



ROYAL COMMISSION INTO INSTITUTIONAL RESPONSES TO CHILD SEXUAL ABUSE

SUPPLEMENTARY STATEMENT OF WITNESS

Statement of: Caroline MEALOR

Occupation: Deputy Chief Executive, Attorney-General's Department, South Australia

This statement, consisting of 8 pages signed by me is true to the best of my knowledge and belief.

1. I am the Deputy Chief Executive, Attorney-General's Department and have held this position since September 2012 other than a period as Acting Chief Executive from June 2016 to February 2017.
2. I provide this statement in response to a letter of request from the Royal Commission into Institutional Responses to Child Sexual Abuse ('the Royal Commission') to Ms Angel Williams dated 3 February 2017.
3. This statement constitutes the State of South Australia's response to the items set out in Part 2 of the Royal Commission's letter dated 3 February 2017. Responses to items 2.3 and 2.5 are updates of information provided in my statement dated 26 October 2016.

Item 2.3 - Redress

4. In paragraph 48 of my statement dated 26 October 2016, I stated that the Commonwealth Government had not yet implemented a national redress scheme. On 4 November 2016, the Commonwealth Government announced a national redress scheme ('the scheme') for survivors of institutional child sexual abuse. States, Territories and other non-government institutions have been invited to 'opt-in' to the scheme.

5. South Australia's position in relation to a national scheme has not changed. The State Government has said it welcomes the concept of a national scheme but that funding must be provided by the Commonwealth and the scheme should not interfere with closure already achieved by the State scheme. South Australia in principle supports the adoption of nationally 'consistent principles' for application to State and Territory redress schemes. The State of South Australia is not in a position to become a funder of last resort in respect of non-government institutions which are not in a position to meet their liability under a single national redress scheme.
6. South Australia is the only State with a current, open *ex-gratia* payment scheme. The *ex-gratia* compensation scheme is an alternative to litigation for victims of child sexual abuse who were in State care. It provides victims with a more informal mechanism through which to seek financial redress.
7. The Commonwealth Department of Prime Minister and Cabinet is in the early stages of planning and designing elements and principles of the scheme, and South Australia alongside the other States and Territories is participating in the planning phase. The State of South Australia participated in three teleconferences in October, November and December 2016 which were facilitated by the Commonwealth Government. The State of South Australia also attended a jurisdictional working group meeting in Canberra in December 2016. The experiences of South Australia in the administration of its *ex gratia* compensation scheme to date may be of assistance to the Commonwealth, other States and territories in planning the new scheme.
8. As previously stated, the South Australian Government has also formally adopted a policy to deal with child sexual abuse common law claims compassionately.

Item 2.5 - Working with Children Checks

9. In my statement dated 26 October 2016, there are references to the *Child Safety (Prohibited Persons) Bill 2016 (SA)*. That Bill was passed, and received Royal Assent on 10 November 2016. The Act has not yet commenced, and the Attorney-General's Department will lead public consultation on the associated regulations in early 2017.

Item 2.6 - Out-of-home care - data collection

10. The Client Connected Case Management System ('C3MS') is the Department for Child Protection's ('DCP') case management system for recording client information. Every allegation and substantiation of child sexual abuse in out-of-home care ('OOHC') is recorded in this system. This includes all known details of the alleged perpetrator, including age and relationship to the child(ren), the date, nature and location of the incident, age and gender of the child(ren) and notes regarding the action taken.
11. Nationally available jurisdictional statistics and information on aggregated abuse and neglect data for children in OOHC is available in the 'Report on Government Services' produced by the Productivity Commission. This covers all types of abuse and neglect. DCP provides some figures to the Productivity Commission including data in relation to 'Children in out-of-home care who were the subject of a substantiation of sexual abuse, physical abuse, emotional abuse or neglect'.
12. States and Territories also provide information annually to the Australian Institute of Health and Welfare ('AIHW') to compile the Child Protection National Minimum Data Set ('CPNMDS'). However, this does not include reporting of specific types of abuse and neglect of children in OOHC. The 'Child Protection Australia' report is produced utilising this data set. These national reports are important because they enable the tracking of national trends in issues such as child sexual abuse and provide a national evidence base for monitoring trends in child protection. Additionally, they allow South Australia to determine areas where we are performing either well or poorly.

Item 2.7 - Reportable conduct and mandatory reporting

13. The trigger for mandatory notification is set out in section 11(1) of the current *Children's Protection Act 1993* (SA) as follows:

'If -

- (a) a person to whom this section applies suspects on reasonable grounds that a child has been or is being abused or neglected; and
 - (b) the suspicion is formed in the course of the person's work (whether paid or voluntary) or of carrying out official duties,
- the person must notify the Department of that suspicion as soon as practicable after she or he forms the suspicion'.

14. The *Children and Young People (Safety) Bill 2017 (SA)* was introduced in Parliament on 14 February 2017. It is intended that this Bill will repeal the *Children's Protection Act 1993 (SA)* and establish a new legislative scheme to protect children and young people from harm and provide for children and young people who are in care.
15. The *Children and Young People (Safety) Bill 2017 (SA)* moves away from using the term 'abuse and neglect' and adopts the more modern terminology of 'protecting children and young people who are at risk of harm'. In its current form clause 14(1) of the Bill provides that:

'For the purposes of this Act, a reference to **harm** will be taken to be a reference to physical harm or psychological harm (whether caused by an act or omission) and, without limiting the generality of this subsection, includes such harm caused by sexual, physical, mental or emotional abuse or neglect'.

In its current form clause 15 of the Bill provides an extensive definition as to what it means to be 'at risk'. These provisions in the Bill are broader and capture significantly more conduct than the existing legislative scheme. Because of this, consequential amendments were required to Chapter 5, Part 1 ('Reporting of suspicion that child or young person may be at risk') to reflect the definition in clause 15 of 'at risk'.
16. At the COAG meeting on 1 April 2016 a nationally consistent reportable conduct scheme to improve oversight of responses to allegations of child abuse and neglect was discussed.
17. It was recorded in the Communique issued after the COAG meeting that COAG agreed in principle to harmonise reportable conduct schemes, similar to the current model in operation in NSW and announced in the ACT and Victoria.
18. At the time of the COAG meeting, South Australia's position was that both the Child Protection Systems Royal Commission and the Commonwealth Royal Commission were underway and it would be pre-emptive to implement a reportable conduct scheme until the recommendations of those Royal Commissions were made.
19. The State of South Australia supports consideration of a national approach to mandatory reporting. The benefits of a national approach need to be clearly identified against the costs of any approach.

20. Following the establishment of DCP (separate to the Department for Education and Child Development ('DECD')), it was decided that as of 1 November 2016, the Child Safe Environments ('CSE') program would remain with DECD. The current DECD Responding to Abuse and Neglect ('RAN') training for education staff will cease and there will be one CSE training program for all mandated notifiers either through direct training or via the 'train the trainer' model. Public CSE training resources have been altered and distributed to reflect the immediate changes to the departmental structure on 1 November 2016.
21. The CSE training program is provided to organisations and community members through approved independent training providers. Organisations can also have employees complete a 'train the trainer' workshop and become qualified to deliver training to other staff and volunteers within their organisation. Further information on the CSE training program is provided below under Item 2.8 - Child Safe Standards.
22. The DCP Learning and Practice Development team continue to provide CSE training to all DCP staff using guidelines that were updated recently. These may need to be further updated to reflect any relevant legislative changes.
23. Additional CSE training sessions are currently provided to residential care staff to ensure that all staff who have been employed for more than three years have attended refresher training.
24. DCP has collaborated with TAFE SA to develop online training in CSE and negotiated free access to this for all DCP staff. While not viewed as a substitute for face-to-face learning, this will allow for urgent training to be undertaken while waiting for scheduled face-to-face training opportunities, particularly for those staff who have a disability or are hindered by distance or funding.

Item 2.8 - Child Safe Standards

25. The 'Child Safe Environments: Principles of Good Practice' policy was updated in November 2016 to remove references to Families SA and change the department responsible for the administration of the policy to DECD (Attachment 1).
26. The 'Guidelines for mandated notifiers and information for organisations' were updated in April 2015 to reflect amendments to the child safe environments provisions (Attachment 2).
27. Organisations that are required to provide child safe environments must ensure that their policies and procedures are developed in line with the 'Child Safe Environments: Principles of Good Practice' and must lodge a statement setting out these policies and procedures with the Chief Executive of DECD. To assist organisations, DECD has developed three 'compliance statements' which set out the minimum requirements for providing child safe environments for different organisation types (single organisations, sole traders or people working in partnerships and representative bodies) (Attachment 3).
28. The Chief Executive responsible for the child safe environment provisions of the *Children's Protection Act 1993* (SA) may request information relating to an organisation's compliance with the requirements of section 8C.
29. The Chief Executive monitors compliance principally by reviewing the information organisations provide when they lodge their 'compliance statement'. Specific follow up is undertaken where the statement contains information that raises concerns or indicates a lack of understanding about child safe environments.
30. The CSE training program focuses on building capacity within organisations to create a culture which respects and supports the importance of child safe environments. Tailored advice about organisations' obligations is provided through a dedicated telephone line and email account. The program also offers additional assistance in drafting or reviewing organisations' policies and procedures where necessary.
31. At the Community Services Ministers' meeting on 11 November 2016 South Australia agreed to the development of a National Statement of Principles for Child Safe Organisations ('the National Statement of Principles') provided the approach did not

dilute the current arrangements. DECD will continue to provide input into the development of the National Statement of Principles.

Other updates

32. The Government of South Australia released its response to the Child Protection Systems Royal Commission report 'The life they deserve' on 29 November 2016. The response, 'Child protection - a fresh start', sets out the action that will be taken in relation to Commissioner Nyland's recommendations, including numerous recommendations regarding out-of-home care and data collection respectively. I have attached the response to this statement (Attachment 4).
33. In paragraph 45 of my statement dated 26 October 2016, I referred to the maximum level of compensation payable under the VOC Act increasing from \$50,000.00 to \$100,000.00 in March 2016, and that this increase applies to new claims arising from offences that occurred on or after 1 July 2005. This date is incorrect. The increase applies to new claims arising from offences that occurred on or after 1 July 2015.
34. In paragraph 71 of my statement dated 26 October 2016, I referred to the *Children and Young People (Oversight and Advocacy Bodies) Bill 2016 (SA)*. The Bill was passed, and received Royal Assent on 27 October 2016, with the majority of provisions commencing on 10 November 2016. Applications for the position of Commissioner for Children have closed.
35. In paragraphs 80 and 81 of my statement dated 26 October 2016, I referred to the *Public Sector (Data Sharing) Bill 2016 (SA)*. The Bill was passed, and received Royal Assent on 8 December 2016. The *Public Sector (Data Sharing) Act 2016 (SA)* has not yet commenced.
36. In paragraphs 82 and 83 of my statement dated 26 October 2016, I referred to the establishment of the Child Wellbeing Practitioner Program ('the CWPP'). The CWPP is being evaluated jointly by Ms Fiona Arney of the Centre for Child Protection, University of South Australia and Ms Sally Brinkman of the Fraser Mustard Centre. The initial methodology of the evaluation was established as part of the tender process, and further

details of the evaluation framework are currently being developed. The final evaluation report is due in February 2019.



CAROLINE MEALOR

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21 February 2017