

Dear Members of the Parliamentary Inquiry into Law Enforcement Capability in relation to Child Exploitation,

Thank you for the opportunity to provide further input on this matter. As a mother it is necessary, as a victim it's personal, as a citizen it's an honor.

As an addendum to my recommendations pertaining to implementation of a sex offenders register and pre-reporting apparatus I want to acknowledge that this would only capture convicted sex offenders. As we know the rates for conviction are significantly low and sex crimes are severely under reported. Whilst this is a sound concept, I believe it is only going to capture a small portion of the overall risk. Additionally, it is my understanding that there is quite a bit of resource currently in place to monitor sex offenders once they are released from jail. Child protection and Victoria Police have clear objectives to manage this cohort. There is a need for further consideration of people under the age of 18 who have sex offence convictions. The legal age to be criminally charge for a sex offence is ten years old. What we know is that when a child (between 10 – 18) displays harmful sexual behaviour, developmentally it is very different to an adult perpetrator. There are therapeutic diversions (such as the Sexually Abusive Behaviour Treatment Service) currently utilised by the Courts to support lower the recidivism rates for these young people.

I think a multifaceted approach is what is required. For example

- Public sex offender register for adult perpetrators. This model could look something like the MARAM framework we discussed.
- To attend to the issue of under-reporting, looking at education into identifying grooming and a child/young person who is at risk of sexual exploitation. Training in responding to disclosures of sexual abuse to ensure when a disclosure does occur it is supporting and not creating further harm and silencing.
- To attend to the issue of under-reporting, therapeutic case management funding which would look like a program to support victim/survivors at first disclosure. These workers would be skilled in trauma informed practice, hearing a disclosure and responding

appropriately, providing accurate system information to the victim/survivor such as what the legal system looks like, completing a needs assessment and warm referrals into support services to provide scaffolding (to support them feeling held, heard and resourced) to the victim/survivor.

- There are current laws such as 'Failure to Protect', 'Betrayal of Trust' and specific to all community members is 'Failure to Disclose'. I personally think that more education and awareness needs to be done around all community members understanding their obligation to disclose sexual abuse of a child.
- The Failure to Disclose states: It is now a criminal offence for an adult in Victoria to 'fail to disclose' to the police any reasonable belief that a sex offence has been committed by an adult (someone of or over the age of 18) against a child (someone under the age of 16). You must report sexual offences against children to the police as soon as possible, unless you have a 'reasonable excuse' or an 'exemption' applies. This law applies to all adults, whether they work with children in the course of their employment or not, and whether they come across information in their professional or private lives. If you do not pass on this information to the police you could be charged and subject to criminal consequences. This offence carries a maximum penalty of 3 years imprisonment.

We must also acknowledge the role of the Courts themselves and existing sentencing practices. Clearly sentences for sex crimes must shift to be considerably higher and the process of cross examination of a victim/survivor while the perpetrator sits silent is abhorrent. There was a recent change in law where the perpetrator is required to prove how he obtained consent. I believe it is the affirmative consent model. It will be gratifying to see how this impacts actual results for victim/survivors. One impact to be mindful of is the pressure it will put on an already overwhelmed court system that if reporting increases the resources for Vicpol and the Courts will also need a significant increase.

I have some preliminary thoughts about what the therapeutic case manager could look like in the context of a pre-reporting apparatus and would recommend:

Qualification in social work or similar field with case management experience

The roles will be dedicated to working with people who have experienced sexual abuse intended to ameliorate some of the demand on the sexual assault services sector created by the funding model to service therapeutic support and not resource into support systems. The role will be a strong advocate for the victim/survivor. An aim will be to improve reporting rates of sex crimes.

The objectives of the roles are to:

Work alongside victim/survivors to assist with their support system access such as reporting to police, identifying support needs, undertaking goal setting and hearing and providing a safe place of victim/survivors to disclose and be believed.

Establish cooperative relationships with Victoria police, CASA's and the broader service system.

Build relationships with schools and community services to encourage the early identification and early support of victim/survivors who disclose. Provide training and education on how to respond to disclosures of sexual abuse.

Walk alongside the victim/survivor through the judicial process, being a consistent support person and being a conduit to accurate system communication for them. Having a consistent worker throughout the judicial process is critical.

Thank you for considering my recommendations. I applaud you for bringing this uncomfortable but necessary conversation to the floor and I'm humbled to play a small part in the long overdue change this will bring.

I look forward to working with you further in the future to continue improving law enforcement capability in child exploitation.

Sincerely,
Madeleine West

