

# LEGISLATIVE COUNCIL

## Question On Notice

Thursday, 13 October 2022

### 1022. Hon Nick Goiran to the Leader of the House representing the Minister for Community Services

I refer to question without notice 767, asked on 31 August 2022, regarding temporary indemnities to certain non-government organisations, and I ask:

- (a) who made the decision in November 2021 to grant the temporary indemnities for 12 months;
- (b) on what date was the Minister first informed of the decision;
- (c) which non-government organisations are covered by these temporary indemnities; and
- (d) will the Minister table the most recent briefing note or similar document she has received about these temporary indemnities, which are set to expire next month?

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#### Answer

(1 – 3) On 1 November 2021, the State Government approved the provision of temporary indemnities for a period of 12 months (until 30 November 2022). The temporary indemnity applies to claims of alleged incidents of physical and sexual abuse against children for non-government organisations contracted by the Department of Communities to provide out-of-home care and youth homelessness accommodation services in Western Australia.

4) Yes, please see tabled paper.

It was identified that this briefing contains an error regarding the date of the original indemnity. This has been corrected in a redrafted briefing which I also table for information.

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## Briefing Note

Minister for Child Protection

Ministerial or Department Ref: 2022/32427

### **Subject: Physical and Sexual Abuse (PSA) insurance cover for contracted out-of-home-care and youth homelessness service providers**

To provide you with an update on the extension of the interim indemnity arrangements to the end of June 2023 while progress continues to be made towards a national solution.

#### **Background**

- Government funded Non-Government Organisations (NGOs) across Australia providing out-of-home care (OOHC) and youth homelessness accommodation services are experiencing difficulty obtaining insurance for physical and sexual abuse (PSA).
- An Inter-Jurisdictional Working Group (IJWG) was endorsed at the 27 August 2021 Community Services Meeting (CSM) meeting, to seek a resolution for this nationwide issue.
- A short-term solution for Western Australia was pursued by the State Government and on 1 November 2021 an interim solution was endorsed for the State Government to indemnify impacted NGOs contracted by the Department of Communities.
- The State Government has since offered interim indemnity to 40 contracted providers. To date 20 NGOs have provided uninsurable risk notices evidencing they need temporary indemnity. The number of service providers requiring temporary indemnity will likely increase as current insurance cover is not renewed and new contracts are formed.
- The IJWG has engaged Finity Consulting Pty Limited (Finity) to develop a national solution. Finity completed Phase 1 of its workplan and short-listed three options:
  - Option 1: NGO service providers establish a discretionary mutual fund.
  - Option 2: Insurance or indemnity is provided by state and territory governments.
  - Option 3: National insurance provided by Commonwealth Government.

#### **Current situation**

- The State Government has endorsed the Department of Communities (Communities) proposal to secure an extension of the interim indemnity arrangements to the end of June 2023 while progress continues to be made towards a national solution.
- On 10 November 2022 the Treasurer signed the interim deeds of indemnity for the period 1 December 2022 to 30 June 2023.
- Letters to service providers from Communities' Director General will be emailed early next week to confirm the current indemnity and extension until June 30, 2023.
- Contact will also be made with Jennifer Hannan, Executive Officer of the Child and Family Alliance WA, and John Bouffler, Executive Director of Community Employers WA, confirming the extension of the indemnities. Ms Hannan and Mr Bouffler will be encouraged to communicate this outcome to their member organisations.
- Finity has entered Phase 2 of its work plan, proposing Option 2 as the preferred option.
- The IJWG met with Finity on 10 November 2022 to progress work on the design, cost and detailed concept implementation plan of the proposed solution.

- Communities is making all efforts to ensure eligible contracted critical services to children and young people are not jeopardised.

### **Recommendation/Action**

That you note the information in this briefing.



**Noted**



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Amber Fabry  
**Chief Practitioner**  
**Strategy and Partnerships**  
**division**  
11 / 11 / 2022

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HON SIMONE McGURK MLA  
**MINISTER FOR CHILD PROTECTION; WOMEN'S**  
**INTERESTS; PREVENTION OF FAMILY AND**  
**DOMESTIC VIOLENCE; COMMUNITY SERVICES**  
12/11/ 2022

Min/Dept Ref:2022/32427

**Contact:** Amber Fabry, Chief Practitioner, Specialist Child Protection Unit Mob: 0418 295 486

**Drafting Officer:** Mathew Portwood, Executive Manager Strategy and Partnerships



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Ministerial or Department Ref: 2022/32427

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**Strategy and Partnerships**  
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15 / 11 / 2022

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HON SIMONE McGURK MLA  
**MINISTER FOR CHILD PROTECTION; WOMEN'S**  
**INTERESTS; PREVENTION OF FAMILY AND**  
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