



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

WITNESS STATEMENT OF DR CHARLIE ARTHUR BURTON

I, Dr Charlie Arthur Burton of [REDACTED] Hobart in the State of Tasmania, Manager Policy, Tasmania Council of Social Service Inc (TasCOSS), [REDACTED], do solemnly and sincerely declare that:

1. I am authorised by TasCOSS to make this statement on its behalf.
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.
3. TasCOSS made a submission to this Commission of Inquiry into the Tasmanian Government's Responses to Child Sexual Abuse in Institutional Settings (**Commission**) in July 2021. I refer to and adopt that submission. Attached to this declaration and marked **CB-1** is a copy of the TasCOSS submission dated July 2021.

BACKGROUND AND QUALIFICATIONS

4. I have the following qualifications:
 - (a) Bachelor's Degree, Politics from Macquarie University; and
 - (b) PhD in Political Science from the Australian National University.
5. Before I was involved with TasCOSS, I worked in Community Engagement for the University of Tasmania for 2 years. In this role, I liaised with industry, schools and other community organisations to promote engagement between the Tasmanian School of Business and Economics with the purpose of improving student and research outcomes.
6. Attached to this declaration and marked **CB-2** is a copy of my curriculum vitae.

CURRENT ROLE

7. I commenced with TasCOSS in June 2017 as a Policy Advisor. In this role I undertook research and prepared policy submissions in policy areas including housing, issues affecting children young people and families, and law reform.
8. I am currently employed as Manager Policy. This is an expansion of the Advisor role. In this role I am responsible for managing a team of three people across a

range of policy areas including energy affordability, housing, justice and law reform, digital inclusion, food security, cost of living issues, and family and sexual violence.

TASCOSS

9. TasCOSS is a non-profit organisation. It acts as the peak body for the community services industry in Tasmania. Our members provide services including aged and disability care, drug and alcohol counselling, emergency relief including food, housing and homelessness services, care services, mental health support, and parenting support.
10. TasCOSS was established in 1961. Its mission is to challenge and change the systems, behaviours and attitudes that create poverty, inequality and exclusion.
11. TasCOSS is not a direct service provider. In relation to the matters before the Commission, our members provide support to victim survivors of child sexual abuse and others provide services such as out of home care.
12. TasCOSS provides services to its members, including:
 - (a) advocacy - we speak to Tasmanians in their communities and advocate on their behalf to decision-makers and governments. We also create partnerships across the industry and across sectors to drive and influence systemic change.
 - (b) education - by providing training and events on governance, leadership, and influence.
 - (c) making policy submissions to the government;
 - (d) speaking to the media to increase awareness of the drivers and impacts of inequality and exclusion, and to advocate for solutions to address these. From time to time this includes commentary on issues relating to child sexual abuse; and
 - (e) help desk support for TasCOSS Members. This support involves assisting members with various inquiries including advice on how to prepare a submission to a consultation or inquiry, how to conduct a focus group, how to work with people with lived experience.

13. Working in community services, TasCOSS is aware of the high levels of disadvantage faced by many Tasmanians, and the instances of abuse, including child sexual abuse, suffered by people in the Tasmanian community. TasCOSS's membership includes individuals as well as organisations who are associated in the provision of community services to Tasmanians living on low incomes and in vulnerable and disadvantaged circumstances.
14. TasCOSS consulted with its members and other organisations with frontline and policy expertise in the child safety system and children's welfare when preparing its submission to the Commission.

TasCOSS – Current actions

15. The National Royal Commission found that many institutions had failed to protect children from sexual abuse, failed to listen to children who tried to disclose abuse and failed to respond adequately when abuse came to light. TasCOSS has worked with our members to understand the system failures and advocate for addressing these failures.
16. These have been communicated by TasCOSS to the Government in a range of submissions in recent years including in its submissions on:
 - (a) Family based care (2018);
 - (b) Renaming Sexual Offences (2019);
 - (c) Organisational liability for child sexual abuse (2019);
 - (d) Under 16 homelessness policy framework (2021);
 - (e) Child and Youth Wellbeing Strategy (2021); and
 - (f) Child Safe Organisations Bill (2021).
17. At the request of several members, TasCOSS submitted a funding bid for \$834,000 from the Tasmanian government over five years to establish a family/sexual violence policy development and sector coordination role. It would fulfil policy, consultative and sector development functions to enhance information sharing between the sector and the Tasmanian and Australian governments, support the sector in its policy development and advocacy, and result in better outcomes for individuals who engage with specialist and mainstream services relating to women's safety.

Feedback from TasCOSS members

18. TasCOSS has received feedback from its members that there is a sense among some service providers in the community services sector that harms against children are not being treated by the Tasmanian government and the child safety system with the seriousness or urgency that it should.
19. An example of the potential lack of urgency is that parts of the child safety system redesign, Strong Families, Safe Kids, have not been implemented according to the stated timeframe such as the introduction of standards for Out of Home Care.
20. TasCOSS members want to see much faster progress on key Royal Commission recommendations including:
 - (a) Child safe standards that are detailed and clear, so organisations know what they need to do to meet each standard;
 - (b) A reportable conduct scheme to ensure concerns are investigated and acted upon, and this needs to include mechanisms for information sharing for the purpose of keeping children safe;
 - (c) Standards for Out of Home Care, for both government and non-government providers;
 - (d) A carer register;
 - (e) Accreditation of all Out of Home Care providers; and
 - (f) A culture in child safety, the government and the community at large that we have zero tolerance for child sexual abuse, reflected in appropriate resourcing.

CHALLENGES IN EVALUATING THE TASMANIAN GOVERNMENT'S RESPONSES TO CHILD SEXUAL ABUSE

21. TasCOSS and other stakeholders have found it difficult to gain a clear picture of the Tasmanian Government response to child sexual abuse in institutions, particularly in relation to how it reports its responses to the Royal Commission. As noted by other TasCOSS members, initiatives in the Government's Annual Progress Reports and Action Plan 2021-23 do not always relate to the Royal Commission's specific themes and recommendations, making them hard to track

and evaluate.

Up until the Tasmanian Government's Fourth Annual Progress Report insufficient details were provided to assess the Government's responses against the National Royal Commission recommendations.

22. Another difficulty with evaluating the Tasmanian Government's response is that a range of relevant data is not publicly available. For example, there is no public reporting of the number of child sexual abuse complaints or substantiations in government institutional settings. The Annual Report on Government Services reports on abuse in care settings but not more broadly across government departments. This kind of data is required to provide a baseline of the issue in Tasmania and assess this jurisdiction's progress in addressing the issue.
23. In TasCOSS's submission to this Commission, we recommended that the Government's reporting on progress on the National Royal Commission's recommendations continue with the level of detail provided in the Fourth Progress Report.
24. There should also be child and young person friendly versions of legislation, regulations, progress reports and action plans available so that these documents are accessible to all people.
25. The Tasmanian Government has now released its Fourth Annual Progress Report and Action Plan 2022. We were particularly pleased to see it acknowledged its consultations showed support to 'accelerate' work on the child and youth safe organisations framework and that it has commenced work on a reportable conduct scheme. However the Action Plan does not commit the Government to deliver initiatives within specific timeframes. Without timeframes we are concerned actions can be pushed off the agenda, or are not made a priority particularly when competing with other issues that have high media and/or political interest, which can tend to be given a higher priority.

CHILD SAFE ORGANISATIONS BILL

26. The Child Safe Organisations Bill does not provide the most robust framework that could be implemented and does not assure Tasmanians that the government is doing all it can to protect children. TasCOSS made a submission to the Tasmanian government on the Child Safe Organisations Bill 2020 in which we raised our concern that the language and definitions in the National Child Safe standards were not replicated in the Government's bill. In particular:
- (a) Changes in meaning, for instance around 'fit and proper persons' to be working with children.
 - (b) Changes in definition of scope, for instance in relation to what constitutes a child-related service.
 - (c) Dropping of key points, for instance in relation to equity and diverse needs as a stand-alone principle for child-safe organisations.
 - (d) Difficulties in achieving consistency in reporting and determining outcomes and indicators across Australian jurisdictions, making it harder to measure at the national level how states and the nation are performing to uphold the safety of children – a strong concern for TasCOSS members who are national organisations.
27. Attached to this declaration and marked **CB-3** is a copy of the TasCOSS submission dated February 2021. I refer to and adopt that submission for the purposes of this statement.

Lack of a reportable conduct scheme

28. I note the Tasmanian Government has committed to introducing a reportable conduct scheme as part of the Child and Youth Safe Organisations Framework. In implementing a reportable conduct scheme, the government should take into account the experiences of Tasmanians to find out how the scheme should operate from the perspective of the people who would be using it. This includes organisations as well as community members.
29. Based on TasCOSS's discussions with the Tasmanian Commissioner for Children and Young People in 2021, my colleagues at TasCOSS and I understand that implementing the scheme in Victoria required significant resources including

education, awareness raising, training for organisations and development of a suite of online resources, including information sheets on the scheme translated into different languages. We believe if the scheme is introduced without adequate resourcing, particularly for smaller organisations to comply, it will not achieve its purpose.

30. It should also put timelines against delivery of the Framework and the scheme – and prioritise them - which would help organisations prepare as well as help ensure these actions are not delayed.

Lack of an independent oversight body

31. It is essential that the Tasmanian government fund a properly resourced and fully independent oversight body that enforces the reportable conduct scheme and the Child Safety Standards. It is my view that the implementation of an independent oversight body would assist in the improvement of the safety of children at risk of sexual abuse in institutional settings in Tasmania.
32. Any oversight body should be completely independent and not situated within the government department with responsibility for the functions of overseeing children and young people (presently, the Department of Communities).
33. I have looked at the model in Victoria where the Children’s Commissioner, under umbrella legislation that sets child safe standards and gives the monitoring and regulation of those to the office of the Commissioner; establishes a reportable conduct scheme also sitting with the Commissioner; and establishes information sharing protocols so individuals and organisations can talk to each in order to keep children safe.
34. I have heard the Commissioner in Victoria state that an oversight body requires significant resourcing as that role has both the oversight role, as well as capability building and education. Accordingly, I would not support that responsibility being added to the Tasmanian Commissioner for Children without adequate resourcing for that Office to perform its regulatory and compliance functions as well as to be able to work in communities and relevant sectors (education, schools and so on) to educate, run training, and develop information and resources.

Lack of timelines for the implementation of reforms

35. TasCOSS members generally agree that child safe standards and a reportable conduct scheme should be introduced as quickly as possible. However, due to the compliance costs associated with these, they will need support and resourcing. We do not want to see a situation where inability to comply would lead to some organisations not being able to offer their services. So if the Government cannot commit to supporting organisations to implement both at once, they should be staggered.
36. It is my view that the Tasmanian government should, as soon as possible, implement clear timeframes for the introduction and implementation of these measures.

INCOMPLETE DEVELOPMENT AND IMPLEMENTATION OF INITIATIVES WITHIN THE CHILD SAFETY SYSTEM

Current problems with Child Safety System

37. From my perspective, the two key issues presently confronting the implementation of a Child Safety System in Tasmania are:
 - (a) Training – child safety officers in particular need ongoing training including in trauma informed practice and in child safe standards; and
 - (b) Broader resourcing of the system so workers do not have to choose between allowing one child to stay in an unsafe environment because another child is assessed as in greater need of protection – the system should be resourced to enable a 'zero tolerance' level of harm.

Reforms of Child Safety System

38. The reform of the Child Safety System needs to continue now the first two stages – the Advice and Referral Line and reform of Child Safety - are underway.
39. A crucial next step is to ensure family support services and properly resourced and are effective. Given the redesign was envisaged as system-wide, changing one element of the system but not others will create pressure points – both the Advice and Referral Line and Child Safety need well-resourced services to refer people to. Both those areas of the system will find it harder to do their jobs without those services in place.

40. I understand the Brotherhood of St Laurence last year completed a review of family support services in Tasmania. While I have not read the report, I have spoken with them, and their review included a history of reforms in this area and they have insights into why some reforms have not been implemented. They also have a range of recommendations for improving the family support system and aligning it with other areas such as youth support services, the youth justice system and family and sexual violence reforms. We hope the Government will release the report by the Brotherhood of St Laurence so that Tasmanians can see for themselves where the systems designed to support and protect children and families are working well and where they are not.
41. The reform should continue in conjunction with the implementation of the recommendations of the National Royal Commission, specifically in relation to children in care.
42. For example, in TasCOSS's submission to the Commission we have listed actions in relation to the:
- (a) creation of fully independent oversight of children in care. The location of the Child Advocate position within the Department of Communities is not an adequate substitute for a fully independent position which we believe should sit within the office of the Commissioner for Children and Young People;
 - (b) finalisation of the Tasmanian Standards for Children and Young People in Care, which are reportedly in draft but have not yet been released;
 - (c) development of a carer register;
 - (d) accreditation of all out of home care providers. Given the government is involved in contracting and funding Out of Home Care, the accreditation body should sit somewhere that is independent; and
 - (e) development of a Code of Conduct for staff and volunteers working with children. While most organisations already have codes of conduct in place, once child safe standards are legislated in Tasmania, codes of conduct should align to these and be detailed so that everyone involved with the organisation is clear about what the standards and code require.

PREVENTION

43. A public health approach is needed to address child sexual abuse. This means looking beyond practices in particular institutions or organisations and taking a whole-of-community lens, with action along the continuum from universal prevention, early intervention and targeted tertiary responses, as well as trauma informed support for recovery.
44. The Tasmanian government should work with the Australian government to ensure the work of the new National Centre for the Prevention of Child Sexual Abuse brings benefits to Tasmanians. Organisations with expertise in responding to sexual assault are well placed to work with the government to inform how the national work can be translated to the Tasmanian context. This will ensure their expertise and the experience of victim survivors are heard. People with lived experience should have a central voice in informing prevention efforts. These groups should advise the government on the best mechanism to coordinate this work – in other areas mechanisms such as the Premier's Health and Wellbeing Advisory Council have been a successful way to bring expertise from different sectors to inform government actions.
45. There is also good work already underway in Tasmania. Some TasCOSS members run effective school-based prevention programs and we would like to see more funding for these to be run in all schools. For example, Sexual Assault Support Service (**SASS**) run a number of education programs targeted at school-aged children (both primary and secondary), school staff, parents and guardians. These programs aim to identify and address harmful behaviours and attitudes, whilst also promoting healthy, respectful and ethical sexual decision-making. Training is tailored to be age-appropriate and, where possible, delivered in a group setting. It has been recognised at a national level for its effectiveness.
46. Another example is 'Consent – Sex and Respect' – The program is run by Laurel House and is targeted towards high school students and covers topics relating to consent, respectful relationships and the law, including healthy and unhealthy relationships, violence and online safety. The program is delivered over six sessions and is designed to be delivered in school classrooms by experienced youth workers and specialist sexual violence counsellors offering the opportunity

for students to engage with in-depth discussion of consent, sex and the law, and to build the capacity of school staff to discuss these topics with their students.

47. There is also 'Consent, Sex and the Law' – this program is a collaboration between two community organisations (Laurel House and the Tasmanian Women's Legal Service (**WLS**)) with extensive knowledge and practical expertise in the areas of family and sexual violence. The program has been piloted within high school communities where parents, carers, teachers and other school staff are encouraged to consider the law and how they can better support their children and students to have respectful relationships. The program is delivered as a single session with a Senior Solicitor from WLS and a specialist sexual violence counsellor and encourages participants to consider the gendered drivers of sexual violence, the signs of unhealthy relationships, the specifics of the law, and how to access support. The program lends itself to being modified to other groups including businesses and community groups in order to share this critical information as widely as possible.
48. That kind of activity should be given a high priority. There is currently a disproportionate focus on educating children about protective factors and how to make a disclosure, which is an abrogation of our responsibility as a community to keep children safe in the first place. Similarly, while the Advice and Referral Line is a good initiative in terms of giving the community a single point of contact for various levels of concern, it should not be a substitute for community wide prevention education.

Early intervention

49. Lack of transparent discussion about child sexual abuse means there is not universal understanding about what the signs are, or what to do if there are concerns. High thresholds for reporting in mandatory reporting guidelines, for example, mean there are missed opportunities to intervene and potentially prevent abuse from occurring. This was identified in the report of the Inquiry into the Department of Education's Responses to Child Sexual Abuse. There also needs to be more investment in evidence-based programs that address problematic behaviours amongst adults and children.

Co-design

50. The Tasmanian government recently underwent a review of state service. One of the recommendations was that the Government identify key policy areas and implement a whole-of-Government response in those areas. Both child poverty and child sexual abuse are areas that lend themselves to this kind of approach. This is because there is a danger that there is a lot of government or government-funded activity that is not always as well connected to other activities, and is not communicated across related departments.
51. In determining how best to design services, there should be significant consultation with affected children and their families. This could be through the inclusion of the views of children with lived experience or via a representative body. This consultation should be the business-as-usual approach in both the planning phase (to determine what works and what would support them) and also in the evaluating phase (to determine if the actions in place do actually support them).
52. This model is in contrast to the commonly used purchaser-provider model where typically the government uses a funding agreement to direct a particular kind of service provision to achieve outcomes it sees as important. A co-design model would build in voices of service users and affected populations to design a service that meets the needs of government as well as service providers and users.
53. In Tasmania the purchaser-provider model is complicated by the fact that the Government is both purchaser and provider of Out of Home Care services. I am aware the Commissioner for Children and Young People has recommended more clearly delineating these roles.

Funding

54. Implementing the recommendations of the Royal Commission, in relation to child safe standards will have financial implications for many TasCOSS member organisations. Many, particularly smaller, organisations will need support in the form of education, training, and policy and practice guides and will not necessarily be able to afford to purchase this support.
55. As I already mentioned the Victorian Commissioner for Children and Young People provides this support to organisations that work with children and young people. This is a good model for Tasmania to adopt.

- 56. The Government has a clear role in funding general prevention programs, not just for children in care or institutional settings. In particular, it needs to drive change to address a societal culture that minimises or dismisses behaviours that escalate to child sexual abuse. It needs to invest in understanding the evidence of what works in prevention and early intervention and follow that up with resources and action. Once concerns or claims are made, these must be taken seriously and acted upon immediately.
- 57. Finally, when there is evidence that prevention and early intervention programs are working, we should continue to invest in them and expand them if we know there is unmet need.

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

Declared at
on April 2022

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[Redacted]

Hobart TAS
7000

[Redacted]

Charlie Arthur Burton

Before me

[Redacted]