



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

WITNESS STATEMENT OF JILLIAN RUTH MAXWELL

I, Jillian Ruth Maxwell of [REDACTED], in the State of Tasmania, Chief Executive Officer, Sexual Assault Support Service (**SASS**), [REDACTED], do solemnly and sincerely declare that:

- 1 I am authorised by the SASS 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.

BACKGROUND AND QUALIFICATIONS

- 3 I have the following qualifications, Bachelor of Psychology and Bachelor of Social Work (University of Tasmania, February 2001 to November 2005).
- 4 In May 2015 I was appointed as the Chief Executive Officer for SASS.
- 5 Prior to my appointment as CEO at SASS, my roles included:
 - (a) between August 1988 and July 2001 I was a police officer with the Tasmanian Police;
 - (b) between February 2001 and November 2005 I undertook my studies at the University of Tasmania;
 - (c) between January 2006 and December 2008, I was the North West Manager for Volunteering Tasmania; and
 - (d) between January 2009 and May 2015, I was the State Manager for Volunteering Tasmania, where I did community development work.

SEXUAL ASSAULT SUPPORT SERVICES

- 6 SASS is a community-based organisation committed to providing trauma-informed support and information services to survivors of sexual assault, carers and support people, professionals, and the broader community.
 - 7 SASS is funded by the following Government departments:
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- (a) Tasmanian Government Department of Communities, to provide SASS's core program of counselling and support services, and the Harmful Sexual Behaviours Program;
 - (b) Tasmanian Government Department of Education, to deliver primary prevention of sexual harm training in Tasmanian high schools and colleges; and
 - (c) Australian Government Department of Social Services, to provide a Redress Scheme Support Service. This is a free and confidential support service for people who may wish to lodge an application to the National Redress Scheme, which commenced in 2018 and will run until 2028.
- 8 The range of support options at SASS includes counselling, case management and advocacy, 24/7 crisis support (including assistance and support at Forensic Medical Examinations and Police Statements) and therapeutic interventions for children and young people who are engaging in harmful sexual behaviours. SASS also provides primary prevention and raising awareness programs.
- 9 SASS also provides information and support to professionals and delivers evidence-based training workshops and community education activities in a range of settings including schools and colleges.
- 10 As part of SASS's goal to provide responsive and holistic services to individuals, families, and the broader community, SASS facilitates therapeutic intervention services for children and young people (aged under 18 years) who are displaying harmful sexual behaviours.
- 11 SASS deals with an average of 10 referrals a month for child and adult victim survivors of harmful sexual behaviours. Last year SASS had referrals for 351 children and 1051 adults.
- 12 The training that SASS provides to its staff is dependent on need. SASS has 48 staff, 2 of which are full time. In terms of case load, 1 full time employee would generally carry a case load of 30 clients. SASS is externally accredited with QIP and follows the child safe standards and NASASV Standards.
- 13 SASS's clinical services are based in the south of Tasmania. SASS's primary prevention services are state-wide. SASS's harmful sexual behaviours and Redress services are also state-wide. In SASS's view, all people in Tasmania do

not have easy access to sexual assault services in Tasmania. The more remote / regional areas are likely to find it difficult to access services.

- 14 SASS draws its staff nationally.
- 15 Generally the essential training / qualification requirements of SASS staff includes a degree in social work, psychology or counselling; a post graduate in human services; a national police check; and a working with vulnerable persons card.
- 16 SASS works hard to provide a supportive and flexible work place. Staff are provided with their own budgets for personal development and supervision. There are regular peer support meetings. SASS provides opportunities for career development and has a system in which staff contribute to continuous improvement. SASS has a clear set of values which it utilises for performance appraisals.

RESPONSES TO HARMFUL SEXUAL BEHAVIOURS WITHIN DEPARTMENT OF EDUCATION SCHOOLS

- 17 I recently provided a series of case studies on behalf of SASS to the Department of Education to illustrate the need for education and training for students, teachers, parents and support staff (school counsellors, ministers, psychologists, social workers) around harmful sexual behaviours.
- 18 This document was provided to the Minister for Education on 14 December 2021, and Learning Services, within the Department of Education, on 15 December 2021. A copy of the case study document is annexed to this statement and marked **JM-1**.
- 19 I received a letter from the Secretary of the Department of Education, Tim Bullard, on 24 December 2021. The letter acknowledged receipt of the case studies and requested further details so that Learning Services can ensure that the affected families are appropriately supported and can refer the matters to the Office for Safeguarding Children and Young People. No further details were provided as we would have needed to have the consent of each person. These case studies were provided to the Department to highlight system issues not individual people.
- 20 The case studies highlight the risks to the psychosocial wellbeing of children and young people that arise when disclosures of incidents of harmful sexual behaviours and child sexual abuse are not appropriately responded to. The case

study regarding "Client C", a grade one female student, is illustrative of the issue. A male student with a history of harmful sexual behaviours asked to sexually touch her while at school, and told her that if she refused he would tell everyone she had said yes and she would be expelled.

- 21 Client C later disclosed this to her parents. Her parents met with the principal and a senior teacher regarding the incident. The school later indicated that the matter had not been reported to Child Safety Services on the advice of Learning Services. The parents then sought support from Family Planning and SASS at their own initiative, and made a complaint to Learning Services. No counselling or appropriate supports have been provided to the child or parents to date, despite Client C exhibiting a number of trauma responses.
- 22 It has been our experience that where mandatory reports are not made and the school does not facilitate communication with the parents and child or young person, there is a risk that the child who has made the disclosure will feel silenced or victimised. For example, we frequently see instances where a child who has made a disclosure is separated from other children, has their movement around the school grounds restricted, and/or is asked not to discuss the harmful sexual behaviours incident with other students. The case studies involving "Client A" and "Client B", which are discussed in more detail in Ms Pepper's statement, bear some of these features.
- 23 While these measures are adopted by the school in good faith in an attempt to manage the situation or separate students, the children and young people who have been subjected to harmful sexual behaviours often report feeling that they have been treated as a "troublemaker".
- 24 Teachers and principals are often the first responders to disclosures of harmful sexual behaviours or child sexual abuse. However, there is no overarching policy framework for responding to harmful sexual behaviours in educational settings. There is a need for an overarching State Government policy framework regarding responding to harmful sexual behaviours, child sexual abuse and child sexual exploitation. Ideally, this framework would be drafted via robust consultation, where policymakers work with specialists, like SASS, to ensure they are implementing a trauma-informed best practice approach.

- 25 The case study of Client C also emphasises that it is essential to have school principals on board with the Department of Education's approach. In our experience at SASS, principals can often override actions that other teachers or support staff may be seeking to take. A conflict of interest can arise between making a report of harmful sexual behaviours to the Department of Education, and managing the school's reputational and administrative interests.
- 26 Ideally, a prospective State Government policy framework for harmful sexual behaviours would address this, by setting out the response pathway that the Department of Education requires principals to take. It would be beneficial to have a senior executive staff member trained in harmful sexual behaviours and child safeguarding, who can assess cases and advise the principal what the required approach is. There would also need to be someone within the Department of Education that staff can approach if the principal is not executing the necessary response, to ensure the safety and wellbeing of the children and young people involved.
- 27 SASS has started to engage with the new Director of Safeguarding Children and Young People.

FACILITIES FOR THERAPEUTIC SERVICES

- 28 Victim-survivors of all ages express feeling overwhelmed in respect of the number of agencies who they are meant to "follow up with". The onus is often placed on the individual, who has already experienced significant hardship and distress, to contact the Police, Child Safety Services and other State Government agencies. At SASS, we work to introduce the relevant contacts and assist clients with making the relevant reports or accessing necessary services. Otherwise, there is too much for the victim-survivor to organise on their own.
- 29 The problem could also be addressed by adopting a Multi-Disciplinary Centres (**MDCs**) model, similar to the one used in Victoria.
- 30 MDCs are purpose built centres, with a range of co-located services or capacity for a variety of services to come into the MDC to deliver services. This means that young people don't need to access therapies or support in 'silos', doing one thing here one day and having to go to a different place for a different service another

day. MDCs allow a range of services to be provided in a continuous way in the one centre, where clients feel safe.

- 31 MDCs built especially for young people would have spaces to facilitate age appropriate therapies or services, for example kitchen type spaces with vinyl floors to enable art and other such activities.
- 32 A co-located model such as an MDC would result in services such as SASS, and other agencies and services such as the Police, Department of Education and Child Safety Services operating under the same roof. Operating in close proximity to each other would mean that agencies and services can communicate quickly and easily, and would also ensure that consistent approaches to harmful sexual behaviours and child sexual abuse are being implemented across the different providers.
- 33 Ideally, agencies such as the Police would be in plain clothes and the signage outside an MDC or similar co-located service would not publicise their presence. The focus would be on ensuring that children and young people feel comfortable coming in, speaking to a counsellor and making a disclosure. This means disclosures would be made to professionals who specialise in responses to child sexual abuse and harmful sexual behaviours from the outset. The conversation then becomes about facilitating choice for the child or young person — it is less overwhelming if a counsellor or psychologist can ask if the child would like to speak with a Police officer with them, and the Police officer is already onsite within the MDC and trained in responding to sexual violence.
- 34 The focus is on ensuring that a child or young person only needs to make one key disclosure. Within the MDC model, they would then be assisted in linking up with different contacts and services available on a co-located basis, with warm handovers and support from the professional to whom the disclosure was made.
- 35 A few years ago I and a few other stakeholders travelled to Victoria to tour that state's MDCs. The response was generally favourable.
- 36 The Honourable Jacquie Petrusma MP is now the Minister for Police. It is my understanding that MDCs are again under consideration.
- 37 SASS has not yet been approached to be involved in the design of the MDCs. However I believe that SASS will be involved and I am hoping that our entire service will be located in the MDC.

- 38 MDCs would be particularly beneficial given the way we work in Tasmania; a place which is built on relationships, trust and safety. Having a client, whether an adult or a child, attending at one place where they are supported by their counsellor in accessing the other services that are either co-located or coming onsite would also be much more trauma-informed than current "siloed" approaches.
- 39 When I say "trauma-informed", I am referring to the Blue Knot Foundation **principles** of trauma-informed practice. A copy of the fact sheet is annexed to this statement and marked **JM-2**.
- 40 The Blue Knot principles of trauma-informed practice are:
- (a) safety;
 - (b) trustworthiness;
 - (c) choice;
 - (d) collaboration; and
 - (e) empowerment.
- 41 A co-located model would facilitate all of these principles, by ensuring the relevant specialist services and agencies are easily accessible and available in one space.

NATIONAL CENTRE FOR THE PREVENTION OF CHILD SEXUAL ABUSE AND THE NATIONAL STRATEGY

- 42 In my experience there is often a lot of red tape to be navigated in order to obtain access, and continued access, to national funding. This results in additional costs for us which are not funded.
- 43 Accountability is important, however the administrative requirements associated with federal funding have a significant operational impact. For example, under the National Redress Scheme we are funded to provide a service to clients state-wide. The red tape imposed on us by the Department of Social Services requires a significant amount of working time of the managers that are overseeing that program.
- 44 In order to meet our extensive reporting requirements, our Manager of Services must make time, often at short notice, to complete detailed documents. If I were to

provide a time value calculation, based on the time taken out of the Manager of Services' role and duties at SASS to meet the federal administrative and reporting requirements, I estimate this would cost approximately an additional \$60,000 per year in wages costs, for which we are not funded. The grants of funding received are comparatively small (for example, most recently, \$124,000), while the outlay is significant.

- 45 The problem of "red tape" has not been part of my experience with state-based funding. Taking a Tasmanian based approach to policy and service design and delivery enables the development of great relationships with advisors, ministers and grant managers. You get a chance to talk them through the issues. You do not get this at the national level. I enjoy being able to easily access and speak with the Premier or relevant Minister on a personal level. This is possible because of the size of the Tasmanian community. We work in close proximity, and can approach each other more easily. It is an advantage. I think this means it will be easier for us to implement the Commission's recommendations.

TASMANIAN POLICE AND CHILD EXPLOITATION

- 46 The Tasmanian Police have set up a Child Exploitation Unit. There is no agreed definition of child sexual exploitation here in Australia, which is an issue. SASS considers that the appropriate definition is the UK definition, which is as follows:

*"Child sexual exploitation is a form of child sexual abuse. It occurs where an individual or group takes advantage of an imbalance of power to coerce, manipulate or deceive a child or young person under the age of 18 into sexual activity (a) in exchange for something the victim needs or wants, and/or (b) the financial advantage or increased status of the perpetrator or facilitator. The victim may have been sexually exploited even if the sexual activity appears consensual. Child sexual exploitation does not always involve physical contact; it can also occur through the use of technology."*¹

Once you have a definition then you can start building a framework on how to properly respond to it.

- 47 I have liaised with the Children's Commissioner. We are proposing to run a state-wide forum in 2022 with all the key stakeholders to discuss child exploitation so

¹ Department for Education (UK), *Child sexual exploitation: Definition and a guide for practitioners, local leaders and decision makers working to protect children from child sexual exploitation* (February 2017), 5 <https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/591903/CS_E_Guidance_Core_Document_13.02.2017.pdf>.

we are more aware of the actual issues and what can be done to develop a definition and a policy framework for response agencies to work with. SASS sees the key stakeholders as the police, government, Child Safety Services, Youth Justice, academics and sexual assault services.

IMPLEMENTATION OF RECOMMENDATIONS FROM THE NATIONAL ROYAL COMMISSION

- 48 Until recently, SASS was only funded to assist children displaying harmful sexual behaviours if they were pre-pubescent (i.e. under the age of 11). In the six and a half years that I have been at SASS we have been advocating for a full harmful sexual behaviours program, that provides education and clinical support for all children and young people up to 17 years of age.
- 49 The government last year released a tender for such a program. SASS submitted a tender and was awarded the program. This is the two year pilot PAST program that we are currently running, and that is discussed in more detail in Ms Pepper's statement.
- 50 Further, this program is a two year pilot program in order for the State Government to assess its effectiveness. We are investing so much into this because we really believe in it and we want these young people to have healthy relationships moving forward into adult life, yet we are not sure if it will continue to be engaged in by the State Government beyond that time.
- 51 The practical implications of having a two year pilot are that highly trained staff will leave SASS and clients / families will not benefit from having a continuity of service.
- 52 We are working hard for two years without knowing whether funding will be provided beyond the initial pilot time. All of our funding is time limited. Ideally the State Government would provide us with a five year funding commitment.

ASHLEY YOUTH DETENTION CENTRE (AYDC)

- 53 I have not been directly involved with AYDC in my professional capacity at SASS to date. However at the invitation of the previous manager at AYDC, I attended a tour of the facilities about 4 years ago. I am able to share personal insights that I gained through the tour of the facilities and my interactions with the manager. My

comments are based on these insights, and reports I have received from members of the SASS clinical team who are currently working with inmates in the adult prison who were previously incarcerated at AYDC.

- 54 Coming from a policing background, I understand the need for some young people to be housed in an institution because of the gravity of their behaviours and for the safety of the community.
- 55 However, if we are going to have some kind of institution for young people that are offenders, the institution needs to be more community-based where community organisations such as SASS come in and provide therapeutic treatment to young people, so that when they are released they have that community connection and continuity of support. So far as I can see, that connection and continuity is presently lacking.
- 56 SASS has offered services to AYDC for a number of years but this has never been accepted.
- 57 Some of SASS's adult clients were previously residents at AYDC. The SASS counsellors who are treating these clients have provided me with general feedback about their experiences at AYDC over a number of years, which include:
- (a) strip searches;
 - (b) being left naked;
 - (c) sharing rooms and being abused by other young people in those rooms;
 - (d) trying to report incidents of abuse and being told to stop causing trouble;
and
 - (e) being placed in unsafe spaces, even in circumstances where the staff knew what was going on.
- 58 In terms of what we would like to see in any new youth justice institutions in relation to child sexual abuse and harmful sexual behaviours, I would refer to our experience with Risdon Prison as an example.
- 59 We have been working at Risdon Prison for several years following the National Royal Commission. We receive referrals from Risdon. We got to the point where we had two workers almost full time going over to the prison every day. A third worker started recently.

- 60 The prison provides us with a safe, confidential space to work with these individuals around their trauma. Many of them have been victims of harmful sexual behaviours, child sexual abuse or child sexual exploitation themselves, including at AYDC.
- 61 The relationship between SASS and the adult prison has evolved over time and is working really well. Staff at the prison now welcome us and allow the inmates to self-refer.
- 62 If a prison can do this with adults, why can't a detention centre of young people be more community-based and allow for experts to come in and work with the needs of the young people, rather than keeping them shut off and looked after by people who don't have the necessary skills?

CHILD SAFE ORGANISATIONS BILL 2020

- 63 SASS made a submission in response to the draft Child Safe Organisations Bill 2020 (Tas). Extracts from SASS's submission are contained at Appendix 1 to SASS's submission (SUBM.0001.0087) a copy of which is annexed to this statement and marked **JM-3**.
- 64 SASS did not support the framework proposed in the draft bill as, in SASS's view, it was not fit for purpose. SASS believes that an effective Child Safe Organisations framework for Tasmania is of fundamental importance in terms of protecting the rights, interests and safety of children and young people.
- 65 Some of SASS's key concerns / recommendations were as follows:
- (a) Principles for the safety and wellbeing of children - SASS suggest that simpler language be used to make the principles more accessible to the community. The principles should also acknowledge the importance of diversity and recognise the increased vulnerability of certain children and young people i.e. those that identify as Aboriginal and Torres Strait Islander, Culturally and Linguistically Diverse, LGBTIQ+ and those that have a disability.
 - (b) Child safe standards - The Standards in this Bill appear to have been drafted with reference to the ten National Principles, endorsed by the Council of Australian Governments in 2019. SASS makes the respectful

submission that the proposed Standards for Tasmania need more attention and refinement prior to finalisation:

- (i) as a starting point, SASS suggest that active rather than passive language is used throughout, in order to make expectations, responsibilities and obligations clear and action-focused; and
 - (ii) SASS suggest that an alternative approach is to adopt the ten National Principles in full as the Child Safe Standards and produce a supporting guide to the Standards, which has been done in New South Wales.
- (c) Annual reporting procedure - SASS are not satisfied that the annual reporting procedure outlined in this draft Bill will be effective in terms of protecting the safety and wellbeing of children. SASS's key concerns are:
- (i) a non-government organisation may be reporting to a Government Agency that is being investigated. This is unlikely to instil public faith or confidence in child safe compliance processes;
 - (ii) in the Bill, it is not clear who will scrutinise the annual reports that are prepared by government entities, and what actions will be taken if there are any concerns arising from the reports; and
 - (iii) the draft Bill appears to be silent on compliance and monitoring procedures for organisations that engage with children and deliver child-related services in Tasmania, but do not receive funding from the Tasmanian Government.
- (d) Implementation of an independent child safe oversight body - SASS urges the Tasmanian Government to commit to the planning, resourcing and establishment of an independent child safe oversight body for this State. The Royal Commission identified independent oversight as a central component of an effective and responsive child safe approach.
- (e) Use of existing accreditation processes - SASS recommends requirements that require non-government organisations that receive State Government funding to demonstrate child safe compliance through existing quality and safety accreditation processes, as opposed to the annual reporting procedure outlined in the draft Bill.

- 66 I am yet to consider the recent announcement in the fourth annual progress report in detail. I did meet with a couple of advisors when the consultation first came out. I am pretty passionate about these issues.
- 67 I feel strongly that there has to be oversight by an independent body, such as the Commissioner for Children and Young People and a reportable conduct scheme, rather than reporting to the Department of Communities.
- 68 While it is a big task, it is important these two features are introduced at the same time:
- (a) **First:** where an allegation needs to be reported, a reportable conduct scheme will be clear about what must be provided, and what you (the reporter) need to do to investigate, provide support and education following from the notification.
 - (b) **Second:** there needs to be an education function to help an organisation identify gaps in its capability and processes.
- 69 I don't perceive any difficulties for smaller businesses when it comes to complying with these sorts of schemes. There are policies, procedures, recruiting and selection-type checks that you can put in place whether you are small or large. I do think, however, that if you have an education component of an oversight body that can be their role i.e. advising what needs to be done for compliance and providing support around that.

OTHER SYSTEMIC ISSUES

- 70 An example of a gap that we have come across relates to the Working With Vulnerable Persons Check that is done through the Justice Department.
- 71 There was an incident at a school earlier this year where a very serious allegation was made against a male worker by the parents of a young child. The male worker was stood down from work whilst there was an investigation.
- 72 The police however did not proceed with any charges, so the school were forced to reinstate the male worker out of fear of being sued. He kept his Working With Vulnerable Persons Check because there was no conviction. It wasn't even suspended for a period of time. He is now working at a different school.

- 73 Short of a criminal justice outcome, there appears to me to be a reluctance in the current system to engage with these issues.
- 74 It is relevant to note that communities in Tasmania, particularly in rural areas, are small. Most people in the community are known to each other. Stakeholders deeply care about their clients or staff. This can make reporting incidents difficult, as there are relational implications.
- 75 One strength of SASS, which could be applied more broadly, is that our outreach services are external. We move in and out of the community, instead of being a part of it. We find that people feel safer and are able to trust us more, when they need to make disclosures or seek help. It takes effort, networking and time building visibility and rapport to facilitate this, but is really effective once achieved. It means people can address issues arising in the community without having to approach a member of the community, who might be linked to the issue or person involved in some way.

CONCLUSION AND SUGGESTED NEXT STEPS

- 76 My experiences, outlined above, strongly suggest to me that there are a range of ways that we can improve the experiences of young people in Tasmania when it comes to issues of harmful sexual behaviours. In my view:
- (a) Consideration could be given to implementation of proactive training in schools in preventative education (like Consent is a Conversation and our PAST Program) to assist students to develop positive and appropriate sexual behaviours. SASS currently runs the PAST programs for years 3-12.
 - (b) Consideration could be given to implementation of proactive training and upskilling of teachers, counsellors and principals in the early identification of, and response to, harmful sexual behaviours.
 - (c) The Department of Education could develop an overarching policy framework for responding to harmful sexual behaviours in educational settings. We are happy to assist with the development of such a policy to ensure a trauma-informed, best practice approach. This would include (at least) a pathway the Department of Education requires principals and staff to take in cases of harmful sexual behaviours.

- (d) It would be beneficial for schools to have access to a trained senior executive member of staff specialised in harmful sexual behaviours and child safeguarding, who can assess cases and advise the principal about the appropriate approach to a particular situation. Relatedly, there needs to be someone within the Department of Education that staff can approach if the principal is not executing the necessary response, to ensure the safety and wellbeing of the children and young people involved.
- (e) The government should implement the Child Safe Standards and a reportable conduct scheme, with oversight from an independent body.
- (f) I think it's important to note that SASS has seen a 162% increase in referrals over the past 6 years and 44% of that increase was last year alone. We have not seen any increase in core funding during that time so resources are stretched, resulting in Tasmanians waiting to access our service for weeks.

77 Thank you for the opportunity to make this statement.

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

Declared at

On 26.4.22

Jillian Ruth Maxwell

Before me

Full name of Justice, Commissioner for Declarations or Authorised Person