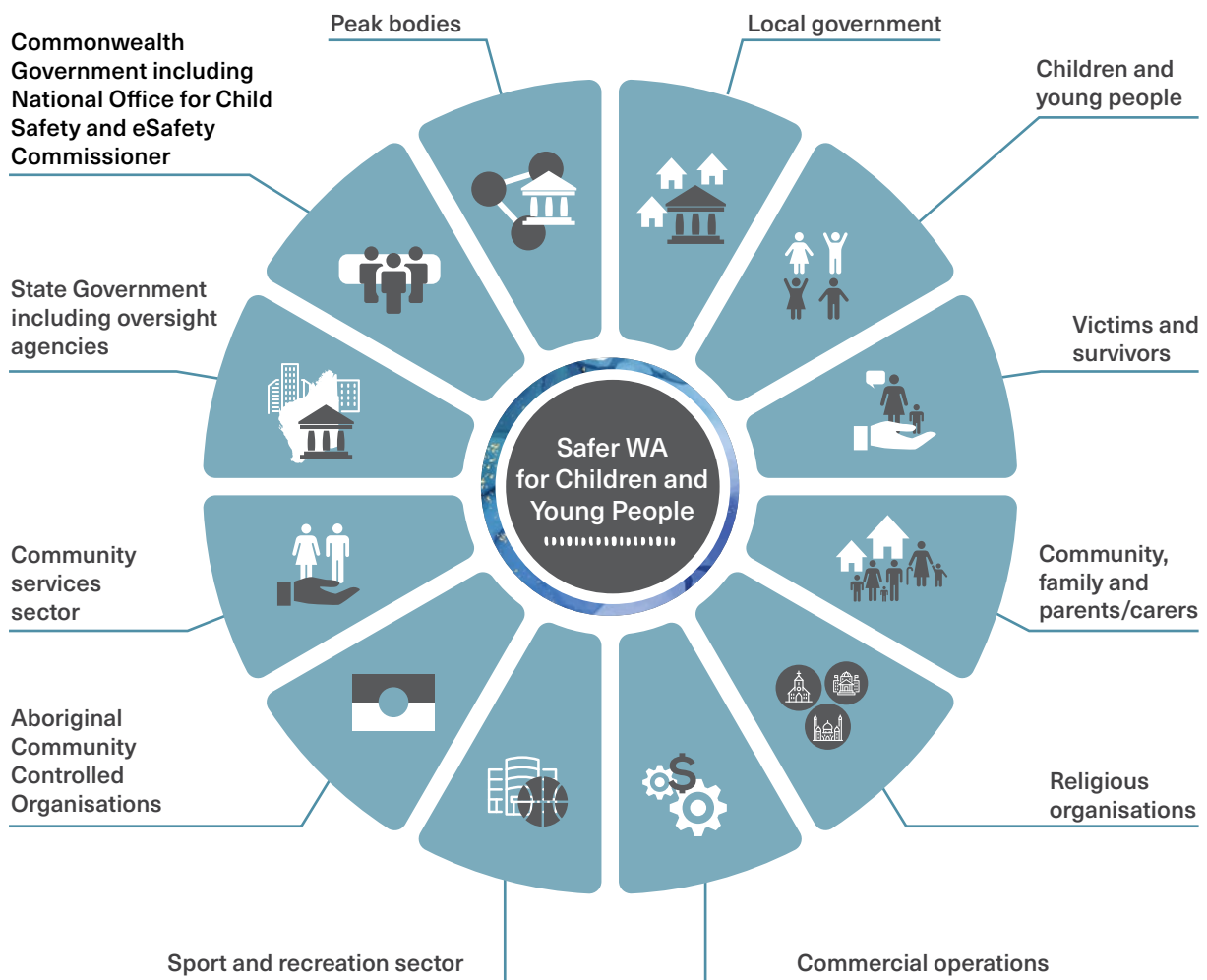
There are 56 recommendations requiring coordinated action with the Commonwealth and other states and territories to achieve national consistency.

The Royal Commission urged Commonwealth and state and territory governments to work together so children across Australia have the same level of safety wherever they live. The partnerships and commitment from all jurisdictions have been instrumental in progressing work at a national level.

There are a range of coordinating mechanisms that Western Australia is participating in to progress recommendations including Child Abuse Royal Commission Interjurisdictional Meetings, relevant ministerial councils and interjurisdictional forums where work is being progressed.

Progress on this work is reported annually by the Commonwealth and can be accessed [here](#).

## Whole of community working together to build a Safer WA for Children and Young People



## Safer WA for Children and Young People online resource

<https://www.wa.gov.au/government/safer-wa-children-and-young-people>

An online resource has been developed called Safer WA for Children and Young People. There are a number of resources and information available about child sexual abuse as it can be difficult for parents, young people and professionals to know where to go and what to do to get help when you need it.

The new resource aims to be a child safety hub, bringing together relevant information about keeping children and young people safe in a single, accessible location. Safer WA includes a dedicated page for children and young people to access information about online safety, details of support services and programs, and how to report allegations of abuse and make complaints.

As well as supporting families and professionals, the website will provide updates on WA's progress to implement the Royal Commission recommendations.

Safer WA will be further developed and expanded by consultation and feedback throughout the 10-year implementation to ensure current and up-to-date information is provided to the community.

## 4. Our Overall Progress

In 2020, the State Government has completed 127 recommendations<sup>1</sup> and commenced work on all remaining recommendations.<sup>2</sup>

Key achievements in 2020 include the tabling of the *Parliamentary Commissioner Amendment (Reportable Conduct) Bill 2020* as a green bill for public consultation and the commencement of the *High Risk Serious Offender Act 2020* to enable the dangerous sex offenders scheme to be applied to a broader cohort of offenders and prevent further harm to children, including child exploitation and online child sex offending.

The State Government awarded a **\$3 million grant** to support the establishment of the Western Australian Centre for Excellence in Responding to Child Abuse and Neglect which will take a proactive approach to the assessment, treatment and prevention of trauma from abuse in children, young people and families, with a special focus on child sexual abuse.

The State Government continues to progress actions to implement the **National Principles for Child Safe Organisations (National Principles)**. One of the primary intentions of the Royal Commission's recommendations is to create safer environments for all children. The Royal Commission defined child safe institutions as those which create cultures, adopt strategies and take actions to prevent harm to children, including child sexual abuse. In 2020, a whole-of-government risk assessment was completed to monitor the implementation of the National Principles. Work has now started on developing and implementing a treatment plan to strengthen good practice and address potential risks.

The Child and Adolescent Health Service became the first health service provider in the Western Australian health system to begin implementing the National Principles through an action plan focussed on embedding the National Principles and supporting **cultural changes** across the organisation.

State Government agencies are **working collaboratively** and seeing the benefits of the Machinery of Government changes demonstrated in the implementation of the recommendations. For example, the Department of Communities is able to work closely with staff with expertise in disability, family and domestic violence, child protection and social housing to progress the implementation of the same level of safety across services.

**Strong working partnerships** between government agencies are supporting a consistent approach to child safety. Western Australia Police Force and Department of Communities continue to work together to address systemic issues related to child safety while providing a joined-up service response to children and young people at risk of significant harm. Joint Response Teams, including in the Kimberley region, enable a sustained and localised approach to addressing child abuse and the underreporting of child abuse.

Information sharing across jurisdictions has been strengthened through the development of **Connect for Safety**, which is a contemporary technology solution that facilitates the exchange of demographic information regarding individuals between child protection data systems. Western Australia is the third jurisdiction to be on-boarded in September 2020.

The importance of **ongoing consultation with key stakeholders** during the development of responses to the recommendations of the Royal Commission is a focus for all agencies.

---

1 Recommendations that are completed may be subject to ongoing work and evaluation to strengthen effectiveness.

2 The only exception is recommendation 7.11 which recommends the periodic review of the operation of the reportable conduct scheme, which is not in operation.

The Department of Local Government, Sport and Cultural Industries has consulted with **137 local governments and 38 sport and recreation organisations** on the National Redress Scheme, supporting the State Government’s position to provide redress to as many survivors as possible.

The Ombudsman of Western Australia has undertaken **extensive consultation** with stakeholders on the development of a legislated reportable conduct scheme to prevent harm to children and make children safer by ensuring that child-related misconduct of employees must be reported and investigated.

The Department of Communities consulted with a variety of religious organisations to understand the implementation considerations and training requirements to support the inclusion of Ministers of Religion as **mandated reporters of child sexual abuse**. Further engagement and consultation is planned for 2021.

As we move into the fourth year of the State Government’s 10-year reform plan, we will build on **the foundational work** of the first three years of implementation to create **safer communities for children and young people** in Western Australia.





## 5. Preventing Further Harm

Prevention plays a critical role in making institutions child safe. Child sexual abuse is not just a historical issue but one that requires proactive work to prevent harm to children and young people in the future. In all environments, children must be safe, valued, have their rights respected, and their best interests promoted.

The Royal Commission found that institutional cultures and practices need change to create environments where child sexual abuse is more effectively prevented, identified and reported. This work will create institutions where it is less likely to occur, or where it does occur, it is identified early, reported and responded to appropriately.

116 of the 310 Royal Commission recommendations applicable to the Western Australian Government focus on reducing the likelihood of child sexual abuse, to prevent further harm.

### Child Safe Organisations

[The National Principles for Child Safe Organisations](#) (National Principles) were endorsed by the Council of Australian Governments in February 2019.

The Australian Government, Western Australian Government, other state and territory governments and non-government institutions are working together to implement the National Principles. The National Principles were based upon the Child Safe Standards recommended by the Royal Commission and reflect their understanding that genuine cultural change needs to occur for institutions to become child safe for all types of abuse, including child sexual abuse. Effective implementation of the National Principles is aimed at changing the attitudes and behaviours of people who work with children.

The National Principles apply to all institutions (government, non-government and commercial) engaged in child-related work.

The Western Australian Government has been purposeful in progressing the implementation of the National Principles by using the mechanisms recommended by the Royal Commission. Our aim is to strengthen our system in preparation of independent oversight and promote cooperative implementation to drive real and lasting change.

The Western Australian Work Plan to Implement National Principles provides a high-level, strategic overview of the actions required by government agencies to create child safe organisations through cross-government, coordinated implementation of the National Principles. Agencies have been progressing actions outlined on the Work Plan which was reviewed and updated in May 2020.

## Risk framework and treatment plans (Recommendation 6.8-6.9)

To prepare for a responsive and risk-based approach to monitor National Principles a whole of government risk assessment has been completed with key government agencies including Departments of Communities, Health, Justice, Education and Local Government, Sport and Cultural Industries. Work has now started on developing and implementing treatment plans to address the risks and strengthen good practice.

## Community sector survey (Recommendation 6.8-6.9)

The Department of Communities has begun consultation with community services organisations on their readiness, capacity and progress towards implementing the National Principles into their governance and functions. An online survey was developed and distributed with support from key peak bodies, the Western Australian Council of Social Services and the Youth Affairs Council of Western Australian, and key government agencies including the Department of Local Government, Sports and Cultural Industries. There were 266 respondents to the survey from across the community services sector.

Survey findings will be tested and explored through focus groups to be completed by early 2021 to gain further understanding of the sector's capacity, progress and future support needs. This information will be critical to help inform the most efficient way to implement the National Principles across such a broad range and type of institutions.

## Using funding agreements to support implementation of National Principles (Recommendation 6.8-6.9)

The Royal Commission noted funding agreements and procurement processes can be a powerful motivator to change institutional practice. The requirement to comply with the National Principles has commenced with inclusion of provisions in all child-related community services and commercial services through contract templates that all agencies use. The Department of Finance has, and will continue to, communicate what the new requirements mean and how they can be practically implemented.

Contract managers have a key role in implementation by interacting with services on a regular basis and identifying and addressing child safety issues. The Department of Communities is working with the Department of Finance to develop guidelines for contract managers to ascertain compliance with the National Principles and how this information will be collated and stored.

## Safe and Friendly Schools Framework Self-Assessment Tool (Recommendation 6.8-6.9 and 13.17)

The Department of Education has piloted a Safe and Friendly Schools Framework Self-Assessment Tool (the tool) that will embed the National Principles within the public school system. The tool is designed to support cultural change to ensure student safety and wellbeing are at the core of a school's operations.

The framework will:

1. Support and develop child safe leadership, governance and culture in public schools.
2. Ensure the empowerment of students to take part and learn.
3. Underpin the development of child safe and friendly policies.
4. Support the development of safe physical and online environments for students.
5. Ensure people working with students are suitable and supported.
6. Involve students' families and community in open two-way communication.
7. Act as a catalyst for continuous improvement in child safety within the public system.

Feedback from the pilot has been incorporated into the tool and consultation with unions and professional associations has occurred. The tool is currently being finalised with a view to implementing this in schools in Term 1, 2021.

## The Department of Health and the Child and Adolescent Health Service – Implementation of National Principles (Recommendation 6.8-6.9)

The Department of Health in partnership with the Child and Adolescent Health Service is supporting the implementation of the National Principles by all Health Service Providers through the WA Health Implementation Plan for the National Principles. The Plan proposes a staged implementation across the Western Australian health system to manage the governance and complexity of a health system that involves many public and contracted private legal entities, of large size and varying service mix.

The Child and Adolescent Health Service is the first health service provider in Western Australian to begin embedding the National Principles across the organisation. To support the implementation of the National Principles, an action plan was developed with the following focus areas:

- leadership, consumer engagement and cultural change
- policy, processes and compliance
- human resources
- safe environments – physical and online
- education – programs and information resources
- monitoring implementation.

The Child and Adolescent Health Service has developed a child safe organisation checklist to help identify child safe risks related to the physical environment and mitigation strategies that are either in place or required. The checklist was implemented across all Community Health and Child and Adolescent Mental Health sites (161 sites), Perth Children's Hospital clinical areas (25 areas) and non-clinical areas (10 areas, including all open areas accessible to the public).

All sites and areas were required to provide a summary of mitigation strategies to implement that would address the issues identified. Where common gaps have been identified, a coordinated response is being implemented.

### Organisational leadership, governance and culture

The Child and Adolescent Health Service developed a video featuring Chief Executive Dr Aresh Anwar and Professor Helen Milroy, one of the Commissioners of the Royal Commission.

The video was developed as a Child Safe Organisation awareness raising tool and is used in the whole of staff induction program, volunteer induction program, global communications and other specific implementation activities.

## Child Safety Officers in Local Government (Recommendation 6.12)

The Royal Commission identified local governments as being fundamental in providing support that enables organisations to implement the National Principles and create child safe environments. Central to this statement the Royal Commission cited the role local governments play in assisting and resourcing communities across Australia, particularly in regional and remote areas.

Child safety officers are intended to promote child safety within the organisation and support smaller community-based organisations and other local businesses providing services to children to create child safe environments. The role would be expected to support local staff and volunteers to build existing capacity around child safety within their organisations by providing information and assistance.

The Royal Commission's view was that child safety officers embedded in services and local industries would be especially important in regional and remote areas, given these communities are known to routinely miss out on resources and access to services that are available in urban centres. In regional and remote communities, child safety officers could be a conduit for information.

The Department of Local Government, Sport and Cultural Industries and the Department of Communities are working with key stakeholders of the Western Australian Local Government sector including Local Government Professionals WA and the Western Australian Local Government Association to progress this recommendation. Further consultation will be occurring between November 2020 to January 2021 through an information paper, surveys and webinars.

It is anticipated that the State Government's plans for implementation will be presented to the Local Government sector in mid-2021.



## Independent Oversight

Children and young people regularly come into contact with organisations and engage in activities outside their home. The Royal Commission recommended that organisations engaged in child-related work be overseen by an independent body to improve their child safe systems and practices and handling of child abuse complaints.

In broad terms, independent oversight refers to a person or body that sits at arms-length to government and examines the actions and decisions of others using functions such as monitoring, review, investigation, and reports findings and recommendations to improve systems, processes and decision-making to Parliament. Independent oversight improves transparency and accountability, so the community has confidence in the integrity of our government and non-government organisations and institutions.

### Development of an independent oversight system (Recommendation 6.10-6.11, 7.9-7.12, 12.4, 12.5 and 15.10)

A multi-agency project to develop an integrated system of independent oversight in the following four areas:

- Organisations to report certain types of misconduct by their employees involving children (known as reportable conduct) to an independent oversight body.
- Organisations engaged in child-related work to comply with the National Principles and their compliance be monitored by an independent oversight body.
- Out-of-home care providers be accredited by an independent oversight body as meeting particular standards which would include the National Principles, and their compliance with those standards be monitored by that body.
- Youth detention environments to comply with the National Principles and their compliance be monitored by an independent oversight body.

The Department of the Premier and Cabinet is working in conjunction with the Independent Oversight Working Group, to develop its advice to Government on options for the independent oversight system. A consultation process with stakeholders across the public sector, non-government organisations and broader community will be undertaken between November 2020 to early 2021. Key areas of focus include identification of the powers and functions of an oversight body, the elements required for an effective and joined-up system of independent oversight, and the nature and scope of organisations that are likely to be required to implement the National Principles over time.

The independent oversight system will be informed by experiences and approaches in other jurisdictions and the report by the Joint Standing Committee on the Commissioner for Children and Young People From Words to Action: Fulfilling the obligation to be child safe.

## Working with Children Checks

The Working with Children Check is a compulsory screening strategy in Western Australia, required by anyone engaging in paid or unpaid child-related work. Information on Working with Children Checks, including who needs them and how to apply, can be found on the [Working with Children Check](#) website.

The Royal Commission recommended strengthening the protections children receive through Working with Children Checks through national consistency and an integrated scheme that is portable across borders. Department of Communities is progressing with legislative amendments to address the recommendations. Work on national consistency is ongoing through the development of National Standards for Working with Children Checks.

Work is being completed across several Western Australian Government agencies to increase compliance and staff awareness of Working with Children Check requirements. In July 2020, the Departments of Education, Communities and the Western Australian Police Force commenced a joint working group to review and improve interactions and information sharing between the agencies in relation to child safety matters in Western Australia.

## Working with Children Checks and the National Principles (Recommendation 6.8-6.9)

The Working with Children Check scheme supports the implementation of the National Principles for Child Safe Organisations by reinforcing effective screening processes to select the right people to work with children by strong and thorough recruitment. The Royal Commission recommended effective Working with Children Checks alongside other screening processes. To support this, the Department of Communities has developed a resource to explain what steps organisations need to take alongside the Working with Children Check.

The Working with Children Screening Unit has developed a risk assessment tool to provide risk ratings for child-related work and identify current controls and improvements to mitigate and manage the risks. High-risk businesses and individuals have been targeted for further education on the expectations for meeting child-safety standards.

The Working with Children Check Unit has also introduced a new proactive compliance program Community Outreach which commenced in August 2020 (Recommendation 32). This program involves compliance officers reviewing social media sites such as Gumtree, Facebook Marketplace and Tutor Finder to identify individuals who may be undertaking child related work. Compliance officers make contact with identified individuals to ensure they have the relevant Working with Children Card and are compliant with Working with Children Check requirements.

The Working with Children Check Unit reviewed 230 advertisements placed in newspapers, Gumtree and Facebook by self-employed people in child-related work. The audit resulted in the removal of 52 advertisements following contact from the unit and a further 32 were referred to the compliance team for investigation.

## Child-focused complaint handling

Ineffective or inaccessible complaint handling systems can impede the ability of institutions and external authorities to identify and respond appropriately to child sexual abuse. The Royal Commission found that a number of children involved with institutions had a poor understanding of the internal and external complaints systems available to them, including the processes involved in making complaints. In private sessions, victims and survivors told the Royal Commission that they had low levels of confidence in complaint handling systems and that complaints were dismissed, not followed up on, inappropriately handled, and not reported to the police.

There are significant barriers which can prevent children from making complaints related to sexual abuse, these can include cultural and linguistic factors, mental health issues, and accessibility for people living with disability. It is essential that complaints systems are inclusive and accessible for all people and that staff receive appropriate training on the needs and experiences of children that highlight these barriers.

## Child-focused complaints resources and activities (Recommendation 6.8-6.9, 7.7 and 12.10)

The Commissioner for Children and Young People was appointed by the National Office for Child Safety to develop resources for children and young people explaining their right to speak up when they feel uncomfortable, unsafe or marginalised, and outlining the steps they can take to raise their concerns or make complaints within organisations.

Over 1,000 children and young people and adults who work with them in government and non-government organisations, were involved in the development of these resources, providing their views through online surveys, focus groups and an art worksheet. The Department of Local Government, Sport and Cultural Industries provided input in planning the Western Australian focus groups. As part of this project, the Commissioner is also developing a resource to help adults to talk about the resources with children and young people in their lives, communities and organisations. The new resources will be completed by the end of 2020 and distributed nationally.

The Department of Communities has created a Children and Young Peoples Complaints page on the department's website. The page includes a range of new and revised resources, including a child-friendly complaints policy, frequently asked questions, various age appropriate posters and wallet cards, and complaints kits enabling children and young people to submit complaints online.

## Review of complaints handling in youth detention in Western Australia (Recommendation 15.9 and 15.10)

In 2020, the Department of the Premier and Cabinet commissioned a review of complaints handling systems in youth detention environments (the Review) to inform reforms associated with recommendations 15.9 and 15.10 of the Royal Commission. The scope of the Review included youth detention facilities (Banksia Hill Detention Centre and Court Custody Centres), police lockups and secure transportation of young people by the Department of Justice and the Western Australia Police Force.

The Review examined existing internal and external complaints processes, as well as face-to-face consultations with young people in Banksia Hill Detention Centre, staff working with young people in youth detention and the community, and staff involved in internal complaints handling.

The recommendations of the Review support improvements to complaints handling in youth detention through reforms to internal and external complaints handling processes. For the Department of Justice, this primarily includes the introduction of additional internal mechanisms to support an enhanced complaints handling model, as well as updating staff training and complaints resources for young people. To initiate and guide ongoing reforms to complaints handling, Banksia Hill Detention Centre has drafted an action plan outlining key actions, timeframes for commencement/ completion, progress to date and next steps.

The recommendations and actions arising from the Review may also inform and support the progression of reforms arising from the Royal Commission in youth detention more broadly, including implementation of the National Principles and future independent oversight arrangements.

## Safe Circles Protective Behaviours program (Recommendation 15.8)

After a successful pilot in August 2019, the Department of Justice is continuing to deliver the Safe Circles Protective Behaviours program at Banksia Hill Detention Centre. The program is designed to be culturally relevant and adopts a contemporary best practice, strengths-based approach.

The program is delivered weekly over the course of a school term (10 weeks) to young people attending the Banksia Hill Detention Centre School. Since August 2019, a total of 38 young people have completed the Safe Circles Program, with a further eight young people enrolled for Term 3, 2020.

## Workforce development and training

The Royal Commission found that staff need to be equipped with the knowledge, skills and awareness to keep children safe through continual education and training. Training should enable staff to understand the impact of traumatic experiences, including sexual abuse, on children, factors that may facilitate opportunities for child sexual abuse, and how to identify and prevent abuse. Staff in institutions should also be provided with the knowledge to distinguish between healthy and harmful sexual behaviours in children and be equipped to react and respond appropriately to children displaying harmful sexual behaviours.

### Training Programs (Recommendation 6.8-6.9)

There have been a range of initiatives in this area including:

- The Child and Adolescent Health Service developed a suite of educational vignettes on child safe organisations; what is child abuse; and recognising, responding, recording and reporting concerns of child abuse. They are five minutes in duration and focus on 'must know' and 'key take home messages' to promote the sharing of consistent knowledge amongst staff.
- Development of online Mandatory Reporting training by the Department of Communities to support the expansion of mandatory reporter groups. The online training is focussed on indicators of child sexual abuse and appropriate ways to respond to disclosures of child sexual abuse.
- In July 2020, Western Australia Police Force implemented an Aboriginal Cultural Awareness Training Program. The program provides all Western Australia Police Force employees with a thorough introduction to cultural awareness and complements place-based training and inductions. Completion of the program is mandatory for police officers and staff members. The Aboriginal Cultural Awareness training will be included in the agency's induction package for all new employees (Criminal Justice Recommendation 5A).
- The Vulnerable People Training Package is currently being delivered to all recruits at the WA Police Academy. The content of the 'Vulnerable People' training package is informed by an extensive literature review, environmental scan and analysis of vulnerable people and police responses completed in October 2019.
- The Department of Communities has reviewed and updated their existing child safe resource to align with National Principle 5: *People working with children and young people are suitable and supported to reflect child safety and wellbeing values in practice*. The resource complements the Commissioner for Children and Young People's suite of resources to support child safe organisations. It includes an overview of Working with Children Checks and is available on the Working with Children Check website.
- The Commissioner for Children and Young People developed a Training Needs Analysis tool for government agencies to consider their workforce development needs across leadership and management, human resources personnel, staff and volunteers with regards to implementing the National Principles for Child Safe Organisations.





## Records

The Royal Commission recognised that the creation and retention of accurate records and good recordkeeping practices are critical to identifying, preventing and responding to child sexual abuse. Inadequate records and recordkeeping have contributed to delays, and failure, in the identification and response to risks and incidents of child sexual abuse and created additional distress and trauma for many victims and survivors. Ineffective and unresponsive processes for accessing records have created further difficulties for survivors seeking information about their lives in the care of institutions while applying for the National Redress Scheme or seeking claims of civil litigation.

### Records Management Guidance (Recommendation 6.8-6.9 and 8.1-8.4)

In October 2019 the State Records Office issued general guidance on identifying records that may be relevant to future cases or allegations of child abuse. This guidance was developed in collaboration with other Australian public records authorities. Like all State Records Office guidance, it is made available free of charge for both government and non-government entities on the State Records Office's website.

The State Records Office is also working with government agencies who undertake child related work to ensure that their unique records of this work are being retained for appropriate periods, so they remain available for children in future.

The State Records Office, as the public records authority for Western Australia, has drafted a Retention and Disposal Authority to set out specific retention periods for records relating to cases or allegations of child abuse, and records of governance processes for dealing with such cases.

The draft document takes into account the Royal Commission recommendations for retention of such records, as well as the requirements of the Western Australian *Limitation Act 2005*.

Once approved by the State Records Commission, this retention and disposal authority will provide clear instruction for how long records relating to child abuse must be retained by all State and local government organisations, thus ensuring this information remains available for the child. The document will also be available for use by non-government entities.

## Records for Care Leavers (Recommendation 6.8 and 8.4)

The Department of Communities continues to implement the 'Restricted Archives Preservation Project' (RAPS) to identify, access and extract information from archived 'administrative' records held at the State Records Office of Western Australia. The main purpose of RAPS is to provide people who were in out-of-home care with information about that period of their lives that may not be available elsewhere.

Requests for Department of Communities records are restricted access archives meaning that a 'right to access' must be established under the Western Australian *Freedom of Information Act 1992*. This can restrict the information available to applicants because certain measures are required to protect the confidentiality of third parties. As part of this project, applicants are provided with direct assistance to complete their application forms to ensure that all relevant documents eligible for release are identified and provided.

## Record Keeping Guidelines to support Non-Government Schools to implement the National Principles (Recommendation 8.4 and 8.5)

The Department of Education has developed advice to public schools, divisions and regional offices on categories of records that may be required in support of Child Sexual Abuse Claims and developed the Recordkeeping Principles for Non-Government Schools Self Evaluation Guidelines (the Self-Evaluation Guidelines).

The Self-Evaluation Guidelines provide clarification to non-government schools about what recordkeeping activities should be undertaken to meet the recordkeeping principles in line with Royal Commission recommendations.

In addition to providing support to all non-government schools in implementing record keeping practices consistent with the National Principles, the Self-Evaluations Guideline will assist non-government schools in meeting the Registration Standards for Non-Government Schools.

## Safe environments and situational risks

The Royal Commission noted there is a mix of personal and institutional characteristics that can increase the vulnerability of children to risk of abuse and create opportunities for perpetrators.

There are typically two elements to situational risk. One is exploiting opportunities to be alone with a child to facilitate grooming and/or moving from innocent relational behaviour to an unlawful sexual act. The other is the opportunity to form a close relationship that could involve physical and/or emotional contact.

Perpetrators of child sexual abuse take advantage of environmental factors that permit access to potential victims and, in some cases, a setting in which to carry out child sexual abuse. With this in mind, it has been suggested that opportunities to commit child sexual abuse can be significantly reduced by better regulating interactions between children and employees or volunteers, increasing onsite supervision, restricting or monitoring access to unsupervised areas, implementing a system for oversight and accountability, and enhancing the visibility of activities through environmental design. Some of the areas highlighted by the Royal Commission in this area included children with disability, children in detention and out-of-home care.

## Youth Detention

The Royal Commission found that detention environments may present higher levels of risk of child sexual abuse compared to other institutional contexts. Children in detention often have experience of trauma and adversity that can make them more vulnerable to sexual abuse when in detention. Characteristics of contemporary detention environments that can enable opportunities for child sexual abuse include environmental, operational and cultural risk factors.

The additional risks associated with closed institutions require additional safeguards and monitoring to protect children and young people without infringing upon their privacy. This includes use of technology, such as closed-circuit television surveillance, body-worn cameras, oral drug testing and body scanners.

To address the over-representation of Aboriginal and Torres Strait Islander children in youth detention, the Western Australian Government has progressed work that seeks to specifically support the safety of Aboriginal and Torres Strait Islander children in these environments including the recruitment, development, support, and retention of Aboriginal and Torres Strait Islander staff across all levels.

## Keeping children safe in Youth Detention (Recommendation 15.3 and 15.4)

There are currently 155 closed-circuit television cameras installed at Banksia Hill Detention Centre covering the grounds and perimeter/sterile zone and 62 body worn cameras. On any given day, there are 35 body worn cameras in operation across Banksia Hill Detention Centre, with three of these cameras now being utilised at the Perth Children's Court Custody Centre.

Footage recorded via closed-circuit television cameras and body worn cameras is reviewed on a daily basis by a dedicated team within Banksia Hill Detention Centre. Footage relating to more serious incidents, including use of force incidents, is also reviewed by a dedicated team external to Banksia Hill Detention Centre. The footage recorded by closed-circuit television cameras and body worn cameras may be used to verify the accuracy of incident reporting and for the continuous improvement of responses to child safety risks and incidents.

In June 2020, the Department of Justice introduced Oral Fluid Testing to replace urinalysis testing as the baseline standard for Drug Prevalence Testing within Banksia Hill. The use of Oral Fluid Testing provides a more trauma-informed approach and reduces the need for invasive testing practices, such as urinalysis completed under observation and Half and Half Searches.

### Improvements to Youth Detention

In November 2018, the Superintendent at Banksia Hill Detention Centre issued an instruction to staff to cease the practice of full body strip searches upon admission to Banksia Hill Detention Centre, effective immediately. As of this time, the Half and Half Search method became the accepted practice, with minor exceptions.

The Half and Half Search Procedure was formalised through the introduction of the Commissioner's Operating Policy and Procedures in May 2020. This replaces the need for strip searching, with a focus on intelligence-led and evidence-based Half and Half Searches only.

The Royal Commission acknowledged that there may be circumstances in which children will need to be searched in youth detention for safety and security reasons. However, it noted strip searching can create opportunities for perpetrators to sexually abuse children and search procedures that deviate from best practice may be traumatising for children, particularly those with a history of sexual abuse.

This practice is consistent with other jurisdictions in Australia, as identified through the Australasian Youth Justice Administrators, a collective body of senior executives from States, Territories and New Zealand whose purpose is to share information of relevance for all youth justice jurisdictions; support the collection of relevant youth justice data and research, and; promote and maintain national principles, standards and guidelines for youth justice.

The Department of Justice is also undertaking a project to identify and procure a number of body scanners. The introduction of this technology will further reduce the need to undertake Half and Half Body Searching. Banksia Hill Detention Centre has been identified as a priority site for the implementation of new body scanner technology.

## Children with disability

The Royal Commission recognised that children with disability are particularly vulnerable to abuse, including sexual abuse, across all settings. The risk of child abuse varies with the level and type of impairment. Children with intellectual disability, communication disorders or behavioural disorders are at particularly higher risk of all forms of abuse. For instance, it can be hard for children with communication difficulties to convey their experiences of abuse or name abusers. Moreover, children with intellectual disabilities or cognitive impairments may not be regarded as competent or believable witnesses. Perpetrators may deliberately target children they believe have reduced capacity to disclose abuse or may not be believed.

## Disability Services Reform in Western Australia

The Western Australian disability services landscape is changing rapidly and there is a need for the State Government to adapt and evolve its role to continue to meet the needs of people living with disability. In 2020, the Department of Communities released a consultation paper on the development of an Office of Disability.

The proposed Office of Disability will aim to provide strategic leadership and expertise in the disability sector to drive contemporary practice and provide a leading voice on disability issues. The Office of Disability is planned to be established in January 2021.

## Royal Commission into Violence, Abuse, Neglect and Exploitation of People with Disability

On 4 April 2019, a Royal Commission into Violence, Abuse, Neglect and Exploitation of People with Disability (Disability Royal Commission) was established by the Commonwealth Government. The Disability Royal Commission has a broad scope, with the capacity to inquire into violence, abuse, neglect and exploitation of people, including children, with disability in all settings and contexts.

The State Government strongly supports the work of the Disability Royal Commission. The Department of Communities has been allocated lead agency responsibility in Western Australia and has established an Interagency Steering Committee to facilitate information sharing and support the State's participation in the Disability Royal Commission.



## Child safe organisations for children with disability (Recommendation 6.8-6.9)

The Royal Commission noted that the oversight body for National Principles should be able to delegate functions to sector regulators such as the school registration authorities, to capitalise on existing regulator regimes.

The proposed National Disability Insurance Scheme (NDIS) Quality and Safeguards Commission needs to consider the appropriate means to incorporate the National Principles into the NDIS Quality and Safeguarding Framework and include education about the principles as part of its capacity-building role for NDIS providers.

The NDIS Commission will begin to replace Western Australia's existing quality and safeguarding arrangements at the end of the year and will take over the management of Western Australian provider registrations to the National Disability Insurance Agency.

Western Australia will work with the National Office for Child Safety and the National Disability Insurance Agency to progress consistent implementation of National Principles.

### National Disability Insurance Scheme Worker Screening

Western Australia is working with the Commonwealth and other jurisdictions to implement nationally consistent NDIS worker screening, which aims to protect and prevent people with disability from experiencing harm or poor quality or unsafe NDIS supports or services delivered under the NDIS. This will be achieved by deterring and excluding people from working in the sector who pose an unacceptable risk of harm to people with disability.

NDIS worker screening entails pre-employment screening and monitoring of workers employed by registered NDIS providers in risk-assessed roles, and a range of other workers involved in the provision of NDIS supports and services. NDIS worker screening will be an additional requirement under the Western Australian Working with Children Check.

In 2020, the National Disability Insurance Scheme (Worker Screening) Bill 2020 was developed and introduced to State Parliament on 12 August 2020. A State based NDIS worker screening unit is being established within the Department of Communities to administer NDIS worker screening, which is scheduled to commence from 1 February 2021.



## Children in Out-of-Home Care

The Royal Commission found that children and young people in out-of-home care are particularly vulnerable. Perpetrators may exploit the particular features of out-of-home care settings, being in a position of power with unsupervised and private access, to victimise highly vulnerable children who have previous experience of physical and emotional abuse.

While examining child sexual abuse in contemporary out-of-home care, the Royal Commission found that inconsistent data collection across jurisdictions creates difficulties in recognising risks and trends for sexual abuse among this cohort of children and young people.

## The Children and Community Services Amendment Bill 2019

In 2019, the Children and Community Services Amendment Bill 2019 was introduced into Parliament.

Improving outcomes for Aboriginal and Torres Strait Islander children in care is a particular focus of the Bill, including measures to increase the participation and involvement of Aboriginal people in promoting and maintaining Aboriginal children's connections to family, culture and country (Recommendation 12.20).

Key areas of changes include:

- Expansion of mandatory reporter groups including the requirement to submit a mandatory report based on information disclosed during a confession (Recommendation 7.3 and 7.4).
- Improving outcomes for Aboriginal children, families and communities (Recommendation 12.20).
- Strengthening service and support responses for children in care, care leavers and children under protection orders (special guardianship) (Recommendation 9.8).
- Promoting long term stability and continuity for children in care (Recommendation 12.16).
- Providing stronger enforcement provisions (Recommendation 7.3).

The Amendment Bill will be further considered in 2021.

## Aboriginal Family Led Decision Making (Recommendation 12.20)

The Aboriginal Family Led Decision Making pilot is led by and co-designed with Aboriginal people, in partnership with the Department of Communities. The pilot's aim is to promote self-determination and support Aboriginal families to make decisions on their children's safety and wellbeing. Aboriginal Family Led Decision Making creates a culturally safe space for Aboriginal families to develop family owned plans to keep their children safe. The process includes meetings that are facilitated by Aboriginal convenors.

The two-year project has commenced with roundtable meetings held with Aboriginal stakeholders, service providers and staff in October and November 2020 to consider the proposed target cohorts, pilot sites, Aboriginal Family Led Decision Making model and processes.

## Reforming the out-of-home care system – Volume 12

The Royal Commission examined the factors that continue to contribute to child sexual abuse in particular out-of-home care settings and the risks to children associated with different forms of care. The Royal Commission highlighted some systemic failings that may impact the safety of children in care, including frequent placement changes, poor information sharing, inadequate responses and understanding of complex trauma and the need to support staff, carers and family carers through training.

The Department of Communities has been working towards the implementation of various recommendations of the Royal Commission in relation to strengthening the out-of-home care system to better protect children and young people.

In order to create real and lasting change, it is important that the recommendations of the Royal Commission are not progressed in isolation of a broader reform agenda with a genuine commitment to addressing the systemic challenges of the Western Australian child protection system.

The Department of Communities is developing new out-of-home care service models that will support better outcomes for children. This program of reform is driven by a collaborative partnership with the out-of-home care Independent Reference Group and stakeholders. During 2019-2020 work was undertaken to develop the future service models, underpinned by the principles of:

- a focus on the needs of the child in family and community
- quality care-driven services
- responsibility and accountability
- evidence-based actions
- place-based services designed and delivered locally.

The Department of Communities has also consulted widely on the establishment of a Specialised Child Protection Unit that will address systemic issues impacting on child protection practice. As at 30 June 2020, 65 internal and 23 external engagement sessions have been undertaken with staff from across Communities, and external stakeholders from the human services sector, partner agencies and Aboriginal Community Controlled Organisations. The establishment of the unit is an opportunity to elevate the profile of child protection; strengthen the voice of children, families and communities; and cultivate a more consistent, supported and culturally appropriate child protection system.

In 2021 and beyond, the Department of Communities will continue this important work with our partners to strengthen the child protection system and create safety for children and young people.

## Special Court to Promote Child Safety (Recommendation 12.20)

Where child protection has assessed that a child needs to come into care, the case will be dealt with by the Perth Children's Court. The Perth Children's Court deals with child protection matters and juvenile criminal matters. To reflect the different needs for child protection matters, a pilot program dedicated to support vulnerable children and their families during court proceedings in the Perth Children's Court was launched in July 2020. The pilot involved a separate list from juvenile criminal matters of cases in the Perth Children's Court, focussing on families in need. It aims to address the issues that cause families to come before the court in a holistic, therapeutic and culturally informed manner.

By establishing the pilot at the Perth Children's Court, the children, their families, government departments, representatives from the Aboriginal community and community-based agencies will be able to attend the court at the same time.

All parties can be heard, and appropriate support put in place for the child and their family, in the hope that where possible, and in the child's best interests, they can live safely with their family.

## Children with Harmful Sexual Behaviours

For children with harmful sexual behaviours access to early intervention, appropriate assessment and therapeutic responses tailored to their individual needs and circumstances, the behaviours are more likely to cease and less likely to escalate to require a child protection or justice response.

In Western Australia, therapeutic responses for victims and survivors of child sexual abuse and children with harmful sexual behaviours are primarily delivered by the Departments of Communities, Health and Justice in partnership with the community services sector.

Other agencies have key roles such as Department of Education in identification, supporting referral pathways and safety planning. The Commissioner for Children and Young People has a role in raising awareness and providing prevention education to support accurately identifying behaviour and supporting access and referral to therapeutic interventions.

On 20 October 2020, the Commissioner for Children and Young People co-hosted the Changing Futures WA online forum with the Daniel Morcombe Foundation. The forum brought together key government and non-government stakeholders to develop and enhance collaboration and interagency communication on responding to harmful sexual behaviours in children. The Departments of Communities and Health also presented on the Western Australian Government response to the Royal Commission recommendations.

Western Australia will continue to work with the Daniel Morcombe Foundation and the National Office for Child Safety to maximise opportunities for local engagement in the national education campaign to increase community knowledge and understanding about children's healthy, problematic and harmful sexual behaviours.

Western Australia's current service system recognises that children with harmful sexual behaviours may also be victims of child sexual abuse. Children and their families require options to receive support from a single service provider which allows a seamless continuity of care through an existing relationship. The recommendations for children with harmful sexual behaviours are being progressed alongside the advocacy, support and therapeutic treatment recommendations for victims and survivors of child sexual abuse. The long-term cross-government approach being developed is discussed in more detail under the advocacy, support and therapeutic treatment section.

### Western Australian Centre for the Excellence in Responding to Child Abuse and Neglect (Recommendation 9.1 and 10.1)

In October 2019, the State Government awarded a \$3 million grant contribution to the Western Australian Centre for Excellence in Responding to Child Abuse and Neglect (WA Centre).

Based at the Stan and Jean Perron Child Advocacy Centre in Midland, the WA Centre will take a proactive approach to the assessment, treatment, and prevention of trauma from abuse in children, young people and families, with a special focus on child sexual abuse.

The WA Centre will also focus on areas where there is a lack of high-quality, evidence-based solutions, such as responding to children with harmful sexual behaviours, and where existing programs and approaches are not culturally responsive or best suited to remote service delivery.

The work of the WA Centre will improve safety and wellbeing outcomes for vulnerable children and their families with flow-on benefits to the wider community, other government agencies and the community services sector.

### Multi-agency protocol for young people charged with harmful sexual behaviours- Information sharing procedures for student transfer to a new school (Recommendation 8.13)

The Department of Education, Communities and Justice and the Western Australia Police Force continue to use a formalised multi-agency approach to manage cases where young people are charged with harmful sexual behaviours.

The multi-agency protocol for education options for young people charged with harmful sexual behaviours (the Protocol) has been implemented since May 2017 and provides for these four agencies to cooperate and lawfully share information in the best interests of all students and staff. The Protocol is implemented across all public and non-government schools.

This follows the delegated authority line of the notification process in accordance with S28B of the *Children and Community Services Act 2004* and accommodates for the legislative restrictions of independent non-government schools, whereby principals must be delegated authority by the Governing Board or Chair. The Department of Education continues to work across education sectors to strengthen information sharing processes.





## Australian and New Zealand Association for the Treatment of Sexual Abuse (ANZATSA)– Symposium (Recommendation 10.1-10.7)

ANZATSA is the leading bi-national professional association dedicated to community protection and safety through the promotion of professional standards, practices and education in sexual abuse prevention, assessment, intervention and research.

In 2019, eighteen representatives from Western Australia attended the ANZATSA Biennial Conference in Brisbane, which focused on current approaches, service models, evaluation and services system design and development specifically for responding to children with harmful sexual behaviours.

Following the Biennial Conference, an ANZATSA Symposium was planned to be held in Perth in 2020 on the prevention and response to problematic and harmful sexual behaviours by children and was to include Australian and international speakers.

It was anticipated that the Symposium would use a public health model and provide opportunities to showcase best practice, emerging research and innovative approaches across prevention, early intervention and therapeutic treatment.

It was also planned to provide a forum to critically consider how learnings and approaches both internationally and nationally might be adapted to meet the diverse needs of Western Australian children and families.

Due to the ongoing impact of the COVID-19 pandemic, the Symposium has been postponed until May 2021.

## 6. 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 State 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.

106 of the 310 Recommendations of the Royal Commission applicable to the Western Australian Government are related to this area.

### Identifying, reporting and responding to allegations of child sexual abuse

Western Australia is making good progress in implementing the obligatory reporting models: to strengthen our mandatory reporting system, introduce a reportable conduct scheme, and the creation of a new offence which places a positive obligation to report. These reporting models need to be implemented in a staggered way to not overwhelm the system and ensure awareness of their responsibilities. These recommendations are expected to remove barriers to reporting, create strong protections for reporters and encourage earlier identification and reporting of child sexual abuse.

### Mandatory reporting of child sexual abuse (Recommendation 7.3 and 7.4)

Amendments to the *Children and Community Services Act 2004* introduced to Parliament in November 2019 propose to expand the cohort of professions mandated to report any belief on reasonable grounds that child sexual abuse has occurred or is occurring to the groups recommended by the Royal Commission. This includes:

- people in religious ministry
- early childhood professionals
- school counsellors
- registered psychologists
- out-of-home care workers
- youth justice workers.

Further amendments also exclude the protection of confession as a defence against a failure to report child sexual abuse.

The Department of Communities will continue to liaise with internal and external stakeholders to ensure all implementation issues and training requirements for the expanded cohort of reporters are addressed prior to commencement of their reporting obligations. Targeted training and resource materials will be developed for each additional cohort in consultation with affected stakeholders to effectively convey their reporting obligations.

### Mandatory Reporter training (Recommendation 7.3)

The COVID-19 pandemic provided a unique opportunity to revise the current system of training for mandatory reporters of child sexual abuse to provide the training in an online format instead of the traditional face-to-face workshops.

Ministers of Religion are the first non-professional group recommended to be added as mandated reporters of child sexual abuse in Western Australia. Given the varying degrees of knowledge and experience in child development and child sexual abuse, it is necessary to design targeted training that provides a framework for understanding the obligations and requirements of mandatory reporting.

Initial consultation was undertaken with a variety of religious organisations to understand the needs and requirements of this particular group. Religious organisations shared their own current requirements to support child safety within their organisations and ensure that children and young people were able to safely participate in their faith.

Ongoing work will continue in this space to ensure all recommended reporter groups have access to current information on the requirements of mandatory reporting and the indicators of child sexual abuse. A focus on providing information for culturally and linguistically diverse communities will be prioritised.

### Revised MRWeb (Recommendation 7.1)

The Mandatory Reporting Service within the Department of Communities has revised and updated the online reporting system used by mandatory reporters to report any belief, based on reasonable grounds, that child sexual abuse has occurred, or is occurring.

In 2020, the Department of Communities redeveloped the MRWeb system into a more user-friendly system that will enable reporters to provide better quality and more substantive information when submitting written mandatory reports.

The MRWeb system provides guided information and resources for mandatory reporters. By providing separate streams for reporter groups, this information is tailored to ensure the format and information received is relevant to the type of reporter.

When reporters are recording information in the system, detailed information and reference links are interspersed throughout the system to guide the recording process.



## Managing high risk serious offenders

The Western Australian *High Risk Serious Offender Act 2020*, took effect from 26 August 2020. The legislation expands the *Dangerous Sex Offenders Act 2006*, to enable the successful Dangerous Sex Offenders scheme to be applied to a broader cohort of offenders. This legislation expands the existing schedule to a total of 45 offences.

The expanded offence schedule includes several offences linked to prevention of further harm to children. In particular, the schedule recognises and includes child exploitation and online child sex offending. The schedule now includes:

- facilitating a sexual offence against a child outside Western Australia
- showing offensive material to a child under 16
- using electronic communication to procure or expose a child under 16 to indecent matter
- involving a child in exploitation
- producing child exploitation material
- distributing child exploitation material
- possession of child exploitation material
- obtaining payment for prostitution of child
- causing, permitting, or seeking to induce a child to act as a prostitute
- agreement for prostitution of a child.

The High Risk Serious Offender scheme introduces continuing detention orders and supervision orders to enable closer scrutiny and management of persons deemed to pose an unacceptable risk to the community. Part of the process for deeming a High Risk Serious Offender may involve a victim of crime statement, facilitated by the Victim of Crime Commissioner. In cases involving children and young people, this will give a voice for children and young people who have been victims. The new regime also provides extension to Post Sentence Supervision Orders resulting in an additional cohort of offenders with strict management oversight.

### Reportable conduct scheme (Recommendation 7.9 – 7.12)

The Royal Commission recommended the introduction of nationally consistent reportable conduct schemes. Reportable conduct schemes aim to prevent harm to children and make children safer by ensuring that child-related misconduct of employees must be reported and investigated.

The Ombudsman has consulted extensively with stakeholders this year to develop a Green Bill to undertake further consultation in 2020/21. This Green Bill implements the reportable conduct recommendations of the Royal Commission and will include within the meaning of reportable conduct, sexual, physical and emotional/psychological abuse, and neglect matters. The Bill will allow for substantiated findings of reportable conduct to trigger a reassessment of an individual's Working with Children Check.

## Criminal Justice Law Reforms

In August 2017 the Royal Commission released its criminal justice report containing 85 recommendations on criminal offences, sentencing, prosecutions, policing, court support for victims, judicial training, judicial directions and evidence law reforms.

Eighteen recommendations relate to child sexual abuse criminal offences, sentencing reforms and criminal appeals. These 18 recommendations formed the basis of the Department of Justice's public 2019 consultation document "Strengthening the Criminal Law in Response to Child Sexual Abuse". Following this consultation process the department prepared a report for the Attorney General. This report outlined changes to legislation surrounding the charging and prosecution of offences related to child sex abuse, the introduction of new offences, changes in the procedures in dealing with the victims of such offences, and changes to evidence law and victim supports in courts. The recommendations from this report are being considered by the State Government.

Ten recommendations regarding evidence law reform in Western Australia are being addressed in the proposed new Evidence Bill. This bill is currently being drafted.

## Enhancements to data capture and exploration of potential reporting improvements

The Report of Government Services Steering Committee is currently exploring potential extensions to reporting on child sexual abuse offences and outcome measures. To support this work, WA Police Force have taken a proactive and risk-based review of current data capture and explored options for improving internal data capture and recording.

This work resulted in the internal creation of a technology business intelligence platform for child sexual abuse offending. The platform assists Western Australian Police Force to obtain greater insight into data captured as a result of child sexual abuse offending and conduct consistent analytics on:

- child sexual abuse incident numbers reported to police
- district and regional incident location data
- gender and age of the victims
- specific offence types
- intra-familial or extra-familial statistics
- offending associated with institutions
- characteristics of the offender at time of offending
- incident outcomes
- incidents where victim did not wish to proceed
- 'historical' child sexual offences.

Having undergone rigorous internal testing, the platform is now in use by Western Australian Police Force.

## Acquisition and updating of specialist child interviewing equipment (Criminal Justice Recommendation 9H)

In order to better support child victims of child sexual abuse in providing evidence, Western Australia Police Force have finalised the acquisition and placement of both new and upgraded high quality recording devices specifically for the purpose of interviews with vulnerable persons, children in particular.

The purchase of portable equipment allows for the provision of greater support to victims. Portable equipment ensures interviews can be conducted at a variety of locations, including hospitals and regional communities when required. It also assists, where possible, the number of times that children and young people have to repeat their disclosure of abuse.

### Kimberley Joint Response Team (Criminal Justice Recommendation 4a and b, 5a and b, Recommendation 7.2)

The Kimberley Joint Response Team has been operational since 2016. The Kimberley Joint Response Team is a specialised unit undertaking actions that contribute to addressing systemic issues related to child safety while providing a joined up service response to children and young people at risk of significant harm across the north of Western Australia. The initiative is a partnership between the Department of Communities and the Western Australia Police Force.

The joint model has enabled a sustained and localised approach to addressing child abuse and the underreporting of child abuse in the Kimberley. The team travels extensively throughout the region, maintaining consistent community engagement with a focus on addressing and increasing awareness of child abuse, reporting obligations, and developing safety for children and young people. Since the introduction of the team, there has been a steady increase in the number of mandatory reports received across the Kimberley and an increased capacity to provide timely responses to allegations of child abuse.

The Kimberley Joint Response Team is trialling the use of tools, including the perpetrator mapping tool from the Safe & Together model, to enhance risk assessments through better documentation, and understanding, of patterns of behaviours and subsequent risk factors.

Enhancing risk assessments ensures increased accountability for offenders while delivering improved outcomes for vulnerable children and young people and their non-offending family members by providing them with a coordinated safety approach.

Ongoing initiatives include:

- Establishing specialist interview spaces in both the East and West Kimberley.
- Providing holistic community responses, focusing on community safety and capacity building.
- Enhancing investigative strategies to consider and embed cultural implications when planning holistic responses.
- Establishing a commitment and partnership with other services and strategies in the region that focus on safety (such as back to country camps).
- Information sharing practices around reportable offenders.





## 7. Healing Past Hurts

The State 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.

88 of the 310 recommendations of the Royal Commission that are applicable to the Western Australian Government are related to this area.

### National Redress Scheme

The National Redress Scheme commenced on 1 July 2018 and as at October 2020 there has been 1,061 applications relating to Western Australian Government Institutions, 60 per cent of these applications were identified as a priority request as the applicant was either aged or seriously unwell.

In August 2020 the State Government accepted financial responsibility for applications made against local governments and all 137 local governments across the state have agreed to participate in the scheme.

In July 2020, the National Redress Scheme commenced an independent review of its operations. Ms Robyn Kruk AO was appointed to conduct the independent review and committed to undertake a comprehensive consultation process despite the impact of COVID-19 on travel and public meetings. Survivors were asked to participate in the review by either providing a written submission or completing the feedback study. The feedback study asked questions on things like how survivors found the application process, how long it took for the application to be processed, what they thought about the redress decision, their experiences accessing counselling and the direct personal response process.

### Memorials

In the 2020-21 Federal Budget, the Commonwealth Government committed to investing \$6.7 million to establish a National Memorial for Victims and Survivors of Institutional Child Sexual Abuse. The memorial will play an important role in memorialising and acknowledging the impact of institutional child sexual abuse as a significant part of Australia's history. There will be further consultation with victims and survivors of institutional child sexual abuse on the scope and purpose of an educative component, such as a museum.

The Royal Commission noted the value of memorials that honour and recognise victims and survivors of child sexual abuse. As part of this work, Western Australia is planning to work with victims and survivors on inputting into the national memorial and also determining what a WA memorial could look like.

The Department of Justice is working with the Department of Communities to contribute to the planning for the national memorial. Mr Ric Hinch, President of the Old Fairbridgians, has agreed to represent the views of survivors in Western Australia on the national committee.

There is a recognition that the National Memorial may not be accessible to many Western Australians and a working group is being created to consider the options for a state memorial. It is recognised that the “Unfolding Lives” sculpture at the Perth Cultural Centre is dedicated to the experiences of children who were abused in institutions and foster homes in Western Australia, however the Western Australian Government is considering the need for an additional memorial. Victims and survivors will be consulted during 2021 on their views regarding other memorials, including specific consultations with Aboriginal and Torres Strait Islander people.

### Consultation with Local Government about National Redress

The Department of Local Government, Sport and Cultural Industries has led consultation with the Western Australian local government sector about the National Redress Scheme to raise awareness about the Scheme and identify whether local governments are considering participating in the Scheme.

Between May 2019 and September 2020, 137 Western Australian local governments were consulted, involving:

- presentations at 15 Western Australian Local Government Association Zone and Local Government Professionals Western Australia meetings
- responses to email and telephone enquiries from individual local governments
- presentations directly to individual local governments.

All 137 Western Australian local government councils resolved to join the scheme as a State Institution within the State’s amended declaration of participation. The unanimous joining of Local Governments supports the State Government’s position to provide redress to as many survivors as possible. Final steps are being completed with the Commonwealth to amend the State’s declaration to include Western Australia local governments.

## Advocacy, support and therapeutic treatment for victims and survivors of child sexual abuse (Recommendation 9.1-9.9)

The Royal Commission made a range of recommendations to better support victims and survivors who experienced child sexual abuse in institutional contexts and recognised these improvements also responded to the needs of victims and survivors of child sexual abuse where the abuse occurred outside of institutions.

The Royal Commission made seven recommendations applicable to state government designed to better support victims and survivors who experienced child sexual abuse and address gaps in the current service systems by:

- providing victims and survivors with access to tailored treatment and support services for as long as needed
- creating strong national leadership to reduce the stigma of child sexual abuse to encourage victims and survivors to seek support and treatment
- promoting good practice in services that provide treatment and support for survivors.

The Royal Commission also made specific recommendations to strengthen responses for children with harmful sexual behaviours. It identified that a lack of understanding of how to appropriately recognise, react and respond to children's harmful sexual behaviours can result in a minimising of the impact of the behaviours or a catastrophising of the behaviours and lead to the inappropriate labelling and stigmatising of a child. This can create barriers for families and carers to seek help and hinder early intervention and effective treatment to address children's therapeutic needs.

The Department of Communities is leading the development of a framework which will guide and support the implementation of a new multi-agency, coordinated approach to the design and delivery of a sustainable and effective therapeutic service system in Western Australia. Consultation will occur in the first half of 2021.

## National Centre for the Prevention of Child Sexual Abuse (Recommendation 9.9)

The Royal Commission recommended that the Commonwealth Government in conjunction with the state and territory governments, should establish and fund a national centre to raise awareness and understanding of the impacts of child sexual abuse, reduce stigma, promote help-seeking and support best practice (Final Report recommendation 9.9).

The National Centre will lead the development of better service models and interventions through coordinating a national research agenda and conducting high-quality program evaluation, producing national training materials and best practice clinical resources, partnering with training organisations to conduct training and workforce development programs and informing government policy.

Western Australia has participated in face-to-face and online consultation activities led by the Commonwealth Department of Social Services. Representatives from a diverse range of government and non-government stakeholders contributed to these activities and included representatives from survivor advocacy groups, people who work with victims and survivors, academics, peak bodies, national and local organisations who provide services, and policy and decision makers.

The work of the National Centre is a critical element for service system reform including workforce capability and Western Australia continues to work with the Commonwealth Government and other jurisdictions to progress the establishment of the National Centre. It is anticipated that the successful supplier will be announced in February 2021.



## 8. Next Steps for Implementation

### 2021 to 2027

The State Government remains committed to the long-term implementation of the recommendations of the Royal Commission. In 2021, government agencies will continue progressing the implementation of recommendations to achieve long lasting cultural change to create a safer Western Australia community.

A key focus will be on building capacity in our workforce to respond swiftly and appropriately to child sexual abuse in all areas of our community. We will progress and support education and workforce development initiatives such as the National Centre to Prevent Child Sexual Abuse, as well as local resources such as the Mandatory Reporting website, updating of the Safer WA online resource and strengthen resources to support the implementation of the National Principles.

It is also clear the important role parents and community members have in keeping children safe. Child sexual abuse thrives in secrecy, so it is crucial that everyone in the community knows the right questions to ask, how to support open conversations with children and where to go when help is needed. Children also need to be empowered to actively participate and have a role in the system that should keep changing and evolving to keep them safe.

Technology has and will continue to present new challenges in the prevention and identification of child sexual abuse. The Royal Commission was provided with evidence that highlights the need for educating both adults and children about the risks of using technology and staying safe online.

In 2021, Western Australia will work with the National Office for Child Safety and other states and territories on the development of the National Strategy to Prevent Child Sexual Abuse including the development of a National Action Plan to incorporate education about child sexual abuse (including online sexual abuse and sexual exploitation) across all layers of society including children and their parents, to raise public awareness, reduce stigma and embed cultural understanding.

Agencies are seeing key lessons from working with adult victims and survivors of child sexual abuse who are seeking redress or making civil litigation claims. This information is valuable to inform how we continue to prevent abuse in the future and provide therapeutic intervention throughout a victim's lifetime.

A comprehensive engagement strategy will be developed to show when stakeholders will be consulted and how previous consultations will be used to inform the next steps in implementation.



## 10-year journey



- WA participation in the National Redress Scheme
- Implementation of National Principles for Child Safe Organisations

The next few years progress of the implementation of Royal Commission recommendations will have a significant legislative focus with the development of the Reportable Conduct Scheme and the Independent Oversight system, information sharing, strengthening criminal justice legislation and the final stage of Working with Children Check recommendations.

The Western Australian Government is committed to consultation of these milestone legislative amendments in order to ensure their implementation is effective within the Western Australian context.

On a national level, Western Australia will begin working with jurisdictional colleagues to measure the effectiveness of implementation of the recommendations of the Royal Commission to date. This is an important part of this work and will ensure that effective implementation can be demonstrated across the 10-year journey.



- WA Government responds to recommendations
- June 2018 Premier makes apology
- Civil Liability Legislation Amendment proclaimed



- Children and Community Services Amendment Bill 2019 introduced
- WA becomes the first jurisdiction to sign up to National WWC database
- Consultation on criminal law reforms



- High Risk Serious Offender Legislation
- Launch of Safer WA for Children and Young People On-line Resource
- Green Bill Reportable Conduct



- Establishment of the National Centre for Prevention of Child Sexual Abuse
- Commencement of the National Strategy to Prevent Child Sexual Abuse (and action plan) – ongoing
- Service system reform framework for support for victims and survivors and children with harmful sexual behaviours



- Commencement of expanded Mandatory Reporters
- Failure to report offence
- Independent oversight of National Principles
- Reportable conduct scheme
- National Information Scheme



- Complete implementation of recommendations







**Department of Communities**

5 Newman Court, Fremantle WA 6160

Postal address: Locked Bag 5000, Fremantle WA 6959

Telephone: 1800 182 178

Email: [adoptions@communities.wa.gov.au](mailto:adoptions@communities.wa.gov.au)

Website: [communities.wa.gov.au](http://communities.wa.gov.au)

Translating and Interpreting Service (TIS)

Telephone: 13 14 50

If you are deaf, or have a hearing or speech impairment, contact us through the National Relay Service. For more information visit: [relayservice.gov.au](http://relayservice.gov.au)

This publication is available in other formats that can be requested at any time.