



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

WITNESS STATEMENT OF JAN SHUARD PSM

I, Jan Shuard PSM, of [REDACTED], Family
Violence Reform Implementation Monitor, do solemnly and sincerely declare that:

1. I am currently employed as an independent statutory officer in my role as the Family Violence Reform Implementation Monitor (**Implementation Monitor**) in Victoria.

Background and qualifications

2. I served as Commissioner for Corrections Victoria for five years, overseeing the state's adult corrections system. I was awarded a Public Service Medal in 2011 in acknowledgement of my outstanding contribution to the public service.
3. I have worked on family violence rehabilitation and prevention and the coordination of prisons across the Victorian and Western Australian justice systems.
4. Between 1993 and 2002 I spent nine years working as a Superintendent running juvenile justice institutions and as Director of Juvenile Custodial Services in WA.
5. During my career I have seen far too many women and children impacted by family violence and provided programs to men to address their violence behaviour.

Current role

6. I was appointed to the role of Implementation Monitor on 1 August 2019, under section 7 of the *Family Violence Reform Implementation Monitor Act 2016* (Victoria). I took up my role on 2 October 2019, replacing Tim Cartwright APM, the inaugural Implementation Monitor, who finished in the role on 1 August 2019. The conclusion of my appointment as Implementation Monitor was subsequently extended from 1 July 2021 to 30 May 2023.
7. In this role, I am responsible for monitoring and reviewing how effective the Victorian Government and its agencies are in implementing the family violence reform recommendations made by the Commonwealth Royal Commission into Family Violence (2016) (**Royal Commission**).

8. As Implementation Monitor, I have also been appointed to independently review the effectiveness of Parts 5A and 11 of the *Family Violence Protection Act 2008* (Victoria), which provide the legal basis for:
- (a) The Family Violence Information Sharing Scheme (whereby key organisations and services share information related to assessing or managing family violence risk);
 - (b) The Central Information Point (which collates critical information about a family violence perpetrator from key government agencies); and
 - (c) The Multi-Agency Risk Assessment and Risk Management Framework (which aims to ensure relevant services can effectively identify, assess and manage family violence risk).

Experience following Royal Commission

9. I believe that there is a pathway to positive change through the Royal Commission process.
10. In 2016, the Victorian government announced a program to reform the State's family violence system by implementing all 227 recommendations of the Royal Commission. The Victorian government has invested about \$3.8 billion in changes and is at approximately the half way point of a 10 year program of reform.
11. I consider that Victoria has been very transparent in its monitoring and reporting arrangements. The government published the Ending Family Violence: Victoria's Plan for Change (10 Year Plan) and subsequent 3 year Rolling Action Plans to determine the proper implementation of the recommendations of the Royal Commission, and to regularly report to the public on implementation progress.
12. The government regularly publicly reports on the acquittal of each of the Royal Commission recommendations as they are implemented.
13. I acknowledge that there are still things to work through in the reform of the family violence system, but consider that there have been ground breaking changes following the Royal Commission, which have been embedded in legislation, including the establishment of information sharing schemes and risk assessment frameworks. I consider that the role that the Victorian Police has played in terms of responding to family violence, and the role of specialist family violence courts has been outstanding.

I also commend other improvements such as the establishment of The Orange Door by Family Safety Victoria with its model of 'one door, one intake process'.

Role of Implementation Monitor

General observations

14. I consider that the role of the Implementation Monitor is not as an auditor, ombudsman, or investigator. The role is to monitor implementation and form an independent view of implementation progress. The functions and powers of the office of Implementation Monitor are established by legislation. My role is not to make recommendations, but to observe and analyse, and to propose suggested actions to achieve the intent of the recommendations of the Royal Commission.
15. The Implementation Monitor works closely with the designers and funders of the family violence system, government agencies, sector service providers and victim-survivors. The Implementation Monitor has essentially unlimited access to documents, and is able to represent an independent view on the effectiveness of implementation activities.
16. In my view, when implementing ground-breaking and extensive reform, it will not always work out as expected and the real art of the Implementation Monitor is in considering, monitoring and adjusting to changes as you go. It is not about how the public service feels about the system, it is about how the public understands and experiences it.
17. Looking at the implementation process, in my view, you need to look at the underpinning principles of change, and ask:
 - (a) Have the right people been consulted?
 - (b) Is the implementation process understood in the sector?
 - (c) Are the right people in place to support the implementation process?
18. A key aspect of the role of the Implementation Monitor is to look at how recommendations have been implemented relative to the Royal Commission's intent and the outcomes of that implementation, and revisit the implementation where it has not made the desired difference.
19. From my perspective, the work of the Implementation Monitor is to add value to the whole reform program. There has been a huge investment into the family violence

system in Victoria, and if the Implementation Monitor does not add value, the money could be better spent on direct programs or service providers.

Publication of Monitoring Reports

20. For the first four years after the Royal Commission, the legislation required the Implementation Monitor to deliver an annual report to Parliament. The first three reports (tabled in Parliament in May 2018, March 2019, February 2020) specifically looked at achievements from the previous year but the fourth report, being the last planned report (tabled in May 2021), looked back across all four years. I envisaged that, after delivery of the fourth annual report, the function would cease, as that was all the government had required. However, the Victorian government has extended the reporting obligation for a further 18 months, although the requirement to table the report in Parliament has been removed and the resources of the office of the Implementation Monitor have been slightly reduced.
21. The Implementation Monitor's team has a rule not to waste resources on things that the departments themselves are already looking at. The team accesses and uses department data and analysis to inform its work, but seeks to use the office's resources to undertake work that is not otherwise being done by departments. This has included conducting "deep dives" on issues where the office can add the most value and publishing a series of topic-based reports.
22. In 2021 and 2022 the following topics were selected, having regard to areas of greatest interest and concern to sector stakeholders and reform implementation activity outlined in the government's second Family Violence Reform Rolling Action Plan 2020-2023:
 - (a) accurate identification of the predominant aggressor;
 - (b) family violence reform governance;
 - (c) early identification of family violence within universal services;
 - (d) primary prevention system architecture;
 - (e) Aboriginal-led primary prevention and early intervention;
 - (f) crisis response to recovery model for victim survivors; and
 - (g) service response for perpetrators and people using family violence.

23. Reports have been issued on "Accurate identification of the Predominant Aggressor" (December 2021), "Family Violence Reform Governance" (May 2022) and "Early Identification of Family Violence within Universal Services" (May 2022).
24. I rely very heavily on the Royal Commission report to inform and guide my work as Implementation Monitor and consider that the Royal Commission did an incredible job in exploring and getting to the heart of issues. From the Royal Commission report, my office identified a number of cross-cutting themes for examination when undertaking their monitoring, including:
- (a) intersectionality and ensuring that service responses are appropriate to the people receiving or using the service;
 - (b) children and young people who are victims of family violence in their own right;
 - (c) Aboriginal self-determination and overrepresentation as victims;
 - (d) priority communities (like LGBTIQ+ and multicultural communities);
 - (e) data and research underpinnings; and
 - (f) service integration, noting that agencies often do a great job of reforming an element of a service but are not always so good at joining up services to achieve the broader intent.
25. I consider that the process of issuing annual reports on the progress of reforms was good, but the more recent deep-dives into specific topics have been incredibly helpful.
26. To prepare the independent reports, the Implementation Monitor must work closely with government agencies. There is strong legislation to support the Implementation Monitor, but I have found that I do not really have to use it to access documents or to get into meetings because of the cooperative approach taken by agencies. However, I think that it is important to have very powerful legislation with significant enforcement rights sitting behind the role. However, equally important is the relationships the office of the Implementation Monitor has with the government agencies and the sector.
27. Reports by the Implementation Monitor are sent to the relevant government agencies in draft form to enable them to correct factual errors or to comment, and to ensure there is a shared understanding as to why a report says what it says.

28. Where feedback is received it may be accepted, partially accepted or not accepted. The Implementation Monitor has a practice of providing an acquittal chart to the relevant agencies (which is not required but is helpful in maintaining good relationships with agencies and achieving change). The Implementation Monitor asks agencies to do a lot of work giving feedback on their reports. At times, the feedback on draft reports was extensive, but I have found that now that the Implementation Monitor's office gives the acquittal chart this has created a stronger alignment and understanding of the independent view of the Monitor. The reports also provide clear recognition of efforts and achievements, and the context in which the work has been undertaken (such as the demands on agencies throughout the pandemic). This is critical as it acknowledges the overall effort being undertaken and has strengthened relationships with some stakeholders by showing them that the work they are doing is recognised, even if specific comments on specific documents are not necessarily adopted entirely.
29. My focus in my role is to add value rather than be prescriptive or critical with agencies and stakeholders. There is never a "gotcha" moment. My focus is on delivery of services and intention to improve. I want people to understand this purpose and work together to achieve outcomes.

Consultation with victim-survivors

30. The office of the Implementation Monitor has built consultation with victim-survivors into its implementation monitoring work. The office works with established groups including the Victim Survivors' Advisory Council, Berry Street's Y-Change lived experience consultants, and the WEAVERs victim survivor group convened by the University of Melbourne. This enables the office to receive ongoing feedback on how the reforms are progressing. Even if negative feedback is just one person's experience, it is not acceptable that they should have had that experience. Victorian Police take negative feedback very seriously and act on it to achieve widespread cultural change.

Monitoring supports cultural change

31. I consider that monitoring the effectiveness of reforms helps progress cultural change. An example of how the monitoring helps is outlined in the Implementation Monitor's report entitled: "Monitoring Victoria's family violence reforms – Accurate identification

of the predominant aggressor" (December 2021) (**the Predominant Aggressor Report**).

32. The Royal Commission's Recommendation 41 related to rectification of the record where there has been misidentification of the 'predominant' or 'primary' aggressor (for example, sometimes victim survivors are misidentified as perpetrators, with far-reaching consequences). The Royal Commission's recommendation had been implemented, but misidentification of the predominant aggressor was continuing to occur, and rectification of the record remained extremely challenging. This was a huge issue which was identified by stakeholders, who asked the Implementation Monitor to look into it. It was an issue that was on everyone's radar, but it still needed additional attention. My office discovered that there was no actual mechanism to change a misidentified predominant aggressor in police reports. In the Predominant Aggressor Report, the Implementation Monitor proposed a suite of actions to adequately address misidentification in a systemic way.
33. I found that Victoria Police were very active in analysing the problem when it was identified, and sharing that analysis with my office. I acknowledge that my team's work could not have been as thorough and helpful if Victoria Police had not done an extensive analysis and shared it with my office with such a high level of cooperation.

Framing an effective recommendation

Group individual recommendations intended to meet particular outcomes

34. I consider that, whilst individual recommendations are one part of reform, the issue is how to bring them together to meet overall objectives. In making individual recommendations sometimes the unintended consequences are not foreseen nor is the environment in which the recommendation will be implemented always envisaged. In my view, individual recommendations could be better framed if they were grouped to achieve particular outcomes.

Identify intended outcomes – underpinned by theory of change

35. I consider that it is important to have faith in the recommendations of the Royal Commission, but the main objective is that the intent or objective of the recommendations is met. I consider that simply acquitting recommendations does not necessarily achieve the intent as foreseen by the Royal Commission. I have seen instances where an agency, acting in good faith, did what the recommendation said but there was no change to meet the intended outcome.

36. In my view the intended outcome, or 'why', of a recommendation needs to be understood in the context of a good theory of change. Primary prevention governance is a good example. Respectful Relationships education was introduced as a core component of the Victorian curriculum in 2016. This primary prevention education initiative supports schools and early childhood settings to promote and model respect, positive attitudes and behaviours. Respectful Relationships education is one way to teach kids to be respectful of each other and understand consent, as part of a broader strategic approach to primary prevention of family violence, whereby cultural drivers are addressed in a long-term frame. Unless stakeholders and the community can understand *why* specific reforms are introduced then it can be harder to achieve lasting cultural change.
37. I consider, therefore, that the elements of recommendations need to be underpinned by a good theory of change. Reform requires the involvement of multiple agencies and departments. Implementing change is about everybody understanding how new elements fit into the overall existing system to achieve the desired outcomes. A whole lot of actions are required to make a specific recommendation work beyond just the specific reform. So there is a need to clearly identify and understand the intended outcomes.
38. It is a logical element for a system dealing with child abuse to have a transparent complaints system (which was recommended as part of the Commonwealth Royal Commission into Institutional Responses to Child Sexual Abuse). The intent would be to ensure that young people feel safe and confident that they are being protected, and to allow external oversight. To achieve this intent, it would be important not just to establish a complaints system, but also to put in strategic drivers to support its effectiveness and transparency (including through appropriate workforce development, training and HR processes). Most importantly, to actively monitor and test if the system is understood, usable and helpful to the young people themselves.

Avoiding reliance on single person for change

39. I consider that, to avoid reliance on a single person for change, responsibility for reform needs to go beyond ministers and portfolios or agencies and be driven by a "whole-of-government" approach across institutional settings, culture, procedure and policy. Staff need to have a responsibility for bringing about change. In some cases, the government of the day will initially carry the narrow political responsibility for

responding to a Royal Commission's recommendations, which then needs to broaden and extend across institutions to achieve change.

40. I consider there is a lot to be said for the strong new legislation that supports Family Violence reform. It establishes information sharing schemes between key organisations, services and government agencies and reporting requirements. The legislative framework provides a broad structural basis of multi-agency responsibility beyond individuals. It also drives collaborative practice and shared responsibility for managing risk. I make this solemn declaration under the *Oaths Act 2001* (Tas).

Declared at _____ (place)

on 14 SEPTEMBER 2022 (date)

Before me

(Full name of Justice, Commissioner for Declarations or Authorised Person)

(Capacity of Commissioner for Declarations, eg. legal practitioner)