



**Joint Standing Committee on the  
Commissioner for Children and Young People**

# Everybody's Business

**An examination into how the Commissioner for  
Children and Young People can enhance WA's  
response to child abuse.**

**Report No. 7  
June 2016**

Parliament of Western Australia

## Committee Members

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Chair	Ms L.L. Baker, MLA Member for Maylands
Deputy Chair	Hon R.M. McSweeney, MLC Member for South West Region
Members	Ms E. Evangel, MLA Member for Perth  Hon S.E. Talbot, MLC Member for South West Region

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Report 7)

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Report No. 7

Presented by

**Ms L.L. Baker, MLA & Hon R.M. McSweeney, MLC**

Laid on the Table of the Legislative Assembly on  
16 June 2016 and the Legislative Council on 23 June 2016.



## Chair's Foreword

Children are amongst the most vulnerable members of our society. The ease with which their vulnerabilities can be exploited has all too frequently been displayed, whether within families or institutional settings. At present, the Royal Commission into Institutional Responses to Child Sexual Abuse continues to take evidence from the community. This evidence is shocking as it reveals the enormity of the problem and unveils many harrowing stories from survivors of child sexual abuse.

In Western Australia, in 2012 the Special Inquiry examining the abuse that occurred at the St Andrew's Hostel in Katanning revealed the enormous costs of failing to listen to children when they raise concerns about the behaviour of an adult in a position of trust and power.

The Special Inquiry made it clear that Western Australia's approach to child protection has changed since the abuse occurred at St Andrews Hostel in Katanning the 1970s and 1980s. The Child Protection System in Western Australia is extensive and staffed by dedicated professionals. During the course of this Inquiry examining the role that WA Commissioner for Children and Young People should play in relation to preventing child abuse, the Committee was fortunate to have learned a great deal from the men and women who have dedicated their working lives to protecting children from harm. This report 'Everyone's Business', makes it clear that while significant improvements have taken place, there remains much that can be done.

The extent to which lessons have been learned and applied during the decades since the abuse at St Andrew's underpinned much of the Committee's work. We were particularly keen to identify gaps in service provision and to recommend an expanded role for the Children's Commissioner wherever it was appropriate to do so. In particular, we were keen to ascertain whether children were listened to more readily now than they had been in the past, and whether the Child Protection System was better equipped to support child victims through the difficult process of disclosing abuse.

Navigating the Child Protection System has been described as a fraught process. Minimising the trauma for a child associated with disclosing abuse must be an imperative for everyone in this community. With this aim in mind, the Committee has made a number of recommendations relating to the role and function of the Children's Commissioner. These recommendations focus on giving the Commissioner a greater role to play in preventing, and responding to disclosures of, abuse by raising awareness in the community about the nature of child abuse. The Committee is recommending that the Children's Commissioner establish a dedicated online portal through which information about services, advice, emerging issues and best practice for responding to

child abuse can be accessed. The portal should be uniquely branded and linked across all government websites and will provide information for the whole community – from the Child Protection Sector itself through to children and parents or community and sporting organisations.

The Committee is also recommending an expansion of the Children’s Commissioner’s complaint monitoring function with the aim of developing the capacity of the Child Protection System to respond to disclosures of abuse. The Commissioner has a legislated responsibility to monitor trends in complaints, allowing the office to gain a strategic view of the situation which should be of assistance to the sector as it develops and implements new policies and services.

Any discussion of vulnerable children must acknowledge the experiences of Aboriginal children in Western Australia. Appointing a dedicated person within the Children’s Commissioner’s office to respond to the unique needs and challenges faced by Aboriginal children is important if their voices are to be heard and valued. To that end, the Committee has recommended the appointment of a special advisor or that consideration be given to appointing a Children’s Commissioner for Aboriginal children.

Other recommendations in Everyone’s Business are directed towards strengthening some specific aspects of how agencies protect children from abuse, respond when disclosures of abuse are made and where policy and services can be improved.

I would like to thank all those who gave evidence to the Committee as it prepared this report. On several occasions, individuals came forward to share their stories and provided the Committee with important first-hand evidence of the ongoing impact of child abuse on survivors. I would also like to thank the many community sector providers for contributing to the Inquiry – these organisations and people step up when government is either unable or unwilling to.

Finally, I would like to thank my fellow Committee members for their contributions during the Inquiry and make special acknowledgement of Ms Renee Gould and Ms Vanessa Beckingham who worked tirelessly to put this report together.

A handwritten signature in blue ink, appearing to read 'L.L. Baker', is positioned above the printed name and title.

MS L.L. BAKER, MLA  
CHAIR



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## Executive Summary

In response to the systemic abuse of children in the care of the St Andrews' Hostel in Katanning in the 1970s and 80s, Peter Blaxell, a retired justice of the Supreme Court of Western Australia, carried out a comprehensive inquiry examining how the Child Protection System had failed to protect vulnerable children. Blaxell found that the Child Protection System in Western Australia should be more 'child friendly' and the public sector better able to protect children and young people against sexual abuse by adults.

In response to the Blaxell Inquiry Report, the Premier identified an additional role for the Commissioner for Children and Young People (the Children's Commissioner) to assist the public sector to prioritise the welfare of children in government facilities.

Not long after the Blaxell Inquiry was completed, a Statutory Review of the Children's Commissioner's legislation for was undertaken by the Public Sector Commission. The Statutory Review examined a range of issues but of most importance to this Inquiry was the recommendation relating to Blaxell's concept of a 'one-stop-shop' for responding to allegations of child abuse. The Statutory Review recommended a child abuse complaints support role for the Children's Commissioner, a recommendation accepted in principle by the government.

Given the discussion in various reports about an expanded role for the Children's Commissioner, the Joint Standing Committee on the Commissioner for the Children and Young People (the Committee) commenced this inquiry in order to contribute to the discussion about how the child abuse complaints support role should operate. A priority for the Committee undertaking this inquiry has been to ensure that any enhancement to the role of the Children's Commissioner is a positive addition to the child protection landscape. The Committee was also seeking to learn if children were better protected from harm today than they were in the past.

The Committee undertook a wide ranging examination of the existing Child Protection Sector, which forms the background for the Committee's recommendations in relation to the Children's Commissioner. It was important that the Committee did not recommend any duplication of existing services for the Children's Commissioner.

Most importantly, the Committee found that the role of the Children's Commissioner should not be expanded to include a specific function to receive or refer individual allegations of child abuse. This is primarily because of the risk of unintended consequences this role may have for children and their families wishing to make an allegation, as well as the potential duplication of services provided by other agencies. In terms of an expanded role for the Children's Commissioner, the Committee is of the

view that the greatest benefit to the Child Protection Sector and the community as a whole would be provided by:

- An enhanced education and outreach role to increase awareness about child abuse matters.
- The creation of a central online portal that hosts information about services, advice, emerging issues and best practice for responding to child abuse.
- An expanded complaints monitoring function to allow the Children's Commissioner to monitor complaints made by an adult on behalf of a child and complaints made about services provided by public sector agencies and the non-government sector to children.

The Committee is of the view that these changes will help the Children's Commissioner play a greater role in the ongoing challenge of making people aware of the help that is available from a Child Protection System that has been described as 'fraught' to navigate.

Throughout the inquiry, the Committee has been seeking to ensure that children are being heard and listened to and that as a society we are doing a better job of protecting children, and striving towards a goal of ensuring that all children have a caring, safe and supportive childhood. The Blaxell Inquiry Report revealed the consequences of failing to ensure that children are protected from child abuse. There is an abundance of evidence that demonstrates the ongoing costs to both individuals and society as a whole if children are abused. It is an unnecessarily high burden given that more can be done to prevent it.

It is *everybody's business* to help protect children.

## **Ministerial Response**

In accordance with Standing Order 277(1) of the Standing Orders of the Legislative Assembly, the Joint Standing Committee on the Commissioner for Children and Young People directs that the Minister representing the Attorney General and the Minister representing the Minister for Education report to the Assembly as to the action, if any, proposed to be taken by the Government with respect to the recommendations of the Committee.





# Findings and Recommendations

## **Finding 1**

**Page 25**

It is everybody's business to safeguard children against all abuse—and everybody's business to support and help those who have been abused to recover.

## **Finding 2**

**Page 42**

The Committee finds that the trend towards colocation of services and improved interagency cooperation is a positive development in the Child Protection Sector.

## **Finding 3**

**Page 45**

The Committee finds that a reportable conduct scheme providing independent oversight of complaints of child sexual abuse in institutional contexts in Western Australia would provide additional protection to particularly vulnerable children in care.

## **Finding 4**

**Page 48**

It is essential that every organisation providing services to children implement processes that reduce the likelihood of harm by becoming child safe and child centred.

## **Finding 5**

**Page 49**

Adopting a trauma-informed care and practice model for responding to child abuse victims will improve the ability of the Child Protection Sector to focus on the recovery of the child.

## **Finding 6**

**Page 50**

The Committee finds that consistent and continuous support for child abuse victims is not currently provided by the Child Protection Sector.

## **Finding 7**

**Page 51**

According to the Department for Child Protection and Family Support, many services providing support, counselling and therapeutic responses for children and their families affected by child sexual abuse are at capacity.

## **Finding 8**

**Page 51**

Despite the existence of a bilateral schedule with the Child and Adolescent Mental Health Service (CAMHS), the Department for Child Protection and Family Support experiences difficulties accessing services from CAMHS for children with severe emotional, psychological, behavioural, social or mental health problems.

**Finding 9****Page 52**

The Committee is deeply concerned that there are a number of specialists providing therapeutic services for child sexual abuse victims in Western Australia who refuse to accept referrals for children in care.

**Recommendation 1****Page 52**

That the Government takes immediate action to investigate capacity limitations and unmet demand within support services for child abuse victims and the provision of appropriate service models and funding.

**Finding 10****Page 54**

The Committee finds that the Department of Education is not currently required to report on the extent of protective behaviours education being delivered within each school in Western Australia.

**Recommendation 2****Page 54**

That the Minister for Education requires the Department of Education to report annually on the extent of protective behaviours education being delivered within each school in Western Australia.

**Finding 11****Page 55**

The Committee finds that, despite the fact that the delivery of services to Aboriginal communities should be local, cooperative and community led and controlled, many services are not.

**Finding 12****Page 58**

The appointment of an Aboriginal engagement officer by the Children's Commissioner, while having merit, should not be in place of the appointment of a person who is of a sufficiently senior level to perform the equivalent role of a special advisor or additional Children's Commissioner for Aboriginal children.

**Recommendation 3****Page 58**

That the Children's Commissioner's office be appropriately resourced to appoint a person who is either a special advisor on matters concerning Aboriginal children and young people, or to consider appointing an additional Commissioner for Aboriginal children.

**Finding 13****Page 62**

The Committee finds that it is not appropriate for the Commissioner for Children and Young People to provide a specified child abuse complaints support function that consists of directly receiving and referring allegations of child abuse.

- Finding 14** **Page 63**  
The Committee finds that the Children’s Commissioner should not be promoted as a referral pathway for child support services, unless the Children’s Commissioner’s office was appropriately resourced to establish an individual advocacy and support service.
- Finding 15** **Page 65**  
The government needs to assess as a priority how advocacy and support services can be implemented across the state.
- Finding 16** **Page 66**  
The Committee finds that Kids Helpline provides valuable assistance to the Child Protection Sector and children in WA, and should be provided with adequate funding to match the demand for its services.
- Finding 17** **Page 70**  
The Commissioner for Children and Young People must continue to develop evidence-based expertise in order to enhance its policy development within the Child Protection Sector.
- Finding 18** **Page 71**  
The Committee finds that the Commissioner for Children and Young People should provide appropriate and accessible education and outreach assistance about child abuse matters to all vulnerable children and their families within the state, and not only to those children in the care of a government agency or service provider.
- Finding 19** **Page 76**  
The Committee finds that the Children’s Commissioner’s educative function, including in protective behaviours, must include parents and children and, most importantly, the broader community.
- Finding 20** **Page 77**  
The Committee finds that the Children’s Commissioner’s educative function about child abuse matters must include a strong focus on providing training and information that can be applied to agencies across the Child Protection Sector.
- Finding 21** **Page 78**  
The Committee finds that the Children’s Commissioner should develop educative programs focussed on the priority areas identified in this report, including educating and encouraging children about how to disclose child abuse, and educating parents and the community about the processes to follow to support a child when a disclosure is made. These programs must be in addition to the *Child Safe Organisations Project* already developed by the Commissioner.

**Recommendation 4****Page 78**

The Children's Commissioner must develop an education and outreach role to increase awareness about child abuse matters, including prevention. This must extend beyond the Child Protection Sector to include parents and children and, most importantly, the broader community.

**Finding 22****Page 82**

Navigating the Child Protection System is fraught for any person holding concerns about child abuse. It is especially difficult for the children themselves. A website outlining information about what to do, where to go and who to talk to would provide clarity about the steps involved, and would serve as an easily accessible avenue for children seeking help.

**Recommendation 5****Page 82**

The Commissioner for Children and Young People should develop a single, central online portal, and an associated social media presence, that hosts in one location information about services, advice, emerging issues and best practice for responding to child abuse.

**Finding 23****Page 87**

The Children's Commissioner's monitoring role should involve being able to monitor complaints and trends in complaints relating to all organisations that provide services to children, including non-government organisations.

**Recommendation 6****Page 87**

That *the Commissioner for Children and Young People Act 2006* should be amended to provide for a complaints monitoring function that extends to complaints made about services provided to children by public sector agencies and non-government service providers.

**Recommendation 7****Page 87**

The Children's Commissioner should continue to develop a monitoring role with regard to systems improvements and capacity building of the Child Protection Sector; particularly to help improve the Sector's response to matters concerning child abuse.

**Recommendation 8****Page 88**

That the Children's Commissioner work with oversight agencies to clearly map the extent of monitoring and oversight of organisations who provide services to children and make recommendations to government to address any gaps in scrutiny.

**Finding 24****Page 88**

The Committee finds that the Children’s Commissioner should work with the Child Protection Sector to map the services available to support victims of child abuse. Such collaboration would establish duplication or gaps in service specifically for child abuse victims and allow the Commissioner to make recommendations to the government to address any shortfalls in services.



# Chapter 1

## Background to the Inquiry

*The effects of child abuse and neglect can be significant and lead to lifelong problems.<sup>1</sup>*

*The outcomes for children if someone takes action to protect them can be overwhelmingly positive. ... These positive outcomes are dependent on people taking action and speaking up for kids.<sup>2</sup>*

### The Blaxell Inquiry Report

- 1.1 St Andrew's Hostel in Katanning was a residential care facility for students attending Katanning Senior High School. Between 1975 and 1990, the warden of the hostel was Dennis McKenna. His brother, Neil McKenna, was the senior male supervisor from 1985 until 1990. Both were held in positions of trust for the wellbeing of the children placed in their care. Both committed serious offences of sexual abuse against some students in their care. In the case of Dennis McKenna, these offences stretched over an extended period, from 1977 until 1990.<sup>3</sup>
- 1.2 Dennis McKenna was convicted in 1991 and 2011 for a total of 29 offences committed against 11 complainants aged between 14 and 16 years at the time.<sup>4</sup> On 20 April 2012 McKenna was charged with an additional 66 sexual abuse offences allegedly committed prior to 1990 against 16 former Hostel students. In September 2015, he was found guilty of two further offences of unlawfully and indecently assaulting a boy aged

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1 Actforkids, *Child abuse and neglect*. Available at: <https://www.actforkids.com.au/child-abuse-and-neglect.html?gclid=CKPmqriQuMwCFYKZvAod2clBUw>. Accessed on 1 May 2016.

2 Actforkids (Trek4Kids), *Child abuse and neglect*. Available at: <https://www.everydayhero.com.au/event/newzealand/cause>. Accessed on 1 May 2016.

3 Hon Peter Blaxell, *St Andrews Hostel Katanning: How the system and society failed our children: A Special Inquiry into the response of government agencies and officials to allegations of sexual abuse*, Government of Western Australia, September 2012, p1, 29.

4 The Blaxell Inquiry Report stated that these offences were 'representative' offences in that each was 'representative of a course of conduct over a period of time'. In explanation it was noted that: 'In sex abuse cases involving numerous offences of a very similar nature which were repeatedly committed over a period of time it is common for the Prosecution to lay a single "representative charge" in respect of them all' and that the court sentencing the offender takes this into account.' Hon Peter Blaxell, *St Andrews Hostel Katanning: How the system and society failed our children: A Special Inquiry into the response of government agencies and officials to allegations of sexual abuse*, Government of Western Australia, September 2012, p29.

## Chapter 1

between 13 and 15 in the 1980s.<sup>5</sup> In 2012, Neil McKenna was convicted of three offences against a female student in 1991.<sup>6</sup>

- 1.3 This devastating breach of trust, which has lasting impacts on the victims and their families, and on the wider community, was widely reported in the media after Dennis McKenna's 'guilty' pleas in 2011. The question most commonly asked was why the offending was able to continue for such a lengthy period.<sup>7</sup> In addition to questions being raised in Parliament, people came forward to allege 'certain public officials had been made aware of the suspected criminal behaviour by McKenna at various times during the 15 year period it was occurring.'<sup>8</sup>
- 1.4 The Government responded in November 2011 by appointing the Hon Peter Blaxell, a retired Supreme Court judge, to undertake a special inquiry pursuant to section 24H of the *Public Sector Management Act 1994* into 'the response of government agencies and officials in regard to allegations of sexual abuse at St Andrew's Hostel in Katanning'.<sup>9</sup> The Premier noted the inquiry was established in particular because of the 'emergence of information that certain public officials had been made aware of McKenna's suspected behaviour over the 15-year period, but nothing was done.'<sup>10</sup>
- 1.5 The report *St Andrews Hostel Katanning: How the system and society failed our children* (the Blaxell Inquiry Report) was tabled on 19 September 2012. It makes a number of findings in relation to the failure of different public officials to act on allegations of abuse within the hostel. The fact the abuse was able to continue for so long is an alarming indicator of the extent to which the overall system neglected to protect the safety of these children.
- 1.6 A point made to the Committee by Mr Blaxell was that the aftermath of a complaint may cause more damage to a child victim than the abuse itself.<sup>11</sup> Mr Blaxell stated that there can be an 18 month to two year wait for a child victim's case to proceed to trial.<sup>12</sup> Mr Blaxell stated children can become overwhelmed by the prospect of future proceedings and that 'it can be extremely damaging. It is a bit like a sapling that gets

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5 ABC News, *Serial WA paedophile Dennis McKenna convicted of new Katanning charges*, 30 September 2015. Available at: <http://www.abc.net.au/news/2015-09-30/serial-wa-paedophile-dennis-mckenna-guilty-of-katanning-charges/6816260>. Accessed on 1 October 2015.

6 Hon Peter Blaxell, *St Andrews Hostel Katanning: How the system and society failed our children: A Special Inquiry into the response of government agencies and officials to allegations of sexual abuse*, Government of Western Australia, September 2012, p1 and p30.

7 *ibid*, p1.

8 *ibid*.

9 *ibid*.

10 Hon Colin Barnett, Premier, WA, Legislative Assembly, *Parliamentary Debates* (Hansard), 19 September 2012, p6137.

11 Submission No. 17 from Hon Peter Blaxell, Special Inquirer, 3 March 2015, p4.

12 *ibid*.



pushed over when it is small, and when it grows up the tree grows crooked. And that is the problem; it affects them for the rest of their life.<sup>13</sup>

1.7 Mr Blaxell said it was well recognised that it is 'a terrible situation [and one]... we have to overcome. The best way to overcome that is to provide the child with support.'<sup>14</sup> This concept of a child needing support after making a disclosure of child abuse helped form Recommendation 2 of the Blaxell Inquiry Report.

1.8 In all, the Blaxell Inquiry Report made five recommendations in regard to changes to policies, procedures and operations of government agencies in order that 'the public sector continues to evolve and operate with primary consideration being given to children and their protection.'<sup>15</sup> Upon tabling the report, the Premier declared the government's confidence that the outcomes of the inquiry will:

*...help continue to build the robustness of the public sector's ability to protect children and young people against sexual abuse by adults whom the community entrust with responsibility for their care.<sup>16</sup>*

#### **An opportunity for a whole of government 'child friendly' system**

1.9 In coming to his recommendations, Blaxell stated that there 'exists an opportunity for a whole of government approach to developing a 'child-friendly' system for handling complaints from children and young people or their guardians in relation to child abuse (both physical and sexual).'<sup>17</sup> Blaxell noted that this opportunity would aim for the following:

*... a 'one stop shop' that is promoted and provided as an avenue for any complaint independent of the agency which is the subject of the complaint.<sup>18</sup>*

1.10 The role, as outlined by Blaxell, was to provide a number of functions. These are outlined in Box 1.1.

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13 Hon Peter Blaxell, Special Inquirer, *Transcript of Evidence*, 13 May 2015, p3.

14 Hon Peter Blaxell, Special Inquirer, *Transcript of Evidence*, 13 May 2015, p3.

15 Hon Peter Blaxell, *St Andrews Hostel Katanning: How the system and society failed our children: A Special Inquiry into the response of government agencies and officials to allegations of sexual abuse*, Government of Western Australia, September 2012, p337.

16 Hon Colin Barnett, Premier, WA, Legislative Assembly, *Parliamentary Debates (Hansard)*, 19 September 2012, p6140.

17 Hon Peter Blaxell, *St Andrews Hostel Katanning: How the system and society failed our children: A Special Inquiry into the response of government agencies and officials to allegations of sexual abuse*, Government of Western Australia, September 2012, p340.

18 Hon Peter Blaxell, *St Andrews Hostel Katanning: How the system and society failed our children: A Special Inquiry into the response of government agencies and officials to allegations of sexual abuse*, Government of Western Australia, September 2012, p340.

## Chapter 1

### Box 1.1: Blaxell's One Stop Shop<sup>19</sup>

#### One Stop Shop

Blaxell noted that such a 'one stop shop' role must:

- Promote disclosure of complaints by providing appropriate and diverse avenues. This would include use of technology, ensuring multiple mechanisms for complaints, and promoting an open and approachable avenue for all individuals;
- Recognise the potentially different needs and access levels for children and young people in regional areas with consideration of regular visitor programs that enable the building of relationships and confidence in the system;
- Be able to receive complaints of child abuse related to public sector programs and services run or contracted by public sector agencies. This would include facilities contracted by any agency which provides services on behalf of Government to children and young people;
- Provide independence from the agency the subject of a complaint and enable determination of the initial response to the complaint independently of that agency;
- Facilitate referral of the complaint to an appropriate existing agency and oversee this referral as well as the outcome of the process;
- Provide or facilitate support for the individual making the complaint (throughout the complaint process and its immediate aftermath) and allow self-identification of their needs; and
- Ensure when a complaint is made in the belief that it is or may be true that the person making the complaint is protected from civil or criminal liability in respect of the same (similar to voluntary reporting provisions of the *Children and Community Services Act 2004*).

1.12 Blaxell proposed that this role should be conferred on an existing independent agency that either has a mandated role for complaints, or a role concerning advocacy on behalf of children and young people. Such an agency should then be expanded 'to encompass a central oversight role in respect of all complaints by children and young people in relation to child abuse.'<sup>20</sup>

1.13 Recommendation 2 of his report was a focus of consideration for this Committee's inquiry. The recommendation states:

*That the State Government develop a function and role within or across central and independent agencies to fulfil a robust child focussed central complaints system that is a 'one stop shop' for any complaint concerning child abuse regardless of the public sector agency that the matter relates to.*

*A central agency taskforce should be established to consider and recommend the most appropriate agency or agencies to be responsible for fulfilling this function, and to recommend the steps necessary for*

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19 Hon Peter Blaxell, *St Andrews Hostel Katanning: How the system and society failed our children: A Special Inquiry into the response of government agencies and officials to allegations of sexual abuse*, Government of Western Australia, September 2012, 340.

20 *ibid*, p341.

*ensuring that complainants/informants utilising such a system do not fear legal liability as a result of contacting the agency.*<sup>21</sup>

- 1.14 Throughout the report, Blaxell described each failing he uncovered as a missed opportunity to stop abuse. Had a public official adequately responded to information about sexual misconduct at St Andrew the future abuse of a child may have been prevented. He concludes his report on an optimistic note, focussing on the actions of those few in the crippled system that tried to do the right thing. His final remark highlighted the opportunity his recommendations in the Special inquiry provided to the Government; and on whom it is now (still) incumbent to implement:

*Hopefully the lessons learned from what happened at St Andrew's will help ensure that such a tragedy can never happen again.*<sup>22</sup>

#### **Government response to Blaxell Inquiry Report**

- 1.15 The Blaxell Inquiry Report was tabled in Parliament on 19 September 2012 by the Premier. The Government accepted all of the recommendations and stated that it was taking action to ensure that each was promptly implemented. As previously noted, the Premier declared the government's confidence that the outcomes of the inquiry will 'help continue to build the robustness of the public sector's ability to protect children and young people against sexual abuse'.<sup>23</sup>

#### **Children's Commissioner to perform the one stop shop role**

- 1.16 The Premier also advised Parliament of the following:

*The government has selected the Commissioner for Children and Young People as the preferred body to perform the one-stop shop complaints role recommended by the inquiry to prioritise the welfare of children in any government facility. This does not replace or duplicate current reporting options. It provides a mechanism to support children or young people in making such a complaint. In some cases a child or young person may feel more comfortable in making a complaint directly to the commissioner as this office is removed from direct service delivery. The commissioner is a child-friendly advocate for children and young people and is well placed to support any person*

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21 Hon Peter Blaxell, *St Andrew's Hostel Katanning: How the system and society failed out children: A Special Inquiry into the response of government agencies and officials to allegations of sexual abuse*, Government of Western Australia, 2012, p341.

22 Hon Peter Blaxell, *St Andrew's Hostel Katanning: How the system and society failed out children: A Special Inquiry into the response of government agencies and officials to allegations of sexual abuse*, Government of Western Australia, 2012, p345.

23 Hon Colin Barnett, Premier, WA, Legislative Assembly, *Parliamentary Debates* (Hansard), 19 September 2012, p6140.

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*requiring assistance to make a complaint of child abuse independent of the investigative bodies to whom such complaints may be referred.*<sup>24</sup>

- 1.17 The Premier went on to say that the community must have faith that ‘allegations of child abuse will be given the serious attention they deserve’ by the relevant government agencies and that the Statutory Review of the *Commissioner for Children and Young People Act 2006* would determine the ‘legislative amendments necessary to give the Children’s Commissioner these important additional functions.’<sup>25</sup>

### **Statutory Review of the *Commissioner for Children and Young People Act 2006***

- 1.18 Section 64 of the *Commissioner for Children and Young People Act 2006* (the Act) provides that the responsible Minister must carry out a review of the operation and effectiveness of the Act as soon as is practicable after 5 years from the commencement of the Act; and that a report based on this review must be tabled in Parliament.<sup>26</sup> As responsible Minister at the time, the Attorney General requested that the Public Sector Commission undertake this review, which it subsequently did in early 2013, providing it to the Attorney General on 31 May 2013.
- 1.19 The Public Sector Commission’s terms of reference were to review of the operation and effectiveness of the *Commissioner for Children and Young People Act 2006*. Of particular relevance to this Inquiry was Term of reference 3 which determined the review must:
- Examine what amendments to the Act are necessary to enable the Commissioner for Children and Young People to operate as a ‘one stop shop’ for any complaint concerning child abuse regardless of the public sector agency that the matter relates to, as per recommendation 2 of the Inquiry into St Andrew’s Hostel.
- 1.20 While the completed report of the statutory review was provided to the Attorney General in May of 2013, it was not tabled in Parliament until August 2014. In the intervening time, this Committee made several calls on the Attorney General to table the report.<sup>27</sup> The prospect for the office to develop the role proposed by Blaxell was delayed until the review was tabled. The Committee notes that during this time there

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24 Hon Colin Barnett, Premier, WA, Legislative Assembly, *Parliamentary Debates* (Hansard), 19 September 2012, p6139.

25 Hon Colin Barnett, Premier, WA, Legislative Assembly, *Parliamentary Debates* (Hansard), 19 September 2012, p6139.

26 Section 64(1), (2) *Commissioner for Children and Young People Act 2006* (WA).

27 The Committee wrote to the Attorney General, the Hon Michael Mischin MLC, on 17 June 2013, 25 September 2013, 4 December 2013 and 14 March 2014. The Committee further recommended in its Report No. 3 that the Attorney General table the report of the review. See: *Review of Selected Reports by the Commissioner for Children and Young People: Changing priorities in the post-Blaxell environment*, Parliament of Western Australia, April 2014, p4.

was an acting Children’s Commissioner. There was no permanent Children’s Commissioner from December 2013 until November 2015.

- 1.21 Upon tabling the report of the *Review of the Commissioner for Children and Young People Act 2006* (Statutory Review), the Attorney General advised that the Government had provided its ‘in principle’ support for each recommendation.<sup>28</sup> The report contained 16 recommendations, finding overall, that the Act is operating effectively for children and young people in WA.<sup>29</sup>
- 1.22 A number of recommendations contemplated the legislative requirements for the Children’s Commissioner to perform a role as recommended by Blaxell. The main consequence for the Children’s Commissioner with regard to term of reference 3 is outlined in Recommendation 12 of the review—and forms a primary focus for this Committee’s inquiry. The detail of Recommendation 12 is outlined in Box 1.2 below and will be referred to throughout this report.

**Box 1.2: Recommendation 12**

**Recommendation 12:**

**(Statutory Review of the *Commissioner for Children and Young People Act 2006*)**

The Children’s Commissioner should be given appropriate powers under the Act to provide a child abuse complaints support function that consists of:

- education and outreach programs for children and young people about how to disclose any child abuse that occurs while they are in the care of a government agency or service provider
- receiving complaints from children and young people, or adults acting in good faith on their behalf, about abuse alleged to have occurred in a government agency or service provider
- referring such complaints to the relevant investigative authority/s
- providing information and referrals to children and young people in relation to the support services available for victims of child abuse and their families
- monitoring the way in which government agencies deal with complaints of child abuse referred by the Children’s Commissioner or otherwise received by them.

The Children’s Commissioner should not have a role in investigating the substance of individual complaints that are received.

- 1.23 As shown in recommendation 12, the term ‘one stop shop’ was dropped within the Statutory Review for fear that it might create the impression that the Children’s Commissioner would have a role in investigating individual complaints of child abuse.

<sup>28</sup> Hon Michael Mischin, Attorney General, WA, Legislative Council, *Parliamentary Debates* (Hansard), 20 August 2014, p5533.

<sup>29</sup> Public Sector Commission, *Review of the Commissioner for Children and Young People Act 2006*, Government of Western Australia, Perth, May 2013, pi.

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To counter this concern, the review identified the term ‘child abuse complaints support’ function as appropriate to describe the role contemplated by Blaxell.<sup>30</sup>

- 1.24 On the release of the report, the Attorney General stated that the office of the Children’s Commissioner would not implement the proposed child abuse complaint support role until the final recommendations of the Royal Commission into Institutional Responses to Child Sexual Abuse could be taken into account.<sup>31</sup>

### **Royal Commission into Institutional Responses to Child Sexual Abuse**

- 1.25 On 11 January 2013, Her Excellency Quentin Bryce, (then) Governor-General, appointed the Royal Commission to inquire into institutional responses to child sexual abuse (Royal Commission). The Letters Patent provide comprehensive terms of reference to the Royal Commission. They require the Commissioners to identify and focus their inquiry and recommendations on systemic issues, and make recommendations that will provide a just response for people who have been sexually abused and ensure institutions achieve best practice in protecting children in the future. The Royal Commission was originally required to present the recommendations of its findings by 31 December 2015. In November 2014 this was extended until 15 December 2017.<sup>32</sup>
- 1.26 Even without the final presentation of these findings, it is apparent the process is having an impact on the community’s broad understanding of the impacts of child abuse—and without it being undertaken, the understanding would be poorer. On opening the first public hearing, Justice Peter McClellan AM, Chair of the Royal Commission is reported as having said:

*Until I began my work with the commission I did not adequately appreciate the devastation and long-lasting effect which sexual abuse, however inflicted, can have on an individual's life.*<sup>33</sup>

- 1.27 Since this first public hearing on 3 April 2013, the Royal Commission has been contacted by thousands of people and heard as many individual stories. On the 12 April 2016 the Commission announced it has heard 5000 private sessions.<sup>34</sup> It has released a

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30 Public Sector Commission, *Review of the Commissioner for Children and Young People Act 2006*, Government of Western Australia, Perth, May 2013, p74.

31 Hon Michael Mischin, Attorney General, WA, Legislative Council, Parliamentary Debates (Hansard), 20 August 2014, 5533.

32 The Royal Commission into Institutional Responses to Child Sexual Abuse, *Terms of Reference*, 13 November 2014. Available at: <http://www.childabuseroyalcommission.gov.au/about-us/terms-of-reference>. Accessed on 8 January 2015.

33 The Sydney Morning Herald, *Child abuse royal commission: what has already been said*, 30 June 2014. Available at: <http://www.smh.com.au/it-pro/child-abuse-royal-commission-what-has-already-been-said-20140630-zsqtr>. Accessed on 10 April 2016.

34 The Royal Commission into Institutional Responses to Child Sexual Abuse, *Royal Commission holds its 5,000th private session*, 12 April 2016. Available at:

number of issues papers, which are attracting numerous submissions. In November 2014 it released an interim report.

- 1.28 Additionally, the Royal Commission is undertaking a comprehensive research program to support its work, which is producing a high-volume of material aimed at helping agencies and the community become better at reducing the harm child abuse causes.<sup>35</sup> The Committee has attempted to thread some of the most relevant research throughout this report. Given the sheer volume of this work, it is by no means exhaustive. It has been a considerable task to keep abreast of the emerging issues.
- 1.29 The importance of this work cannot be discounted. These findings will be essential in the development of a broad ranging national Australian response to child abuse; and there is enormous merit in examining the outcomes of the Royal Commission.

### **Rationale for the Committee's review**

- 1.30 From the outset, the announced delay of the implementation of the Statutory Review's recommendation 12 was a concern for the Committee. More than two years had passed since the need for an enhanced child friendly system had been recognised by Blaxell, and supported by the Government. The extension to the Royal Commission handing down its findings would—at least—delay this by a further two years.
- 1.31 A recent report by the Valuing Children Initiative indicates that over the last three years in Australia, both notifications to child protection services and the number of substantiated cases have increased. There were over 40,000 substantiated cases of child abuse, of which more than 5000 were of sexual abuse. The report notes that these figures are likely to be an '[...] underestimation of the number of children abused and neglected', and that 'there is no room for complacency.'<sup>36</sup>
- 1.32 The Committee agrees with this sentiment. Given the number of substantiated child abuse cases are increasing, enhancements to the Children Commissioner's role designed to provide support to the Child Protection Sector should not be delayed. Any changes that are made should provide for the future examination—and application of—relevant Royal Commission recommendations when they are made public. Additionally, implementations of the findings of the Royal Commission, particularly those rolled out nationally, are likely to change over time. Any role for the Children's Commissioner, and indeed the sector overall in this state, must be responsive to such changes and cannot remain static.

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<http://www.childabuseroyalcommission.gov.au/media-centre/media-releases/2013-04/royal-commission-holds-its-5,000th-private-session>. Accessed on 12 April 2016.

<sup>35</sup> For more information see: <http://www.childabuseroyalcommission.gov.au/policy-and-research>.

<sup>36</sup> The Valuing Children Initiative, *The Valuing Children Initiative Foundation Paper*, Western Australia, April 2016, pp2-3.

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- 1.33 Given the complexity of the issues under consideration, the detail provided in the Statutory Review did not stipulate how the proposed role for the Children’s Commissioner would operate within the existing Child Protection Sector without creating any duplication of services. The Committee determined that as part of its oversight and accountability function it would instigate its own motion Inquiry into how the proposed child abuse complaints support function should operate. The Committee’s findings would therefore assist the government in its future deliberation of the Children’s Commissioner’s new functions, and enable any new Children’s Commissioner to more swiftly cultivate the role.

### Scope

- 1.34 The Committee agreed to examine the amendments within the Statutory Review that focus on the proposed child abuse complaints support function; and the extent to which these respond adequately to Blaxell’s recommendation 2. As the government has accepted ‘in principle’ the recommendations within the Statutory Review, the Committee determined to adopt these recommendations as the starting point for its examinations.
- 1.35 A priority for the Committee undertaking this inquiry has been to ensure that any enhancement to the role of the Children’s Commissioner is a positive addition to the child protection landscape. The Committee was also seeking to learn if children’s voices were being listened to better than in the past. The following statement is indicative of the Committee’s concerns:

*[...] a question that must be asked if we are to move closer to the goal of ensuring that all children have a caring, safe and supportive childhood. It is a question made even more urgent in the face of the stark knowledge of our failure to protect so many children from abuse.<sup>37</sup>*

- 1.36 Consequently, a wide-ranging examination of the existing Child Protection Sector was undertaken.

### Method of examination

- 1.37 The Committee sought evidence from the sector, seeking to learn if the implementation of the ‘child abuse complaints support role’ recommended for the Children’s Commissioner in the Statutory Review would add unnecessarily to the trauma of a child who has suffered abuse. The Committee broadly examined how the Children’s Commissioner should support the sector in a post Blaxell and Statutory

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<sup>37</sup> The Valuing Children Initiative, *The Valuing Children Initiative Foundation Paper*, Western Australia, April 2016, p6.



Review environment. This was consistent with its position that the Children's Commissioner and the sector overall must be responsive to change.

- 1.38 To achieve this, the Committee took into account the following:
- The views of the Attorney General, particularly with regard to his views on the implications and proposed implementation of the Statutory Review's recommendations;
  - The operation (policy and legislative) environments in which Children's Commissioners in other jurisdictions operate, the agencies they work with and the success or otherwise of their approaches;
  - The views of key stakeholders, to ensure that any recommended role for the commissioner avoids duplicating work already being done well in the sector.
- 1.39 The Committee called for public submissions and invited organisations to submit on this matter, and received 35 relating to its Inquiry. It has held 35 public hearings and conducted 28 briefings with key agencies.

#### **Investigative travel**

- 1.40 An awareness of the policy and legislative issues surrounding child abuse has gained considerable attention and focus internationally and interstate over the last decade. How a Children's Commissioner can meaningfully contribute within these frameworks has also been examined in many jurisdictions. Some areas have recently reviewed and enacted change to the way in which a Commissioner operates, both within a child protection framework, and as a broad advocate for children and young people. The Committee resolved to travel to some of these jurisdictions.

#### **Ireland and the UK**

- 1.41 The Committee travelled to Ireland and the United Kingdom and examined the recent changes to the social and operational environments in which their respective Children's advocates operate, and the success or otherwise of their approaches. The Committee conducted a series of briefings with relevant government agencies and non-government organisations who are involved in supporting and responding to victims of child abuse. The similarity of community, government and policy environments meant that any identified strategies the Committee discovered were more likely to be able to be applied in the Western Australian context to help enhance the Children's Commissioner's role.
- 1.42 The Committee posed a series of questions to those it met about how a whole-of-government approach to developing a child-friendly system for handling complaints from children in relation to child abuse might be implemented. This line of inquiry was

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based on the 'one stop shop' as initially contemplated by Blaxell, as this was where the Committee began its line of investigation. It attempted to determine whether there was merit in establishing a 'one stop shop' agency that is promoted as an avenue for any complaint or disclosure of child abuse. The Committee also enquired about best-practice models when considering how to develop effective education and outreach programs for children with regards to disclosing child abuse.

- 1.43 The Committee also assessed various ways in which organisations receive allegations of abuse from children and refer these on to the relevant investigative authorities. It observed processes for providing information and referrals to children in relation to the support services available for victims of child abuse. It asked the experts that it met what, if any, kinds of issues these types of agencies must be mindful of in order to avoid negatively impacting on child abuse investigations. Issues such as the rights of the child, accessibility and child-friendliness of complaints systems were discussed. Questions were posed around whether it is appropriate for the Children's Commissioner (rather than an Ombudsman) to fulfil such a role.
- 1.44 Finally, input was sought from those the Committee met with on what impact a 'one stop shop' role would have on the Children's Commissioner's other advocacy functions, how much a Children's Commissioner should be able to monitor government processes, and whether a Children's Commissioner can or should impact the decision-making processes of government.
- 1.45 In Ireland, the Committee met with Dr Niall Muldoon, the Irish Ombudsman for Children, and Mr Mánuis deBarra, Policy and Human Rights Officer. The Irish Ombudsman for Children (the OCO) deals with complaints made by or on behalf of children in relation to the actions of public organisations. It also promotes the rights and welfare of children. This promotional work includes building an awareness of children's rights, ensuring that the voices and the views of children and young people are heard by decision makers, and ensuring that government processes are child friendly. As there is no Children's Commissioner in Ireland, the Committee was interested to learn how the OCO balances the impartial role of an Ombudsman with the partial role of an advocate for the rights of children. The Ombudsman indicated that, while the process for investigating a complaint must be impartial, the needs of a child are paramount.
- 1.46 The Committee also met with Ms Elizabeth Canavan, Assistant Secretary, Department of Children & Youth Affairs, Ireland's child protection and welfare agency which works closely with the OCO. The Committee heard how a series of child protection issues in Ireland led to the formation of the Department in 2014 to provide a better line of sight on child protection issues. A large focus has been on ensuring that trusted adults are made aware of what to do when they receive an allegation of child abuse. This has been achieved through the implementation of the *Children First* statute, a key piece of

legislation establishing mandatory reporting and child safety requirements for every organisation providing a service to children. The Committee heard that the *Children First* legislation was attempting to change the culture of Ireland by promoting the concept that child protection was everybody's responsibility.

- 1.47 In Scotland, the Committee met with Mr Tam Baille, the Scottish Commissioner for Children and Young People, who at the time was also the Chair of the European Network of Ombudsman for Children. At the time, the Scottish Government was considering an enhanced role to enable the Commissioner to receive complaints and investigate the protection of children's rights and interests. The Scottish Commissioner indicated he was undertaking a comprehensive mapping of the Child Protection System to establish how his role might be developed. His view was that the Child Protection System must be responsive to the consequences of child abuse and must try to create safe places for people to make reports of this abuse. Prospective changes to the *Children and Young People (Scotland) Act 2014* are expected to allow for these new investigatory functions in January 2017.<sup>38</sup>
- 1.48 While in Scotland, the Committee discussed changes to the *Children and Young People (Scotland) Act* at length. In addition to increasing the investigatory powers of the Children's Commissioner, it strengthened the protection of children's rights by creating a statutory single point of contact for raising concerns about a child (the 'Named Person') and put in place a requirement for all agencies to work together in the child's best interest, called the GIRFEC (getting it right for every child) approach.
- 1.49 The Committee met with Ms Jackie Brock, the Chief Executive Officer for Children in Scotland, who authored a report about safeguarding Scotland's vulnerable children from child abuse, the recommendations from which were accepted in whole by the Scottish Government. Ms Brock outlined the legislative changes and their expected impact to the Committee.
- 1.50 Mr Boyd McAdam, the National Convenor and Chief Executive of Children's Hearings Scotland (CHS) also briefed the Committee. A children's hearing is the legal mechanism in Scotland by which appropriate safety and care decisions are made about children. The Committee heard how the process is focussed on the best interests of the child; and that this child focus has influenced the manner of referrals made to the CHS. When originally established in the 1970s, almost all referrals to the CHS were concerning a child who had committed an offence. In recent times, the vast majority of referrals to the CHS are welfare based; with offence based referrals comprising less than ten per cent.

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38 Part 2, Section 5 *Children and Young People Act 2014* (Scotland). For more information see: <http://www.legislation.gov.uk/asp/2014/8/section/5?timeline=true>

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- 1.51 The Committee attended the British Association for the Study and Prevention of Child Abuse and Neglect Congress 2015, which had over 700 international delegates, and met with Ms Beth Smith, the Director of WithScotland, an organiser of the conference. The Committee discussed WithScotland's experience in working collaboratively with other agencies to develop a central resource for research, evidence, advice and support on child protection matters.
- 1.52 In London, the Committee met with Professor Eileen Munro, a leading expert in risk management in child welfare. In 2011 Professor Munro completed a review of child protection within the United Kingdom (UK) which called for overarching social work reform to enable professionals to make the best judgements about how to help children and young people suffering from abuse or neglect. Each recommendation was implemented by the UK government. Professor Munro explained that risk planning in child protection provides professionals with the confidence to make sensible decisions about the wellbeing of a particular child, rather than trying to fulfil a pre-approved check list of generic actions for a child. Professor Munro also spoke of her work with Mr Terry Murphy, former Director General of the Department for Child Protection in WA, and their work in implementing the Signs of Safety practice framework in the UK.
- 1.53 Sir John Dunford is a retired education expert who briefed the Committee on the processes and the outcomes of his review of the Office of the Children's Commissioner for England (the OCC). Significant strengthening of the Children's Commissioner Legislation (through the *Children and Families Act 2014*) occurred, changing the remit and scope of the OCC, particularly with regard to promoting and protecting children's rights. As a result of these changes, a new Children's Commissioner was appointed, whom the Committee met with after only being in the position for a few weeks.
- 1.54 Ms Anne Longfield, OBE, the Children's Commissioner for England, highlighted the importance of ensuring the Commissioner's role is suitably equipped through legislation to bring forward issues about children with the appropriate force. An example of this was the national *Inquiry into Child Sexual Abuse in the Family Environment* which the OCC launched in July 2014. The statutory powers of the OCC enabled the collection of evidence which provided the most accurate information to date in England on the numbers of children and young people affected by and at risk of sexual exploitation. The Committee heard how the office collected and analysed data which enabled risk factors associated with child sexual exploitation to be determined. This resulted in an increased awareness of child sexual exploitation across local government, the police and the health service.
- 1.55 The Committee met with Ms Sarah Baker, Head of Safeguarding and Child Protection for the Department of Education, the main contact between the OCC and the Government. The Committee discussed changes to the role of the OCC and heard how the enhanced independence and increased powers of the Children's Commissioner has

added greater value to the role of the Children's Commissioner from the Government's perspective.

- 1.56 The Committee also met with Ms Emma Jones, Deputy Director for the Department for Communities & Local Government. The Committee was briefed about the Troubled Families programme which offers tailored assistance to families in the UK who experience multiple serious problems such as anti-social behaviour and family abuse. This type of intensive support has proved successful in getting children back to school and parents back into work, saving the taxpayers an estimated £1.2 billion.<sup>39</sup>
- 1.57 Finally, the Committee Chair met with Mr Chris Cloke, Head of Child Protection and Professional Reputation from the National Society for the Prevention of Cruelty to Children (NSPCC), the only UK charity with statutory powers to take action to safeguard children at risk of abuse. NSPCC works directly with families and children, schools, non-government and government organisations to provide support, education, outreach, advocacy and information about best practice strategies in the prevention of child abuse. NSPCC also provides two 24/7 helplines, one that provides help and support to parents, professionals and families, and another dedicated to providing assistance to children.
- 1.58 Being at the initial stages of the Committee's Inquiry, the discussions outlined above were broad-ranging as the Committee attempted to canvas the vast range of information available on these topics. The views and ideas that the Committee gathered during this travel informed the development of the scope of the Inquiry and the subsequent interstate travel.

### **Interstate**

- 1.59 The Committee travelled to Queensland, New South Wales and Victoria with the purpose of investigating recent legislative developments in these states and inquiring into the way in which child advocacy, support and prevention of child abuse and related matters are dealt with in other states.
- 1.60 In Queensland, recent legislative changes have seen an overhaul of the Child Protection System, largely arising out of the findings of the Queensland Child Protection Commission of Inquiry (the Carmody Inquiry). This inquiry was established following concern over the increasing number of children and young people coming into care. The Carmody Inquiry comprised an extensive review of Queensland's Child Protection System and found that the existing system was not adequate, making 121 recommendations to improve Queensland's Child Protection System.<sup>40</sup> The subsequent

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39 For more information see: <https://www.gov.uk/government/news/more-than-105000-troubled-families-turned-around-saving-taxpayers-an-estimated-12-billion>. Accessed 6 April 2015.

40 Queensland Child Protection Commission of Inquiry, *Taking Responsibility: A Roadmap for Queensland Child Protection*, June 2013. Available at:

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reforms implemented by the Queensland Government focussed on reducing the number of children and young people in the Child Protection System and revitalising the child protection frontline services and family support to break the intergenerational cycle of abuse and neglect.

- 1.61 The Committee met with the Queensland Department of Communities, Child Safety and Disability Services, an agency at the forefront of this reform process in Queensland. The Committee discussed the ways in which these reforms were requiring a fundamental shift in the way government agencies, child safety professionals and community organisations work with vulnerable families, and with each other.<sup>41</sup> The Committee also met with the newly created Office of the Public Guardian in Queensland, which was established in 2014 as a part of these reforms.<sup>42</sup> The Committee discussed with the Public Guardian, Ms Julia Duffy, the challenges and potential inherent in the roles undertaken by this independent statutory office; in particular, oversight, outreach, education and advocacy.
- 1.62 New South Wales (NSW) has also undergone substantial changes in the provision of child protection services. In 2007, the New South Wales Government commissioned the Hon James Wood AO, QC, to conduct an inquiry to determine what changes within the Child Protection System were required to cope with future levels of demand. Recommendations contained in the subsequent report, called *Report of the Special Commission of Inquiry into Child Protection Services in NSW* were largely accepted by the NSW Government. The implementation of these recommendations resulted in the most significant change to child protection policy in NSW since the introduction of mandatory reporting in 1987. The Committee was briefed by the Department of Family and Community Services about the legislative changes and subsequent policy initiatives.
- 1.63 Also in NSW, the Committee met with the Ms Kerryn Boland, the Children’s Guardian and discussed various issues relating to the role of independent statutory offices and their interaction with government in the Child Protection Sector, child abuse prevention programs, child centred approaches, increases in the involvement of the community sector, child safe organisations, outreach and education, and the reportable conduct scheme in operation in NSW.

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[http://www.childprotectioninquiry.qld.gov.au/\\_\\_data/assets/pdf\\_file/0017/202625/QCPCI-FINAL-REPORT-web-version.pdf](http://www.childprotectioninquiry.qld.gov.au/__data/assets/pdf_file/0017/202625/QCPCI-FINAL-REPORT-web-version.pdf). Accessed on 18 May 2016.

41 Department of Communities, Child Safety and Disability Services, *History of child protection legislation reforms*, 18 April 2016. Available at: <https://www.communities.qld.gov.au/childsafety/about-us/legislation/history-of-child-protection-legislation-reforms>. Accessed on 17 May 2016.

42 For more information see: Office of the Public Guardian, *OPG for children and young people*. Available at: <http://www.publicguardian.qld.gov.au/>. Accessed on 17 May 2016.

- 1.64 In Victoria the Committee met with staff from the Commission for Children and Young People. The Committee discussed with the Principal Children’s Commissioner, Mr Bernie Geary, his 2015 report “...as a good parent would...” which was the result of an inquiry into residential care services in Victoria regarding the prevalence of sexual abuse or sexual exploitation within residential care.<sup>43</sup> The Committee met with Mr Andrew Jackomos, Victoria’s Children’s Commissioner for Aboriginal Children and Young People, and learnt about his project that has individually reviewed the experience of every single Aboriginal child in care in Victoria with a view to identifying ‘practice, policy and system issues that impact on Aboriginal children’s care, cultural connectedness, education, health and wellbeing’.<sup>44</sup>
- 1.65 The Committee was briefed by the Victorian Department of Health and Human Services, which in addition to providing the state’s child protection and family services, is a lead agency in Victoria’s Multidisciplinary Centres (MDCs). These MDCs provide 24 hour crisis services for adults and children who are victims of sexual assault and domestic violence. MDCs co-locate Victoria Police, child protection and sexual assault counselling services at the one site to provide integrated support to victims and their families. The Committee visited the MDC located in Dandenong, which is the principal centre with forensic medical services located on site.
- 1.66 In addition to agencies and statutory authorities, the Committee also met with a wide range of community sector organisations in these three states, both for-profit and not-for-profit. These organisations have expertise in a range of issues and services; for example, therapeutic responses to child abuse, protective behaviours programs, evaluation and research, child advocacy, prevention of child abuse and trauma-informed care and practice.
- 1.67 The lessons learned from this travel are threaded through all subsequent evidence gathered by the Committee for this review. The Committee is extremely grateful to all of the experts who generously gave their time to meet with the Committee and impart their expertise about this very complex and sensitive area.<sup>45</sup>

### Note on the areas of examination

- 1.68 The complexity that surrounds the issue of child abuse cannot be overstated. Measures to safeguard and protect children, families and the community from its occurrence exist within a very delicate policy and practice framework. The Committee took the

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43 Victorian Commission for Children and Young People, “...as a good parent would...”, August 2015. Available at: <http://www.ccp.vic.gov.au/downloads/inquiry/final-report-as-a-good-parent-would.pdf>. Accessed on 18 May 2016.

44 Victorian Commissioner for Children and Young People, *Annual Report 2014-2015*, October 2015, p46. Available at: <http://www.ccp.vic.gov.au/downloads/annual-reports/CCYP-annual-report-2014-2015-without-financials.pdf>. Accessed on 24 April 2016.

45 Details of who the Committee met with are provided in Appendix 5 of this report.

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view that it had an unavoidable responsibility to ensure it had sufficient knowledge of these complexities before making any recommendations to Parliament. The areas of examination were broad and at times far reaching. While all information gained from these examinations is not specifically detailed within this report, the sum of this knowledge has been used to form the Committee's views, which are presented within this report.

### Note on Terminology – its importance and use

- 1.69 During the course of the inquiry the Committee found that terminology was at times confusing around the issue of child abuse. This section outlines terms used in this report and also gives some explanation as to why particular terms are used in the way that they are.<sup>46</sup> As far as possible, the Committee has tried to stay consistent with terms used within the WA Child Protection Sector. Key agencies within the sector appear to understand the variations in terminology. It becomes more problematic when the public or anyone external to the sector attempts to understand the complexities of the system.
- 1.70 **Aboriginal children** refers to children and young people who are descendants of the Aboriginal people of Australia, and **Torres Strait Islander children** refers to children and young people who are descendants of the indigenous inhabitants of the Torres Strait Islands.<sup>47</sup>
- 1.71 This report adopts the Royal Commission's definition of **advocacy and support service** as 'acting alongside, or on behalf of, victims and survivors of child sexual abuse to support their rights and interests while providing tangible and practical support.'<sup>48</sup>
- 1.72 The report similarly adopts the Royal Commission's definition of **therapeutic treatment or service** as 'a range of evidence-informed therapies, programs and interventions for individuals or groups that are provided by trained practitioners, such as psychologists, counsellors, psychiatrists, social workers and other health and mental health practitioners'.<sup>49</sup>
- 1.73 **Child protection** refers to 'statutory services designed to protect children who are at risk of serious harm' which in Western Australia is provided by DCPFS. **Statutory child**

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46 Commonly used terms and acronyms appear in the glossary at Appendix 6.

47 Section 20(2) *Commissioner for Children and Young People Act 2004* (WA).

48 Royal Commission into Institutional Responses to Child Sexual Abuse. *Issues Paper 10: Advocacy and Support and Therapeutic Treatment Services*, October 2105, p1. Available at: <http://www.childabuseroyalcommission.gov.au/getattachment/41b878e6-b2a3-440b-a2c2-607106ffd5ec/Issues-paper-10>. Accessed on 25 April 2016.

49 Royal Commission into Institutional Responses to Child Sexual Abuse. *Issues Paper 10: Advocacy and Support and Therapeutic Treatment Services*, October 2105, p1. Available at: <http://www.childabuseroyalcommission.gov.au/getattachment/41b878e6-b2a3-440b-a2c2-607106ffd5ec/Issues-paper-10>. Accessed on 25 April 2016.



**protection services** are 'statutory agencies/departments (i.e. departments established by parliament) charged with the responsibility of securing the safety and welfare of children'.<sup>50</sup>

- 1.74 **Child protection sector** refers to the whole-of-system response to child abuse and child protection; this sector includes the key agencies involved in child protection and responses to, and prevention of, child abuse, and also relevant community sector organisations
- 1.75 **Disclosure** happens when a child says 'this happened to me'. This may or may not be reported by the person to whom the disclosure is made.
- 1.76 A **report** is a report made regarding a disclosure by a child. This could be made by a mandatory reporter as defined in the *Children and Community Services Act 2004*.<sup>51</sup> A **mandatory report** is where the report is made by a person in a named profession to the Mandatory Reporting Services (MRS). WA Police explain that mandatory report 'includes every report to a police station' when a police officer at the front counter takes a report of child abuse, as police are all mandatory reporters.<sup>52</sup>
- 1.77 A **reportable conduct scheme** is one in which the oversight of complaints of child sexual abuse in institutional contexts is conducted by a body independent of all service providers.<sup>53</sup> Currently, New South Wales is the only Australian jurisdiction that operates this scheme; however, it is being examined by the Royal Commission and may be implemented in other jurisdictions soon.
- 1.78 The word **complaint** has many meanings in this context. The Royal Commission uses the term 'complaint' in regard to sexual abuse 'to cover not only complaints about child sexual abuse that are expressed as such, but all allegations including reports, suspicions, concerns, alleged breaches of the code of conduct and other disclosures of behaviour that may constitute or relate to child sexual abuse'.<sup>54</sup>

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50 Australian Institute of Family Studies, *A national approach for child protection - Project report*, 2008, pviii. Available at: <https://aifs.gov.au/cfca/sites/default/files/publication-documents/cdsmac.pdf>. Accessed on 29 February 2016.

51 Section 124(B)(1)(a) *Children and Community Services Act 2004* (WA), currently requires a person who is a doctor, nurse, midwife, police officer, teacher or boarding supervisor to report sexual abuse of children (as a mandatory reporter).

52 Mr Paul Boulton, Inspector, Sex Crime Division, Western Australia Police, *Transcript of Evidence*, 25 February 2015, p5.

53 Royal Commission into Institutional Responses to Child Sexual Abuse, *Consultation Paper: Best practice principles in responding to complaints of child sexual abuse in institutional contexts*, Commonwealth of Australia, Sydney, March 2016, p32.

54 Royal Commission into Institutional Responses to Child Sexual Abuse, *Consultation Paper: Best practice principles in responding to complaints of child sexual abuse in institutional contexts*, Commonwealth of Australia, Sydney, March 2016, p2.

## Chapter 1

- 1.79 **Child-safe** can be thought of as a culture where the safety, wellbeing and participation of children and young people are reflected in policies and day-to-day practices at all levels of the organisation. The Children's Commissioner has recently undertaken a project called Child Safe Organisations WA intended to assist government and community-based organisations become more child safe in Western Australia.
- 1.80 **Community Sector Organisations** are the collection of not-for-profit and for-profit non-government organisations that provide the community with services that meet a broad range of needs. The community sector plays a key role in the Child Protection Sector, in the areas of service delivery, advocacy and support, programs and research.
- 1.81 **Trauma informed care and practice (TICP)** is practice which is attentive not only to what the service/procedure looks like, but also, just as importantly, the way in which a service/procedure is administered/carried out. This approach to service delivery aims to normalise symptoms and behaviours that are traditionally pathologised and thus viewed as examples of personal and social deviance. It views the individual as having been harmed through trauma, thus connecting the personal and the socio-political environments. Instead of asking victims of child abuse "what is wrong with you?" the trauma-based approach would ask "what happened to you?" This framework expects, and aims to help individuals learn about the nature of their trauma and take responsibility in their recovery.<sup>55</sup>
- 1.82 In this report **child abuse** refers to any behaviour by parents, caregivers, other adults or older adolescents that is outside the norms of conduct and entails a substantial risk of causing physical or emotional harm to a child or young person. At times it can be difficult to determine where abuse begins and bad parenting ends, as the Committee was advised:
- What is considered to be abuse and neglect has changed over time. Child abuse and neglect is determined by a judgment of the harm, or risk of harm, experienced by the child. A key consideration in assessing risk is the ability or willingness of a care giver to protect the child and prevent a re-occurrence. The overlap between inadequate parenting and abusive parenting is grey.*<sup>56</sup>
- 1.83 **Child sexual abuse** occurs when a child has been exposed or subjected to sexual behaviours that are exploitative and/or inappropriate to his/her age and developmental level. The Royal Commission defines child sexual abuse as, 'any act that exposes a child to, or involves a child in, sexual processes beyond his or her

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55 Blue Knot Foundation (formerly Adult Survivors of Child Abuse (ASCA)), *Trauma-Based Approach*. Available at: <http://www.blueknot.org.au/WHAT-WE-DO/For-Health-Professionals/Resources-for-Health-Professionals/Trauma-Based-Approach>. Accessed on 10 June 2016.

56 Submission No. 4a from Department of Health, 19 February 2016, p4.

understanding or contrary to accepted community standards'.<sup>57</sup> The Royal Commission considers that 'sexually abusive behaviours can include the fondling of genitals, masturbation, oral sex, vaginal or anal penetration by a penis, finger or any other object, fondling of breasts, voyeurism, exhibitionism, and exposing the child to or involving the child in pornography'.<sup>58</sup>

- 1.84 Child sexual abuse also includes **grooming**, which may occur either at an institutional level, or in other more private settings. Grooming 'refers to actions deliberately undertaken with the aim of engaging and influencing a child, staff and/or volunteers of the institution, or in some circumstances members of the child's family, for the purpose of sexual activity with a child'.<sup>59</sup> This typically involves a lengthy, subtle and calculated chronology which establishes 'an emotional connection to lower the child's inhibitions'. After accessing the child, it then involves 'initiating and maintaining the abuse, and concealing the abuse'.<sup>60</sup>

### The impacts of child abuse

*A child's social and emotional wellbeing comes from feeling safe, cared for and valued.*<sup>61</sup>

- 1.85 The importance of maintaining a child's wellbeing has been well documented. There is an increasing amount of evidence that investing in the wellbeing of children will increase the potential of not only children, but society as a whole:

*The modelling of the long term economic benefits of investing in children to give them a good start in life, and the support they require whilst growing up, has provided more evidence that enhancing the lives of children and helping them reach their potential, benefits not only individual children, but the whole community. Social and wellbeing outcomes are increasingly recognised alongside economic indicators as a measure of a nation's success. Children and young people's wellbeing is critical to that success.*<sup>62</sup>

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57 Royal Commission into Institutional Responses to Child Sexual Abuse, *Consultation Paper: Best practice principles in responding to complaints of child sexual abuse in institutional contexts*, Commonwealth of Australia, Sydney, March 2016, p2.

58 Royal Commission into Institutional Responses to Child Sexual Abuse, *Interim Report (Volume 1)*, Commonwealth of Australia, Sydney, 2014, p31.

59 Royal Commission into Institutional Responses to Child Sexual Abuse, *Consultation Paper: Best practice principles in responding to complaints of child sexual abuse in institutional contexts*, Commonwealth of Australia, Sydney, March 2016, p3.

60 *ibid.*

61 The Valuing Children Initiative, *The Valuing Children Initiative Foundation Paper*, Western Australia, April 2016, p3.

62 The Valuing Children Initiative, *The Valuing Children Initiative Foundation Paper*, Western Australia, April 2016, p4.

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- 1.86 The trend across Australia in the last decade has been to enshrine and protect children’s wellbeing in legislation. For example, the principal objectives of the Children’s Commissioner’s Act in WA include ensuring that children live in a caring and nurturing environment; are recognised and valued for their contributions, and have their views taken into account about matters that affect them.<sup>63</sup>
- 1.87 Despite the efforts of many organisations to safeguard the health and wellbeing of children, the rise in notifications of child abuse indicates that more needs to be done. While investing in the wellbeing of children can be shown to benefit the whole community, adverse circumstances experienced in childhood, such as child abuse, can be shown to contribute to poor outcomes for children and for society. It is very difficult to quantify exact costs of child abuse, but the evidence is clear that there are far reaching impacts across government, society and individuals.
- 1.88 A recent publication by Adults Surviving Child Abuse (ASCA) attempts to quantify the costs of child abuse and, more widely, childhood trauma, stating that:
- Childhood trauma including abuse affects an estimated five million Australian adults. It is a substantial public health issue with significant individual and community health, welfare and economic repercussions. Unresolved childhood trauma has short-term and life-long impacts which substantially erode both national productivity and national well-being. It needs to be seen as a mainstream public health policy issue and responded to accordingly.*<sup>64</sup>
- 1.89 This publication calculates the economic costs of child abuse and childhood trauma, and finds government could save \$6.8 billion in healthcare costs alone by addressing childhood abuse and \$9.1 billion by addressing trauma.<sup>65</sup> It discusses some other costs as follows in two main categories:
- Social and psychological impairments – education impairment, work impairment, relationship impairment, criminal justice, suicide / attempted suicide, anxiety / depression; and
  - Risk behaviours – overeating (overweight and obesity), tobacco smoking, and alcohol consumption.<sup>66</sup>

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63 Section 4 *Commissioner for Children and Young People Act 2006* (WA).

64 Adults Surviving Child Abuse, *The cost of unresolved childhood trauma and abuse in adults in Australia*, report prepared by Kezelman, C., Hossack, N., Stavropoulos, P., Burley, P., Adults Surviving Child Abuse and Pegasus Economics, Sydney, 2015, p10.

65 *ibid*, p41.

66 Adults Surviving Child Abuse, *The cost of unresolved childhood trauma and abuse in adults in Australia*, report prepared by Kezelman, C., Hossack, N., Stavropoulos, P., Burley, P., Adults Surviving Child Abuse and Pegasus Economics, Sydney, 2015, pp14-25.

- 1.90 In terms of child abuse, Department of Health advised the Committee that there has been an increase in reporting on this.<sup>67</sup> However it remains very difficult to quantify the cost of child abuse—‘actually, impossible to estimate, because what are you looking at?’<sup>68</sup> it is difficult because to attempt to quantify this we would be:

*...looking at the cost of health services to an identified victim who we know forms a very small cohort of all children who have been abused or neglected. How do you then factor in those services for children who have been abused or neglected, but are not identified as such and may be seeking mental health services or an eating disorder clinic or whatever. We cannot factor in those, because we do not know. And then we know something about the lifelong consequences. Childhood victims of abuse are the greatest users of a whole range of services—mental health services, drug and alcohol services, prison services. That sort of thing makes it ever spiralling; that is without the emotional cost, the impaired lives, the impaired parenting and the cyclical nature of that. So, that is a very long answer to say that actually it is impossible to know, other than it is enormous.<sup>69</sup>*

- 1.91 WA Police suggested that child abuse takes an immeasurable toll on society and the ‘cost of crime broadly is a reflection of how children are brought up and looked after.’ It was further stated that:

*A significant percentage of crime relates to youth crime, so whether that is an outcome of child abuse or children not being well looked after or neglected in the first instance, or it could be just a poor home environment for a start [...] Effectively, [the cost of] neglected children, or children who are either abused or just not well looked after or are not brought up appropriately to be good law-abiding members of our community, is significant. Most of our volume crime issues and our lower level end stuff starts with children who are not well looked after.<sup>70</sup>*

- 1.92 Blaxell notes in his report the traumatic impact of the sexual abuse suffered by victims and their families at the St Andrew’s hostel, and that these impacts are ongoing. As he puts it:

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67 Ms Maggie Woodhead, Senior Policy Officer, Statewide Protection of Children Coordination Unit, Department of Health, *Transcript of Evidence*, 19 February 2016, p4.

68 Ms Maggie Woodhead, Senior Policy Officer, Statewide Protection of Children Coordination Unit, Department of Health, *Transcript of Evidence*, 19 February 2016, p4.

69 Ms Maggie Woodhead, Senior Policy Officer, Statewide Protection of Children Coordination Unit, Department of Health, *Transcript of Evidence*, 19 February 2016, p4.

70 Mr Gary Dreiergs, Deputy Children’s Commissioner, Specialist Support, Western Australia Police, *Transcript of Evidence*, 19 February 2016, p10.

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*These feelings and behaviours can continue indefinitely and impact on every part of an individual victim's life, and in many cases also impact on the lives of their families.*<sup>71</sup>

- 1.93 There is sufficient research into the 'potentially destructive behaviours and feelings of those who suffer child sexual abuse' to warrant Blaxell noting that there is a 'nexus between child sexual abuse and the rates of subsequent suicides.'<sup>72</sup> A 2013 paper by the Australian Institute of Family Studies (AIFS), which provides a synthesis of the most robust Australian and international research on the long-term effects of child sexual abuse, concurs with this and suggests there is a range of negative consequences for mental health and adjustment in childhood, adolescence and adulthood.<sup>73</sup>
- 1.94 The AIFS paper states the impacts associated with child sexual abuse are diverse and include negative behavioural, interpersonal, social and educational outcomes, and can have a negative impact on a child's physical health and brain development. Research has established a robust and very complex relationship between child sexual abuse and adverse mental consequences.<sup>74</sup> Associated mental health effects include post traumatic symptoms; depression; substance abuse; helplessness, negative attributions, aggressive behaviours and conduct problems; eating disorders; anxiety; and more recently, psychotic disorders including schizophrenia and delusional disorder as well as personality disorders. An increased risk of re-victimisation of survivors has been demonstrated consistently for both men and women survivors. At the most extreme of mental health problems, research findings indicate suicidal ideation, suicide attempts and suicide to be of particular concern.<sup>75</sup>
- 1.95 Importantly, this review highlights that not all victims of child sexual abuse develop negative mental health outcomes.<sup>76</sup> There is a complex interplay between the different

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71 Hon Peter Blaxell, *St Andrew's Hostel Katanning: How the system and society failed out children. A Special Inquiry into the response of government agencies and officials to allegations of sexual abuse*, Government of Western Australia, September 2012, p295.

72 Hon Peter Blaxell, *St Andrew's Hostel Katanning: How the system and society failed out children. A Special Inquiry into the response of government agencies and officials to allegations of sexual abuse*, Government of Western Australia, September 2012, p296.

73 Australian Institute of Family Studies, *The long-term effects of child sexual abuse*, Judith Cashmore and Rita Shackel, CFCA Paper No 11, January 2013. Available at: <https://aifs.gov.au/cfca/publications/long-term-effects-child-sexual-abuse>. Accessed on 2 April 2016.

74 Australian Institute of Family Studies, *The long-term effects of child sexual abuse*, Judith Cashmore and Rita Shackel, CFCA Paper No 11, January 2013, p7. Available at: <https://aifs.gov.au/cfca/publications/long-term-effects-child-sexual-abuse>. Accessed on 2 April 2016.

75 Australian Institute of Family Studies, *The long-term effects of child sexual abuse*, Judith Cashmore and Rita Shackel, CFCA Paper No 11, January 2013, p8. Available at: <https://aifs.gov.au/cfca/publications/long-term-effects-child-sexual-abuse>. Accessed on 2 April 2016.

76 Australian Institute of Family Studies, *The long-term effects of child sexual abuse*, Judith Cashmore and Rita Shackel, CFCA Paper No 11, January 2013, p9-10. Available at:

parts of a child's life such as the individual characteristics, family and social support of that child, as well as the 'various aspects of their school, community and society that protect them or put them at risk.'<sup>77</sup>

- 1.96 The above comment points to a cornerstone of Blaxell's recommendation of a 'one stop shop'. The importance of combating child sexual abuse, providing child friendly avenues for disclosure and timely access to therapeutic services and supports, has become the lens through which the Committee has undertaken its review. Through this focus, the Committee has examined if the role of the Children's Commissioner could contribute to improved outcomes for children and families impacted by child abuse. Because of the unsustainable and traumatic effects of child abuse, it is the Committee's view that it is the clear responsibility of all organisations and individuals to ensure the protection of children. An emerging thesis throughout this report is that it is everybody's business to help safeguard children against becoming victims of child abuse—and everybody's business to support and help to recovery those who have been abused.

**Finding 1**

It is everybody's business to safeguard children against all abuse—and everybody's business to support and help those who have been abused to recover.

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<https://aifs.gov.au/cfca/publications/long-term-effects-child-sexual-abuse>. Accessed on 2 April 2016.

77 Australian Institute of Family Studies, *The long-term effects of child sexual abuse*, Judith Cashmore and Rita Shackel, CFCA Paper No 11, January 2013, p22. Available at: <https://aifs.gov.au/cfca/publications/long-term-effects-child-sexual-abuse>. Accessed on 2 April 2016.





## Chapter 2

### Child Protection in Western Australia

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As a part of its broader inquiry, the Committee closely examined the way in which the Child Protection Sector currently operates with respect to child abuse. This examination established how the Commissioner for Children and Young People might contribute to the effectiveness of existing mechanisms combating child abuse. This chapter outlines the current system for the disclosure and investigation of child abuse in Western Australia. It also examines some emerging trends in the Sector aimed at improving service delivery.

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#### The Child Protection Framework in Australia

##### National Framework for Protecting Australia's Children 2009–2020

- 2.1 The *National Framework for Protecting Australia's Children 2009–2020* 'uses a public health approach to place children's interests at the centre of all policy and legislative development'.<sup>78</sup> Under this national framework it is the responsibility of states and territories to receive reports of suspected child abuse and neglect. Anyone who suspects, on reasonable grounds, that a child or young person is at risk of abuse and/or neglect has an obligation to report it to the authority in their jurisdiction. Furthermore, 'certain groups of people are required by law to report any suspicion of abuse or neglect of a child'. Parents and caregivers have a duty under the law to provide adequate care.<sup>79</sup>
- 2.2 Although 'child protection legislation is the jurisdiction of state and territory governments, the National Framework is a cooperative document that aims to provide a shared, national agenda for change in the way Australia manages child protection issues. The framework seeks to resolve the differences that exist across state and territory jurisdictions' and while 'there has been no nationally consistent legislation implemented at the state or territory level, there is work at a policy and practice level that aims to address these discrepancies'.<sup>80</sup>

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78 Australian Institute of Family Studies, *Australian Child Protection Legislation*, August 2014. Available at: <https://aifs.gov.au/cfca/publications/australian-child-protection-legislation>. Accessed on 2 February 2016.

79 Australian Institute of Family Studies, *Reporting Abuse and Neglect: State and Territory Departments Responsible for Protecting Children*, January 2015. Available at: <https://aifs.gov.au/cfca/publications/reporting-abuse-and-neglect>. Accessed on 2 February 2016.

80 Australian Institute of Family Studies, *Australian Child Protection Legislation*, August 2014. Available at: <https://aifs.gov.au/cfca/publications/australian-child-protection-legislation>. Accessed on 2 February 2016.

## Chapter 2

### **Western Australia's Framework: An Overview of the Child Protection Sector**

2.3 The disclosure and investigation of child abuse, including child sexual abuse, in Western Australia occurs within a complex and interrelated Child Protection System. A range of government and community sector organisations can be involved at some level, depending on the characteristics of that particular case. The key agencies involved child protection in Western Australia are:

- Department for Child Protection and Family Support
- Western Australia Police
- Department of Health
- Department of Education
- Department of Education Services
- Department of the Attorney General (in particular, the Child Witness Service)
- Department of Public Prosecutions

2.4 Independent accountability bodies which primarily deal with complaints about public sector services and maladministration oversee these agencies and respond to individual complaints from consumers. Also relevant are agencies which support children and young people in state care and/or with particular issues, such as mental health, children in custody and involuntary patients. In addition to government service providers, community sector organisations (defined in chapter 1) now play an increasing role in providing services to children and their families dealing with child abuse, such as education, advocacy and therapeutic support. Then there are organisations such as the Youth Legal Service, the Aboriginal Legal Service of Western Australia and the Aboriginal Family Law Services (WA). These organisations, and those like them, play a part in providing legal advice and support to children and young people navigating the legal system.

2.5 There are other agencies involved in the Child Protection Sector, such as the Department of Local Government and Communities. These agencies will not be dealt with in any detail in this report, due to the narrowed scope of the inquiry which is outlined in chapter 1.

#### **Legal obligations for primary caregivers**

2.6 Parents in Western Australia (and those with the responsibilities of a parent, such as a foster parent or other primary care-giver) have a duty within the law to provide care to

children which includes ‘a duty to protect children in their care from harm, including harm that is caused as a result of abuse or neglect’.<sup>81</sup>

- 2.7 Although not all cases of child abuse may constitute a criminal offence, the Australian Law Reform Commission notes this as a possibility:

*The failure of those with parental responsibility to provide for the basic needs of children in their care, or to protect them from harm as a result of abuse or neglect, may constitute an offence under general criminal law or under child protection laws, thus exposing the parent or caregiver to criminal proceedings and the consequences of a criminal conviction.*<sup>82</sup>

- 2.8 Serious cases of child abuse and neglect, such as those causing permanent or fatal injury to a child, would, in most cases, be dealt with under the law as a criminal offence—for example, charges of assault or manslaughter.<sup>83</sup> Sexual abuse is specifically dealt with under the State’s *Criminal Code*.<sup>84</sup>
- 2.9 There are also specific offences and penalties for child abuse set out under the *Children and Community Services Act 2004*. Essentially, a care-giver must not engage in conduct which may cause significant harm to a child as a result of abuse (physical, sexual, emotional, psychological or neglect).<sup>85</sup>
- 2.10 DCPFS is the agency primarily responsible for overseeing and administering child protection in Western Australia. Numerous statutes legislate for this process; however the principal act is the *Children and Community Services Act 2004* (as amended in 2015, and including amendments made under the *Children and Community Services Amendment (Reporting Sexual Abuse of Children) Act 2008* which inserted mandatory reporting provisions from 1 January 2009). Other relevant Acts include the:

- *Adoption Act 1994*

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81 Australian Law Reform Commission, *Family Violence, Child Protection and the Criminal Law*. Available at: <https://www.alrc.gov.au/publications/20.%20Family%20Violence,%20Child%20Protection%20and%20the%20Criminal%20Law/criminal-offences-relating-c>. Accessed on 22 January 2016.

82 Australian Law Reform Commission, *Family Violence, Child Protection and the Criminal Law*. Available at: <https://www.alrc.gov.au/publications/20.%20Family%20Violence,%20Child%20Protection%20and%20the%20Criminal%20Law/criminal-offences-relating-c>. Accessed on 22 January 2016.

83 Australian Law Reform Commission, *Family Violence, Child Protection and the Criminal Law*. Available at: <https://www.alrc.gov.au/publications/20.%20Family%20Violence,%20Child%20Protection%20and%20the%20Criminal%20Law/criminal-offences-relating-c>. Accessed on 22 January 2016.

84 Sections 320-322 *The Criminal Code* (WA).

85 Section 101 *Children and Community Services Act 2004* (WA).

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- *Child Care Services Act 2007*
- *Criminal Code Act Compilation Act 1913* (the Criminal Code)
- *Family Court Act 1997*
- *Family Law Act 1975 (Cth)*
- *Working with Children (Criminal Record Checking) Act 2004*
- *Victims of Crime Act 1994*<sup>86</sup>

### **Mandatory Reporting**

- 2.11 DCPFS has a statutory role with regard to the assessment and response to allegations of child sexual abuse. A part of this role is to coordinate the mandatory reporting of sexual abuse via the Mandatory Reporting Service (MRS).<sup>87</sup> Doctors, nurses, midwives, teachers and police officers are required by law to report suspected child sexual abuse, based on a belief on reasonable grounds that child sexual abuse has occurred or is occurring, to the MRS.
- 2.12 In addition, as of 1 January 2016, consistent with recommendation 3 of Justice Blaxell's Special Inquiry Report, boarding supervisors of Country High School Hostels are now mandated to report child sexual abuse. This mandatory reporting requirement is 'extended to boarding supervisors working in other school boarding facilities including government agricultural colleges and boarding facilities servicing non-government and catholic schools'.<sup>88</sup> Training on mandatory reporting is available for both mandatory reporters and other individuals who show an interest.

### **The Lead Child Protection agencies**

- 2.13 The two agencies with primary responsibility for dealing with instances of child abuse in Western Australia are the Western Australia Police (WA Police) and the Department for Child Protection and Family Support (DCPFS). WA Police enforce the criminal law pertaining to child abuse and DCPFS investigates all allegations of child abuse, whether criminal or otherwise. DCPFS is the lead agency in Western Australia for dealing with initial reports and referrals of child abuse.

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86 Family Law Court of Western Australia, *Legislation*, October 2013. Available at: <http://www.familycourt.wa.gov.au/l/legislation.aspx>. Accessed on 10 May 2016; Australian Institute of Family Studies, *Australian child protection legislation*, August 2014. Available at <https://aifs.gov.au/cfca/publications/australian-child-protection-legislation>. Accessed on 10 May 2016.

87 Sections 124A and 124B *Children and Community Services Act 2004* (WA).

88 Submission No. 22b from Department for Child Protection and Family Support, 19 November 2015, p11.

- 2.14 In terms of the delineation of the responsibilities between the two agencies, the investigation of child sexual abuse of a criminal nature is the responsibility of WA Police. DCPFS will continue to have a role in these investigations if there are indications that the primary caregiver has not been 'protective, or cannot continue to provide adequate protection.'<sup>89</sup>

### **Department for Child Protection and Family Support**

- 2.15 The Department for Child Protection and Family Support (DCPFS) has a statutory responsibility to investigate allegations of child abuse under the *Children and Community Services Act 2004* and is empowered to make a determination as to whether a child is in need of protection.<sup>90</sup> DCPFS provides care and protection to children and young people in need, including the provision of the State's out-of-home-care services, and supports families and individuals at risk or in crisis.
- 2.16 The role of DCPFS in assessing and responding to child sexual abuse is as follows:
- assessment of 'the wellbeing (safety, protective and support needs) of the child';
  - assessment of 'protective issues' by ascertaining whether parental factors may contribute to their inability to provide adequate support or protection to the child';
  - referral of relevant allegations to WA Police and the DCPFS childFIRST service;
  - undertaking interviews 'in relation to an allegation of child sexual abuse where a criminal offence may have occurred and an assessment is being undertaken to determine if harm has occurred and whether the child is in need of protection';
  - provision of protection and care for children in circumstances where parents have not protected or are unlikely or unable to protect their child from harm or further harm;
  - assessment of 'the safety of specific children who have contact with a person convicted by the Courts, or assessed by DCPFS to have harmed a child';
  - assessment and responding 'to Sexually Transmitted Infections (STIs) in children under 14 years of age';
  - investigating, along with WA Police, situations occurring in communities experiencing multiple reports of child sexual abuse; and

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89 Department for Child Protection and Family Support, *Policy on Child Sexual Abuse*, 2013, p3. Available at: <https://www.dcp.wa.gov.au/Resources/Documents/Policies%20and%20Frameworks/Policy%20on%20Child%20Sexual%20Abuse%202013.pdf>. Accessed on 3 February 2016.

90 Part 4 *Children and Community Services Act 2004* (WA).

## Chapter 2

- the provision of ‘support and counselling services to the child and family as required’.<sup>91</sup>

2.17 DCPFS receive reports of child abuse in several ways. Reports can come directly from children and young people who disclose abuse to departmental staff; from persons working in other agencies to whom children have disclosed abuse; or from persons who believe that a child is being (or has been) abused. According to Ms Emma White, the DCPFS Director General, with 34 offices across the state, a large volume of people will contact their local offices directly in order to report their concerns or disclose the abuse of a child.<sup>92</sup>

2.18 There does not have to be evidence of criminality in order for DCPFS to investigate a report of child abuse. The standard of proof is different in the Child Protection System compared to the criminal justice system:

*If the level of evidence is not at a criminal threshold but absolutely enough to suggest something has happened to this young person and they have been harmed, under the Child Protection System, you need a lower level of evidence than a court to substantiate that harm has occurred, to identify who may have caused that harm.*<sup>93</sup>

2.19 DCPFS provides notification to WA Police of suspected child sexual abuse, or other serious abuse or neglect. This notification is often followed by a strategy meeting between DCPFS and WA Police.<sup>94</sup> These meetings are held to determine next steps and assign responsibility to the appropriate agency. Strategy meetings can be held either at local district DCPFS offices in regional WA, or at the ChildFIRST service – a specialist co-located unit in the city housing both DCPFS and WA Police.

2.20 In the case of sexual abuse, a child assessment interview is carried out at the ChildFIRST service or the George Jones Child Advocacy Centre. In regional WA, a local detective and a child protection worker will generally conduct the child assessment interview at a location with appropriate video recording equipment.<sup>95</sup>

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91 Department for Child Protection and Family Support, *Policy on Child Sexual Abuse*, 2013, pp2-3. Available at: <https://www.dcp.wa.gov.au/Resources/Documents/Policies%20and%20Frameworks/Policy%20on%20Child%20Sexual%20Abuse%202013.pdf>. Accessed on 3 February 2016.

92 Ms Emma White, Director General, Department for Child Protection and Family Support, *Transcript of Evidence*, 19 June 2015, p2.

93 Ms Emma White, Director General, Department for Child Protection and Family Support, *Transcript of Evidence*, 19 June 2015, p2.

94 Ms Emma White, Director General, Department for Child Protection and Family Support, *Transcript of Evidence*, 19 June 2015, p1.

95 Ms Emma White, Director General, Department for Child Protection and Family Support, *Transcript of Evidence*, 19 June 2015, pp1-2.

- 2.21 In conducting the investigation, WA Police and DCPFS seek to establish what has happened, what should happen next and whether harm has occurred. The answer to those questions determines what action is taken in relation to the child, the family and any other affected children.<sup>96</sup>
- 2.22 Once the situation is assessed, 'child sexual abuse of a criminal nature falls outside of the Department's mandate unless there are indicators that the parent/caregiver may not have been protective' – in the latter situation where a primary caregiver cannot provide adequate protection, a safety and wellbeing assessment is undertaken.<sup>97</sup> If and when criminality is established in a child abuse situation, WA Police take the lead and DCPFS becomes the supporting agency.

### **The Advocate for Children in Care**

- 2.23 The Advocate for Children in Care (the Advocate) is the person who supports children in the care of the Director General of DCPFS.
- 2.24 The Advocate provides services on a case management basis that are accessible, impartial and have the ability to influence decisions affecting children. The Advocate plays a key role in the overall operation of the Out of Home Care (OOHC) system. As well as working directly with individual children to resolve issues, the Advocate raises themes and trends identified in children's concerns in order to influence systems change.<sup>98</sup>
- 2.25 The Advocate's independence is promoted by a direct reporting line to the Director General and the internal status of the position provides access to all departmental documents and information. According to DCPFS, all staff are instructed to co-operate fully with the Advocate.<sup>99</sup>
- 2.26 Since 2011, the Advocate has managed the Department's Viewpoint system, which is 'an interactive software program for children and young people aged from 5 to 17, which they can use to tell [carers] about their experiences, wishes and worries'.<sup>100</sup>

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96 Ms Emma White, Director General, Department for Child Protection and Family Support, *Transcript of Evidence*, 19 June 2015, p2.

97 Department for Child Protection and Family Support, *Policy on Child Sexual Abuse*, 2013, p3. Available at: <https://www.dcp.wa.gov.au/Resources/Documents/Policies%20and%20Frameworks/Policy%20on%20Child%20Sexual%20Abuse%202013.pdf>. Accessed on 3 February 2016.

98 Submission No. 22b from Department for Child Protection and Family Support, 19 November 2015, p3.

99 Department for Child Protection and Family Support, *Complaints Seminar CCYP*, November 2013. Available at: [http://www.cyp.wa.gov.au/files/Complaints/Complaints\\_presentation\\_Department\\_for\\_Child\\_Protection\\_and\\_Family\\_Support.pdf](http://www.cyp.wa.gov.au/files/Complaints/Complaints_presentation_Department_for_Child_Protection_and_Family_Support.pdf). Accessed on 28 July 2015.

100 Department for Child Protection and Family Support, *Viewpoint: Information for Carers*, April 2015, p1. Available at:

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Viewpoint is available on a software application which feeds into the case management process electronically, goes into the case worker's inbox and automatically publishes to the child's client file. In this way, it feeds into the wider case management process.<sup>101</sup>

This online process monitors children in care over 1,000 children every year actively participate in their own case management using this tool. The case manager introduces children to this technology when they come into care. Viewpoint is an avenue through which children in care could make a disclosure about abuse.

- 2.27 Although seen as a positive development by allowing children an avenue to provide feedback directly to a caseworker, the CREATE Foundation is concerned that some children may be 'fearful of retribution' if they criticised their caseworker. A child 'making an allegation, or disclosing harm, against an adult who is a carer or a provider of care for them' may 'be fearful that they will not be believed or fear the fallout of disclosing'.<sup>102</sup>

### Western Australia Police

- 2.28 The Sex Crime Division is the specialist crime portfolio within WA Police that investigates child abuse and child sexual abuse. It consists of the Child Abuse Squad, the Child Assessment and Interview Team (CAIT), the Family Violence State Coordination Unit, the Online Child Exploitation Squad, the Sex Assault Squad, and the Sex Offender Management Team.<sup>103</sup>

### Child Assessment and Interview Team

- 2.29 The Child Assessment and Interview Team (CAIT) is the 'interviewing arm'<sup>104</sup> supporting the Sex Crime Division. This body was established in 2009 and is the first point of contact for both victims of child sexual abuse and mandatory reporters.<sup>105</sup> CAIT is located within the DCPFS ChildFIRST Service and forms part of the WA Police Sex Crimes Division.
- 2.30 CAIT is a specialist team staffed by DCPFS and WA Police which assesses all new referrals and reports of child sexual abuse within Western Australia. They also begin

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<https://www.dcp.wa.gov.au/FosteringandAdoption/CurrentFosterCarers/Documents/Viewpoint%20Information%20Sheet%20for%20carers.pdf>. Accessed on 29 July 2015.

101 Ms Emma White, Director General, Department for Child Protection and Family Support, *Transcript of Evidence*, 19 June 2015, p5.

102 Ms Katherine Brown, State Coordinator, CREATE Foundation, *Transcript of Evidence*, 15 June 2015, p6.

103 Western Australia Police, *Sex Crime: About the Sex Crime Division*. Available at: <https://www.police.wa.gov.au/en/Police/Crime/Sex%20crime>. Accessed on 5 April 2016.

104 Mr Paul Boulton, Inspector, Sex Crime Division, Western Australia Police, *Transcript of Evidence*, 19 February 2016, p6.

105 Hon Peter Blaxell, *St. Andrew's Hostel Katanning: How the System and Society failed our Children: A Special Inquiry into the response of government agencies and officials to allegations of sexual abuse*, Government of Western Australia, September 2012, p332.



investigations of physical abuse offences against children if perpetrated by a parent or carer.<sup>106</sup> CAIT then allocates follow-up action to relevant agencies and investigation areas. Referral to CAIT is the 'pathway in for the majority of reported child sexual and physical abuse'.<sup>107</sup> Around half of these referrals come from the MRS into CAIT. As WA Police explained to the Committee:

*About 50 per cent of the work that comes into the child abuse area via CAIT—the child assessment interview team—comes from the mandatory reporting stream, so obviously that is doctors, nurses, teachers and police officers, which goes obviously through to mandatory reporting, and then that is effectively an instant referral to us. Obviously, the Department for Child Protection and Family Support can act immediately.*<sup>108</sup>

2.31 Mandatory reports are treated in the same way as other reports of child abuse:

*All of those mandatory reports are ... first assessed by the duty officer from child protection and family support and by a detective sergeant, and if there is sufficient to progress, then they are looked at in a strategy meeting to determine perhaps more what are we going to do in relation to balancing child safety and investigative imperatives.*<sup>109</sup>

2.32 CAIT begins an assessment of a report or referral by discussing the concerns with relevant parties and gathering relevant family history from all agencies involved with the family. The 'initial assessment identifies risk and safety factors within the child's life, and identifies an appropriate and timely response for interviewing all children involved within an allegation'.<sup>110</sup>

2.33 ChildFIRST provides the ability for children to give evidence via audio-visual recording of initial statements to WA Police. The ChildFIRST service houses purpose built, child friendly interview rooms and is staffed by specially trained child interviewers.<sup>111</sup> The interviews 'are either visually recorded interviews (forensic interviews) or child

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106 Mr Paul Boulton, Inspector, Sex Crime Division, Western Australia Police, *Transcript of Evidence*, 25 February 2015, p4.

107 Mr Paul Boulton, Inspector, Sex Crime Division, Western Australia Police, *Transcript of Evidence*, 25 February 2015, p4.

108 Mr Paul Boulton, Inspector, Sex Crime Division, Western Australia Police, *Transcript of Evidence*, 25 February 2015, p2.

109 Mr Paul Boulton, Inspector, Sex Crime Division, Western Australia Police, *Transcript of Evidence*, 25 February 2015, p2.

110 Department for Child Protection and Family Support, *Services Offered by the Department for Child Protection*, 20 October 2011, p1. Available at: <http://www.dcp.wa.gov.au/Organisation/AboriginalEmployment/Documents/ServicesOffered.pdf>. Accessed on 3 February 2016.

111 Submission No. 22b from Department for Child Protection and Family Support, 19 November 2015, p7.

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assessment interviews (which are not electronically recorded and are conducted when a child has not made a clear disclosure of criminality). Visually recorded interviews become the child's evidence within court if charges are laid following a child being interviewed at CAIT'.<sup>112</sup>

### Other Key Agencies

#### Department of Health

- 2.34 The Department of Health (WA Health) is a key agency within the Child Protection Sector. WA Health's role is to carry out the health assessment of a suspected child abuse victim and to ensure that the medical needs of the child are met, which includes both the 'psychosocial components as well as the physical health components'.<sup>113</sup>
- 2.35 The primary involvement of WA Health in the Child Protection System is via the Statewide Protection of Children Coordination (SPOCC) Unit and the Child Protection Unit (CPU).
- 2.36 The CPU is a multidisciplinary department located at Princess Margaret Hospital (PMH) providing medical, forensic, therapeutic and social work services for those children up to 16 years of age referred due to concerns about abuse.<sup>114</sup> The CPU is available for consultation on child protection matters in the community and takes referrals from within PMH, other agencies and the wider public.<sup>115</sup>
- 2.37 In the 2014–2015 financial year, CPU responded to 2,352 child protection cases, 20 per cent of which related to child sexual abuse.<sup>116</sup> WA Health is of the view that the CPU is 'a true centre of excellence' in therapy service, which 'absolutely understands' child abuse, trauma and recovery.<sup>117</sup>
- 2.38 The unit:
- provides training for mandatory reporters (doctors, nurses and midwives) and also for other healthcare professionals;

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112 Department for Child Protection and Family Support, *Services Offered by the Department for Child Protection*, 20 October 2011, p1. Available at: <http://www.dcp.wa.gov.au/Organisation/AboriginalEmployment/Documents/ServicesOffered.pdf>. Accessed on 3 February 2016.

113 Ms Lisa Brennan, Acting Executive Director, Child and Adolescent Community Health Service, Department of Health, *Transcript of Evidence*, 10 August 2015, p2.

114 Submission No. 4a from Department of Health, 19 February 2016, p6.

115 Department of Health, *Princess Margaret Hospital Child Protection Unit (CPU)*. Available at: [http://www.pmh.health.wa.gov.au/services/child\\_protection\\_unit/](http://www.pmh.health.wa.gov.au/services/child_protection_unit/). Accessed on 29 July 2015.

116 Submission No. 4a from Department of Health, 19 February 2016, p6.

117 Ms Maggie Woodhead, Senior Policy Officer, Statewide Protection of Children Coordination Unit, Department of Health, *Transcript of Evidence*, 19 February 2016, p7.

- provides training for DCPFS regarding what health assessments are required in child abuse cases and what the medical needs are of children during an investigatory process; and
- coordinates health assessments conducted by community child health staff for children in care who may have already been involved in an identified sexual abuse case and have been taken away from their family.<sup>118</sup>

2.39 The SPOCC unit does not have any direct client contact with families or children accessing WA Health services, rather it is most focussed on providing training for health care workers and developing policies to strengthen WA Health's child protection processes. Specific clinical advice on child abuse or neglect issues is provided via the CPU.<sup>119</sup>

### **Department of Education**

2.40 The Department of Education (DoE) provides public education and has responsibility to report child protection matters to the appropriate authorities and comply with mandatory reporting legislation in relation to cases of sexual abuse. DoE becomes aware of an allegation of child abuse when a child discloses to an employee of the Department or via notifications from DCPFS or WA Police where appropriate.<sup>120</sup>

2.41 All teaching staff are required by departmental policy to report any kind of abuse. In the case of sexual abuse, reports are made by teachers, as mandatory reporters, to the MRS and concurrently to the principal.<sup>121</sup> DoE has a policy that staff members who are not mandatory reporters (for example, education assistants) must report disclosures of sexual abuse to a mandatory reporter. The mandatory reporter then reports to the MRS. There are internal processes whereby staff report to their principal, the Director Schools, or the Standards and Integrity unit.<sup>122</sup> When an allegation of child abuse is

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118 Ms Lisa Brennan, Acting Executive Director, Child and Adolescent Community Health Service, Department of Health, *Transcript of Evidence*, 10 August 2015, p2.

119 Department of Health, *WA Health Statewide Protection of Children Coordination (SPOCC) Unit*, 2010. Available at: [http://www.health.wa.gov.au/mandatoryreport/docs/SPOCC\\_BROCHURE.pdf](http://www.health.wa.gov.au/mandatoryreport/docs/SPOCC_BROCHURE.pdf). Accessed on 29 July 2015.

120 Mr Eamon Ryan, Executive Director, Professional Standards and Conduct, Department of Education, *Transcript of Evidence*, 19 June 2015, p4.

121 Department of Education, *Child Abuse: Reporting Processes for All Staff*, 3 April 2009. Available at: <http://det.wa.edu.au/childprotection/detcms/inclusiveeducation/child-protection/public/files/poster---child-protection-reporting-procedures.en?cat-id=1331870>. Accessed on 28 January 2016.

122 Ms Sharyn O'Neill, Director General, Department of Education, *Transcript of Evidence*, 19 June 2015, p2.

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brought to the attention of DoE the Department advised the Committee that its internal processes are 'very swift'.<sup>123</sup>

- 2.42 In terms of support for child abuse victims, DoE offers support to families going through difficulties, although some families prefer not to accept this help. For those children without any family support and/or in state care, 'wraparound' services are provided.<sup>124</sup>

### **Department of Education Services**

- 2.43 The Department of Education Services (DES) is responsible for the regulation of non-government schools in Western Australia. This includes the oversight of complaints management within these schools in the areas of 'teacher registration and registered training organisations delivering vocation education to school-age children'.<sup>125</sup>
- 2.44 DES's involvement in the Child Protection Sector focuses on regulating the policies and procedures of non-government schools with the aim of ensuring that they meet required standards and, in particular, that they demonstrate 'through [their] stated education philosophy, policy, organisation and curriculum that [they] will protect the safety and welfare of [their] students at all times and deal appropriately with allegations of child abuse'.<sup>126</sup>
- 2.45 In addition to the particular requirements around child abuse complaints, non-government schools 'are required to have a complaints policy and a set of procedures that ensure grievances and concerns are addressed fairly, objectively and in a timely manner'.<sup>127</sup> DES reported that its office sometimes directly receives concerns around potential child abuse situations.<sup>128</sup> It advises that allegations of misconduct and abuse received by it are reported 'without delay' to relevant agencies such as WA Police, DCPFS, the Corruption and Crime Commission and DoE.
- 2.46 Complaints may be made to the Teachers Registration Board (TRB) about the conduct of a registered teacher (or one who was registered at the time of the alleged misconduct). According to DES, complaints made to the TRB are assessed and investigated as appropriate, operating in accordance with the best interests of the child

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123 Ms Sharyn O'Neill, Director General, Department of Education, *Transcript of Evidence*, 19 June 2015, p4.

124 Ms Sharyn O'Neill, Director General, Department of Education, *Transcript of Evidence*, 19 June 2015, p3.

125 Submission No. 24 from Department of Education Services, 27 February 2015, p1.

126 Submission No. 24 from Department of Education Services, 27 February 2015, p2.

127 Department of Education Services, *Complaints about non-government schools*, 24 November 2015. Available at:

[http://www.des.wa.gov.au/schooleducation/nongovernmentschools/parents\\_and\\_communities/complaints/Pages/default.aspx](http://www.des.wa.gov.au/schooleducation/nongovernmentschools/parents_and_communities/complaints/Pages/default.aspx). Accessed on 29 February 2016.

128 Mr Richard Strickland, Director General, Department of Education Services, *Transcript of Evidence*, 19 June 2015, p5.

and, again, reported and followed up ‘to determine when actions under the regulatory scheme for teachers could be initiated if required’.<sup>129</sup> The TRB has a lower threshold for deregistration than a criminal charge or conviction. TRB decisions are reviewed by the State Administrative Tribunal.<sup>130</sup>

### **Department of the Attorney General**

- 2.47 The Department of the Attorney General (DoTAG) offers confidential support for victims of crime via the Victim Support Service, Child Witness Service and Family Violence Service.<sup>131</sup>
- 2.48 The Child Witness Service assists children to prepare for court, should a child abuse case to which they are a party be the subject of judicial proceedings. Once these proceedings commence a referral to the Child Witness Service is initiated.<sup>132</sup>
- 2.49 The Child Witness Service provides ‘free emotional support and practical preparation for children under 18 years of age who are to give evidence to a court. The children involved can be victims or witnesses to any criminal charge, in any court. This includes the Magistrates Court, Children's Court, District Court or Supreme Court’.<sup>133</sup> The service aims to ‘reduce the trauma experienced by a child witness’ by liaising with relevant counsellors, agencies, and other advocacy organisations in order to ensure that the child and family are supported through this process.<sup>134</sup>

### **Emerging trends improving service delivery in the child protection sector**

- 2.50 DCPFS policy holds that responses to child sexual abuse are best if they involve a ‘multi-agency approach that promotes the coordination of support, medical and investigative responses’.<sup>135</sup>

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129 Submission No. 24 from Department of Education Services, 27 February 2015, p3.

130 Mr Richard Strickland, Director General, Department of Education Services, *Transcript of Evidence*, 19 June 2015, p3.

131 Department of the Attorney General, *Court and Tribunal Services: Victim Services*, 1 September 2015. Available at: [http://www.courts.dotag.wa.gov.au/V/victim\\_services.aspx?uid=1954-9524-7512-0979](http://www.courts.dotag.wa.gov.au/V/victim_services.aspx?uid=1954-9524-7512-0979). Accessed on 11 March 2016.

132 Government of Western Australia, *Victims of Crime*, 18 February 2013. Available at: [http://www.victimsofcrime.wa.gov.au/S/support\\_for\\_child\\_victims.aspx?uid=5810-5059-5207-1402](http://www.victimsofcrime.wa.gov.au/S/support_for_child_victims.aspx?uid=5810-5059-5207-1402). Accessed on 11 March 2016.

133 Department of the Attorney General, *Court and Tribunal Services: Child Witness Service*, 23 February 2016. Available at: [http://www.courts.dotag.wa.gov.au/C/child\\_witness\\_service.aspx](http://www.courts.dotag.wa.gov.au/C/child_witness_service.aspx). Accessed on 11 March 2016.

134 See also: Submission No. 22b from Department for Child Protection and Family Support, 19 November 2015, pp7-8.

135 Department for Child Protection and Family Support, *Policy on Child Sexual Abuse*, 2013, p1. Available at:

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- 2.51 In terms of interagency collaboration, Mr Blaxell is of the view that there has been a recent improvement, including the ‘execution of proactive interventions jointly undertaken’ by DCPFS, CAIT and the Child Abuse Squad. He highlighted a number of collaborative partnerships to support the investigation of child abuse, including the Princess Margaret Hospital CPU and DoTAG’s Child Witness Service. He also notes ‘a number of 24/7 support and referral hotlines such as Crime Stoppers and Kids Helpline’.<sup>136</sup>

### Child Advocacy Centres

- 2.52 An important example of interagency collaboration and colocation of services is the George Jones Advocacy Centre (GJAC), a Child Advocacy Centre (CAC) in Armadale. The Centre was established by Parkerville Children and Youth Care. The CAC model is based upon international practice—these centres are well established models of service provision designed to cater for the needs of ‘children who have been harmed and support a child to disclose what has happened to him/her and provide appropriate follow-up’.<sup>137</sup> The establishment of the CAC model in WA was recommended in 2008 by the Community Development and Justice Standing Committee to provide ‘victim support for children’ who have been sexually abused.<sup>138</sup>
- 2.53 Participation in the George Jones Centre and its functions can be summarised as follows:
- Parkerville Children and Youth Care provides the child and family advocate service, therapeutic and family services and a paediatrician.
  - WA Police provides a team of child abuse investigators and a Detective Sergeant.
  - WA Health participates off-site via the CPU.
  - DoTAG participates in policy and provides support via referrals to the Child Witness Service for children progressing a court action.
  - A childFIRST interviewer is co-located at the centre.
  - The MIST team works with the Armadale and Cannington police districts.

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<https://www.dcp.wa.gov.au/Resources/Documents/Policies%20and%20Frameworks/Policy%20on%20Child%20Sexual%20Abuse%202013.pdf>. Accessed on 3 February 2016.

136 Hon Peter Blaxell, *St. Andrew’s Hostel Katanning: How the System and Society failed our Children: A Special Inquiry into the response of government agencies and officials to allegations of sexual abuse*, Government of Western Australia, September 2012, p333.

137 Baker, Hannah, *Dealing with Sexual Abuse: A Young Australian’s insights*, Wallace Press, Australia, 2015, p264.

138 Community Development and Justice Standing Committee, *Inquiry into the Prosecution of Assaults and Sexual Offences*, Legislative Assembly, Western Australia, April 2008, p127.

- DCPFS has been involved since July 2015 and provides a co-located senior child protection worker who manages cases in the initial stages and liaises with police.<sup>139</sup>
- 2.54 The benefits of this model are that services 'are seamless and comprehensive and the child and family have a clear ongoing contact point for subsequent services and follow-up'.<sup>140</sup> The clear advantage is that a child is supported at one familiar, safe location and, most importantly, the support is given until it is no longer required.<sup>141</sup>
- 2.55 The Committee believes that there is a need for more centres of this type to be rolled out in Western Australia and discusses this issue in the context of the Children's Commissioner's potential individual advocacy and support role in Chapter 4.

### **Family and Domestic Violence Response Team**

- 2.56 The Committee notes recent research on the 'considerable overlap between domestic and family violence and other forms of child maltreatment' and the fact that 'domestic and family violence often co-occurs with child abuse including child sexual abuse' and the need for 'particular attention in policy and practice' to this co-occurrence.<sup>142</sup>
- 2.57 DCPFS advised the Committee that:

*...in excess of 80 per cent of reported child abuse notifications involve family and domestic violence, and approximately 80 per cent of reported police incidents of family and domestic violence identify children either present at the time of the incident or known to reside at the premises.*<sup>143</sup>

- 2.58 DCPFS has 'formed a unique partnership' with WA Police 'to facilitate joint assessment and responses to family and domestic violence',<sup>144</sup> which also involves 'community sector family and domestic violence services'.<sup>145</sup> This Family and Domestic Violence

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139 Submission No. 22c from Department for Child Protection and Family Support, 18 March 2016, p7.

140 Baker, Hannah, *Dealing with Sexual Abuse: A Young Australian's insights*, Wallace Press, Australia, 2015, p264.

141 Mr Basil Hanna, Chief Executive Officer, Parkerville Children and Youth Care Inc., *Transcript of Evidence*, 15 June 2015, p4.

142 Child Family Community Australia Information Exchange, *Children's Exposure to Domestic and Family Violence*, Australian Institute of Family Studies, Melbourne, December 2015, p2, 8.

143 Submission No. 22c from Department for Child Protection and Family Support, 18 March 2016, p7.

144 Department for Child Protection and Family Support, *Services Offered by the Department for Child Protection*, 20 October 2011, p3. Available at: <http://www.dcp.wa.gov.au/Organisation/AboriginalEmployment/Documents/ServicesOffered.pdf>. Accessed on 3 February 2016.

145 Department for Child Protection and Family Support, *Annual Report 2014-2015*, September 2015, p20. Available at: <https://www.dcp.wa.gov.au/Resources/Documents/Annual%20reports/Annual%20Report%20online%20201415.pdf>. Accessed on 11 April 2016.

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Response Team (FDVRT) partnership 'is designed around a model of co-location where all team members are physically located in the same premises and in most cases the site is a police station'.<sup>146</sup>

- 2.59 According to DCPFS the FDVRT 'partnership is an integrated response where government and non-government agencies work in a coordinated and collaborative manner to provide holistic, safe and accountable responses to victims and perpetrators of family and domestic violence, streamlined pathways through the service system and coordinated service delivery between agencies'.<sup>147</sup>
- 2.60 DCPFS told the Committee that 'in 2015 police responded to approximately 50,000 incidents of family and domestic violence across the state'.<sup>148</sup> DCPFS contends that 'the magnitude of family and domestic violence in the WA community and the significant current pressures on all components of the service system including child protection, mean that responses prioritise adult and child victims at highest risk'.<sup>149</sup>

### Finding 2

The Committee finds that the trend towards colocation of services and improved interagency cooperation is a positive development in the Child Protection Sector.

### The role of the Ombudsman in the child protection sector

- 2.61 The Office of the Ombudsman has a significant oversight role in ensuring that public sector agencies are effective in responding to allegations of child abuse. The Ombudsman:
- investigates complaints regarding maladministration within the public sector;
  - takes complaints from children and young people in custody;
  - reviews reportable child deaths and family and domestic violence fatalities;
  - undertakes own motion investigations based on patterns, trends and themes arising from the above situations;
  - has inspection and monitoring functions; and

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146 Submission No. 22c from Department for Child Protection and Family Support, 18 March 2016, p7.

147 Submission No. 22c from Department for Child Protection and Family Support, 18 March 2016, p6.

148 Submission No. 22c from Department for Child Protection and Family Support, 18 March 2016, p7.

149 Submission No. 22c from Department for Child Protection and Family Support, 18 March 2016, p7.



- is able to respond to complaints about investigations by relevant agencies into child sexual abuse disclosures, or matters and complaints that involve child sexual abuse.

2.62 Furthermore, DCPFS advises that ‘with regard to complaints from children or families or anyone in contact with the Child Protection System’ the Ombudsman is ‘the third tier of that complaints system’.<sup>150</sup> While it does not often happen, it is possible (and, in fact, built into DCPFS complaints mechanisms), that the Ombudsman come in at a higher level when an issue cannot be resolved further down the line.<sup>151</sup>

### **Expected changes to the external oversight of the out-of-home-care system**

2.63 The Committee has been informed that there will be an expansion of the jurisdiction of the Ombudsman to ‘improve the independence of oversight’ of the OOH system, pending government approval.<sup>152</sup>

2.64 The Committee agrees that increasing oversight of this area is a move in the right direction. DCPFS notes that there is a lack of external oversight of OOH providers, and had the following to say with regards to OOH community sector providers:

*From the department’s point of view [...] we have really progressed with the out-of-home care reforms, the external nature of the oversight and monitoring of that is the gap. At the moment the department is a procurer, a provider and a regulator of standards, and we think we would be a much strengthened system if some of that was put outside, and we think that leads to the Ombudsman’s office.*<sup>153</sup>

2.65 The Committee is advised that ‘the Ombudsman is undertaking significant reform of his systems to improve access to children and young people including, proactive visiting programs to vulnerable groups of children in the youth justice and Child Protection System, developing child friendly promotional materials and considering staff appointments to support children and young people to make a complaint’ and this move is supported by the commissioner.<sup>154</sup> The Commissioner notes that:

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150 Ms Emma White, Director General, Department for Child Protection and Family Support, *Transcript of Evidence*, 18 March 2016, pp2-3.

151 Ms Emma White, Director General, Department for Child Protection and Family Support, *Transcript of Evidence*, 18 March 2016, pp2-3.

152 Ms Emma White, Director General, Department for Child Protection and Family Support, *Transcript of Evidence*, 18 March 2016, p3.

153 Ms Emma White, Director General, Department for Child Protection and Family Support, *Transcript of Evidence*, 18 March 2016, p3.

154 Submission No. 9d from Commissioner for Children and Young People, 4 April 2016, p9.

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*[...] should the Ombudsman undertake responsibility of oversight of the Out of Home Care system it remains to be clarified how this will monitor any allegations of abuse in care [...].*<sup>155</sup>

- 2.66 The Committee agrees with the Children’s Commissioner that ongoing examination of a future role for the Ombudsman must take place in order to establish the best means for improving the OOHC system.

### **A Reportable Conduct Scheme for WA**

- 2.67 A reportable conduct scheme is one in which the oversight of complaints of child sexual abuse in institutional contexts is conducted by a body independent of the lead department and all service providers.<sup>156</sup> ‘Reportable conduct’ is defined as any sexual offence or sexual misconduct committed against, with or in the presence of a child, any assault, ill-treatment or neglect of a child, or any behaviour that causes psychological harm to a child.<sup>157</sup> Currently, New South Wales is the only Australian jurisdiction that operates such a scheme.
- 2.68 The Royal Commission has stated that ‘oversight of responses to complaints of child sexual abuse in institutional contexts is inconsistent across Australia’ and is investigating the implementation of these schemes nationally.<sup>158</sup> In Western Australia, there have been some discussions about the Ombudsman being given this role.<sup>159</sup>
- 2.69 Under the New South Wales reportable conduct scheme, the NSW Ombudsman has powers to assist agencies in building capacity to respond to complaints/reports of child sexual abuse. The NSW Ombudsman scrutinises the ‘systems for preventing reportable conduct by employees of designated government and non- government agencies and other public authorities’ and also ‘the systems for handling and responding to reportable allegations and reportable convictions involving those employees’.<sup>160</sup>

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155 Submission No. 9d from Commissioner for Children and Young People, 4 April 2016, p9.

156 Royal Commission into Institutional Responses to Child Sexual Abuse, *Consultation Paper: Best practice principles in responding to complaints of child sexual abuse in institutional contexts*, Commonwealth of Australia, Sydney, March 2016, p32.

157 Section 25A *Ombudsman Act 1974* (NSW).

158 Royal Commission into Institutional Responses to Child Sexual Abuse, *Consultation Paper: Best practice principles in responding to complaints of child sexual abuse in institutional contexts*, Commonwealth of Australia, Sydney, March 2016, p32.

159 Submission No. 9d from Commissioner for Children and Young People, 1 April 2016, p9.

160 Royal Commission into Institutional Responses to Child Sexual Abuse, *Consultation Paper: Best practice principles in responding to complaints of child sexual abuse in institutional contexts*, Commonwealth of Australia, Sydney, March 2016, p32.

**Finding 3**

The Committee finds that a reportable conduct scheme providing independent oversight of complaints of child sexual abuse in institutional contexts in Western Australia would provide additional protection to particularly vulnerable children in care.



## Chapter 3

### Best practice elements in child protection

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This chapter examines the essential elements required in Western Australia for the Child Protection Sector to provide improved support for child abuse victims and their families.

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#### Introduction

- 3.1 The previous chapter outlined the Child Protection Sector as it currently exists in Western Australia. The system is extensive and aims to provide children and families with the support they need should they experience child abuse. The Committee also outlined some of the many positive developments that have occurred in order to make the sector more responsive and collaborative.
- 3.2 From the outset of this Inquiry, the Committee was seeking to learn if children were better protected from harm today than they were in the past. A key focus of this was to learn if children were being listened to and valued, and their social and emotional wellbeing was being safeguarded.
- 3.3 While noting that the existing Child Protection System has been strengthened, in this Chapter the Committee seeks to highlight a number of elements that, if implemented, would further enhance existing child protection processes.

#### A child safe and accessible child protection sector

- 3.4 The Committee received considerable evidence that for child protection efforts to be effective, they must take place within a child safe environment. The Australian Children's Commissioners and Guardians define a 'child safe organisation' as one that reduces the likelihood of harm occurring to children and young people; increases the likelihood of any harm being discovered; and responds appropriately to any disclosures, allegations or suspicions of harm.<sup>161</sup>
- 3.5 The Children's Commissioner has recently undertaken a *Child Safe Organisations Project*, partnering with the Royal Commission and a number of community groups, in order to develop a number of resources to assist agencies to develop their child safe policies and practices.

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<sup>161</sup> Cited in: Royal Commission into Institutional Responses to Child Sexual Abuse, *Consultation Paper: Best practice principles in responding to complaints of child sexual abuse in institutional contexts*, Commonwealth of Australia, Sydney, March 2016, p5.

## Chapter 3

- 3.6 The way in which adults respond to a disclosure ‘can make things better or worse for the child who has been abused’.<sup>162</sup> This is why it is imperative to have agencies and organisations that are child friendly, child centred and accessible to children.
- 3.7 The Committee received evidence that current structures and agency processes could be improved to make them accessible, child friendly and child safe.<sup>163</sup> According to Telethon Kids, there is still work to be done to make disclosing abuse ‘a much more child-safe, proactive and supportive process, rather than, say, creating another agency to support a child through the process.’<sup>164</sup>
- 3.8 The Committee received evidence about the importance of making ‘complaints’ processes more accessible and friendly to children.<sup>165</sup> The Children’s Commissioner reported that accessing services and supports remains challenging, and that ‘a complex array of services with differing criteria for access and gaps in service provision, particularly in regional and remote areas, makes navigating the system fraught.’<sup>166</sup>

### Finding 4

It is essential that every organisation providing services to children implement processes that reduce the likelihood of harm by becoming child safe and child centred.

### Trauma informed practice

- 3.9 A practitioner adopting a trauma-informed approach seeks to understand the young person’s experiences, asking ‘*what happened to you?*’ More traditional approaches have tended to adopt a pathology-based approach, asking ‘*what is wrong with you?*’
- 3.10 A trauma-informed approach is one that influences every aspect of working with young people who have experienced trauma. A trauma-informed approach requires all systems within the organisation and its culture to be fully integrated. Achieving integration means working together in a complimentary way, where each part of the whole understands its own role and that of others in relation to the therapeutic task.
- 3.11 Unfortunately, many aspects of the child abuse investigation process are not carried out in a way that is trauma-informed, and in fact each step of the process can lead to

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162 Mudaly, Neerosh and Goddard, Chris, *The Truth is Longer than a Lie: Children’s Experiences of Abuse and Professional Interventions*, Jessica Kingsley Publishers, London, 2006, p25.

163 Dr Melissa O’Donnell, NHMRC Research Fellow, Telethon Kids Institute, *Transcript of Evidence*, 15 June 2015, pp9-10; M Lisa Brennan, Acting Executive Director, Child and Adolescent Community Health Service, Department of Health *Transcript of Evidence*, 10 August 2015, p13; Mr Craig Comrie, Chief Executive Officer, Youth Affairs Council of Western Australia, *Transcript of Evidence*, 10 August 2015, p2, 9.

164 Dr Melissa O’Donnell, NHMRC Research Fellow, Telethon Kids Institute, *Transcript of Evidence*, 15 June 2015, p7.

165 Mr Craig Comrie, Chief Executive Officer, Youth Affairs Council of Western Australia, *Transcript of Evidence*, 10 August 2015, p2.

166 Submission No. 9D from Commissioner for Children and Young People, 31 March 2016, p5.

re-traumatisation for the child. Adopting flexible, available and accessible support mechanisms for child abuse victims is essential to addressing and limiting their trauma.<sup>167</sup>

- 3.12 In terms of the application of trauma informed care and practice (TICP) in Western Australia, the Committee received evidence that lead agencies are developing TICP-derived models of care. WA Police point out that while the terminology may not be recognisable, the concept of trauma-informed care and practice is evident in the operations of police when dealing with child abuse.<sup>168</sup>
- 3.13 WA Police further advised that the GJAC is a good example for this type of care, but acknowledged that there is room for more advice and research on the application of TICP in service delivery.<sup>169</sup>
- 3.14 The Committee spoke with Mrs Rebecca Moran, a criminologist and trauma trainer working to increase the awareness and understanding of trauma in the public sector and broader community. She explained her approach to teaching trauma-informed care:

*Really what I am trying to do is to teach compassion. What I am aiming for is to provide people with an understanding of trauma and its impact that they can then carry in their guts [...]*<sup>170</sup>

- 3.15 The Committee notes the positive recognition received by DCPFS for providing quality care within a trauma-sensitive environment within residential care in Western Australia.<sup>171</sup>

### Finding 5

Adopting a trauma-informed care and practice model for responding to child abuse victims will improve the ability of the Child Protection Sector to focus on the recovery of the child.

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167 Ms Natalie Hall, Director, Research Quality and Development, Parkerville Children and Youth Care Inc., *Transcript of Evidence*, 15 June 2015, p5.

168 Mr Paul Boulton, Detective Inspector, Sex Crime Division, Western Australia Police, *Transcript of Evidence*, 19 February 2016, pp2-3.

169 Mr Duane Bell, Assistant Children's Commissioner, Judicial Services, Western Australia Police, *Transcript of Evidence*, 19 February 2016, p3.

170 Mrs Rebecca Moran, Criminologist and Trauma Trainer, Richmond Wellbeing, *Transcript of Evidence*, 16 October 2015. p5.

171 Mental Health Coordinating Council (MHCC) 2013, *Trauma-Informed Care and Practice: Towards a cultural shift in policy reform across mental health and human services in Australia, A National Strategic Direction*, Position Paper and Recommendations of the National Trauma-Informed Care and Practice Advisory Working Group, Authors: Bateman, J & Henderson (MHCC), C Kezelman (ASCA).

## Chapter 3

### Continuity of support

- 3.16 The issue of continuity of support is at the heart of Blaxell's concern that a child needs a 'friend' to support them through the process. The Committee was told that the 'capacity to reduce the child's traumatisation and re-traumatisation' by having a consistent advocate is 'unbelievable'.<sup>172</sup>
- 3.17 One witness to the inquiry, who had endured an extremely traumatic child abuse experience and then endured an equally traumatic disclosure process, credits the continuity of support given to her by a particular police officer as providing her with the strength she needed:
- I just worry so much that there is nothing in our structured responses to child sexual abuse that provides an opportunity for children to disclose and just be supported, to just be looked after and given—what that detective gave me was nothing to do with the convictions. He believed me and he gave me that first message that maybe I was a decent human being that had the right spirit.*<sup>173</sup>
- 3.18 Given the nature of police work, it is not possible for individual police officers to provide the continuity of support envisaged by Blaxell. The Committee understands that, at present, the GJAC in Armadale is the only agency in Western Australia providing this service.
- 3.19 The Child and Family Advocate at GJAC provides a key point of contact for victims and is a person who helps children navigate the child protection sector.<sup>174</sup> The advocate supports families with matters such as understanding the different roles of agencies 'from the day their child is interviewed by police and child protection staff, prior to any decision being made about charges'.<sup>175</sup> Essentially, the child and family advocate provides 'crisis intervention, support and psycho-social education to children and young people who have experienced abuse and trauma'.<sup>176</sup>

### Finding 6

The Committee finds that consistent and continuous support for child abuse victims is not currently provided by the Child Protection Sector.

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172 Ms Jennifer Hoffman, Commissioner for Victims of Crime, Department of the Attorney General, *Transcript of Evidence*, 23 October 2015, p4.

173 Mrs Rebecca Moran, Criminologist and Trauma Trainer, Richmond Wellbeing, *Transcript of Evidence*, 16 October 2015, p4.

174 Ms Natalie Hall, Director, Research Quality and Development, Parkerville Children and Youth Care, *Transcript of Evidence*, 15 June 2015, p5.

175 Submission No. 11 from Parkerville Children and Youth Care, 27 February 2015, Attachment 1, p3.

176 Submission No. 11 from Parkerville Children and Youth Care, 27 February 2015, Attachment 1, p3.



### Availability of programs and resourcing

- 3.20 Mr Basil Hanna, the Chief Executive Officer of Parkerville Children and Youth Care, informed the Committee that there is a scarcity of support programs for victims of child abuse in Western Australia.<sup>177</sup> DCPFS also raised this issue and advised that ‘demand for services to provide support, counselling and therapeutic responses for children and their families affected by child sexual abuse is high, and many services are at capacity’.<sup>178</sup>
- 3.21 DCPFS ‘has a bilateral schedule with the Child and Adolescent Mental Health Services to support the referral process for children and young people who are experiencing severe emotional, psychological, behavioural, social or mental health problems. This service can be utilised in supporting child victims of abuse where there is co-occurring mental health issues’.<sup>179</sup> DCPFS advises that it ‘experiences difficulties accessing these services at times for children in care’.<sup>180</sup>

### Finding 7

According to the Department for Child Protection and Family Support, many services providing support, counselling and therapeutic responses for children and their families affected by child sexual abuse are at capacity.

### Finding 8

Despite the existence of a bilateral schedule with the Child and Adolescent Mental Health Service (CAMHS), the Department for Child Protection and Family Support experiences difficulties accessing services from CAMHS for children with severe emotional, psychological, behavioural, social or mental health problems.

- 3.22 It appears that demand is increasing with the complexity of cases also increasing:

*Over 18,000 children are involved in child protection cases each year. Since 2011 the number of child protection reports has increased by an average of 10 per cent annually, with over 2,100 mandatory reports of suspected child sexual abuse received each year.*

*The CSAT [Child Sexual Abuse Therapeutic] service providers have reported an increase in complexity of cases, with families presenting with multifaceted issues being the norm rather than the exception.*

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177 Mr Basil Hanna, Chief Executive Officer, Parkerville Children and Youth Care, *Transcript of Evidence*, 15 June 2015, p6.

178 Submission No. 22c from Department for Child Protection and Family Support, 18 March 2016, p1.

179 Submission No. 22b from Department for Child Protection and Family Support, 18 March 2016, p8.

180 Submission No. 22d from Department for Child Protection and Family Support, 15 April 2016, p1.

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*These cases require extensive assessment, advocacy, interagency case management, regular case review and increased supervision/support for counsellors. This impacts on the length of time families engage with the therapeutic services, which consequently impacts on the demand for these services.*<sup>181</sup>

- 3.23 The Committee understands that if a child in state care requires a publicly provided service that cannot be provided within a reasonable time frame, every effort is made to secure and fund a private practitioner.<sup>182</sup> It is of concern to the Committee ‘that there are a number of specialists in Western Australia who refuse to accept referrals relating to a child in care’.<sup>183</sup>

### Finding 9

The Committee is deeply concerned that there are a number of specialists providing therapeutic services for child sexual abuse victims in Western Australia who refuse to accept referrals for children in care.

- 3.24 Given the evidence presented to the Committee, it is of the view that unmet demand and capacity limitations constitute a failure of the system to adequately provide support services for child abuse victims. This is concerning to the Committee and it is of the view that the government must take immediate action to progress urgent action to investigate capacity limitations and unmet demand and appropriate service models and funding.

### Recommendation 1

That the Government takes immediate action to investigate capacity limitations and unmet demand within support services for child abuse victims and the provision of appropriate service models and funding.

### Protective Behaviours Education

- 3.25 Protective behaviours is curricula designed to teach children the concepts of ‘understanding emotions, safety, public and private, personal space, safe and unsafe touches, safe versus unsafe secrets, assertiveness and help seeking behaviour’.<sup>184</sup>
- 3.26 The inclusion of protective behaviours in the education curriculum was recommended by the Child Sexual Abuse Taskforce in 1987.<sup>185</sup> It appears that the action taken at the time by DoE to address this recommendation was neither sufficient nor effective.

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181 Submission No. 22d from Department for Child Protection and Family Support, 15 April 2016, p2.

182 Submission No. 22d from Department for Child Protection and Family Support, 15 April 2016, p2.

183 Submission No. 22d from Department for Child Protection and Family Support, 15 April 2016, p2.

184 Hon Peter Blaxell, *St. Andrew's Hostel Katanning: How the System and Society failed our Children: A Special Inquiry into the response of government agencies and officials to allegations of sexual abuse*, Government of Western Australia, Perth, September 2012, p342.

- 3.27 In 2002 the Gordon Inquiry made the observation that protective behaviours education was having minimal effect and, while recognising ‘the particular difficulties which can be encountered in providing such education’, the Inquiry nevertheless considered such education to be absolutely necessary.<sup>186</sup> It recommended ‘the provision of basic education in ‘Protective Behaviours’ to students in all schools through existing curriculum frameworks’ and supported DoE ‘seeking the services of other agencies, including non-government agencies, to provide assistance in providing education in ‘Protective Behaviours’.<sup>187</sup>
- 3.28 DoE developed its own Protective Behaviours program in compliance with the recommended requirement of the Gordon Inquiry.<sup>188</sup> DoE further reported that approximately 20 per cent of schools were delivering the program, which was not mandated and could be delivered through alternate means.<sup>189</sup> The Blaxell Inquiry Report stated that this protective behaviours curriculum needed to be more widely used to ensure ‘that school aged children have an appropriate awareness of potentially predatory or inappropriate behaviour around them.’<sup>190</sup> This view helped form Recommendation 4 of Blaxell’s Report which called upon the Department of Education to review how ‘schools deliver the preventative curriculum to ensure that it meets the need as identified in the Gordon Inquiry’.<sup>191</sup>
- 3.29 DoE has acknowledged that there is a deficit in its ability to measure the delivery of the protective behaviours curricula. The absence of a standardised and mandated program has meant that teaching has varied across schools. The commissioner has noted that while ‘school systems in WA have adopted protective behaviour curricula based on established, well recognised programs’ it is true that ‘a gap remains in the ability of school systems to report on the delivery of such programs within individual schools’.<sup>192</sup>

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185 Dr Carmen Lawrence MLA (Chair), *A Report to the Government of Western Australia*, Child Sexual Abuse Task Force, Western Australia, 1987.

186 Gordon, S Hallahan, K, Henry, D, *Putting the Picture Together, Inquiry into Response by Government Agencies to Complaints of Family Violence and Child Abuse in Aboriginal Communities*, Department of Premier and Cabinet, Western Australia, 2002, p291.

187 Gordon, S Hallahan, K, Henry, D, *Putting the Picture Together, Inquiry into Response by Government Agencies to Complaints of Family Violence and Child Abuse in Aboriginal Communities*, Department of Premier and Cabinet, Western Australia, 2002, p291.

188 Hon Peter Blaxell, *St. Andrew’s Hostel Katanning: How the System and Society failed our Children: A Special Inquiry into the response of government agencies and officials to allegations of sexual abuse*, Government of Western Australia, Perth, September 2012, p342.

189 The Hon Peter Blaxell, *St. Andrew’s Hostel Katanning: How the System and Society failed our Children: A Special Inquiry into the response of government agencies and officials to allegations of sexual abuse*, Government of Western Australia, Perth, 2012, p343.

190 Ibid.

191 The Hon Peter Blaxell, *St. Andrew’s Hostel Katanning: How the System and Society failed our Children: A Special Inquiry into the response of government agencies and officials to allegations of sexual abuse*, Government of Western Australia, Perth, September 2012, p343.

192 Submission No. 9d from Commissioner for Children and Young People, 4 April 2016, p4.

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- 3.30 The Committee agrees with the Children’s Commissioner’s view that ‘school systems should be required to develop accurate reporting mechanisms to report on the extent of protective behaviours education actually delivered within schools across the age range of students’.<sup>193</sup> The Committee acknowledges that DoE is aware of the current deficit in this area, both in gathering data about the number of teachers who have completed the mandatory training online, and also data regarding the delivery of the programs to children. In June 2015 DoE advised the Committee that this was ‘continuing work’.<sup>194</sup>

### Finding 10

The Committee finds that the Department of Education is not currently required to report on the extent of protective behaviours education being delivered within each school in Western Australia.

### Recommendation 2

That the Minister for Education requires the Department of Education to report annually on the extent of protective behaviours education being delivered within each school in Western Australia.

- 3.31 The Committee is also aware that some teachers may be reluctant to deliver protective behaviours education because they may themselves be the victims of childhood abuse, or they may be uncomfortable with the content of the curriculum. Perhaps, most disappointingly, teachers may be reluctant to deliver the curriculum as it may encourage children to disclose to them.<sup>195</sup>

## Social and cultural considerations in relation to Aboriginal children

- 3.32 During the course of the Inquiry, the importance of making child protection service delivery culturally appropriate to the needs of Aboriginal children was emphasised to the Committee. Dr Cheryl Kickett-Tucker, a Director of Pindi Pindi, an Aboriginal-owned and operated research centre for community wellbeing, told the Committee that consultation with Aboriginal families about issues affecting their children and their lives is important, because by doing this, the wider community is ‘honouring the diversity within those communities and the expertise and the knowledge at each different life stage’.<sup>196</sup> As the AFLS notes, services must ultimately be local, cooperative and community led and controlled. Given the cultural sensitivities surrounding child abuse,

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193 Submission No. 9d from Commissioner for Children and Young People, 4 April 2016, p4.

194 Ms Sharyn O’Neill, Director General, Department of Education, *Transcript of Evidence*, 19 June 2015, p7.

195 Ms Holly-Ann Martin, Managing Director, Safe4Kids, *Transcript of Evidence*, 16 October 2016, pp3-4; Ms Natalie Hall, Director, Research Quality and Development, Parkerville Children and Youth Care, *Transcript of Evidence*, 15 June 2015, p8.

196 Dr Cheryl Kickett-Tucker, Director, Pindi Pindi, *Transcript of Evidence*, 16 October 2015, p4.

it is best responded to by locals who are adequately resourced and supported.<sup>197</sup> AFLS also highlighted to the Committee the importance of having ‘culturally safe services’.<sup>198</sup>

- 3.33 The involvement of local Aboriginal communities in any type of support for child abuse victims is critical to success. The Aboriginal Family Law Services (WA) (AFLS) highlighted to the Committee the disconnect between the high number of Aboriginal children in state care compared to the number of Aboriginal staff within DCPFS providing support to those children.<sup>199</sup>
- 3.34 When it comes to dealing with abuse, and providing mechanisms by which children in remote Aboriginal communities feel able to disclose, AFLS believes that children need someone they can speak safely with, regardless of whether that person is a trusted neighbour or aunty, or an employee of an agency or organisation. There should be no ‘wrong door’ and everyone in positions of trust and authority should be trained to receive disclosures.<sup>200</sup>

#### **Finding 11**

The Committee finds that, despite the fact that the delivery of services to Aboriginal communities should be local, cooperative and community led and controlled, many services are not.

#### **An Aboriginal Children’s Commissioner to lead the ‘walk in two worlds’?**

*“We walk in two worlds.” There is the whitefella world and there is our Aboriginal world that we have to walk in, and we proudly say to one another that we need to find non-Aboriginal Australians who can do that with us; who can walk in the two worlds. If you cannot walk in the two worlds, then you are not going to be able to assist one another to improve the quality of life of Australia.*<sup>201</sup>

- 3.35 AFLS submitted to the Committee that any review of the Children’s Commissioner’s functions should ‘be considered in the social context of Aboriginal children and their families’.<sup>202</sup> The AFLS point out that ‘for many of these children and young people, issues of family violence, substance misuse, inadequate and insecure housing, financial

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197 Ms Mariette Cowley, Chief Executive Officer, and Ms Andrea Smith, Policy and Compliance Coordinator Aboriginal Family Law Services (WA), *Transcript of Evidence*, 10 August 2015, pp5-6.

198 Ms Andrea Smith, Policy and Compliance Coordinator, Aboriginal Family Law Services, *Transcript of Evidence*, 10 August 2015, p10.

199 Ms Mariette Cowley, Chief Executive Officer, Aboriginal Family Law Services (WA), *Transcript of Evidence*, 10 August 2015, pp3-4.

200 Ms Mariette Cowley, Chief Executive Officer, Aboriginal Family Law Services (WA), *Transcript of Evidence*, 10 August 2015, p9.

201 Associate Professor Ted Wilkes, Public Health Researcher and Advocate, National Drug Research Institute, Curtin University, *Transcript of Evidence*, 23 October 2015, p2.

202 Submission No. 19 from Aboriginal Family Law Services (WA), 4 March 2015, p3.

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insecurity, incarceration, intergenerational trauma and mental health concerns disrupt their daily life. Others may live away from their families in state care arrangements'.<sup>203</sup>

- 3.36 Aboriginal and Torres Strait Islander Social Justice Children's Commissioner, Mick Gooda has recently recommended that 'state and territory governments take steps to establish Aboriginal and Torres Strait Islander Children's Commissioners in their jurisdictions'.<sup>204</sup> This is not a new idea. The Gordon Inquiry recommended that a Deputy Children's Commissioner position be created 'with responsibility for issues in relation to Aboriginal children',<sup>205</sup> and there has since been various discussions regarding whether such a position should be established.<sup>206</sup>
- 3.37 The Statutory Review recommended 'that the Act should not be amended to mandate the creation of a Deputy Children's Commissioner for Aboriginal and Torres Strait Island children and young people'. Aboriginal children should remain a priority of the Children's Commissioner.<sup>207</sup> The review noted that:
- There is not, however, anything in the Act to prevent the Children's Commissioner from administratively establishing a position of Deputy Children's Commissioner within his or her office structure and allocating it such functions and responsibilities as the Children's Commissioner sees fit.*<sup>208</sup>
- 3.38 Victoria appointed its inaugural Children's Commissioner for Aboriginal Children and Young People, the first such position in Australia. Queensland has provision for two commissioners, one of whom is the principal commissioner, and either of those two must be an Aboriginal or Torres Strait Islander.<sup>209</sup>
- 3.39 AFLS reported that vulnerable children need to be a priority of the WA Children's Commissioner, and highlighted the work happening in Victoria:

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203 Submission No. 19 from Aboriginal Family Law Services (WA), 4 March 2015, p3.

204 Australian Human Rights Commission, *Children's Commissioner outlines next steps to protect children*, 17 February 2016. Available at: <https://humanrights.gov.au/news/stories/commissioner-outlines-next-steps-protect-children>. Accessed on 24 April 2016.

205 Gordon, S Hallahan, K, Henry, D, *Putting the Picture Together, Inquiry into Response by Government Agencies to Complaints of Family Violence and Child Abuse in Aboriginal Communities*, Department of Premier and Cabinet, Western Australia, 2002, p494.

206 For more detail on the various positions taken see: Public Sector Commission, *Review of the Commissioner for Children and Young People Act 2006*, Public Sector Commission, Western Australia, May 2013, pp53-58.

207 Public Sector Commission, *Review of the Commissioner for Children and Young People Act 2006*, Public Sector Commission, Western Australia, May 2013, p58.

208 Public Sector Commission, *Review of the Commissioner for Children and Young People Act 2006*, Public Sector Commission, Western Australia, May 2013, p58.

209 Section 11 *Family and Child Commission Act 2014* (QLD).

*[...] what we want is the commissioner to show a spotlight on the Aboriginal children, [...] certainly the children going into out-of-home care.*<sup>210</sup>

- 3.40 The ALSWA argue for the role of a ‘special advisor’ to the Commissioner, someone with the right links in the right communities,<sup>211</sup> and reject the idea of a ‘deputy’ because of the negative connotations suggesting that it is somehow less important than the Children’s Commissioner.<sup>212</sup>
- 3.41 Associate Professor Ted Wilkes goes a step further to argue for ‘an Aboriginal person as the commissioner for Aboriginal children and young people’, with a particular reference to the issue of child abuse in Aboriginal communities.<sup>213</sup>
- 3.42 The Children’s Commissioner advised the Committee that he is appointing an Aboriginal engagement officer in his office with ‘a total focus on Aboriginal engagement’.<sup>214</sup> He and his office are engaging with senior Aboriginal people to improve how his office communicates with Aboriginal communities.<sup>215</sup> He indicated to the Committee that, given resourcing considerations and the policy positions of both current and previous governments, the ‘best entrance step is to look at an engagement officer that we can really start to build bridges with’ and he does indicate that this is ‘only be the first step’.<sup>216</sup>
- 3.43 Although the Committee welcomes the appointment of an Aboriginal engagement officer, it is concerned that the appointment, while having merit, is constrained by the budget of the commissioner’s office. Given the role’s importance, it is the Committee’s view that the appointment should have sufficient seniority to ensure buy-in at senior levels of government.

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210 Ms Mariette Cowley, Chief Executive Officer, Aboriginal Family Law Services (WA), *Transcript of Evidence*, 10 August 2015, p12.

211 Ms Victoria Williams, Senior Policy Officer, Aboriginal Legal Service of Western Australia, *Transcript of Evidence*, 15 June 2015, pp2-3.

212 Ms Victoria Williams, Senior Policy Officer, Aboriginal Legal Service of Western Australia, *Transcript of Evidence*, 15 June 2015, p2.

213 Associate Professor Ted Wilkes, Public Health Researcher and Advocate, National Drug Research Institute, Curtin University, *Transcript of Evidence*, 23 October 2015, p3.

214 Mr Colin Pettit, Commissioner for Children and Young People, *Transcript of Evidence*, 19 February 2016, p4.

215 Mr Colin Pettit, Commissioner for Children and Young People, *Transcript of Evidence*, 19 February 2016, p4.

216 Mr Colin Pettit, Commissioner for Children and Young People, *Transcript of Evidence*, 19 February 2016, p4.

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### **Finding 12**

The appointment of an Aboriginal engagement officer by the Children's Commissioner, while having merit, should not be in place of the appointment of a person who is of a sufficiently senior level to perform the equivalent role of a special advisor or additional Children's Commissioner for Aboriginal children.

### **Recommendation 3**

That the Children's Commissioner's office be appropriately resourced to appoint a person who is either a special advisor on matters concerning Aboriginal children and young people, or to consider appointing an additional Commissioner for Aboriginal children.



## Chapter 4

### A new role for the Children's Commissioner

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The Children's Commissioner's role should not be one that receives allegations of child abuse. Rather, the Children's Commissioner should support the Child Protection Sector through the development of three complementary functions: education and outreach; information delivery; and monitoring and capacity building, in order to improve the system's processes and make the Sector more accessible and more supportive of young people who have been impacted by child abuse.

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#### Blaxell's child focussed central complaints system

- 4.1 In his recommendation two, Mr Blaxell refers to creating a 'child focussed' central complaints system for any complaint regarding child abuse. This is what he envisaged as a 'one stop shop' for these complaints. He told the Committee that the key elements of this should offer to child sexual abuse victims the following:
- the ability to go to just one place where 'all aspects and consequences of their complaints of sexual abuse will be properly and appropriately dealt with';
  - a friendly place where child victims will receive a 'sympathetic hearing'; and importantly,
  - child victims should be 'allowed some control over what is done in response to their complaint and have their views taken into account.'<sup>217</sup>
- 4.2 Mr Blaxell clarified that his use of the term 'one stop shop' may have been misunderstood; and that it was never his intention to suggest that the proposed role should involve any investigation of alleged child abuse. Rather, it was intended to describe a system whereby a child could be provided with support and advice about how to make an allegation of child abuse to the appropriate investigatory bodies.
- 4.3 Upon tabling the government's response to the Blaxell Inquiry, the Premier suggested that a child or young person would feel comfortable making a 'complaint' directly to the Children's Commissioner.<sup>218</sup>
- 4.4 Several months later, the Public Sector Children's Commissioner completed the Statutory Review into the Children's Commissioner's Act, which established a way

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217 Submission No. 17 from Hon Peter Blaxell, Special Inquirer, 3 March 2015, p1.

218 Hon Colin Barnett, Premier, WA, Legislative Assembly, *Parliamentary Debates* (Hansard), 19 September 2012, p6139.

## Chapter 4

forward for the Children’s Commissioner to address Blaxell’s Recommendation 2. Primarily this objective was captured in Recommendation 12 of the Statutory Review.

### **Child abuse complaints support function**

- 4.5 The full text of recommendation 12 describing the role for the Children’s Commissioner as a *child abuse complaints support function* can be found in Box 4.1.

#### **Box 4.1**

##### **Recommendation 12 (Statutory Review of the *Commissioner for Children and Young People Act 2006*)**

The Children’s Commissioner should be given appropriate powers under the Act to provide a child abuse complaints support function that consists of:

1. education and outreach programs for children and young people about how to disclose any child abuse that occurs while they are in the care of a government agency or service provider
2. receiving complaints from children and young people, or adults acting in good faith on their behalf, about abuse alleged to have occurred in a government agency or service provider
3. referring such complaints to the relevant investigative authority/s
4. providing information and referrals to children and young people in relation to the support services available for victims of child abuse and their families
5. monitoring the way in which government agencies deal with complaints of child abuse referred by the Children’s Commissioner or otherwise received by them.

The Children’s Commissioner should not have a role in investigating the substance of individual complaints that are received.

- 4.6 The Committee was interested to assess how well the proposed functions contained in recommendation 12 addressed the issues identified by Blaxell. In this section, the Committee examines points 2 to 4 in the recommendation above. The remaining parts of the recommendation are examined in the following sections.

### **Receiving and referring individual allegations of child abuse**

- 4.7 As we observed in chapter 1, the term complaint can be used in many different ways in the context of child abuse. In terms of its use in recommendation 12 the Committee has no doubt that it refers to allegations of child abuse. Points 2 and 3 are not recommending that the Children’s Commissioner investigate allegations of child abuse. Rather, they are promoting a role where the Children’s Commissioner will become a known person to whom children can first disclose an individual allegation of abuse and then be referred by the Children’s Commissioner to the investigative agencies.

4.8 Most submitters to the Inquiry rejected the notion that the Children’s Commissioner should receive and then refer individual allegations of child abuse. The general concerns expressed in the evidence can be summarised as follows:

- lack of clarity about how the Children’s Commissioner would manage the receipt and referral of individual complaints;<sup>219</sup>
- risk of unintended consequences this role may have on children and young people, and their families, wishing to report;<sup>220</sup>
- the potential duplication of performing the work of another agency and some of the administrative issues that may arise;<sup>221</sup>
- the risk that the duplication of disclosure required under the proposed model would lead to re-traumatisation of disclosing children;<sup>222</sup>
- the impact on the Children’s Commissioner’s existing advocacy functions and the inappropriateness of the Children’s Commissioner performing such a role;<sup>223</sup>
- the additional resources required for the Children’s Commissioner to perform a complaint function and if this is the most efficient way to allocate additional resources within the Child Protection Sector.<sup>224</sup>

4.9 A careful review of the evidence led the Committee to conclude that the Children’s Commissioner should not be given powers under the Act to provide a *named* or

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219 Dr Melissa O’Donnell, NHMRC Research Fellow, Telethon Kids, *Transcript of Evidence*, 15 June 2015, p4; Ms Sabina Leitmann, President, Australian Association of Social Workers, Western Australian Branch, *Transcript of Evidence*, 15 June 2015, p2; Mr Craig Comrie, Chief Executive Officer, Youth Affairs Council of Western Australia (YACWA), *Transcript of Evidence*, 10 August 2015, p10; Mr Gary Dreiberger, Deputy Commissioner, Specialist Services, Western Australia Police, *Transcript of Evidence*, 25 February 2015, p7.

220 Submission No. 13 from The Australian Association of Social Workers, Western Australia Branch (AASW(WA)), February 2015, p6&7; Submission No. 11 from Parkerville Children and Youth Care, February 2015, p3.

221 Dr Melissa O’Donnell, NHMRC Research Fellow, Telethon Kids, *Transcript of Evidence*, 15 June 2015, p4; Submission No. 13 from The Australian Association of Social Workers, Western Australia Branch (AASW(WA)), February 2015, p5&6.

222 Dr Melissa O’Donnell, NHMRC Research Fellow, Telethon Kids, *Transcript of Evidence*, 15 June 2015, p4; Submission No. 11 from Parkerville Children and Youth Care, February 2015, p3. Mr Craig Comrie, Chief Executive Officer, Youth Affairs Council of Western Australia (YACWA), *Transcript of Evidence*, 10 August 2015, p2. Ms Emma White, Director General, Department for Child Protection and Family Support, *Transcript of Evidence*, 18 March 20016, p7.

223 Dr Melissa O’Donnell, NHMRC Research Fellow, Telethon Kids, *Transcript of Evidence*, 15 June 2015, p4; Submission No. 13 from The Australian Association of Social Workers, Western Australia Branch (AASW(WA)), February 2015, p7; Submission No. 11 from Parkerville Children and Youth Care, February 2015, p3.

224 Mr Craig Comrie, Chief Executive Officer, Youth Affairs Council of Western Australia (YACWA), *Transcript of Evidence*, 10 August 2015, p2; Submission No. 3 from The Children’s Commissioner Northern Territory, January 2015, p2-3.

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specified child abuse complaints support function that consists of receiving complaints from children and young people, or adults acting in good faith on their behalf.

### Finding 13

The Committee finds that it is not appropriate for the Commissioner for Children and Young People to provide a specified child abuse complaints support function that consists of directly receiving and referring allegations of child abuse.

### Referrals to children in regard to support services available for victims of child abuse and their families

- 4.10 Point 4 of Recommendation 12 stated the Children’s Commissioner should provide ‘information and *referrals* to children and young people in relation to the support services available for victims of child abuse and their families.’<sup>225</sup>
- 4.11 The Committee’s view of the meaning of ‘referrals’ in point 4 (in Box 4.1) is that the Children’s Commissioner would provide advice to a child or family about the most appropriate support service to address their needs. Just as the Committee held concerns about the Children’s Commissioner receiving and referring allegations of child abuse, the Committee holds similar concerns in the context of referring a child to an appropriate support program. To do so would require some level of assessment by the Children’s Commissioner’s office in order to determine the nature of the need before the appropriate referral could be given.
- 4.12 The Children’s Commissioner observes that actively referring children to appropriate support services would be very difficult, in part because of the ‘differing criteria’ for access to particular support services, and because of the ‘gaps in service provision’. The Children’s Commissioner states that these factors make navigating the system ‘fraught.’<sup>226</sup>
- 4.13 The Committee enquired of agencies whether the Children’s Commissioner could become a referral pathway for support services funded by them. DCPFS indicated it does ‘not see any issue with the referral pathway’<sup>227</sup> and noted that the ability of the Children’s Commissioner to do so would already exist within current legislative provisions.<sup>228</sup>
- 4.14 It is the Committee’s view that, in practice, actively referring a child may require asking questions that could inadvertently contribute to the trauma experienced by a child abuse victim. The Committee is also aware that there may be other issues impacting on

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225 Public Sector Commission, *Review of the Commissioner for Children and Young People Act 2006*, Government of Western Australia, Perth, May 2013, p88.

226 Submission No. 9d from Commissioner for Children and Young People, 31 March 2016, p5.

227 Ms Emma White, Director General, Department for Child Protection and Family Support, *Transcript of Evidence*, 18 March 20016, p7.

228 Ibid.

the Children’s Commissioner’s ability to refer to a child abuse support service, such as the inadequate provision of available support services. As such, it does not support the Children’s Commissioner becoming a referral pathway for child support services as recommended in point 4 (as in Box 4.1). The Committee acknowledges that the Children’s Commissioner currently has the power to refer a child to an appropriate service.<sup>229</sup>

#### **Finding 14**

The Committee finds that the Children’s Commissioner should not be promoted as a referral pathway for child support services, unless the Children’s Commissioner’s office was appropriately resourced to establish an individual advocacy and support service.

#### **Advocacy and support service: the Child’s Friend**

- 4.15 The Committee was disappointed that Recommendation 12 of the Statutory Review does not contemplate the type of support for children making allegations of child abuse that Mr Blaxell promoted through his concept for the ‘one stop shop’.
- 4.16 This support would have been provided in a role that Mr Blaxell later described as a ‘children’s friend’. Mr Blaxell envisaged that the children’s friend would be a child friendly person, independent of the agency involved. The children’s friend would receive a child victim’s complaint, accept that complaint at face value, and say to that child ““Yes, I accept what you say. I’m here to help you and I’ll be with you at all times.””<sup>230</sup>
- 4.17 During the course of the Inquiry, the Committee received mixed opinions from submitters about the possibility of the Children’s Commissioner performing this type of ‘child’s friend’ role, although the concept itself was widely applauded. The lack of support was based on concerns around a number of perceived impracticalities and the burden on resourcing.
- 4.18 The views expressed by Telethon Kids were representative of many of the concerns raised with the Committee:

*I do not think it would then fall on the commissioner’s office to walk through that process with each and every child; I think they would not be resourced adequately to do it [...] I do not think a commissioner’s office would make the process any easier; I do not think they would be able to go with each and every child who makes a disclosure [...] a child*

229 Section 23 (2)(b) *Commissioner for Children and Young People Act 2006* (WA).

230 Hon Peter Blaxell, Special Inquirer, *Transcript of Evidence*, 13 May 2015, p4.

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*advocate function would be good, but I think it would also be to the detriment of their other functions, and that is where our concern is.*<sup>231</sup>

- 4.19 The dangers of raising the communities' expectations above what the Children's Commissioner could feasibly achieve were also highlighted, as 'there is nothing worse than heightening public expectations and not being able to deliver on them.'<sup>232</sup>
- 4.20 Some evidence stated the importance of having this type of support spread through the Child Protection Sector and not resting with one agency or person.<sup>233</sup> Narrowing this function may not assist some children who, for whatever reason, would find it more comfortable seeking support, or making a disclosure, elsewhere.<sup>234</sup>
- 4.21 DCPFS stated that while the aim of providing ongoing and consistent support to a vulnerable child is commendable, the type of ongoing support envisaged by Blaxell would be difficult to sustain:

*Wrapping the right consistent support around that child to navigate [the child protection sector] is critical to mitigate unintentional compounding harm, which telling multiple people really brings forward [...] I do not think "friend of child" themselves, in the practical way that is intended, is sustainable. Quite unintentional, and in practical terms, it may result in a whole lot of double handling of really sensitive information for that child.*<sup>235</sup>

- 4.22 The Children's Commissioner submitted, supporting previous evidence heard by the Committee, that there was a recognised gap 'in the provision of an advocacy and support service for children and young people who have been victims of abuse or neglect'.<sup>236</sup> The Children's Commissioner adopted the term *advocacy and support service* rather than child's friend used by Mr Blaxell, stating that such a service is 'perceived as assisting a child or young person to negotiate the services and supports available to them and providing a consistent, ongoing, personalised level of support.'<sup>237</sup>
- 4.23 The Children's Commissioner indicated his office is investigating models of advocacy and support services. He submitted that, consistent with the Committee's view, the

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231 Dr Melissa O'Donnell, NHMRC Research Fellow, Telethon Kids, *Transcript of Evidence*, 15 June 2015, p6.

232 Ms Sabina Leitmann, President, Australian Association of Social Workers, Western Australian Branch, *Transcript of Evidence*, 15 June 2015, p6.

233 Ms Sabina Leitmann, President, Australian Association of Social Workers, Western Australian Branch, *Transcript of Evidence*, 15 June 2015, p6.

234 Dr Melissa O'Donnell, NHMRC Research Fellow, Telethon Kids, *Transcript of Evidence*, 15 June 2015, p7.

235 Ms Emma White, Director General, Department for Child Protection and Family Support, *Transcript of Evidence*, 19 June 2015, p9.

236 Submission No. 9d from Commissioner for Children and Young People, 31 March 2016, p5.

237 Submission No. 9d from Commissioner for Children and Young People, 31 March 2016, p5.

closest model in WA that matches the intent of Blaxell's child's friend (or one stop shop) is the George Jones Child Advocacy Centre. The Children's Commissioner also identified Corum Voice in the UK as providing another model of 'particular interest'.<sup>238</sup> Corum Voice provides advocacy to young people who are living in care or who have recently left care. The Children's Commissioner stated that Corum Voice's service:

*would meet a gap in the current landscape in WA to provide advocacy and support to victims of child sexual abuse, and more broadly to assist children and young people to uphold their rights and hold the service delivery system to account.*<sup>239</sup>

- 4.24 At face value, the Committee's view is that this model would appear to satisfy much of what Mr Blaxell's was referring to when he spoke of a child's friend. The Children's Commissioner went on to state that 'there is merit in such a role being embedded in my office and would provide a valuable linkage to support and inform the systemic advocacy work.'<sup>240</sup> The Committee strongly supports the notion that the provision of an advocacy and support service would strengthen the operations of the Children's Commissioner Office. In doing so, the Children's Commissioner would be able to directly support the Child Protection Sector and the Community to help ensure every child abuse victim receives adequate support and advice.
- 4.25 In the view of the Committee, the government needs to assess as a priority how advocacy and support services are best implemented across the state.

### **Finding 15**

*The government needs to assess as a priority how advocacy and support services can be implemented across the state.*

- 4.26 The Children's Commissioner indicated that coinciding with the investment in establishing an individual support and advocacy service; considerable investment in support services like Kids Helpline to increase the access for children and young people in WA is required. The Children's Commissioner states this is particularly important for children in regional and remote areas and should be explored.<sup>241</sup>
- 4.27 The importance of Kids Helpline as a source of immediate and confidential support and referral was highlighted to the Committee. Kids Helpline counsellors contact external agencies directly to engage support for a client and to protect a client who is experiencing harm or who is at imminent risk of harm. In 2015 child abuse and suicide

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238 Submission No. 9d from Commissioner for Children and Young People, 31 March 2016, p6.

239 Submission No. 9d from Commissioner for Children and Young People, 31 March 2016, p6.

240 Submission No. 9d from Commissioner for Children and Young People, 31 March 2016, p6.

241 Submission No. 9d from Commissioner for Children and Young People, 31 March 2016, p6.

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attempts were by far the most common reasons for this type of intervention.<sup>242</sup> DCPFS stated this service is actively used as a contact point by caseworkers at DCPFS and in cooperation with DCPFS's own Crisis Care line.<sup>243</sup> The Committee became aware that many calls may go unanswered due to a lack of capacity.<sup>244</sup> This was confirmed by Kids helpline providers *yourtown* (formally BoysTown), during the Committee's investigative travel to Queensland. The Committee was informed that an increase in funding, currently provided to yourtown by the Department of Local Government and Communities, would provide an increase in direct capacity in calls that can be serviced in WA. It is the Committee's view, that greater access to Kids Helpline would provide valuable assistance to the Child Protection Sector and children in WA. It would also be an essential service to assist in the provision of individual advocacy and support services throughout WA.

### Finding 16

The Committee finds that Kids Helpline provides valuable assistance to the Child Protection Sector and children in WA, and should be provided with adequate funding to match the demand for its services.

## Child protection sector input about the new role for the Children's Commissioner

- 4.28 During the course of the Committee's investigations it has become apparent that improvements have been implemented since the Justice Blaxell's Special Inquiry. Nonetheless, the Blaxell report served as a reminder for everyone that it is not just individual perpetrators that harm our children. It is crucial to support the sector and community appropriately, so in turn the sector and the community can protect our children.
- 4.29 This inquiry process was extensive and revealed to the Committee that points 1, 4 and 5 within recommendation 12 of the Statutory Review would provide additional systemic support to the Child Protection Sector if the Children's Commissioner were to exercise these functions. The Committee's views on how these should apply are broader than those contemplated in the Statutory Review and are highly interrelated. They are set out below:

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242 Yourtown (formally Boystown), *Kids Helpline Insights 2015: National Statistical Overview*, May 2016, px. Available at: <https://kidshelpline.com.au/organisation/wp-content/uploads/sites/8/2015/11/Kids-Helpline-Insights-Report-2015-Statistical-Overview-WEB.pdf>. Accessed on 3 June 2016.

243 Ms Emma White, Director General, Department for Child Protection and Family Support, *Transcript of Evidence*, 19 June 2015, pp2-3.

244 ABC News, *Kids Helpline unable to answer 40 per cent of calls because of rising demand for counselling*, 24 March 2014. Available at: <http://www.abc.net.au/news/2014-03-25/kids-helpline-swamped-by-children-in-crisis/5344734>. Accessed on 18 May 2016.



- Education and outreach, particularly with regard to child safe practice and how to make the system more child-friendly and supportive of recovery;
- Information delivery, whereby the Children’s Commissioner provides online information to the Child Protection Sector (including mandatory reporters and community organisations), and to children, parents and concerned adults, particularly about helping these people to understand the complexities of the sector; and
- Monitoring and capacity building of the system to increase transparency, ensure continuous improvement of the system, and help ensure no child is forgotten.

4.30 The new Children’s Commissioner, appointed on 16 November 2015, was also asked to provide the Committee with some comments about these three functions. The Children’s Commissioner attended a formal hearing, in preparation for which the Committee provided the Children’s Commissioner with considerable detail about the evidence received to date. During the hearing it was clear to the Committee that the Children’s Commissioner had familiarised himself with the progress of the Committee’s review. He was able to submit a number of items that demonstrated work already in train from the proceedings of the Committee’s work. The Committee subsequently met with the Children’s Commissioner for a private briefing which informed a final written submission from the Children’s Commissioner on 31 March 2016.

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4.31 The three roles are intended to be complementary and interrelated and will contribute to the Children’s Commissioner being able to develop and provide expertise in key areas, as illustrated by the following:

**Flow chart of proposed new role for the Commissioner**

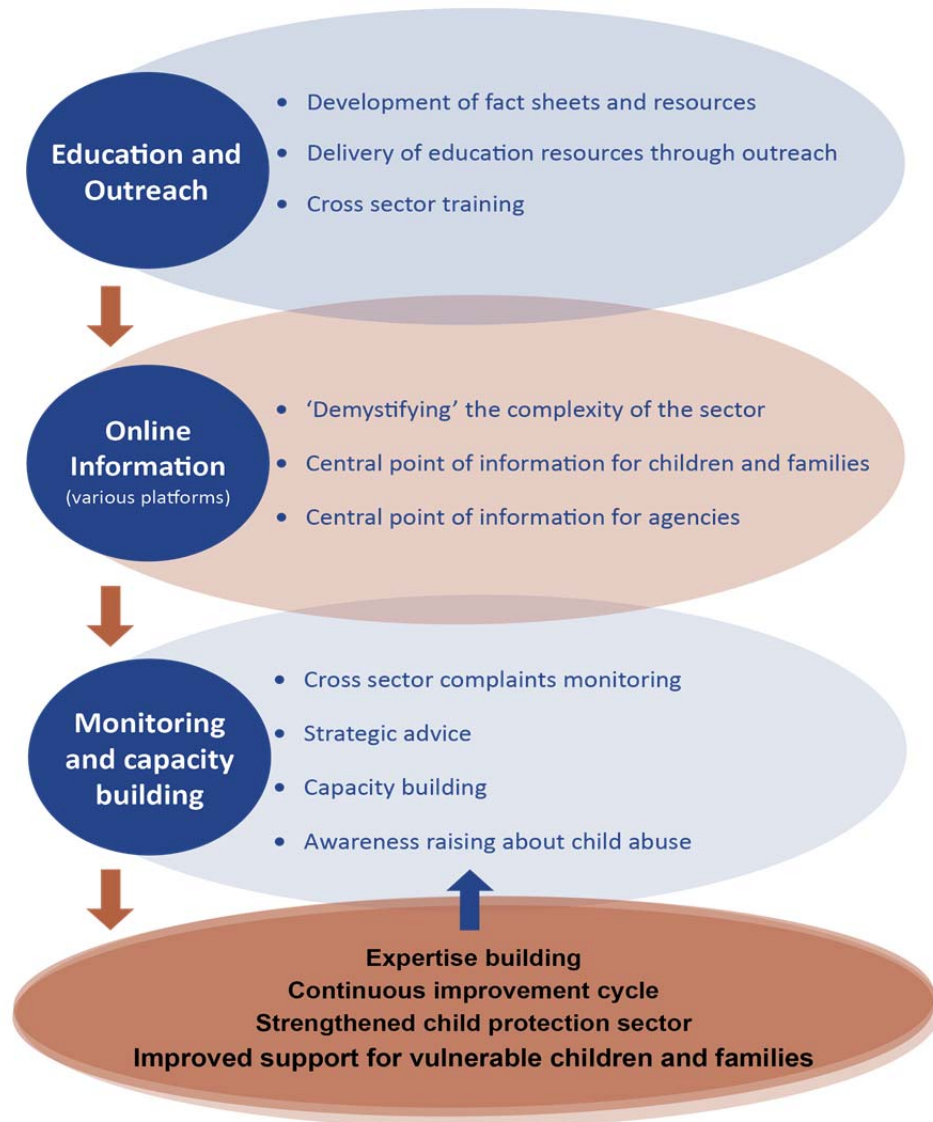


Figure 4.1: Three complementary functions of the Children’s Commissioner

### **A note on the importance of building the expertise base in the state**

- 4.32 In the Committee’s view, developing evidence based expertise is a crucial goal for the Children’s Commissioner’s office if it is to have greater influence on policy and improve the lives of children and young people. This is particularly evident on matters concerning child abuse.
- 4.33 Sir John Dunford undertook a review of the Office of the Children’s Commissioner for England (OCC) which resulted in a significant repositioning of the OCC.<sup>245</sup> The Committee had the opportunity to meet with Sir John to discuss his report’s findings. Sir John report noted that Children’s Commissioners inherently have many issues on which they can become involved in order to ‘champion the interests of children and be an outlet for their views’. The report warned against the appearance of expressing views that are not supported by evidence. In spite of their broad remit, Children’s Commissioners could not speak authoritatively on every subject relating to children:

*The OCC must gain respect through basing its advice on evidence. But equally, government, policy-makers and service providers must be receptive to that advice; otherwise the OCC cannot be effective, nor have impact.*<sup>246</sup>

- 4.34 Sir John noted that other Children’s Commissioners (within the UK) had achieved a greater impact ‘through having expert knowledge of the subject, grounded in evidence’.<sup>247</sup> This *expert knowledge grounded in evidence* is the lens through which the role being developed by the WA Children’s Commissioner must be viewed. As highlighted by Figure 5.1, the key to its success will be the flow of helpful and trusted information to and from the Children’s Commissioner’s office.
- 4.35 This observation is not a criticism of the work of the Children’s Commissioner’s office.<sup>248</sup> The issue of child abuse sits within a delicate policy, legislative and social framework, and the Committee has received evidence that, at times, it can be difficult for trusted information to be found locally—easily and when needed—on this matter. The importance of local expertise was put to the Committee by the DES:

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245 Sir John Dunford, *Review of the Office of the Children’s Commissioner (England)*, Her Majesty’s Stationary Office, UK, 2010.

246 Sir John Dunford, *Review of the Office of the Children’s Commissioner (England)*, Her Majesty’s Stationary Office, UK, 2010, p15.

247 Sir John Dunford, *Review of the Office of the Children’s Commissioner (England)*, Her Majesty’s Stationary Office, UK, 2010, p15.

248 The Committee acknowledges the Children’s Commissioner’s office has significant time an effort to acquiring expert knowledge on specific subject matter (for example, the Children’s Commissioner’s work into Mental Health). For more information about this work see: <https://www.ccp.wa.gov.au/our-work/resources/mental-health/>

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*I think the emphasis on having the local expertise is really important because even though I think we are quite thorough in the way in which we do our research in terms of what is available, it would be very helpful for us if we could get that advice locally. The other thing, I think, that a local approach will bring is more consistency and a better, consistent understanding of what the system is and how to access the system and so on, not only from the perspective of parents and children, but also in terms of agencies having a better understanding of how the system work as well.<sup>249</sup>*

- 4.36 The enhanced role recommended in this report for the Children’s Commissioner also intends to help remedy this.

### **Finding 17**

The Commissioner for Children and Young People must continue to develop evidence-based expertise in order to enhance its policy development within the Child Protection Sector.

## **Education and outreach**

### **Education and outreach not simply for those in care**

- 4.37 The Statutory Review noted in its recommendation 12 that the focus behind the Children’s Commissioner exercising the proposed education and outreach function would be on ‘education and outreach programs for children and young people about how to disclose any child abuse that occurs while they are in the care of a government agency or service provider’.<sup>250</sup> A consistent theme to the evidence throughout the course of this Inquiry emphasised the importance of the Children’s Commissioner continuing to give priority to vulnerable or disadvantaged children. The Committee supports the legislative requirement for the Children’s Commissioner to give priority to the interests and needs of Aboriginal children, and children who are vulnerable or disadvantaged for any reason. This would include children in care, children in detention, and children from culturally and linguistically diverse backgrounds.
- 4.38 The Committee notes that the majority of children or young people in care will have experienced some type of trauma in their short lives making them particularly vulnerable and more prone to experiencing mental health challenges or homelessness.<sup>251</sup> DCPFS released a discussion paper as part of its OOHC reform process

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249 Ms Joanne Taggart, Acting Director, Education Regulation and Review, Department of Education Services, *Transcript of Evidence*, 19 February 2016, p2.

250 Public Sector Commission, *Review of the Commissioner for Children and Young People Act 2006*, Government of Western Australia, Perth, May 2013, p88.

251 Mr Craig Comrie, Chief Executive Officer, Youth Affairs Council of Western Australia, *Transcript of Evidence*, 10 August 2015, pp4-5.

stating the number of children in out-of-home care is increasing and there is ‘a growing number of children and young people in care with complex, intense and trauma-related needs’.<sup>252</sup> The paper also stated that ‘Aboriginal children are significantly over-represented, now comprising over 50% of all children in out-of-home care, and increasing at a significantly faster rate than non-Aboriginal children in out-of-home care.’<sup>253</sup>

- 4.39 Children in detention were another vulnerable group of children highlighted to the Committee, particularly with regard to concerns these children may have about making complaints while they are in detention.<sup>254</sup> The Committee finds it appropriate that the Children’s Commissioner has recently taken an active interest in ‘improvements made to the [Banksia Hill Detention] Centre’s facilities and programs over the last six months that better support young people’s needs’.<sup>255</sup>
- 4.40 The Royal Commission into Institutional Responses to Child Sexual Abuse notes that due to Australia’s diverse composition, ‘the culturally and linguistically diverse backgrounds of children should be considered by institutions’ throughout any process which deals with disclosures of abuse, with responses that are culturally sensitive. The Royal Commission notes the scarcity of research into ethnicity and cultural issues in relation to child abuse, particularly in the context of institutions.
- 4.41 Given the requirement that the Children’s Commissioner prioritise the needs of vulnerable and disadvantaged children, and that this disadvantage is not limited to those in the care of a government, the Committee is of the view that any education and outreach assistance provided by the Children’s Commissioner should not be limited to children in care.

### Finding 18

The Committee finds that the Commissioner for Children and Young People should provide appropriate and accessible education and outreach assistance about child abuse matters to all vulnerable children and their families within the state, and not only to those children in the care of a government agency or service provider.

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252 Department for Child Protection and Family Support, *Out-of-Home Care Strategic Directions in Western Australia: 2015-2020 Discussion Paper*, 2015, p14. Available at: <https://www.dcp.wa.gov.au/ChildrenInCare/Documents/Out%20of%20home%20care%202015.pdf>. Accessed on 24 April 2016.

253 Department for Child Protection and Family Support, *Out-of-Home Care Strategic Directions in Western Australia: 2015-2020 Discussion Paper*, 2015, p14. Available at: <https://www.dcp.wa.gov.au/ChildrenInCare/Documents/Out%20of%20home%20care%202015.pdf>. Accessed on 24 April 2016.

254 Ms Victoria Williams, Senior Policy Officer, Aboriginal Legal Service of Western Australia, *Transcript of Evidence*, 15 June 2015, p7.

255 Commissioner for Children and Young People, *Positive rehabilitation programs support young people in detention*, January 2016. Available at: <https://www.ccp.wa.gov.au/news/positive-rehabilitation-programs-support-young-people-in-detention/>. Accessed on 11 April 2016.

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### Education and outreach more generally

- 4.42 Blaxell noted that a ‘critical issue’ impacting on a child complainant is ‘their lack of legal knowledge, resulting in a misunderstanding and a fear of the unknown.’<sup>256</sup> The Committee agrees but is of the view that there is a lack of knowledge generally about how the system works.
- 4.43 There was almost universal support from witnesses who gave evidence for the Children’s Commissioner to take an active role in developing an educative function with regard to matters concerning child abuse. This evidence can be summarised as follows:
- Educating and encouraging children and young people about how to disclose child abuse; and importantly, making children aware of what will happen after a disclosure is made so they can make informed decisions;<sup>257</sup>
  - Educating parents, community workers and mandatory reporters about the processes to follow when a child discloses;<sup>258</sup>
  - Educating the sector and the broader community about child safe practice;<sup>259</sup>
  - Conducting cross sector training to help ensure best practice approaches and common learning frameworks and resources;<sup>260</sup>

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256 Hon Peter Blaxell, *St Andrew’s Hostel Katanning: How the system and society failed out children. A Special Inquiry into the response of government agencies and officials to allegations of sexual abuse*, Government of Western Australia, September 2012, p312.

257 Ms Emma White, Director General, Department for Child Protection and Family Support, *Transcript of Evidence*, 18 March 2016, p2; Submission No. 23 from The Australian College of Children and Young People’s Nurses (ACCYPN), March 2015, p2; Ms Sabina Leitmann, President, Australian Association of Social Workers, Western Australian Branch, *Transcript of Evidence*, 15 June 2015, p4; Mr Craig Comrie, Chief Executive Officer, Youth Affairs Council of Western Australia (YACWA), *Transcript of Evidence*, 10 August 2015, p6; Dr Melissa O’Donnell, NHMRC Research Fellow, Telethon Kids, *Transcript of Evidence*, 15 June 2015, p7; Submission No. 19 from Aboriginal Family Law Services (WA) (AFLS), March 2015, p8; Mr Allan Blagaich, Chief Executive Officer, School Curriculum and Standards Authority, *Transcript of Evidence*, 16 October 2015, p7.

258 Ms Emma White, Director General, Department for Child Protection and Family Support, *Transcript of Evidence*, 19 June 2015, p10; Mr Richard Strickland, Director General, Department of Education Services, *Transcript of Evidence*, 19 June 2015, p2.; Mr Craig Comrie, Chief Executive Officer, Youth Affairs Council of Western Australia (YACWA), *Transcript of Evidence*, 10 August 2015, p3; Ms Natalie Hall, Director, Research Quality and Development, Parkerville Children and Youth Care, *Transcript of Evidence*, 15 June 2015, p4; Mr Ten-Haaf, Inclusive Education Consultant, Association of Independent Schools of Western Australia, *Transcript of Evidence*, 16 October 2015, p7.

259 Mr Richard Strickland, Director General, Department of Education Services, *Transcript of Evidence*, 19 June 2015, p2; Mr Mike Cullen, A/Executive Director, Professional Standards and Conduct, Department of Education, *Transcript of Evidence*, 19 February 2016, p6; Ms Emma White, Director General, Department for Child Protection and Family Support, *Transcript of Evidence*, 19 June 2015, p10; Mr Allan Blagaich, Chief Executive Officer, School Curriculum and Standards Authority, *Transcript of Evidence*, 16 October 2015, p7; Ms Sharyn O’Neill, Director General, Department of Education, *Transcript of Evidence*, 19 February 2016, p11.

- Providing education to the government and the community in how to become more trauma informed in their practice;<sup>261</sup>
- Establishing how children would like to report and providing that research to agencies;<sup>262</sup>
- Educating schools, and the broader community about the importance of protective behaviours curriculum, particularly in the early years;<sup>263</sup>
- Educating children and young people about health and wellbeing and sexual abuse prevention;<sup>264</sup>
- Educating children and the community about children’s rights; in particular, their right to make a complaint;<sup>265</sup>

**Priority areas for the Children’s Commissioner’s educative role**

4.44 The majority of the evidence centred around two main priority areas. These are :

- Information about child abuse (what to do, where to go); and
- Cross sector training, specifically including child safe practice.

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260 Ms Sharyn O’Neill, Director General, Department of Education, Transcript of Evidence, 19 February 2016, p11; Ms Emma White, Director General, Department for Child Protection and Family Support, Transcript of Evidence, 19 June 2015, p10; Mr Richard Strickland, Director General, Department of Education Services, Transcript of Evidence, 19 February 2016, p2; Mr Duane Bell, Assistant Commissioner, Western Australia Police, Transcript of Evidence, 19 February 2016, p7.

261 Ms Sharyn O’Neill, Director General, Department of Education, *Transcript of Evidence*, 19 February 2016, p10-11; Mr Mike Cullen, A/Executive Director, Professional Standards and Conduct, Department of Education, *Transcript of Evidence*, 19 February 2016, p6; Mr Duane Bell, Assistant Commissioner, Judicial Services, Western Australia Police, *Transcript of Evidence*, 19 February 2016, p3.

262 Mr Gary Dreierbergs, Deputy Commissioner, Specialist Services, Western Australia Police, *Transcript of Evidence*, 25 February 2015, p7 & p9; Ms Katherine Browne, State Coordinator, Create Foundation, *Transcript of Evidence*, 15 June 2015, p7.

263 Dr Melissa O’Donnell, NHMRC Research Fellow, Telethon Kids, Transcript of Evidence, 15 June 2015, p6; Ms Natalie Hall, Director, Research Quality and Development Parkerville Children and Youth Care, Transcript of Evidence, 15 June 2015, p8; Ms Holly-Anne Martin, Managing Director, Safe4Kids, Transcript of Evidence, 16 October 2015, p7; Mr Allan Blagaich, Chief Executive Officer, School Curriculum and Standards Authority, *Transcript of Evidence*, 16 October 2015, p2;

264 Ms Sabina Leitmann, President, Australian Association of Social Workers, Western Australian Branch, Transcript of Evidence, 15 June 2015, p3-4.

265 Dr Melissa O’Donnell, NHMRC Research Fellow, Telethon Kids, Transcript of Evidence, 15 June 2015, p6; Mr Craig Comrie, Chief Executive Officer, Youth Affairs Council of Western Australia (YACWA), Transcript of Evidence, 10 August 2015, p3.

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### **Information to a child, parent or professional with concerns about child abuse: what to do, where to go**

4.45 The evidence has indicated that it would be helpful for the Children’s Commissioner to provide educative material for children and young people with concerns about child abuse; information about what will happen once they choose to disclose; and information to parents and the broader community about how they can support and respond to a child or young person. Evidence also suggests non-government agencies that have contact with children, and agencies that do not provide services to children as a core service, would also benefit from this type of information.

4.46 DCPFS is supportive of the Children’s Commissioner educating the Child Protection Sector and the community about what a child discloses:

*There is, in our view, a bit of an absence of a pure focus on children in terms of their experience ... but also in terms of how organisations and individuals are equipped to support and respond to children when there has been a disclosure. So, we are in furious agreement with that particular aspect’.*<sup>266</sup>

4.47 DCPFS Director General, Ms White, points to an increased awareness in society about child abuse but she states there is still a long way to go:

*I think as a nation, but certainly as a state, our awareness of child abuse et cetera has been improving in leaps and bounds. We have a long way to go. Education and community capacity building around these things I think is really important, as is the fact that we all have responsibility—every adult has responsibility—for children. If you are in a professional role or in a neighbour role or what have you, we need to continue to pride ourselves and act in this way that a child’s rights count in WA and act accordingly. I think people sometimes get confused. They do not know what to do and who to go to.*<sup>267</sup>

4.48 DCPFS was of the view that it would be a benefit for the Children’s Commissioner to develop a:

*more active role in improving community knowledge about child abuse and neglect, and the development and promotion of child friendly*

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266 Ms Emma White, Director General, Department for Child Protection and Family Support, *Transcript of Evidence*, 18 March 20016, p2.

267 Ms Emma White, Director General, Department for Child Protection and Family Support, *Transcript of Evidence*, 19 June 2015, p10.



*options for reporting abuse and neglect directly to the Department or Western Australia Police.*<sup>268</sup>

- 4.49 A number of witnesses pointed to the importance of the information being accessible to everyone in the community, and saw the Children’s Commissioner providing this sort of information and promoting it, as an opportunity. The School Curriculum and Standards Authority (SCSA), stated that disclosure information should be made accessible to places like sporting clubs where children are training regularly. Mr Allan Blagaich, Chief Executive Officer, SCSA, reported that these sorts of places ‘should be aware because kids do disclose. And what do we do as a society? They have got to know how to.’<sup>269</sup> He went on to say:

*Sometimes kids do not listen in schools, but they may trust someone at a community association or in another organisation. I believe that the role of the commissioner, if I am to read those recommendations—we want kids to know that there are places to go to, that it is safe, and they know how to find them. I think we as a community, as a society, have to get that information to kids whichever way we can.*<sup>270</sup>

- 4.50 The Association of Independent Schools of Western Australia (AISWA) spoke about the difficulty schools may have in trying to explain to parents what the grooming of children involves and how their own children may be at risk. AISWA was of the view that the Children’s Commissioner could play an important in providing this education.<sup>271</sup>
- 4.51 Mr Richard Strickland, the Director General of the Department of Education Services, also expressed some surprise at the lack of knowledge of parents regarding grooming.<sup>272</sup> He said the Children’s Commissioner has a role to educate, institutions, parents and children about child abuse.<sup>273</sup>
- 4.52 The Department of Education, observed how it could be helpful for the Children’s Commissioner to provide this sort of a advice to those organisations that have to deal with children but not as part of their key functions:

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268 Submission No. 22b from Department for Child Protection and Family Support, 18 March 2016, p1.

269 Mr Allan Blagaich, Chief Executive Officer, School Curriculum and Standards Authority, *Transcript of Evidence*, 16 October 2015, p7.

270 Mr Allan Blagaich, Chief Executive Officer, School Curriculum and Standards Authority, *Transcript of Evidence*, 16 October 2015, p7.

271 Mr Ten-Haaf, Inclusive Education Consultant, Association of Independent Schools of Western Australia (AISWA), *Transcript of Evidence*, 16 October 2015, p7.

272 Mr Richard Strickland, Director General, Department of Education Services, *Transcript of Evidence*, 19 June 2015, p2.

273 Mr Richard Strickland, Director General, Department of Education Services, *Transcript of Evidence*, 19 February 2016, p2.

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*I think that the commissioner could be certainly an excellent resource for those organisations such as Housing, the office of the Public Trustee and the Sheriff's Office, which do not have children at the core of what they do but will encounter children, and who perhaps need some support and guidance around developing policies and practices that are trauma informed and so on. It is a great opportunity for the commissioner, I think, in relation to those types of agencies, and we are happy to share our experiences as well.*<sup>274</sup>

- 4.53 Ms Mariette Cowley, AFLS(WA), highlighted the importance of building in the broader in addition to organisations that interact directly with children:

*What you need to do is make sure that the next door neighbour knows exactly the process that needs to be followed to ensure that this is dealt with.*<sup>275</sup>

### Finding 19

The Committee finds that the Children's Commissioner's educative function, including in protective behaviours, must include parents and children and, most importantly, the broader community.

### Cross sector training

- 4.54 Cross-sector training was another area in which the Children's Commissioner's involvement in an educative role was supported. DCPFS indicated that this would assist not only departments such as DCPFS, but also the smaller organisations the department funds, and the broader community. It would also help ensure a 'common language, coordinated practice and standards' throughout the Child Protection Sector.<sup>276</sup>
- 4.55 The Western Australian Police was also supportive of the Children's Commissioner providing cross sector education or information that individual agencies could then adapt to suit their purposes.<sup>277</sup>
- 4.56 The Department of Education indicated that the Children's Commissioner could assist agencies in providing information about emerging issues relevant to the Child Protection Sector, rather than individual agencies undertaking that process themselves:

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274 Mr Mike Cullen, A/Executive Director, Professional Standards and Conduct, Department of Education, *Transcript of Evidence*, 19 February 2016, p6.

275 Ms Mariette Cowley, Chief Executive Officer, Aboriginal Family Law Services (WA) (AFLS), *Transcript of Evidence*, 10 August 2015, p9.

276 Ms Sharyn O'Neill, Director General, Department of Education, *Transcript of Evidence*, 19 February 2016, p2.

277 Mr Duane Bell, Assistant Commissioner, Western Australia Police, *Transcript of Evidence*, 19 February 2016, p7.

*...there is a lot to be learnt across all agencies, and if the commissioner is able to play a role in drawing some of that together so that we do not fall over each other and duplicate. There is a lot of activity, particularly when you have royal commissions—Blaxell—everyone is reviewing, and if everyone is doing it in their own silos I think we are not necessarily gaining the best that we can learn.<sup>278</sup>*

### **Finding 20**

The Committee finds that the Children’s Commissioner’s educative function about child abuse matters must include a strong focus on providing training and information that can be applied to agencies across the Child Protection Sector.

#### **Children’s Commissioner’s Evidence on the education and outreach role**

- 4.57 The Children’s Commissioner pointed to the work his office has been doing with respect to child safe organisations and practices. The Children’s Commissioner has indicated that his office will ‘continue to lead the development of child safe practices and principles in organisations in WA.’<sup>279</sup>
- 4.58 In developing this *Child Safe Organisations Project* the Children’s Commissioner has partnered with the Royal Commission.<sup>280</sup> The Children’s Commissioner has also partnered with a number of community groups including WANSLEA and YMCA to further develop this approach.<sup>281</sup>
- 4.59 Additionally, the Children’s Commissioner states that his office ‘has also had a program of providing education and training activities on important or emerging areas relating to the wellbeing of children and young people.’<sup>282</sup> The Children’s Commissioner cautioned about the educative role, noting that when his office exercises this educative function it must ensure it ‘does not stray into the territory of becoming a service delivery function or substitute or duplicate the responsibility of government and other agencies to provide appropriate training and skill development for staff and other personnel.’<sup>283</sup>
- 4.60 Despite this comment, the Committee is confident that if the Children’s Commissioner undertook some of the other educative functions previously outlined in this report, and approached any new activity in the same manner as the child safe organisations

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278 Ms Sharyn O’Neill, Director General, Department of Education, *Transcript of Evidence*, 19 February 2016, p11.

279 Submission No. 9d from Commissioner for Children and Young People, 31 March 2016, p3.

280 Mr Colin Pettit, Commissioner for Children and Young People, *Transcript of Evidence*, 19 February 2016, p5-6.

281 Mr Colin Pettit, Commissioner for Children and Young People, *Transcript of Evidence*, 19 February 2016, p5-6.

282 Submission No. 9d from Commissioner for Children and Young People, 31 March 2016, p3.

283 Submission No. 9d from Commissioner for Children and Young People, 31 March 2016, p3.

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project, the Children’s Commissioner would be operating within his legislated functions, and would be making a positive contribution to the sector.

- 4.61 The Committee has received evidence that the Children’s Commissioner take an active role in educating schools and the broader community about the importance of protective behaviours curriculum, particularly in the early years.<sup>284</sup> The Committee would encourage the Children’s Commissioner to take an active role in advocating for the delivery of this curriculum, and its ongoing tracking.

### Finding 21

The Committee finds that the Children’s Commissioner should develop educative programs focussed on the priority areas identified in this report, including educating and encouraging children about how to disclose child abuse, and educating parents and the community about the processes to follow to support a child when a disclosure is made. These programs must be in addition to the *Child Safe Organisations Project* already developed by the Commissioner.

### Summary

- 4.62 Evidence received during this inquiry is overwhelmingly supportive of the Children’s Commissioner performing an educative role on matters concerning child abuse. It seems apparent that, despite growing awareness, there is more that can still be done.
- 4.63 The Children’s Commissioner should continue developing an educative role with regard to child abuse, making a point to actively collaborate with the sector, and with children and young people, to determine which areas are most in demand. This collaboration would be consistent with the approach taken by the Children’s Commissioner’s office previously.

### Recommendation 4

The Children’s Commissioner must develop an education and outreach role to increase awareness about child abuse matters, including prevention. This must extend beyond the Child Protection Sector to include parents and children and, most importantly, the broader community.

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284 Dr Melissa O’Donnell, NHMRC Research Fellow, Telethon Kids, Transcript of Evidence, 15 June 2015, p6; Ms Natalie Hall, Director, Research Quality and Development, Parkerville Children and Youth Care, Transcript of Evidence, 15 June 2015, p8; Ms Holly-Anne Martin, Managing Director, Safe4Kids, Transcript of Evidence, 16 October 2015, p7; Mr Allan Blagaich, Chief Executive Officer, School Curriculum and Standards Authority, *Transcript of Evidence*, 16 October 2015, p2.

## Information delivery and program referral

### Online portal for child abuse information

- 4.64 There was strong support from submitters to the inquiry that the Children's Commissioner make available on his website any of the educative materials his office develops. This would, in effect, turn his website into an essential online resource for parents, children, the Child Protection Sector and the broader community. The Committee acknowledges that, in addition to the website the Children's Commissioner would also need to ensure that the information was available on a number of other popular online platforms.
- 4.65 The nature of the information on the website would include:
- What to do, where to go and who talk to if you are concerned about child abuse, if you suspect child abuse is occurring or if you are a victim of child abuse.
  - Advice for any organisations providing services to children, for example sporting clubs.
  - Emerging issues and best practice guidelines for agencies and other organisations involved in the Child Protection Sector.
- 4.66 DCPFS supported the Children's Commissioner implementing an online portal and agreed that the website would be a broader resource if the Children's Commissioner developed it, rather than leaving it to individual agencies.<sup>285</sup>
- 4.67 The Western Australia Police stated that if the Children's Commissioner was providing information about identifying best practice it could be beneficial and suggested that the website could be used to exchange information between agencies:
- [...] if they are identifying best practice in dealing with certain situations and we are getting the feedback relative to that, we are more than happy to engage. If the children's commissioner reaches into WA Police when everything is up and running, we certainly have some capacity to work together in those two areas. There is a lot of work that can be done in the children's space in terms of support for young people.*<sup>286</sup>
- 4.68 The Education Department observed that a gap existed in the 'coordination of information' and that having it all in one place would make it easier for a person trying

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285 Ms Emma White, Director General, Department for Child Protection and Family Support, *Transcript of Evidence*, 18 March 20016, p7.

286 Mr Gary Dreiberger, Deputy Children's Commissioner, Specialist Support, Western Australia Police, *Transcript of Evidence*, 19 February 2016, p2.

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to navigate the system, rather than having to go to each individual agency and piece the information together themselves.<sup>287</sup>

- 4.69 Mr Ten-Haaf (AISWA) saw a role in the Children’s Commissioner providing ‘vetted’ evidence based practice so that it would be a place that teachers (or presumably other professionals) could go to and find trusted information, rather than doing a broad search and risk finding incorrect information:

*As a clearing house for evidence-based practice, they can start looking at that and developing those areas as well because there is a lot of information out on the web and I am concerned that schools and teachers will actually google it and come up with misinformation or incorrect information. It is much better to have a solid resource that you know has been vetted by somebody and this is good material here.*<sup>288</sup>

- 4.70 A multi-purpose website was recognised by AISWA as a useful addition to support teachers and other professionals if it served as a ‘clearing house’ for information about recognising and responding to grooming as well as providing fact sheets about where to go and who to talk to if a teacher had concerns about child abuse. AISWA noted that if this type of information was available it would also provide a valuable layer of support to a profession where talking about child abuse, and being able to give the right information, is critical but not always easy:

*schools [...] feel intimidated because they feel ill-prepared to be able to provide parents with information because they do not know the answers because they are not experts in the field. They do not know. [We] know that there are some pretty hairy questions that come out that you really need to know your stuff. For somebody in a school, this might be a small fraction of their role. If the commissioner could provide that kind of information, they can really upskill and empower because they have the time and the resources to do that. I think that would be valuable.*<sup>289</sup>

### **The Children’s Commissioner’s view on the proposed online portal**

- 4.71 The Children’s Commissioner has undertaken that his office will ‘develop information on responding to and reporting concerns about child abuse through [its] new website

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287 Ms Sharyn O’Neill, Director General, Department of Education, *Transcript of Evidence*, 19 February 2016, p4.

288 Mr Michael Ten-Haaf, Inclusive Education Consultant, Association of Independent Schools of Western Australia, *Transcript of Evidence*, 16 October 2015, p7.

289 Ms Michelle Bishop, Manager, Inclusive Education and AISWA Psychology Service, Association of Independent Schools of Western Australia, *Transcript of Evidence*, 16 October 2015, p7.

and provide links to the relevant information.<sup>290</sup> The Children’s Commissioner has suggested that, rather than his Office developing a single, central online portal, all agencies should ‘ensure that up-to-date information on services is readily available on all government websites.’<sup>291</sup> He cites the example of DCPFS providing links from their existing service directory page to other agency websites—state and federal—about services available. The Children’s Commissioner notes that:

*In articulating this information individual agencies would be better informed in understanding the services available, including duplications and gaps, when making decisions about directing valuable public resources.*<sup>292</sup>

- 4.72 The Children’s Commissioner’s position is not one that has been endorsed by submitters to the Inquiry or the Committee, as there is strong agreement about the advantages of providing information about services in one place.
- 4.73 The Children’s Commissioner submitted that it is not appropriate for his office to implement the online portal, for the following reasons:
- The considerable resources that would be required to ‘gather and monitor the information for ongoing accuracy’; and
  - ‘The profile of my office is unlikely to have a sufficiently broad reach with individuals more likely to identify particular government departments as sources of service delivery.’<sup>293</sup>
- 4.74 The Committee acknowledges the Children’s Commissioner’s concerns and does not in any way diminish their significance. Having said that, these are not insurmountable obstacles.
- 4.75 The Committee accepts that it would take considerable resources to establish, develop and maintain the proposed online portal. However, given the cross-sector support this idea has received from key agencies, the Committee is of the view that a case could be made for the cost of this service to be defrayed across the Child Protection Sector. The Committee is reluctant to accept the notion that the difficulty in gathering the information is reason enough for the Children’s Commissioner not to pursue the online portal. After all, if there are difficulties in the Children’s Commissioner in doing this, it is almost certainly more difficult for a child or concerned adult to do the same.

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290 Submission No. 9d from Commissioner for Children and Young People, 31 March 2016, p5.

291 Submission No. 9d from Commissioner for Children and Young People, 31 March 2016, p5.

292 Submission No. 9d from Commissioner for Children and Young People, 31 March 2016, p5.

293 Submission No. 9d from Commissioner for Children and Young People, 31 March 2016, p5.

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- 4.76 On the Children’s Commissioner’s second point above, the Committee’s view is that the profile of the Office would be enhanced by developing the online portal. In that sense, the Children’s Commissioner should embrace the opportunity to grow the stature of the Office. Becoming a known source of trustworthy (useful, accurate, *expert*) information that is helpful to agencies and the public alike is crucial.<sup>294</sup>
- 4.77 It is not the Committee’s role to tell the Children’s Commissioner how to build his Office’s profile, but it notes that several low-cost steps could be taken to ensure that the online portal is easily accessible:
- It could have multiple entry paths through multiple agency and community organisation websites;
  - It could have a unique web address independent of the Children’s Commissioner’s existing website (for example, it would not begin with [www.cyp.wa.gov.au](http://www.cyp.wa.gov.au));
  - It could be branded in a child friendly and accessible manner. For example, Queensland’s online directory is branded ‘oneplace’ and not under the government agencies that run it.
- 4.78 There is incalculable value in providing the chance for a vulnerable child to access the Child Protection System. Unfortunately, it is a system that is fraught to navigate.<sup>295</sup> The Committee’s view on this matter is that a strong case can be made for the development of a website where cross sector information and supports are made accessible to the public, particularly children.

### Finding 22

Navigating the Child Protection System is fraught for any person holding concerns about child abuse. It is especially difficult for the children themselves. A website outlining information about what to do, where to go and who to talk to would provide clarity about the steps involved, and would serve as an easily accessible avenue for children seeking help.

### Recommendation 5

The Commissioner for Children and Young People should develop a single, central online portal, and an associated social media presence, that hosts in one location information about services, advice, emerging issues and best practice for responding to child abuse.

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294 Mr Blaxell also recommended to the Committee that the Children’s Commissioner will need to engage in a campaign promoting the services provided by the Office. Hon Peter Blaxell, Special Inquirer, Transcript of Evidence, 13 May 2015, p5.

295 Submission No. 9D from Commissioner for Children and Young People, 31 March 2016, p5.



### **Expanding the Children’s Commissioner’s complaint monitoring and capacity building function**

- 4.79 The Children’s Commissioner’s Act provides the Children’s Commissioner with certain functions that allow the monitoring of how agencies deal with complaints made by children, and to monitor trends in those complaints. In this context, complaint means any complaint about services provided by government agencies to children. The complaints do not have to be in relation to child protection matters and can concern any service provided by any government department.
- 4.80 The Statutory Review recommended extending the Children’s Commissioner’s power to include the monitoring of complaints made by an adult on behalf of a child or complaints made about services provided to children by public sector agencies.

#### **The nature of the Children’s Commissioner’s complaint monitoring role**

- 4.81 The Children’s Commissioner’s current complaint monitoring role principally involves providing guidelines to all agencies regarding the development of accessible and responsive complaints systems for children and young people. The guidelines are supported by a bi-annual survey of government agencies to establish their use and to monitor the nature of complaints received by children and young people.<sup>296</sup> The Children’s Commissioner states that the survey is self-reported by agencies and is limited by the lack of data kept by agencies on complaints specifically received from children and young people.

#### **The child protection sector’s response to an expanded complaint monitoring role**

##### **Agencies were concerned that the expanded role would enable a compliance enforcement function**

- 4.82 In responding to the proposed expansion of the complaint monitoring function, a number of submitters expressed concern that the expanded role would also include oversight and compliance enforcement functions. The agencies were of the view that the Child Protection Sector is already adequately overseen by the current integrity and oversight framework. It is not clear to the Committee that the expanded role recommended in the Statutory Review would have provided the Children’s Commissioner with these powers, nonetheless it was an issue that agencies were keen to address.
- 4.83 DoE was of the view that additional oversight would risk duplicating what is already in place and is not necessary:

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<sup>296</sup> Submission No. 9D from Commissioner for Children and Young People, 31 March 2016, p7.

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*I guess overall our position probably remains that we think there are adequate accountability oversight agencies that govern us—the CCC, the PSC and now there are split kind of functions in the Ombudsman. I think we said last time we probably do not believe it is necessary to have any further oversight agencies, and we raised the concerns about duplication and the like.<sup>297</sup>*

- 4.84 DCPFS stated that any expanded role with regard to monitoring compliance around complaints should be undertaken by the Ombudsman or risk duplication:

*[...] additional oversight around complaints with regard to compliance would duplicate the Ombudsman’s role to a large degree. I think that would be a little confusing and somewhat cumbersome, and I am not sure how the two legislations would interact neatly... I think that would be duplication.<sup>298</sup>*

- 4.85 Deputy Children’s Commissioner of Western Australia Police Mr Gary Dreiberger made the observation that if the Children’s Commissioner was going to be responsible for oversight of those organisations that are not currently subject to any oversight then ‘so be it’. However, he stated, there is significant oversight of the Western Australia Police already. He said:

*For monitoring and oversight, we understand if there is a requirement for external agencies or other agencies that have not had monitoring or oversight historically, then so be it. For us, we think that there is significant monitoring and oversight of our activities already but that does not mean we are not welcoming of any feedback from anybody along the way if they identify practices or things that can be done better.<sup>299</sup>*

- 4.86 Although the Committee is not of the view that an external compliance function has been contemplated by the Statutory Review, the Committee agrees that this function would not be appropriate for the Children’s Commissioner to perform.

### **There was support for using the expanded role to build the capacity of the sector**

- 4.87 There was broad support for the Children’s Commissioner to have a role that included monitoring the entirety of the complaints handling process within individual agencies, with a specific focus on capturing the experiences of the child in those processes.

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297 Ms Sharyn O’Neill, Director General, Department of Education, *Transcript of Evidence*, 19 February 2016, p2.

298 Ms Emma White, Director General, Department for Child Protection and Family Support, *Transcript of Evidence*, 18 March 2016, p2.

299 Mr Gary Dreiberger, Deputy Commissioner, Specialist Support, Western Australia Police, *Transcript of Evidence*, 19 February 2016, p2.

Similarly, there was also support for the Children’s Commissioner analysing these processes in order to build the capacity of the Child Protection Sector.

- 4.88 Telethon Kids view the Children’s Commissioner’s role very much in a capacity building role, whereby support is provided to organisations, particularly around areas where policies may be inadequate. They said ‘we see the commissioner’s role as very much supporting organisations to maintain those policies and to improve upon them, because, as we know, some are inadequate and there needs to be a lot more work in that area.’<sup>300</sup>
- 4.89 The Department of Education suggested that this type of capacity building will help smaller organisations that may not have the resources to develop processes and policies, which would help improve the understanding of the sector overall:

*I think we would want to give some emphasis to people in the not-for-profit sector, the small providers... If that sort of oversight of what are the standards, what are the shared understandings and what are the expectations was more universal and we all had a similar understanding and approach, I think that would be very welcome.*<sup>301</sup>

- 4.90 DCPFS stated that there is a role for the Children’s Commissioner to undertake capacity building, stating that in doing so the Child Protection Sector would be stronger.<sup>302</sup>
- 4.91 DES reported that having the Children’s Commissioner as someone who can sit outside of the system, yet be able to assess it for inconsistencies, gaps or even duplication would be a benefit.<sup>303</sup>

*Having someone in the system who can sit above that and look out for those inconsistencies and gaps, especially from the perspective of the child, and also provide an educative role in terms of what better practice might be and, at the moment, we have tried to chase that by looking locally, nationally and internationally. I think we would all be better off if there was someone else doing that and providing us with*

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300 Dr Melissa O’Donnell, NHMRC Research Fellow, Telethon Kids, *Transcript of Evidence*, 15 June 2015, p2.

301 Mr Lindsay Hale, Executive Director, Statewide Services, Department of Education, *Transcript of Evidence*, 19 February 2016, p7.

302 Ms Emma White, Director General, Department for Child Protection and Family Support, *Transcript of Evidence*, 18 March 2016, p2.

303 Mr Richard Strickland, Director General, Department of Education Services, *Transcript of Evidence*, 19 February 2016, p2.

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*the sort of advice that we could then bring ourselves, where we can be, into line.*<sup>304</sup>

- 4.92 DES also observed that this capacity building role for the Children’s Commissioner could extend to agencies seeking out the advice and assistance of the Children’s Commissioner’s office:

*I would see it as helpful. I would like to be able to go to some central place, be it the commissioner, to say, “I have got concerns. I am working with such and such, but I can see that there is a gap here or that we could improve things there”, and other institutions would probably like to do that as well. I think we would all feel a bit better if someone really understood how it all worked, how it is working together.*<sup>305</sup>

- 4.93 Western Australia Police also picked up on the point that if the Children’s Commissioner was able to offer advice to agencies, it would be of assistance to any agency navigating the complex systems themselves:

*I have found in the last couple of years that there are so many different agencies now with an interest in children, the bureaucracy of agencies is very difficult to deal with. If there is a body, the commissioner’s office [...] basically looking over it like a sheepdog and keeping everyone together and feeding in best practice and all the rest of it.*<sup>306</sup>

### **The Children’s Commissioner’s view**

- 4.94 The Children’s Commissioner believes there is scope within the existing legislation to further develop his complaint monitoring role, with a view to building the capacity of the Child Protection Sector. The Children’s Commissioner highlighted to the Committee that his interpretation of his role includes developing complaint handling guidelines that are not exclusive to government.
- 4.95 The Children’s Commissioner supports the extension of the complaints monitoring function, as recommended in the Statutory Review, to include complaints made by an adult on behalf of a child. Furthermore, the Children’s Commissioner has accepted the Committee’s notion that his monitoring function should be extended beyond government and public sector agencies to include non-government service providers.

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304 Mr Richard Strickland, Director General, Department of Education Services, *Transcript of Evidence*, 19 February 2016, p2.

305 Mr Richard Strickland, Director General, Department of Education Services, *Transcript of Evidence*, 19 June 2015, p8.

306 Mr Paul Boulton, Detective Inspector, Sex Crime Division, Western Australia Police, *Transcript of Evidence*, 19 February 2016, p5.

- 4.96 In terms of any possible duplication caused by the extension of the function, the Children’s Commissioner indicated:

*I do not see that such a role duplicates the role of the Ombudsman of WA as the role would not be investigating the merit of the individual complaint but rather reviewing the process for handling the complaint and monitoring the trends in the nature of the complaints to inform my systemic advocacy work.*<sup>307</sup>

### **Finding 23**

The Children’s Commissioner’s monitoring role should involve being able to monitor complaints and trends in complaints relating to all organisations that provide services to children, including non-government organisations.

### **Recommendation 6**

That *the Commissioner for Children and Young People Act 2006* should be amended to provide for a complaints monitoring function that extends to complaints made about services provided to children by public sector agencies and non-government service providers.

### **Recommendation 7**

The Children’s Commissioner should continue to develop a monitoring role with regard to systems improvements and capacity building of the Child Protection Sector; particularly to help improve the Sector’s response to matters concerning child abuse.

- 4.97 The Children’s Commissioner also made the point to the Committee that in his view, it is not an appropriate function for his office to monitor the implementation of child safe principles and practices to individual organisations. At this stage, the Committee concurs with this view.
- 4.98 The Children’s Commissioner states he will focus his monitoring on a ‘capacity building approach [which] will provide agencies with sound resources to improve systems to protect children and young people from harm.’<sup>308</sup> The Children’s Commissioner highlights that outside of the changes recommended for the role of the Ombudsman in the out-of-home care reform, there are ‘gaps’ which exist in the ‘scrutiny of child safe policies and practices in other agencies’.<sup>309</sup> He notes that this matter will be addressed with findings from the Royal Commission. Furthermore, there is a gap that ‘exists for oversight of non-public sector employees’ in cases of child abuse.<sup>310</sup> Although the ‘Ombudsman may initiate ‘own motion’ investigations into any matter, the oversight

307 Submission No. 9D from Commissioner for Children and Young People, 31 March 2016, p8.

308 Submission No. 9D from Commissioner for Children and Young People, 31 March 2016, p8.

309 Submission No. 9D from Commissioner for Children and Young People, 31 March 2016, p8.

310 Submission No. 9D from Commissioner for Children and Young People, 31 March 2016, p9.

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function as it currently stands relies predominantly on the individual bringing the complaint to the attention of the Ombudsman.’<sup>311</sup>

- 4.99 The Committee agrees with the Children’s Commissioner that more work needs to be progressed in mapping the extent of monitoring and oversight functions that exist with regard to organisations that provide services to children. It is pleased that the Children’s Commissioner intends to work with the appropriate agencies in making recommendations to government to address any gaps.

### **Recommendation 8**

That the Children’s Commissioner work with oversight agencies to clearly map the extent of monitoring and oversight of organisations who provide services to children and make recommendations to government to address any gaps in scrutiny.

- 4.100 The Committee’s view is that a strategic oversight approach should be developed by the Children’s Commissioner in order to understand the delivery of services within the Child Protection Sector. This would allow both the Children’s Commissioner and the Sector to better understand how the system is working to protect and respond to the individual needs of a child—particularly a child victim of abuse. Given the resources such an undertaking might require, the Children’s Commissioner should collaborate with the Sector to map the relevant services available in the Sector, in order to establish any duplication or gaps in service for child abuse victims.

### **Finding 24**

The Committee finds that the Children’s Commissioner should work with the Child Protection Sector to map the services available to support victims of child abuse. Such collaboration would establish duplication or gaps in service specifically for child abuse victims and allow the Commissioner to make recommendations to the government to address any shortfalls in services.

### **Summary**

- 4.101 The evidence indicates that there is clear support for the Children’s Commissioner to develop this role further. Monitoring complaints processes, and other practices within the sector, will provide an opportunity for overall systems improvement. This could feed into the Children’s Commissioners educative and information roles; and into the Children’s Commissioner’s ability to support and advise the sector in building its capacity.
- 4.102 The capacity building role is clearly one that will provide multiple benefits as well if developed. Smaller community groups (for example) that do not necessarily have the resources to invest in their own systems improvements would benefit from this. These

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311 Submission No. 9D from Commissioner for Children and Young People, 31 March 2016, p9.

smaller groups may comprise non-government providers which are still providing services to children, so to have the benefit of the Children's Commissioner's knowledge around child friendly and appropriate methods of handling complaints of abuse, would be a benefit.

- 4.103 It is also clear from the evidence that agencies and department would benefit from the Children's Commissioner's capacity building and oversight efforts, particularly it would seem, around those areas that the Children's Commissioner develops expertise. Providing a capacity through which agencies can seek advice, whether it is with best practice issues, or cross sectoral ones, appears to have the support of agencies.

### **Legislative change to support the enhanced role for the Children's Commissioner**

- 4.104 The Committee determined that as part of this review process it must look beyond the mechanics of how this complaints role might operate and consider if the current advocacy model of the Children's Commissioner is strong enough to adequately support the growing needs and interests of all the children in the state, or alternatively, if a strengthening of this role is required under the legislation.
- 4.105 It quickly became evident that the proposed role for the Children's Commissioner did not require any substantive legislative change. There were no wholesale changes recommended in the Statutory Review to allow for the Children's Commissioner to perform the role.
- 4.106 This point was confirmed by the Attorney General when he appeared before the Committee. He stated:

*There are some very wide-ranging powers, and that is one of the reasons why there have been no significant changes recommended by the review....I was keen to have an independent review of the legislation in order to see whether the office was being effective, whether it could be improved and whether there were deficiencies in the legislation, and the review seems by and large to have concluded that it is functioning satisfactorily and fulfilling the objectives.<sup>312</sup>*

- 4.107 The Committee accepted the Attorney General's view and did not seek to independently assess how the instrument of the Children's Commissioner's Act should be amended or changed. Any changes that are recommended in this report directly relate to those recommendations put forward in the Statutory Review. To this end, the Committee has only recommended an expansion to the Children's Commissioner's legislated complaints monitoring powers.

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312 Hon Michael Mischin MLC, Attorney General, *Transcript of Evidence*, 19 November 2014, p6.





## Chapter 5

### Where to from here: Keeping children safe

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This chapter details systemic and functional improvements that if implemented will allow the sector to become more responsive to child abuse victims. A number of areas are highlighted that need to be put into effect as a priority. These include the comprehensive mapping of the Child Protection Sector; an increase in interagency and cross sector collaboration, and an active engagement between the Children's Commissioner and the Government to develop an expertise based resource about child abuse matters

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*The failure to protect children from sexual abuse not only arouses shock and anger but also puzzlement: how could people who are employed to care for children fail to protect them when, with hindsight, the evidence of harm or danger seems all too obvious.*<sup>313</sup>

*Those working at the coal face recognise that in tackling the most basic responsibility to protect children, child protection services alone are, '...unable to provide support to all families in need and reduce the risk of child abuse and neglect. Child protection approaches now recognise that protecting children is everyone's business and that parents, communities, governments, non-government organisations and business all have a role to play.'*<sup>314</sup>

#### Are children better protected now

- 5.1 The Western Australian Child Protection Sector has come a long way since the days of St Andrew's Hostel in Katanning (1975 to 1990). The failures of government agencies and officials of the time in relation to this period are now well known and well documented.
- 5.2 Improvements since this time were noted in the Blaxell Inquiry Report. Additionally, the Committee has received evidence from various sources outlining enhancements within the system, some of which have occurred since the Committee started its inquiry process. The Committee remains concerned that children both in care and

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313 Munro E and Fish A, *Hear no evil, see no evil: Understanding failure to identify and report child sexual abuse in institutional contexts*, Royal Commission into Institutional Responses to Child Sexual Abuse, Commonwealth of Australia 2015, Sydney, 2015, p6.

314 The Valuing Children Initiative, *The Valuing Children Initiative Foundation Paper*, Western Australia, April 2016, p5.

those who are not on the radar of statutory child protection services may, still in the present day, lack access to advice, support and ongoing protection.

- 5.3 The broad overview of the Child Protection Sector conducted as a part of this inquiry revealed a complexity within the system that was at times difficult to fathom, and took considerable effort to unravel. Understanding the sector was an essential step to assess where the Children’s Commissioner may add value.
- 5.4 The difficulty in being able to enter and navigate the system is concerning to the Committee on a number of levels, no more so than when considering how a vulnerable child, attempting to navigate the system in a time of need, might fail to accomplish this. At this very fundamental level, the service system designed to protect children may not be accessible and understood to the very people that need it most—children.
- 5.5 This failing indicates to the Committee an urgent need for change. The ability of a child being able to understand what help and assistance is available to them may be a crucial step towards an improvement in that child’s safety and wellbeing. The benefits derived from this are clear. Nevertheless, children should not be responsible for protecting themselves against child abuse. The more parents and concerned adults can be made aware about the dangers of child abuse and how to guard against, the more children can be protected from it. As the report title encapsulates, it is everybody’s business to help protect children.
- 5.6 Parents, concerned adults and professionals, may all experience uncertainty and emotional stress when they become concerned for the safety of a child. Being able to access information that reassures them about what to do and where to go and what will happen, will encourage appropriate responses. It also opens a pathway for a child to receive the appropriate support and care.
- 5.7 Gaining an understanding of what services are available to an individual child is important. Without this understanding, it is difficult to know how well the system is responding to the individual needs of a child. The Committee is aware that agencies have made changes to their systems. The Royal Commission is also creating the impetus and momentum for agencies to make changes to their practice. What is missing is the evidence that any systemic change has increased the Sector’s ability to protect and respond to the individual needs of a child victim of abuse.

### **Key changes to increase the protection of children into the future**

- 5.8 A challenge for the Child Protection Sector is to find ways to ensure victims of child abuse receive the support they require so they can grow up in a safe and protected environment. A number of improvements, outlined below, would help the Sector achieve this.

- 5.9 A comprehensive mapping of the overall service system is necessary for the sector to understand what is being provided to victims of child abuse. Mapping would reveal where duplication of services exists and where there are gaps in service provision.
- 5.10 Increased collaboration between agencies and organisations within the Child Protection Sector would assist the development of consistent mechanisms and supports for a child abuse victim—regardless of how or where a child enters the system.
- 5.11 The development of an enhanced role for the Children’s Commissioner to include education and outreach; information delivery, and monitoring and capacity building of the sector. The functions will improve the sector that is currently in place rather than creating another layer of reporting. These functions will also assist the general community learn how to support child victims of abuse.
- 5.12 The Committee’s view is that if these improvements were implemented, the Child Protection Sector would become more effective in service delivery and more supportive of victims of child abuse. Achieving an improved Child Protection Sector will benefit the health and wellbeing of more children in this state.

**Mapping the sector: who is doing what and most importantly, how well?**

- 5.13 In the Committee’s view a comprehensive mapping exercise of the Child Protection Sector should be undertaken as a priority. It is essential to establish what is currently being provided in the sector—in practice—before improving its service and adapting to change.
- 5.14 Evidence received by the Committee indicates that agencies are aware that an overarching understanding of what the Sector is delivering: to whom; and how well, would assist people’s access to the system. Some agencies noted that developing this strategic overview would be a viable role for the Children’s Commissioner.
- 5.15 The Children’s Commissioner must work with Government Agencies to clearly map the extent of services in the Child Protection Sector. The Commissioner’s office would require assistance from the lead agencies to unravel the complexity of the services currently being provided. The mapping exercise must also determine how well these services are being provided, how often and to whom. It is crucial that the agencies recognise gaps in the service provision. A coordinated agency involvement would also allow for more effective recommendations to be made to government, should any substantial legislative or policy changes be required.

**Cross sector collaboration: systems improvement through strategic and on the ground alliances.**

- 5.16 The Child Protection Sector needs to be child safe and accessible to all children. Cross sector collaboration and interagency co-location of services will assist the Sector to become child safe. One important area of collaboration is around strategic collaboration and coordination of information so that the sector becomes responsive to any duplications or gaps in service.
- 5.17 There are some good examples of collaboration and co-location of services occurring, such as the ChildFIRST service and the George Jones Child Advocacy Centre. Another example is the DCPFS policy framework surrounding child sexual abuse which calls for a collaborative cross-sector service model involving police, medical practitioners, health and child protection professionals ‘to meet the needs of children and their families affected by child sexual abuse’.<sup>315</sup>
- 5.18 Collaboration can involve supporting the child abuse victim through the provision of ‘individual advocacy and support’. This type of individual support for a child victim of abuse is at the heart of Blaxell’s concept of a ‘child’s friend’ and has been a focus of this inquiry. This type of collaboration will have the greatest impact on the experience of a child, by providing that child with a person within the system who can ensure every agency and organisation is working together towards the best interests of that child. The capacity to reduce a child’s traumatisation and re-traumatisation by having a consistent advocate is a concept that is well supported in the Committee’s evidence and in the wider body of literature on child abuse. It is a service area that needs improvement.
- 5.19 The Children’s Commissioner has provided evidence to the Committee that it would be appropriate for his office to provide this individual advocacy and support. The Committee agrees with this view and urges the Government to support the development of this type of service across the State.
- 5.20 Providing ‘individual advocacy and support’ requires the availability of support programs to which child abuse victims can be referred. The Committee heard evidence there is a scarcity of support programs and that many programs are at or near capacity. Demand is increasing, as is the complexity of child abuse cases. The Committee has recommended as a priority that the government investigate the provision of support services to child abuse victims and the timeliness in which they can access them.

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315 Department for Child Protection and Family Support, *Policy on Child Sexual Abuse*, 2013, p3.  
Available at:  
<https://www.dcp.wa.gov.au/Resources/Documents/Policies%20and%20Frameworks/Policy%20on%20Child%20Sexual%20Abuse%202013.pdf>. Accessed on 3 February 2016.

- 5.21 The Sector’s knowledge around trauma-informed care and practice (TICP) can be increased through collaboration. The underpinning principles of TICP are having respect for the victim and acknowledging and believing their individual story. TICP and the concept of ‘recovery’ is an emerging theme out of the Royal Commission. The Committee is of the view that organisations that deal with children must be trauma-informed. The Committee notes that key agencies are attempting to incorporate TICP into their service delivery. However the Committee also notes that it is inherently inefficient for each agency to be researching what this is, and examining different models of policy and best practice. It would be beneficial for locally based expertise to be developed in this area that can be communicated across the sector.
- 5.22 Collaboration can also improve the sector’s ability to provide consistent and supportive complaints processes for children or concerned adults making a complaint about child abuse—regardless of where or how they enter the system. The Committee received evidence there should be no wrong door for a child in making a disclosure. Every government agency should be equipped to receive complaints or disclosures about child abuse and respond accordingly.
- 5.23 The Committee notes consistent complaints procedures could be achieved through establishing mandated child safe standards, which would incorporate child safe complaints processes. Victoria has recently implemented a range of new child protection obligations within organisations, which include mandated minimum child safe standards to help protect children from all forms of abuse. The Department for Child Protection and Family Support (DCPFS) are already looking at tighter regulation against their own prescribed standards within the Out-of-home care (OOHC) sector, with the Ombudsman likely to be responsible for oversight of these standards.
- 5.24 The Committee has noted that the Children’s Commissioner’s *Child Safe Organisations Project* will be the standards by which DCPFS align the new OOHC standards. This is an example of how the Children’s Commissioner could collaborate to increase the ability of the sector to become more child safe. The establishment of a robust child safe framework must be a priority if we are to adequately support children through a disclosure of abuse.
- 5.25 The Children’s Commissioner has told the Committee that his office has been calling ‘for improved collaboration and coordination of service delivery across government and non-government agencies’.<sup>316</sup> It is clear from the evidence received by the Committee that it would be of benefit to WA Children and the Sector if the Children’s Commissioner could assist agencies in the development of a strengthened collaborative approach.

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316 Submission No. 9a from Commissioner for Children and Young People, 19 February 2016, p5.

## Role of the Children’s Commissioner

*Staying vigilant against this abuse is difficult... the possibility of drifting into failure is very real. The danger can be reduced if outside forces keep up the momentum by monitoring performance and checking that safety policies are kept high on the agenda – in practice as well as in theory.*<sup>317</sup>

- 5.26 The Children’s Commissioner’s role as a statutory independent officer is vital to the Commissioner’s ability to improve outcomes for children in WA. This independence is fundamental with respect to this inquiry. It enables the Children’s Commissioner to advocate for the wellbeing of all children across government and the community, regardless of whether they have a statutory relationship with the State. The evidence outlined in this report indicates that such a broad reach is crucial in being able to support child victims of abuse.
- 5.27 The Children’s Commissioner’s office should encourage the Sector to improve its processes and stay alert to the dangers of child abuse. The Commissioner should develop expertise on matters such as child safe organisations which can be communicated and then adapted across the sector.
- 5.28 The Committee heard evidence that a child focus is essential to designing services to support child abuse victims and is an underlying principle of trauma informed practice. So far, the Child Protection Sector’s approach to addressing this area has been piecemeal. The Committee’s view is that the Sector’s efforts could be strengthened and better coordinated, and that the Children’s Commissioner could assist agencies in achieving this.
- 5.29 Responses implemented by the Sector to tackle child abuse must be culturally safe, socially and linguistically appropriate. The Royal Commission has found that there is a lack of research into ethnicity and cultural issues in relation to child abuse and disclosures. Ensuring the Sector adequately responds to the needs of the most vulnerable children in this state is another area where the Commissioner should drive improvement.<sup>318</sup>
- 5.30 The Committee has found that the Commissioner’s office must be appropriately resourced to appoint additional people who are able to assess, promote and support

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317 Munro E and Fish A, *Hear no evil, see no evil: Understanding failure to identify and report child sexual abuse in institutional contexts*, Royal Commission into Institutional Responses to Child Sexual Abuse, Commonwealth of Australia 2015, Sydney, 2015, p35.

318 Royal Commission into Institutional Responses to Child Sexual Abuse, *Consultation Paper: Best practice principles in responding to complaints of child sexual abuse in institutional contexts*, Commonwealth of Australia, Sydney, March 2016, pp46-47.

the sector's responses towards Aboriginal children with regard to child abuse. An aim for these new roles would be ensuring services are safe, effective and appropriate.

**An enhanced role designed to support the Child Protection Sector and the Community tackle the impacts of child abuse**

- 5.31 As noted throughout this report, it is important that the whole community takes responsibility for the protection of children. This job must not be left to the police, child protection workers or teachers. Increasingly, services to children funded by the Government are being performed by the community sector. It is important that these organisations are supported in developing their own expertise to provide child safe environments.
- 5.32 A child may disclose to any trusted adult within a community at any time. The absence of an easy entry to and pathway through the Child Protection Sector may block a parents understanding of how to best support their child.
- 5.33 The evidence indicates universal support for the Commissioner to take an active role in improving the Sector's response to child abuse victims through the development of educative, information sharing, monitoring and capacity building functions. These functions can be summarised as follows:
- Education and outreach: particularly with regard to child safe practice and how to make the system more child-friendly and supportive of recovery;
  - Information delivery: whereby the Commissioner provides online information to the Child Protection Sector, and to children, parents and concerned adults, particularly about helping these people to understand the complexities of the sector; and
  - Monitoring and capacity building of the system: whereby the Commissioner can help ensure the continuous improvement of the system.
- 5.34 The Committee's view is that there is merit in the Children's Commissioner providing education and information to the Sector and the broader community about how to help a child abuse victim. The Commissioner can and should develop these functions as a priority, as they do not require any substantial legislative change.

**Conclusion**

- 5.35 Recommendations outlined by the Committee in this report will help the Child Protection Sector and the whole community better support victims of child abuse. It is important to know that children are being heard and listened to, and that as a society we are doing a better job at protecting children, and striving towards a goal of ensuring that all children have a caring, safe and supportive childhood. Society has failed to

ensure these basic rights in the past. It is everybody's business to help ensure these rights for children in the future.

A handwritten signature in blue ink, appearing to read "L.L. Baker". The signature is stylized and cursive, with a long horizontal stroke extending to the right.

MS L.L. BAKER, MLA  
CHAIR



# Appendix One

## Inquiry Terms of Reference

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Review of the Functions exercised by the Commissioner for Children and Young People

The Joint Standing Committee on the Commissioner for Children and Young People (the Committee) resolved on 14 October 2014 to undertake a review of the functions exercised by the Commissioner for Children and Young People, with particular reference to the recommendations contained in the recent Review of the Commissioner for Children and Young People Act 2006 (the Review).



## Appendix Two

### Committee's functions and powers

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#### Joint Standing Committee on the Commissioner for Children and Young People

#### Terms of Reference

(As agreed by both Houses and correct as at 26 November 2008)

On 22 May 2013, the Joint Standing Committee on the Commissioner for Children and Young People of the 39th Parliament was established pursuant to section 51 of the Act.

- (1) Pursuant to section 51 of the Commissioner for Children and Young People Act 2006, a Joint Standing Committee on the Commissioner for Children and Young People be appointed by the Legislative Assembly and the Legislative Council.
- (2) The Joint Standing Committee shall comprise 2 members appointed by the Legislative Assembly and 2 members appointed by the Legislative Council.
- (3) It is the function of the Joint Standing Committee to -
  - i. monitor, review and report to Parliament on the exercise of the functions of the Commissioner for Children and Young People;
  - ii. to examine Annual and other Reports of the Children's Commissioner; and
  - iii. to consult regularly with the Children's Commissioner.
- (4) A report of the Joint Standing Committee will be presented to the Legislative Assembly and the Legislative Council by members of the Joint Standing Committee nominated by it for that purpose.
- (5) The Standing Orders of the Legislative Assembly relating to Standing and Select Committees will be followed as far as they can be applied.



## Appendix Three

### Submissions received

No.	Name	Position	Organisation
1	Mr Dennis Eggington	Chief Executive Officer	Aboriginal Legal Service of Western Australia Inc.
2	Mr Neil Douglas	Acting Commissioner	Corruption and Crime Commission
3	Ms Hilary Berry	Acting Children's Commissioner	The Children's Commissioner Northern Territory
4	Professor Bryant Stokes	Acting Director General	Department of Health
4a	Ms Maggie Woodhead	Senior Policy Officer, Statewide Protection of Children Coordination Unit	Department of Health
5	Mr Craig Comrie	Chief Executive Officer	Youth Affairs Council of Western Australia
6	Ms Sharyn O'Neill	Director General	Department of Education
7	Ms Emma Heller	Senior Research Officer	Queensland Family and Child Commission
8	Ms Katherine Browne	State Coordinator	Create Foundation
9	Ms Jenni Perkins	Acting Commissioner	Commissioner for Children and Young People Western Australia
9a	Mr Colin Pettit	Commissioner	Commissioner for Children and Young People Western Australia
9b	Mr Colin Pettit	Commissioner	Commissioner for Children and Young People Western Australia
9c	Mr Colin Pettit	Commissioner	Commissioner for Children and Young People Western Australia
9d	Mr Colin Pettit	Commissioner	Commissioner for Children and Young People Western Australia
10	Mr Ian Carter AM	Chief Executive Officer	Anglicare WA
11	Mr Basil Hanna Ms Natalie Hall	Chief Executive Director, Research, Quality and Development	Parkerville Children and Youth Care Inc.

12	Professor Trevor Parry AM	Clinical Professor	School of Paediatrics and Child Health, University of Western Australia
13	Ms Sabina Leitmann	Branch President	Australian Association of Social Workers Western Australian Branch
14	Mr Chris Field	Ombudsman	Ombudsman Western Australia
15	Mr Timothy Marney	Commissioner	Mental Health Commission
16	Professor Jonathan Carapetis	Director	Telethon Kids Institute
17	Hon Peter Blaxell		
18	Mr James McMahon	Commissioner for Corrective Services	Department of Corrective Services
19	Ms Mary Cowley	Chief Executive Officer	Aboriginal Family Law Services (WA)
20	Mr Bernie Geary OAM	Principal Commissioner	Commission for Children and Young People (Victoria)
21	Mr Duncan Ord	Director General	Department of Culture and the Arts
22	Ms Emma White	Director General	Department for Child Protection and Family Support
22a	Ms Judy Garsed	Advocate for Children in Care	Department for Child Protection and Family Support
22b	Ms Emma White	Director General	Department for Child Protection and Family Support
22c	Ms Emma White	Director General	Department for Child Protection and Family Support
22d	Ms Emma White	Director General	Department for Child Protection and Family Support
23	Ms Catherine Marron	Chair Board of Directors	Australian College of Children and Young People's Nurses
24	Mr Richard Strickland	Chief Executive Officer	Department of Education Services
24a	Mr Richard Strickland	Chief Executive Officer	Department of Education Services
25	Hon Barbara Scott		

## Appendix Four

### Hearings

Date	Name	Position	Organisation
19 November 2014	Hon Michael Mischin	Attorney General	Government of Western Australia
26 November 2014	Ms Jenni Perkins	Acting Commissioner	Commissioner for Children and Young People
	Ms Caron Irwin	Executive Director	
25 February 2015	Mr Duane Bell	Assistant Commissioner, Judicial Services	Western Australia Police
	Mr Paul Boulton	Inspector, Sex Crime Division	
	Mr Gary Dreibergs	Specialist Services	
25 March 2015	Ms Jenni Perkins	Acting Commissioner	Commissioner for Children and Young People
	Ms Patricia Heath	Acting Manager, Policy and Research	
13 May 2015	Hon Peter Blaxell	Retired Judge	
15 June 2015	Ms Sabina Leitmann	President	Australian Association of Social Workers, Western Australian Branch
15 June 2015	Hon Barbara Scott	Retired Member of Parliament	
	Mr Chris Burger	Research Assistant to Hon Barbara Scott	
15 June 2015	Ms Katherine Browne	State Coordinator WA	Create Foundation
15 June 2015	Mr Basil Hanna	Chief Executive Officer	Parkerville Children and Youth Care Inc.
	Ms Natalie Hall	Director, Research, Quality and Development	
15 June 2015	Dr Melissa O'Donnell	NHMRC Research Fellow, University of Western Australia	Telethon Kids Institute
15 June 2015	Ms Victoria Williams	Senior Policy Officer	Aboriginal Legal Service of Western Australia Inc.

19 June 2015	Mr Richard Strickland	Director General	Department of Education Services
	Ms Joanne Taggart	Assistant Director, Education and Regulations	
19 June 2015	Ms Sharyn O'Neill	Director General	Department of Education
	Mr Lindsay Hale	Executive Director, Statewide Services	
	Mr Eamon Ryan	Executive Director, Professional Standards and Conduct	
19 June 2015	Ms Emma White	Director General	Department for Child Protection and Family Support
19 June 2015	Mr Chris Field	Ombudsman	Ombudsman WA
	Ms Mary White	Deputy Ombudsman	
10 August 2015	Professor Frank Daly	Acting Chief Executive, Child and Adolescent Community Health Service	Department of Health
	Ms Lisa Brennan	Acting Executive Director, Child and Adolescent Community Health Service	
10 August 2015	Mr Craig Comrie	Chief Executive Officer	Youth Affairs Council of Western Australia
10 August 2015	Ms Mary Cowley	Chief Executive Officer	Aboriginal Family Law Services (WA)
	Ms Andrea Smith	Policy and Compliance Coordinator	
10 August 2015	Ms Jennifer Mathews	Director General	Department of Local Government and Communities
	Mr Scott Hollingworth	Executive Director	
	Mr Jonathan Pilkington	Director, Education and Care Regulatory Unit	
16 October 2015	Dr Cheryl Kickett-Tucker	Director	Pindi Pindi
16 October 2015	Ms Rebecca Moran	Criminologist and Trauma Trainer	Richmond Wellbeing



16 October 2015	Ms Holly-Ann Martin	Managing Director	Safe4Kids
16 October 2015	Ms Michelle Bishop	Manager, Inclusive Education and AISWA Psychology Service	Association of Independent Schools of Western Australia
	Mr Michael Ten-Haaf	Inclusive Education Consultant	
16 October 2015	Mrs Robyn Smith	Director, Curriculum, Assessment and Moderation	School Curriculum and Standards Authority
	Mr Allan Blagaich	Chief Executive Officer	
23 October 2015	Ms Jennifer Hoffman	Commissioner for Victims of Crime	Department of the Attorney General
	Mr Michael Johnson	Acting Executive Director, Court and Tribunal Services	
23 October 2015	Professor Donna Cross		Telethon Kids Institute
23 October 2015	Associate Professor Ted Wilkes	Public Health Researcher and Advocate	National Drug Research Institute, Curtin University
19 February 2016	Mr Colin Pettit	Commissioner	Commissioner for Children and Young People
	Ms Patricia Heath	Acting Director, Policy and Research	
19 February 2016	Professor Frank Daly	Acting Chief Executive, Child and Adolescent Health Service	Department of Health
	Ms Maggie Woodhead	Senior Policy Officer, Statewide Protection of Children Coordination Unit	
	Ms Trulie Pinnegar	Acting Executive Director, Child and Adolescent Community Health	
19 February 2016	Ms Michelle Fyfe	Assistant Commissioner, State Crime	Western Australia Police
	Mr Gary Dreibergs	Deputy Commissioner, Specialist Support	

	Mr Duane Bell	Assistant Commissioner, Judicial Services	
	Mr Paul Boulton	Detective Inspector, Sex Crime Division	
19 February 2016	Ms Sharyn O'Neill	Director General	Department of Education
	Mr Lindsay Hale	Executive Director, Statewide Services	
	Mr Mike Cullen	Acting Executive Director, Professional Standards and Conduct	
19 February 2016	Mr Richard Strickland	Director General	Department of Education Services
	Ms Joanne Taggart	Assistant Director, Education and Training Regulation and Review	
	Mr Richard Miles	Director, Teacher Registration	
19 February 2016	Ms Judith Garsed	Advocate for Children in Care	Department for Child Protection and Family Support
24 February 2016	Mr Alastair MacGibbon	Commissioner	Office of the Children's eSafety Commissioner
18 March 2016	Ms Emma White	Director General	Department for Child Protection and Family Support

## Appendix Five

### Briefings

Date	Name	Position	Organisation
8 April 2015	Dr. Niall Muldoon	Ombudsman	The Irish Ombudsman for Children
	Mr Mánuis deBarra	Policy and Human Rights Officer	
8 April 2015	Ms Elizabeth Canavan	Assistant Secretary	Department of Children & Youth Affairs, Ireland
	Ms Michele Clerke	Social Work and Child Care Specialist	
	Mr Paul Harrison	Director of Policy and Strategy	Child and Family Agency, Ireland
	Dr James Reilly TD	Minister for Children and Youth Affairs	
9 April 2015	Ms Jackie Brock	CEO	Children In Scotland
9 April 2015	Mr Tam Baille	Commissioner; Chair	Scottish Commissioner for Children and Young People; European Network of Ombudsman for Children
10 April 2015	Mr Boyd McAdam	National Convener and Chief Executive	Children's Hearings Scotland
	Mr Nick Adams	Practice and Policy Manager	Scottish Children's Reporter Administration
10 April 2015	Ms Beth Smith	Director	WithScotland
	Ms Jane Scott	Development Manager	
14 April 2015	Professor Eileen Monro CBE	Professor of Social Policy	The London School of Economics and Political Science

14 April 2015	Dr John Dunford OBE	Independent Reviewer of the Office of the Children's Commissioner for England	Reporting to the Secretary of State for Education, UK.
14 April 2015	Mr Martin Howarth	Assistant Director – Children in Care; Children's Services and Departmental Strategy Directorate	Department for Education, UK.
14 April 2015	Ms Anne Longfield, OBE	Commissioner	Office of the Children's Commissioner for England
	Ms Anna Hendry	Director of Policy	
	Mr Gareth Edwards	Senior Data Analyst	
15 April 2015	Mr Murray Hunt	Legal Adviser	Joint Committee on Human Rights (UK)
15 April 2015	Mr Fergus Reid	Commons Clerk	UK Parliament
16 April 2015	Mr Chris Cloke	Head of Child Protection Professional Reputation	National Society for the Prevention of Cruelty to Children
	Mr Jon Brown	Head of Strategy and Development for Sexual Abuse	
2 November 2015	Ms Tracy Adams	Chief Executive Officer	Boystown and Kids Helpline
	Ms Wendy Protheroe	General Manager Counselling Services	
	Ms Louise Davis	Manager Clinical Practice	
2 November 2015	Dr Neil Carrington	Chief Executive Officer	Actforkids
	Mr Bruce Morcombe		The Daniel Morcombe Foundation
2 November 2015	Ms Cathy Taylor	Deputy Director- General	Department of Communities, Child Safety and Disability Services (QLD)
3 November 2015	Ms Julia Duffy	Acting Public Guardian	Office of the Public Guardian (QLD)

	Ms Catherine Moynihan	Official Solicitor & Director of Legal Services	
	Ms Kate Deere	Acting Director of Transition	
3 November 2015	Ms Samantha Camilleri		Protect All Children Today Inc.
4 November 2015	Mr Richard Cooke	Chief Executive Officer	National Association for Prevention of Child Abuse and Neglect
	Ms Madelene McGrath	National Stakeholder Manager	
4 November 2015	Ms Kerry Boland	The Children's Guardian	Office of the Children's Guardian NSW
4 November 2015	Ms Maree Walk	Deputy Secretary	Community Services Division of the Department of Family and Community Services (NSW)
	Ms Jenny Noble	Executive Assistant to the Deputy Secretary Programs and Service Design	
4 November 2015	Dr Cathy Kezelman AM	President	Adults Surviving Child Abuse (ASCA)
5 November 2015	Mr Dave Vicary	Acting Chief Executive Officer	Children's Protection Society
5 November 2015	Mr Bernie Geary OAM	Principal Commissioner	Commission for Children and Young People (VIC)
	Ms Brenda Boland	Acting Chief Executive Officer	
	Mr Andrew Jackomos	Commissioner for Aboriginal Children and Young People	
6 November 2015	Ms Janette Kennedy	Manager Aboriginal Strategy and Policy	Office of the Commissioner for Aboriginal Children and Young People (VIC)
6 November 2015	Mr Gregory Nicolau	Chief Executive Officer, Consultant Psychologist	Australian Childhood Trauma Group
6 November 2015	Ms Chris Asquini	Acting Deputy Secretary of Operations	Department of Health & Human Services (VIC)
	Mr Brad Harwood	Chief Adviser, Office of the Deputy Secretary	

	Ms Silvia Alberti	Executive Director, Community Services Programs and Design Division	
	Ms Tracy Beaton	Director, Office of Professional Practice, Chief Practitioner Human Services	
	Ms Jo McInerney	Project Director, Roadmap for Reform	
	Ms Jenny Wilcox	Acting Assistant Director, Family Services, Family Violence, Sexual Assault and Homelessness	
	Dr Sarah Wise	Special Adviser, Portfolio Strategy and Reform Division	
	Ms Marita Nyhuis	Acting Principal Project Officer, Family Violence and Sexual Assault Unit	
6 November 2015	Mr Bryce Pettett	Detective Senior Sergeant Officer in Charge	Dandenong Sexual Offences and Child Abuse Investigation Team

## Appendix Six

### Glossary

AASW	Australian Association of Social Workers
ACCYPN	Australian College of Children and Young People's Nurses
The Advocate	Advocate for Children in Care (DCPFS)
AFLS	Aboriginal Family Law Services
AIFS	Australian Institute of Family Studies
AISWA	Association of Independent Schools of Western Australia
ALSWA	Aboriginal Legal Service of Western Australia
ASCA	Adults Surviving Child Abuse
Blaxell Inquiry Report	<i>St Andrews Hostel Katanning: How the system and society failed our children: A Special Inquiry into the response of government agencies and officials to allegations of sexual abuse</i>
CAC	Child Advocacy Centre
CAIT	Child Assessment and Interview Team
the Carmody Inquiry	Queensland Child Protection Commission of Inquiry
CCC	Corruption and Crime Commission
Children's Commissioner	Commissioner for Children and Young People Western Australia
CHS	Children's Hearings Scotland
the Committee	The Joint Standing Committee on the Commissioner for Children and Young People
CPU	Child Protection Unit
CSAT	Child Sexual Abuse Therapeutic
DCPFS	Department for Child Protection and Family Support
DES	Department of Education Services
DoE	Department of Education
WA Health	Department of Health
DoTAG	Department of the Attorney General
FACS	Department of Family and Community Services (NSW)
GJAC	George Jones Advocacy Centre
MDCs	Multidisciplinary Centres (VIC)
MRS	Mandatory Reporting Service
NSPCC	National Society for the Prevention of Cruelty to Children (UK)
OCC	Office of the Children's Commissioner for England
OCO	The Irish Ombudsman for Children
OOHC	Out of home care
PMH	Princess Margaret Hospital
Royal Commission	Royal Commission to inquire into institutional responses to child sexual abuse
SCSA	School Curriculum and Standards Authority

SPOCC unit	Statewide Protection of Children Coordination Unit
Statutory Review	Report of the <i>Review of the Commissioner for Children and Young People Act 2006</i>
The Act	<i>Commissioner for Children and Young People Act 2006</i>
TICP	Trauma informed care and practice
TRB	Teachers Registration Board
UK	United Kingdom
WA Police	Western Australia Police
YACWA	Youth Affairs Council of Western Australia