



WITNESS STATEMENT OF RICHARD JAMES WESTON

I, Richard James Weston of [REDACTED] in the State of New South Wales, New South Wales Deputy Children's Guardian for Aboriginal Children and Young People, [REDACTED] do solemnly and sincerely declare that:

- 1 I make this statement in a personal capacity.
- 2 I make this statement on the basis of my own knowledge, save where otherwise stated. Where I make statements based on information provided by others, I believe such information to be true.

Background and qualifications

- 3 I have a Bachelor's Degree in Business with an Accounting major (1980) from Curtin University.
- 4 I am currently employed as New South Wales Deputy Children's Guardian in the Office of the Children's Guardian. I commenced with the Office of the Children's Guardian in this role in January 2021.
- 5 From 14 October 2019 to 15 January 2021, I was the Chief Executive Officer of the Secretariat of National Aboriginal and Islander Child Care (**SNAICC**) – National Voice for our Children, the national non-governmental peak body representing the interests of Aboriginal and Torres Strait Islander children and families.
- 6 Prior to this, from September 2010 to August 2019, I was the Chief Executive Officer of the Healing Foundation, which is a national Aboriginal and Torres Strait Islander organisation focussed on building an understanding of trauma, its intergenerational impacts on Aboriginal and Torres Strait Islander people and supporting healing in communities. During my time at the Healing Foundation I led work that funded local community designed, developed and delivered healing projects.
- 7 From October 2017 to July 2018 I was a member of the National Apology to Victims and Survivors of Institutional Child Sexual Abuse Reference Group.
- 8 From August 2000 to March 2009, I was the Chief Executive Officer of Maari Ma Health Aboriginal Corporation, based in Broken Hill. During this time Maari

Ma, in partnership with the public health system, managed seven small hospitals and community health services across a region. Under my leadership Maari Ma also established a region-wide chronic disease strategy, a qualified Aboriginal Health Worker workforce and a child health strategy. These initiatives formed the basis for the development of a range of primary health care programs that embedded Aboriginal cultural knowledge in service models and led to measurable changes in health in the Aboriginal population. Successful programs tackling smoking, alcohol, mental health and healing all emerged. Maari Ma continues today as a success story referred to by former Minister for Indigenous Australians, Ken Wyatt, as a “jewel in the crown of the Australian health system”.

Office of the Children’s Guardian

- 9 The Office of the Children’s Guardian was established under the *Children and Young Persons (Care and Protection) Act 1998* (NSW) (**Care and Protection Act**) to promote the interests and rights of children and young people living in out of home care. The Office of the Children’s Guardian reports to the New South Wales (NSW) Minister for Family and Community Services (**Minister**) and to Parliament.
- 10 The Office of the Children’s Guardian:
- (a) accredits and monitors the designated agencies that arrange statutory out of home care in NSW;
 - (b) maintains and monitors the NSW Carers Register, a centralised database of people who are authorised, or who apply for authorisation, to provide statutory or supported out of home care;
 - (c) registers and monitors agencies that provide, arrange or supervise voluntary out of home care;
 - (d) accredits non-government adoption service providers;
 - (e) authorises the employment of children under the age of 15, and child models under the age of 16, in the entertainment sector;
 - (f) administers the Working With Children Check;

- (g) administers the National Disability Insurance Scheme Working with Children with a Disability Check
- (h) administers the Child Sex Offender Counsellor Accreditation Scheme – a voluntary accreditation scheme for persons working with those who have committed sexual offences against children;
- (i) administers the Reportable Conduct Scheme (**RCS**) governed by the *Children's Guardian Act 2019* (NSW) (**Children's Guardian Act**); and
- (j) administers the Child Safe Scheme which commenced in February 2022.

Current role with Office of the Children's Guardian

- 11 My current role is as Deputy Children's Guardian for Aboriginal Children and Young People. This role arose as one of the NSW government's responses to the report published in October 2019 by Professor Megan Davis entitled *Family is Culture: Independent Review into Aboriginal and Torres Strait Islander Children and Young People in Out-of-Home Care in New South Wales* (**Family is Culture Report**).
- 12 The *Family is Culture Report* was a report of an independent review commissioned by the NSW government, examining the reasons for the disproportionate and increasing number of Aboriginal children and young people in out of home care in NSW, and the effectiveness and application of the Aboriginal and Torres Strait Islander Child and Young People Placement Principle (**Child Placement Principle**) in NSW. It contains 125 recommendations for reform. Attached to this statement and marked **RW-01** is a copy of the Family is Culture Report.
- 13 In response to the Family is Culture Report, in July 2020 the NSW government committed to creating a new Deputy Children's Guardian for Aboriginal Children and Young People. The objective of the appointment was to strengthen the Office of the Children's Guardian's oversight and enforcement powers in accrediting out of home care providers and to ensure a high standard of practice is met for Aboriginal children and young people in care. Attached to this statement and marked **RW-02** is a copy of the NSW

Government Response to the Family is Culture Review Report published in July 2020.

- 14 My role as Deputy Children's Guardian for Aboriginal Children and Young People falls within the Office of the Children's Guardian. This is a statutory role but I do not have any specific statutory powers under the Children's Guardian Act. The Children's Guardian Act is currently undergoing a legislative review and may be amended to provide my role with some specific responsibilities regarding Aboriginal children and young people in the child protection system. In my role, I currently have an oversight responsibility for out of home care regulation and monitoring, including oversight of the application of the NSW Child Safe Scheme (introduced on 1 February 2022) and implementation of the ten Child Safe Standards by providers of out of home care, and of the 23 NSW Child Safe Standards for Permanent Care 2015 (**Permanency Standards**) with a focus on Aboriginal children and young people.
- 15 The Child Safe Standards provide a framework for organisations that work with children (other than out of home care services) to keep children safe from harm, and are based on recommendations of the Royal Commission into Institutional Responses to Child Sexual Abuse (**Royal Commission**). The Permanency Standards establish the minimum requirements for accreditation of out of home care and adoption service providers, as set out in the Care and Protection Act, the *Adoption Act 2000* (NSW) and relevant regulations.
- 16 The reason that the role of Deputy Guardian was created within the Office of the Children's Guardian is because of the over-representation of Aboriginal children and young people in out of home care. The Permanency Standards most affect Aboriginal children and young people in out of home care. The Office of the Children's Guardian is a regulatory body, so it does not necessarily deal with individual cases. Our work is focussed on applying the Permanency Standards in relation to the providers of out of home care. If an individual case comes to our attention, we can refer people to a complaints mechanism within the Department of Communities and Justice or they can complain to the NSW Ombudsman. People also seek support through the NSW Child, Family and Community Peak Aboriginal Corporation (**AbSec**) and the Aboriginal Legal Service. My knowledge of these services is limited.

- 17 The Office of the Children's Guardian has an out of home care regulation directorate which performs the monitoring and accreditation work in relation to out of home care providers. This includes conducting onsite visits to out of home care organisations to review their compliance with the Permanency Standards. Monitoring visits are conducted every year to 18 months. Out of home care organisations are accredited for five years. The Office of the Children's Guardian is currently reviewing its approach to monitoring out of home care services to provide better support to agencies to maintain accreditation and to meet standards through more frequent visits and an approach similar to continuous improvement.
- 18 In this way, we are trying to ensure that children are kept safe in the system and their rights are observed. That goes some way to making some difference, but there is more that can be done, particularly around community engagement and how the community can lean into helping and supporting preventative approaches. We really need preventative approaches at the grassroots level.
- 19 Responsibility for the RCS was transferred from the NSW Ombudsman to the Office of the Children's Guardian in 2019 and is part of the Children's Guardian Act. I have seen two examples of it working well to support Aboriginal children and young people, in an education setting and in an out of home care setting. The scheme involves requirements for agencies to formally investigate workplace complaints about employee conduct. These investigations and their outcomes must be registered with the Office of the Children's Guardian and when complete are reviewed by the Office of the Children's Guardian's Reportable Conduct Directorate. I have observed that the formality and use of legislation caused agencies to take action.
- 20 A team of six staff was created just prior to my appointment to the role, to assist me to prepare a special report to the Minister under s 139(2) of the Children's Guardian Act on the level of implementation and effectiveness of seven reforms to the system which were recommended by the Family is Culture Report.
- 21 The *Special Report under section 139(2) of the Children's Guardian Act 2019: Family is Culture Review* was released in March 2022 (**Special Report**). Our review found that the government's progress in relation to key reforms arising from the Family is Culture Report was not meeting expectations of many

stakeholders, and called for an increased focus and resolve to improve outcomes for Aboriginal children and young people, including providing appropriate funding where needed to implement change. Attached to this statement and marked **RW-03** is a copy of the Special Report.

- 22 The focus of the Office of the Children's Guardian is primarily on children that are already in the out of home care system. Currently, the majority of State funding is applied to the tertiary end of the system, that is, on removing, placing and keeping children in care, rather than on prevention and keeping families together, which impacts Aboriginal children and young people's connection to culture and identity. In the Special Report, however, we highlighted the need for more oversight and emphasis on the prevention end of the continuum of child care.
- 23 In my role, I am expected to do a lot of community engagement, which I have embraced, and have started that process, although it has been made difficult by COVID restrictions. But I have been able to get out on the ground this year and commence conversations with the Aboriginal community about the challenge of the growing numbers of our children coming into contact with the child protection system. I am seeking to engage with community to find solutions, because I do not believe that just providing better services or even more Aboriginal services alone will reduce the over-representation of Aboriginal children and young people in out of home care. It is going to take time to improve things, so we need Aboriginal community leadership and involvement. The challenge for the community is that they have so many other government departments wanting their advice, wanting them to sit on committees, and those sorts of things to help them do their work better. The community is being asked to do a lot of work, a lot of which is unpaid or un-resourced. The Office of the Children's Guardian is in that space competing for the community's time against other agencies like education, housing, regional development, and the mainstream not-for-profit sector as well.
- 24 In our communities - whether it is an urban environment or a country area - I see Aboriginal culture at work. There are often individuals in a community, older men or women, who are "go-to" people for advice or support. They are at every meeting speaking up for their community, advocating for better responses from government and other service providers. They front up to

tricky conversations with governments doing consultations, and they can be a bit angry and forthright which might put government people off. I think of these special individuals as healing champions for their community. They have a special kind of charisma or aura about them. Tapping into and supporting these community leaders can help communities to take action to reduce the number of families having contact with the system.

SNAICC

- 25 My previous organisation, SNAICC, describes itself as the national voice for Aboriginal and Torres Strait Islander children. It has done some great work, particularly with the Commonwealth and State and Territory governments around the development of *Safe & Supported: the National Framework for Protecting Australia's Children 2021-2031*, the development of *The National Aboriginal and Torres Strait Islander Early Childhood Strategy (2021)* and on the *National Agreement on Closing the Gap (2020)*. These are all long term strategies, and SNAICC has played a pivotal role in developing these plans and will continue to play a role in their implementation.
- 26 When I was at SNAICC there was no representative from Tasmania on the Board. I do not know if that has changed since I left. I do not have a strong knowledge of the issues in Tasmania as I have never worked there. I am familiar with the colonising history of Tasmania and the genocide that took place, which almost, but did not succeed in wiping out Aboriginal people there.
- 27 During my time with SNAICC various advocacy reports were published, including the:
- (a) annual *Family Matters Report 2020: Measuring Trends to Turn the Tide on the Over-Representation of Aboriginal and Torres Strait Islander Children in Out-of-home Care in Australia (Family Matters Report 2020)*. *Family Matters* has been an ongoing campaign for ten years that SNAICC has led. Attached to this statement and marked **RW-04** is a copy of the Family Matters Report 2020.
 - (b) *Options Paper: Models for a National Commissioner for Aboriginal and Torres Strait Islander Children and Young People*, published

December 2020 (**Options Paper**). Attached to this statement and marked **RW-05** is a copy of the Options Paper.

- 28 Work had also started on the national review of the implementation of the Child Placement Principle, including the Tasmanian review, which was published in March 2021, after I had left the organisation. Attached to this statement and marked **RW-06** is a copy of SNAICC's *Reviewing Implementation of the Aboriginal and Torres Strait Islander Child Placement Principle: Tasmania 2020* report.
- 29 The Family Matters Report 2020 found that Aboriginal and Torres Strait Islander children were 9.7 times more likely than non-Indigenous children to be in out of home care, and that this over-representation had increased consistently over the last ten years in every State and Territory. It emphasised the need to create a new system of child protection and service supports grounded in the strengths of culture and led by Aboriginal and Torres Strait Islander peoples, and for increased efforts to intervene early and prevent entry to out of home care and increase exits from care by supporting families appropriately. The Family Matters Report 2020 indicated that the trajectory of numbers of Aboriginal children and young people in out of home care was upwards, so that if nothing is done, the over-representation could double within ten years.
- 30 The problem is that we are trying to deal with a system that is primarily about dealing with issues after they occur rather than preventing or reducing issues from arising through earlier intervention.
- 31 Most reports of at-risk children come through the Child Protection Helpline run by the Department of Communities and Justice. About 24% of those reports come from the public school system, just under 20% come from police, and about 18% to 19% come through health-related networks. Often reports are done by non-Indigenous people who are making an assessment about the ebb and flow of an Aboriginal person's life, which they are measuring through a non-Indigenous lens. So the result is over-reporting leading to high numbers of Aboriginal children and young people coming into contact with the child protection system.

- 32 The out of home care and child protection system could be described as following the steps of “report, substantiate, remove”. In my experience Aboriginal and Torres Strait Islander people believe that the responses to this reporting are always punitive. So the system is punishing the families, who are experiencing some kind of hardship, rather than providing support to deal with the hardship. More often than not it is the mother that is bearing the brunt. For example, where women are calling the police about a domestic or family violence incident with their partner, the police come to take care of the perpetrator, which is fine, but then the children are reported to Child Protection because they are considered to be unsafe. So the mother, who is experiencing violence, is also being held responsible for not keeping her children safe. Thinking that going to police may result in the Department of Communities and Justice getting involved prevents people from seeking help when they need it.
- 33 The term “protection” has a negative connotation for Aboriginal people. When the Stolen Generations were removed, they were sent to different parts of the State or even interstate. This was part of the genocide of Aboriginal and Torres Strait Islander culture, removal was practiced to prevent the transmission of culture through children, from one generation to the next. It is important to understand that history in the context of today. We can link the behaviours we see in our communities that are negative, the outcomes we are seeing, back to that story. If we understand that history and the trauma that arose from it we can start to design better policy, better services, and hopefully have Aboriginal people driving their own destiny through empowerment, supporting communities to heal, and creating opportunities for community leaders (not just organisations) to speak directly to government law and policy makers.
- 34 The current child protection system needs to be changed. We need a system that provides early support for families experiencing hardship. I use the word “hardship”, because it is important to try to find and use language that is not a language of deficit. The expression “vulnerable families” suggests that there is some kind of weakness or deficit within the family. Using the word “hardship” changes the language and thinking, because a family might only experience hardship for a period of time. With the right supports and early identification of when they are experiencing hardship, and the ability to access services to

provide supports through hardship, there will be a time when that family can come out of that hardship. That is why the Aboriginal community is really important, with the right kind of recognition of the cultural leaders and community leaders in communities, because they are the ones who can identify families that need support. Without any kind of stigma attached to it, they can put families in touch with services, hopefully services that are run by Aboriginal people or, if not, a mainstream organisation that has Aboriginal staff and a good cultural framework to operate within, including understanding the impacts of trauma and the need for healing as the underpinning approach.

- 35 The reason we talk in terms of “healing” and “trauma” is related to Aboriginal and Torres Strait Islander experiences of colonisation and genocide. All of that history has gone unacknowledged. It is recognised that trauma causes long-term harm, to both the person who experiences the trauma, but also people that they are closely in contact with, like family members or partners and through the kinship structures. So it gets spread: the experience or the horror of those stories, even if you hear about it vicariously, can still impact you. It gets spread throughout the community and then also from one generation to the next, and that is why we talk about intergenerational trauma.

The Healing Foundation

- 36 The Healing Foundation developed a Theory of Change for Healing based on what was learned over nine years from funding 175 healing projects across the nation, that provided healing support for 45,000 Aboriginal and Torres Strait Islander people and provided employment for 600 Aboriginal and Torres Strait Islanders. I led the Healing Foundation’s work to support healing for Stolen Generations and helped elevate their voice through the establishment of a Stolen Generations Advisory Group. That group helped the Healing Foundation develop healing projects and research focussed on Stolen Generations experiences of removal from family, community and culture.
- 37 In August 2018 the Healing Foundation, in partnership with the Australian Institute of Health and Welfare, released a report into the health and social outcomes for Stolen Generations. The report found that Stolen Generations and their descendants experienced worse outcomes across 38 social and

health indicators when compared to Aboriginal and Torres Strait Islander people who were not removed.

- 38 There are multiple other projects and work that the Healing Foundation undertook in my time there. The organisation evaluated all of its work and produced 35 publications highlighting learnings and good practice. We evaluated a healing project at the Murri School in Brisbane (an independent Aboriginal and Torres Strait Islander school) and had Deloitte Access Economics undertake a cost-benefit-analysis which demonstrated an \$8.85 return on every dollar spent on the program. The return represented better education outcomes, social and emotional wellbeing outcomes, less contact with the child protection system and justice system, amongst other things.
- 39 Under my leadership, the Healing Foundation also produced a Framework to Support Aboriginal and Torres Strait Islander Men's Healing and Violence Prevention, which was drawn from the knowledge of Indigenous and Non-Indigenous experts around the nation, including women, to produce a practical approach (with resources) that communities could implement at their local level.
- 40 The Healing Foundation also developed a resource to guide the establishment of "healing centres" in communities. The concept of healing centres was to establish a central hub built on local cultural knowledge and history to be a place where people could work on healing processes to tackle trauma and addictions along with other health and social concerns.
- 41 The Healing Foundation held numerous healing forums and knowledge circles to create a safe space where communities could share knowledge, stories and solutions to challenging issues. The Healing Foundation wrote these gatherings up and used the learning to inform new initiatives and the development of the Theory of Change for Healing.
- 42 In the nine years I was at the Healing Foundation we raised the understanding of trauma and its intergenerational impacts on Aboriginal and Torres Strait Islander people in government policy and the need for opportunities for our people to heal.

Aboriginal children in out of home care

- 43 The Child Placement Principle was developed by Aboriginal people back in the 1970s to reduce over-representation of Aboriginal and Torres Strait Islander children in the child protection system. It has been refined by SNAICC who have produced practical resources to help stakeholders in child protection and out of home care understand and apply the Child Placement Principle. There are five elements of the Child Placement Principle (prevention, partnership, placement, participation and connection), all of which are important, but the system tends to focus on placement, and the Child Placement Principle has never been properly applied.
- 44 Removing the child and putting them into placement should be the last resort, but at the moment it seems to be the first resort. If the Child Placement Principle can be applied so that prevention and partnership happen earlier, then we would expect that a child would not necessarily be removed from the family. But if there has to be a removal, children and young people should be in a kinship placement with connections to their family, culture and community, and their families should be supported to address the issues that led to the removal.
- 45 Currently the Child Placement Principle is embedded in legislation in NSW under the Care and Protection Act, but it does not act as a mandatory requirement of out of home care providers and is used more as a guideline.
- 46 Our Minister is going through a legislative review of the Care and Protection Act which was part of the Family is Culture Report recommendations, to try and strengthen the Child Placement Principle, in the legislation. In our work at the Office of the Children's Guardian, that my team is leading, we are looking at how we are going to apply the Child Placement Principle in the Child Safe Standards and the Permanency Standards for out of home care. Attached to this statement and marked **RW-07** is the *Family is Culture Legislative Recommendations* discussion paper published in April 2022.
- 47 The concept of active efforts in relation to the implementation of the Child Placement Principle is also considered important to strengthen in NSW legislation and also how the Office of the Children's Guardian assesses organisations' compliance with the Child Placement Principle. Active efforts

are actions that are purposeful, thorough, active and timely especially in supporting children and young people's connection to culture and identity. It means that agencies can demonstrate rigour in implementing the elements of the Child Placement Principle.

- 48 If a child is removed from their family and placed into out of home care, there should be a good cultural plan that keeps them connected to who they are, who their mob is, and that honours, respects and strengthens their identity as Aboriginal children and young people. For example, there are some Aboriginal people that have been through the care system who are now running their own programs working with children and young people who are in the out of home care system to inspire, strengthen and give them hope. If children and young people are going to be in out of home care long term, then we need to keep them strong, connected to culture, and help them to come out the other end with an education and some knowledge about who they are, pride in their identity, a sense of optimism and hope about the future, and hopefully, if they are in a foster family, a sense that they have been loved and have experienced a loving environment. These are not the sort of things that we necessarily talk about in the child protection system at the moment. So we need investment in those kind of programs.
- 49 NSW is looking at how it can support the growth of the Aboriginal Controlled Community Organisations sector so that Aboriginal children and young people come under the care of Aboriginal out of home care providers. Planning is in train between the Department of Communities and Justice and AbSec (and the mainstream peak body) as to how this might proceed. Delegated authority is also being explored where Aboriginal agencies might take on some of the statutory responsibilities that currently sit with the Minister and Department of Communities and Justice. These discussions are in early phases and I am not a party to these discussions.
- 50 To prevent children coming into contact with the child protection system I believe that engaging with the leadership that exists at the grassroots level of community will be critical to achieving change. We are seeing that emerge in NSW, where we have a NSW Council of Aboriginal Regional Alliances. These are community based forums of people that are leaders in their communities, and they have accords with government about things like young people in the

justice system, out of home care and early childhood education. So those ideas are evolving and developing.

- 51 The community could play a bigger role in the development of cultural plans for children and young people in the out of home care sector. There is the opportunity for communities to be involved in cultural planning for a child in out of home care. This could incorporate activities like getting out on country and being introduced to significant people from your language group or your tribe, so that people know that you are in a system and that you belong to their mob. So in my role I will be looking at how cultural planning is done by mainstream organisations and how they are supported to do it well, so that it is not a tokenistic approach.
- 52 If children and young people that come into out of home care do not have connection and support, they can become isolated, they can lose themselves and they may not have the power or the language to be able to express what is going on for them. It may result in trauma, which can lead to anger and difficulty trusting people. This can impact on their relationships with others and disrupt their education.
- 53 A lot of children and young people who come out of care have reported in surveys and consultations that they did not even know that they had a cultural plan or a case plan. So they are not involved in the planning, they are not engaged in informing planning that is about them. So it is important that whatever plans are in place, the child is aware of them so they can have a sense of when something is not being done, or if it is being done wrong and they can have some say over their own lives.
- 54 Whether children and young people feel empowered to complain if they are not being treated properly will depend on where they are placed, and whether they feel like they would be in danger if they made a complaint. There are stories in the Family is Culture Report about retribution that families experience if they make a complaint about a caseworker or somebody else in the system. So it can be tricky for them to complain

Aboriginal youth in youth justice

- 55 We know that, with children who are in residential out of home care, there is a high probability that they are going to end up in the justice system.
- 56 In NSW there is an initiative called the *Joint Protocol to Reduce the Contact of Young People in Residential Out of Home Care with the Criminal Justice System (Joint Protocol)* published in July 2019. The Joint Protocol was designed specifically to address the issue of children and young people graduating from residential out of home care into the youth justice system. The Joint Protocol involves partnerships with police and the Department of Communities and Justice to find alternatives to putting young people into the youth justice system. However, one of the matters that we covered off in the Special Report is the implementation of the Joint Protocol. Our finding was that the Joint Protocol is not being implemented. We identified the need to strengthen the implementation of the Joint Protocol, and to ensure that frontline staff have access to training, skill development and resources to improve cultural competence and trauma awareness.
- 57 Again, as with children in out of home care placements, maintaining a cultural connection for youth in detention is really important, to know who their mob is and where they come from. Once they leave care, or they leave detention, they generally go back to their families, and try and find out a bit more about themselves. At some point in time, young people will go and engage with their identity and their culture. Some people choose not to, but the majority want to know who they are and want to know who their mob is. It is important for wellbeing to know your country and where you belong.
- 58 There is a complaints mechanism for young people to make a complaint about the services they receive from Juvenile Justice NSW. The complaint can be lodged by the young person themselves, their caseworker, family members, doctors, lawyers, or support persons. This complaint mechanism may not always work as well if you are complaining about an officer of Juvenile Justice NSW, as it may be that Juvenile Justice NSW is responding to the complaint so it is not independent of the Department of Communities and Justice. I am not familiar with the complaints mechanism in Juvenile Justice NSW and the Office of the Children's Guardian's jurisdiction is confined to out of home care.

Risk factors for Aboriginal children contributing to overrepresentation in out of home care

- 59 One factor that increases risk of placement in out of home care for Aboriginal children is that they are an Aboriginal child or young person. Aboriginal people are subject to stereotyping and racism that judges Aboriginal people against “white” values rather than through an understanding of the trauma impact of failed past policies of assimilation and Stolen Generations and how current child protection and welfare policies continue to cause trauma. If there is a Stolen Generations history in a child’s family, that is a risk factor for them to be removed. This is how the system assesses risk. A family history of removal should raise a flag that a family or child might need social support services but for the system it raises a flag that a child may be at risk.

Culturally appropriate healing interventions for Aboriginal victim-survivors

- 60 In 2016, during my time with the Healing Foundation, the Healing Foundation issued a discussion paper in response to the Royal Commission entitled *Restoring our Spirits – Reshaping our Futures: creating a trauma ware, healing informed response to the impacts of institutional child sexual abuse for Aboriginal and Torres Strait Islander people*. Attached to this statement and marked **RW-08** is a copy of this discussion paper.
- 61 This discussion paper talks about the impacts of institutional child sexual abuse on children, and makes various recommendations, including that a culturally based approach to understanding trauma and to resourcing healing and recovery is required by Aboriginal and Torres Strait Islander people who have been, or may in the future be, sexually abused in public and private institutions, and that healing is most effective when designed, developed and delivered by Aboriginal and Torres Strait Islander people with and for their own communities.
- 62 In response to this recommendation, in October 2018 the Healing Foundation released a report titled *Looking Where the Light Is: creating and restoring safety and healing: A cultural framework for addressing child sexual abuse in Aboriginal and Torres Strait Islander communities* (**Looking Where the Light**

Is Report). Attached to this statement and marked **RW-09** is a copy of the Looking Where the Light Is Report.

- 63 This report sets out a culturally based practice framework for understanding and responding to child sexual abuse and captures all the knowledge and work that we were able to do in the area of trauma and healing.
- 64 With trauma, there has to be an understanding and an acceptance of the importance of healing, and the creation of opportunities for people to go on a healing journey. When I started working at the Healing Foundation, it was really hard to talk to people about healing, particularly in policy environments, because there was a lack of understanding that healing is a cultural practice for Aboriginal people. We have traditional healers and it is one of the practices that we have been able to maintain in spite of colonisation and that we have in a range of places, particularly in the Northern Territory and northern parts of South Australia, the Kimberley - those places where the encroachment of civilisation has been a bit slower.
- 65 Ideas and concepts like truth telling are important. The Commission of Inquiry into the Tasmanian Government's Responses to Child Sexual Abuse in Institutional Settings (**Commission**) is a truth telling exercise that you are undertaking and one of the steps in the healing process is for people to be able to be heard, to have their story told and to be believed. For many young people, when they have disclosed abuse, they are not believed, because they are children. I think in many cases you will find that it is the response to the disclosure that causes more harm than the actual abuse itself.
- 66 The Healing Foundation developed the idea of healing centres, which came from communities themselves. We produced a resource that was a step by step guide to establishing a healing centre. Attached to this statement and marked **RW-10** is the *Healing Centres Final Report* published 21 December 2012. The Healing Foundation resource identifies some key design principles, which state that healing centres:
- (a) are physically, socially and culturally safe and meaningful spaces for Aboriginal and Torres Strait Islander people, and for the community which they serve in particular;

- (b) are founded from an Aboriginal and Torres Strait Islander world view, and strengthen connections between families, communities, land and culture;
- (c) are developed, led and primarily staffed by Aboriginal and Torres Strait Islander people, but also draw on complementary skills from mainstream partners and professions;
- (d) are operated with and for their own communities, and work to empower individuals and communities to overcome the causes and symptoms of trauma; and
- (e) facilitate healing through an experimental approach and emphasis on “what works”, drawing in both traditional and modern healing practices.

67 In a program with the Murri School, Brisbane, which ran from 2012, the Healing Foundation demonstrated that investing in projects to tackle intergenerational trauma (in this case, through a range of activities from cultural camps to formal counselling in a whole-of-school program where families take the lead, supported by trauma-informed teachers, family support workers and psychologists) could significantly reduce the likelihood of out of home care and juvenile detention for Aboriginal and Torres Strait Islander children. Attached to this statement and marked **RW-11** is a copy of the *Cost Benefit Analysis of the Murri School Healing Program* report published in February 2017.

68 The Healing Foundation found that there was a real need for upskilling of workforces around capability in dealing with survivors of child sexual abuse, particularly in community controlled organisations. In response, the Healing Foundation developed what we called the Healing Skillset, which was a training program for workforces in trauma and healing.

69 In terms of healing, people have to have the strength to be able to face up to their trauma, and what caused it. There will be people that will come and give evidence who have never spoken about what has happened to them. Giving people the opportunity to tell their story without having to be cross-examined, to have it recorded, and to be believed, is an important step in the healing journey. Often, when young people have disclosed abuse, they have not been believed. In many cases it is the response to the disclosure that can cause

more harm than the actual abuse itself, as they start to blame themselves for being the reason for the abuse, that they have done something that has made the abuser behave in a certain way. Truth telling is important, as is giving people who have been hurt and harmed by the system, or by the laws that were implemented, a voice, and letting them be heard.

70 Redress or compensation is an important component of what the Commission might want to consider. An apology for individuals from a senior public servant, such as a personal face to face apology, has been implemented in NSW and this can work well for some people.

I make this solemn declaration under the *Oaths Act 2001* (Tas).

Declared at [redacted] New South Wales
on 10 June 2022

[redacted]

Richard Weston

Before me

[redacted]