



Laurel House
SEXUAL ASSAULT SUPPORT

**Submission for Commission of Inquiry
into the Tasmanian Government's
Responses to Child Sexual Abuse in
Institutional Settings**

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About Laurel House

The North and North West Tasmanian Sexual Assault Support Service, known as Laurel House, is a not-for-profit, community-based sexual assault support service. We provide sexual assault trauma counselling and support, education and training and advocacy. We provide an inclusive, holistic service that addresses sexual inequalities and abuses by advocating for individual and community change.

We provide a range of confidential Tasmanian Government funded services that are free to victim-survivors throughout North and North West Tasmania. We offer face-to-face, online and phone counselling to adults, young people and children, and their family and supporters from our offices in Launceston, Burnie and Devonport and through outreach in rural locations.

Laurel House runs a 24-hour support service and offers support through the forensic, medical and legal processes. Laurel House also offers community, workforce and school-based education, professional training and debriefing.

Laurel House welcomes the opportunity to provide a written submission to the Commission of Inquiry into the Tasmanian Government's Response to Child Sexual Abuse in Institutional Settings. We recognise the efforts of the Tasmanian Government in implementing the recommendations of the Australian-wide Royal Commission into Institutional Responses to Child Sexual Abuse (RCIRCSA) while noting that there is much work still to be done in fully implementing the recommendations and to address the short-comings highlighted by the Nurse podcast and other disclosures. It is only with the full commitment to implementing the recommendations does Tasmania stand a chance to eliminate child sexual abuse, and to ensure that Government services and other Government-funded programs respond appropriately to current and past allegations and incidents of child sexual abuse.

As the new Laurel House Chief Executive Officer, I have much still to learn about the history of our service, the experiences of our clients and staff, and in the identification of areas for improvement in our service, the Tasmanian Government response to sexual assault, and to community education and societal change. As such, Laurel House would value the opportunity to contribute further to the important work of the Commission of Inquiry. We would be able to assist through direct and indirect engagement with our clients, their families and our staff in order to provide of more detailed information, specific experiences and possible solutions and suggestions for improvement.

We would welcome further discussion of this submission and wish the Commissioners every success with their work to improve the safety of and response to sexual abuse within our Government Institutions.

Kathryn Fordyce

Chief Executive Officer

Laurel House



Making institutions safe for children

Laurel House is concerned that not enough is being done to prevent childhood sexual abuse, or to identify it and appropriately respond as early as possible. Our staff are concerned that the voices of children still are not always heard, and that many adults including those that work within the Tasmanian Government and its funded services lack the knowledge and confidence to intervene when they are concerned about the safety of children.

At Laurel House, we have been devastated to hear of examples from our clients and through the media of yet more examples of reports of child sexual abuse not being taken seriously, of failures by adults to report suspicions or concerns or to act on the disclosures of children, and of systemic mishandling of complaints and reports of child sexual abuse. It is particularly concerning that we continue to hear of these stories after the RCIRCSA provided such comprehensive recommendations about how institutions should respond.

Laurel House recognises the efforts taken by the Tasmanian Government to prepare the legislative framework for the Child Safe Organisations Bill and to implement the consultation process. We eagerly anticipate the next steps and reinforce the need for an independent oversight body that would ensure compliance with the Child Safe Framework. We support providing the Commissioner for Children and Young People with additional resources to take on both an educative and capacity building function for government entities and other organisations, and an enforcement role in ensuring compliance with the framework.

While the implementation of the Child Safe Framework will require considerable work for institutions, we must normalise this as part of the cost of “doing business” like the implementation of workplace health and safety requirements. There is a need for training and capacity building opportunities to be provided to institutions to ensure that all employees, regardless of their position, understand their role in keeping children safe. All employees and decision makers who work within services that support children should be required to undergo mandatory training that alerts them to the warning signs of childhood sexual abuse, to make them vigilant to grooming behaviours and other sexual misconduct, and to understand their reporting obligations and the risks that failing to act places on children, the employee, the workplace and the community.

We note the critical need for a Reportable Conduct Scheme that is closely integrated with the Working with Vulnerable People (WWVP) Registration system. We recognise that a Reportable Conduct Scheme has been identified as part of the Child Safe Framework and would emphasise a need for this work to be expedited considering recent failures within Tasmanian Government Institutions. It is essential that a Reportable Conduct Scheme identifies both sexual offences and sexual misconduct committed against, with or in the presence of a child. Other states and territories clearly identify behaviours that may constitute sexual misconduct including (but not limited to) sharing pornography, grooming behaviour, voyeurism, crossing professional boundaries, and provide clear requirements and processes for reporting such conduct. A robust Reportable Conduct Scheme would refer matters to the registrar administering the WWVP Registration and to professional bodies

such as Australian Health Practitioner Regulation Agency (AHPRA) or the Teachers Registration Board of Tasmania (TRB).

Laurel House staff have heard stories of children, especially children with disability, involved with Child Safety Services where children have been required to remain within the care of adults (either parents, stepparents or foster parents) who have been accused of sexual violence towards the child. There needs to be more done to ensure that children are not returned to environments that place them at risk of sexual abuse. We have also heard of circumstances where court orders require visitation with suspected perpetrators of sexual violence where a parent, usually the mother, have not been believed or have been given legal advice not to report sexual violence during custody proceedings as doing has been found to negatively affect the outcome for the parent making the accusation.

We believe there is much to be done to improve the understanding of children, families and the general public about how they can report their concerns about institutional child sexual abuse, and sexual abuse more generally. It is critical that children and families are provided with information about their rights and the complaints process that is available to them. This information needs to be provided in an accessible and age-appropriate way and in a way that sincerely engages children to understand what they can do if they do not feel safe.

It would be useful to consider how information like that provided to children in Out-of-Home Care by the Child Advocate ([Communities Tasmania - Is Something Not OK?](#)) could be given to and explained to children on accessing any service so they know exactly who is available to help if they do not feel safe or they have been sexually assaulted, and where they can go to escalate their concerns if they don't feel that the response was appropriate (e.g., going to the Children's Commissioner or the Ombudsmen). This kind of information should be provided at intake/admission/enrolment in a service, and within schools should be provided annually or when there is a change to who children can go to for support. In some ways, this would be like a Workplace Health and Safety induction where a new employee is informed of the Workplace Health and Safety Officer, or when staff are informed of a change to an Emergency Warden.

While the Criminal Code and Related Legislation Amendment (Child Abuse) Bill 2018 now makes it a crime for any person to fail to report suspected child abuse, there remains a lack of understanding in the general public and by many mandatory reporters of their legal obligation to report concerns about the safety of a child. The changes to the Strong Families, Safe Kids Advice and Referral Line have provided increased clarity to professionals about the notification pathway and more consistency state-wide, but more education is needed for the general public. Laurel House continues to hear of circumstances where individuals lament having not reported their early concerns about a child's safety or the interactions between an adult and a child. Providing further community education and sharing stories about how early intervention can prevent harm to children will assist in building a culture that is hostile to child sexual abuse and condones a failure to report.

Providing support and treatment

Laurel House provides sexual assault counselling and support to children, young people and adults who have experienced child sexual abuse and secondary victims such as parents, siblings, friends and supporters. Our service is funded by the Tasmanian Government's Department of Community Services, and we have benefited in the last 12 months from an increased funding commitment, although an ongoing increase to funding is yet to be confirmed beyond June 2022. We also operate a 24-hour support line, and we support victim-survivors to report to police, during forensic and legal processes, and to access other mainstream and specialist services. Our service also provides support for children up to age 12 who display harmful sexual behaviour, and their families, and we are ready and able to expand services to older children and young people with increased funding.

Laurel House currently does not offer Redress Support Services (RSS), but we work closely with Relationships Australia and the Sexual Assault Support Services (SASS) to ensure our clients are able to access the Redress Scheme. We will seek to deliver RSS in the next competitive grant round later in 2021, as we recognise that many of our clients would prefer a local service before, during and after applying the National Redress Scheme. Additionally, Laurel House will seek to register our eligible counsellors for the Tasmanian Government Child Abuse Royal Commission Response Unit's Register for Approved Counselling and Psychological Care Providers in order to expand the pool of appropriately qualified and trauma-informed professionals providing counselling and psychological care across the state.

While Laurel House's primary role continues to be the provision of counselling and trauma support for those affected by sexual violence, we believe that it is a necessity to activate change in the community through education, prevention and advocacy. The last couple of years have seen movements such as #metoo and #letherspeak, and high-profile allegations of sexual harassment and assault. While these have provided many victim-survivors with the confidence to speak up and seek support for the first time, there remains considerable stigma associated with disclosure and little to no change in rates of prosecution and conviction.

Laurel House is committed to delivering preventative programs that focus on teaching children about healthy and respectful relationships and the drivers of sexual harm especially within intimate relationships. Our programs teach children about healthy relationships, respect and consent, and discuss the importance of bystanders in preventing sexual violence and abuse by increasing their vigilance to inappropriate and illegal behaviours (e.g., grooming, technology-facilitated sexual violence) and how to seek support. Preventative programs need to be available in all schools and for all ages with differentiated messages of children based on their age and abilities. Laurel House is ready and able to expand preventative programs in schools for both children and staff. Laurel House is also ready to expand programs such as our Consent, Respect and the Law – Essentials for Adults program with Women's Legal Service of Tasmania, and to provide training to institutions and other organisations on implementing the Child Safe Standards and on creating trauma-informed workplaces, organisations and communities that are free from sexual harm.

Improving the criminal justice system

Laurel House supports victim-survivors in their interactions with police and the criminal justice system. The stories shared by our clients and the experiences of our staff highlight that there are considerable inconsistencies in how child sexual abuse and other sexual harm is responded to by police and members of the legal profession. We see examples of exemplary trauma-informed practice, while other circumstances where the contact with police or legal professionals further traumatises victim-survivors or silences them.

Our counsellors report that there are some police officers, usually female officers, who provide trauma-informed support, refer to and will work collaboratively with Laurel House and work with the victim-survivor in a manner that ensures that they feel safe, supported and believed. These officers clearly recognise that their contact with victim-survivors can impact on their satisfaction with the criminal justice system and their willingness to proceed with a report and participate in a prosecution. These officers clearly articulate the rights of victim-survivors to pause or withdraw from the process at any time, provide continuity throughout the process and allow choice to the victim-survivor during the reporting process including where and with whom interviews take place. However, positive experience with police is not consistent throughout the state, with some stations and officers taking a more judgemental or dismissive approach that is not consistent with the findings of the RCIRCSA. We have also heard of situations where the police have refused to take statements from a victim-survivor where they appear to have judged that the alleged perpetrator or unable or unlikely to be tried. We recommend the Tasmanian Police examine what is leading to the differences in the responses of police and provide training and support to expand the positive approaches utilised by some officers.

Laurel House is aware of the Justice Legislation Amendment (Organisational Liability for Child Abuse) Act 2019 that came into effect in May 2020. It is pleasing that legislative change recognises an organisation's duty to protect children, and the requirement for organisations to accept liability for abuse perpetrated by individuals associated with the organisation. However, there remains significant challenges for victim-survivors of child sexual abuse to bring about civil claims against any organisation, especially the Tasmanian Government. In particular, the process for bringing civil claims against the Tasmanian Government is not sufficiently transparent, and many victim-survivors can find it difficult to pursue legal action due to significant functional challenges related to trauma. Further, for many victim-survivors concerns about the potential cost of legal action and fear about how they will be treated through criminal or civil proceeding acts as a barrier.

Laurel House commends the Tasmanian Government on its recent introduction of the Witness Intermediary Scheme on the 1st of March 2021 as part of the Evidence (Children and Special Witnesses) Amendment Act 2020. The Scheme promises to provide much needed support for children and adults with disabilities to better participate in the criminal justice system. Laurel House looks forward to regular updates about the implementation of this program and in working with the Department of Justice to clarify the roles of both the Witness Intermediary and specialist sexual assault services like Laurel House when both services are involved with a victim-survivor.

Implementation of the Royal Commission's recommendations

The RCIRCSA released its final report on the 15th of December 2017. The report provided comprehensive recommendations for the Australian Government, state and territory governments, local government and other institutions. While the Tasmanian Government tabled a formal response to the RCIRCSA's recommendations in the Tasmanian Parliament on the 20th of June 2018, released the Safe Homes Families Communities Tasmania's action plan for family and sexual violence 2019-2022, and has provided annual progress reports and action plans against the RCIRCSA, there continues to be systematic failures in the elimination of child sexual abuse and in the effective response to historical incidences of child sexual assault.

Laurel House is hopeful that the Commission of Inquiry will provide the opportunity to ensure that further scrutiny is applied to every process, system and mechanism that has facilitated the sexual abuse of children and has prevented the Tasmanian Government from responding appropriately without the scrutiny of the media. We need the Commission of Inquiry to particularly address the gaps in implementation of the RCIRCSA recommendations, to hasten the implementation of the recommendations and to make the necessary improvements. Additionally, there is a need to identify robust mechanisms and auditing processes that ensure the timely and comprehensive implementation of the remaining RCIRCSA recommendations and any additional recommendations of the Commission of Inquiry.



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