



Royal Commission into Institutional Responses to Child Sexual Abuse

2018 Progress Report

1 December 2018

Foreword

When the Royal Commission into Institutional Responses to Child Sexual Abuse (the Royal Commission) delivered its final report in December 2017 the McGowan Government made a firm commitment.

First introduced through a Statement of Intent, and again repeated in the Government's response to the Royal Commission, this commitment is now the driving force behind the Government's approach to implementing the 310 recommendations that are applicable to the Western Australian Government.



The McGowan Government is committed to creating a safer Western Australia for children by responding to historical abuse that has occurred, preventing further abuse from happening in the future, and ensuring a swift response to abuse should it occur again. The reason for this commitment is clear and indisputable.

The community has a right to expect that our children are safe, especially within the institutions entrusted to protect, educate, care for and nurture them. The Royal Commission uncovered where institutions – Government and non-government – have failed to meet this expectation. It has provided us all with a path forward to strengthen the protection of children within institutions.

Over the last six months, following the McGowan Government's response to the recommendations, and the Premier's apology to survivors in the Western Australian Parliament, the Government has worked to organise recommendations into a reform program that consists of three key action areas and twelve initiatives for implementation over the next five to 10 years.

At the same time, Government institutions have progressed work wherever possible within existing resources, and have identified priorities for immediate action that will establish a foundation for work in response to the Royal Commission over the next 10 years.

The initial focus, quite rightly, has been on responding to historical abuse that has occurred by joining the National Redress Scheme, proclaiming the *Civil Liability Legislation Amendment (Child Sexual Abuse Actions) Act 2018 (WA)* and offering an Apology to those who experienced sexual abuse in Government Institutions.

Whilst work has begun within Government, there is still a lot of work in front of us, and the whole community. Change will not be instant, but we are committed because the importance of this work is clear: keeping children safe is the highest priority.

The courage shown by survivors who have stepped forward to create change during the Royal Commission cannot, and will not, be ignored by the McGowan Government.

We will continue to progress the priorities identified in this report in consultation with relevant stakeholders. I encourage all institutions to join us in honouring the work of the Royal Commission and ensuring that history does not repeat itself. I thank all who have contributed to the work of the Royal Commission so far.

A handwritten signature in black ink, appearing to read 'SIMONE', with a long horizontal stroke extending to the right.

SIMONE McGURK MLA

Minister for Child Protection; Women's Interests; Prevention of Family and Domestic Violence; Community Services

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Contents

Contents	4
1. Introduction	5
1.1. About this report	6
2. Key achievements	7
2.1. Framework for implementation.....	8
2.2. Continued work on recommendations.....	10
2.3. Recommendations requiring further consideration.....	11
3. Action Area 1: Preventing child sexual abuse from happening in the future	13
4. Action Area 2: Responding swiftly and effectively to abuse should it happen	15
5. Action Area 3: Addressing abuse that happened in the past.....	17
6. The way forward	20
6.1. Priorities for Implementation 2019-20	20
6.2. Concluding comments	23

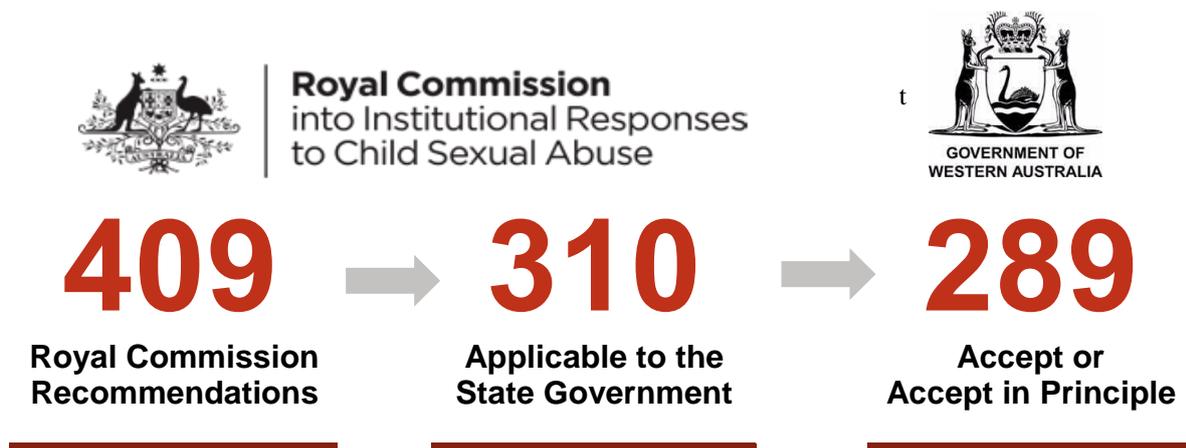
1. Introduction

The Western Australian Government (the State Government) has strongly supported the work of the Royal Commission into Institutional Responses to Child Sexual Abuse (the Royal Commission), established in January 2013. Throughout the five years of the Royal Commission's inquiry, the State Government presented detailed evidence and submissions, and participated in public hearings, case studies and round tables.

When the Royal Commission *Final Report* was tabled in the Australian Parliament on 15 December 2017, the State Government demonstrated its commitment to the Royal Commission's findings by releasing on the same day a *Statement of Intent by Minister McGurk on behalf of the Government of Western Australia (Statement of Intent)*. The *Statement of Intent* outlined the State Government's intention to coordinate a whole-of-government response to the recommendations, which are extensive and impact on many agencies.

In the first six months of 2018, the State Government undertook consultation and engagement across government to arrive at the State Government's position in relation to the 409 Royal Commission recommendations. On 27 June 2018, the *WA Government Response to Recommendations* was released. Of the 310 recommendations applicable to the State Government, 289 recommendations were accepted or accepted in principle. Twenty-one recommendations needed further consideration. No recommendations were rejected.

The Community Safety and Family Support Cabinet Sub Committee will oversee the implementation and annual reporting of the 310 recommendations.



1.1. About this report

The State Government has committed to table annual progress reports in Parliament for five consecutive years, pursuant to recommendation 17.2 of the Royal Commission's Final Report. This report is the State Government's first annual progress report. It provides an overview of the key achievements that have already been made by the State Government to prevent abuse, identify and respond swiftly to abuse should it occur, and address abuse that happened in the past. This report also identifies the priorities for 2019-20.

Since this report occurs fewer than six months from the release of the State Government's response to recommendations, much of the Royal Commission work is at early stages of implementation. Accordingly, this report provides a high level overview. More detail will be reported in the progress reports from 2019.

2. Key achievements

On 27 June 2018, the Hon. Mark McGowan MLA, Premier of Western Australia, delivered an official apology on behalf of the State Government for the sexual abuse of children in Western Australian Government Institutions. This was the first official apology delivered by a State Premier to survivors of child sexual abuse in response to the Royal Commission.

The Hon. Simone McGurk, Minister for Child Protection; Community Services also delivered a speech to Parliament, acknowledging the failure of the State Government to protect its most vulnerable citizens and committed to ensuring that the widespread scale of abuse that had happened before did not happen again.

The State Government also made two key announcements on 27 June 2018:

- Western Australia would sign up to the National Redress Scheme; and
- the State Government would, on 1 July 2018, proclaim the *Civil Liberty Legislation Amendment (Child Sexual Abuse Actions) Act 2018 (WA)*, which removed the limitation periods for civil actions by victims of child sexual abuse.

With these key announcements, the State Government has given survivors the option of signing up to the National Redress Scheme, or pursuing civil litigation through the courts. The National Redress Scheme provides survivors with a more supportive and less traumatic alternative to pursuing civil litigation through the courts. The National Redress Scheme will also provide access to free specialist legal support services and financial counselling.

Figure 1 demonstrates the timeline of the State Government's key achievements.

Figure 1: Timeline of key achievements in the first year of implementation



2.1. Framework for implementation

Following the release of its *Response to Recommendations*, the State Government committed to developing an Implementation Framework (the Framework). The Framework has been developed through a methodical and rigorous approach to organising the 310 applicable Royal Commission recommendations to support a 10-year program of reform. This involved extensive consultation across all key Government agencies.

The reform program is designed around a central government goal, “A Safer WA for Children,” and focuses on three Action Areas and 12 initiatives. The three Action Areas ensure that the State Government will work towards preventing child sexual abuse from happening in the future, respond effectively should abuse occur and address past abuse.

The initiatives draw together recommendations in programs of work such as improving information sharing between institutions and across states, making sure if abuse occurs, it is reliably reported and acted on and providing redress for survivors of child sexual abuse. These are illustrated in Figure 2.

Figure 2: State Government Implementation Framework



The implementation of Royal Commission recommendations will occur within a tight fiscal environment. The State Government is determined to be financially responsible and to prioritise work that will achieve the greatest benefits for victims and survivors of child sexual abuse, and for children, present and future, within our State. Accordingly, the Framework takes a joined-up, whole-of-government approach to achieve the intent of the Royal Commission recommendations. This will require a concerted, sustained and collaborative effort by a large number of agencies and organisations.

The State Government recognises that everyone in our community has a role to play in preventing child sexual abuse. As such, a response from not only the State Government but also by non-government institutions and community organisations, including churches, religious schools, charities and non-government social and welfare services, will be required so that the safety of children and young people is ensured across all institutions in Western Australia.

Going forward, the Community Safety and Family Support Cabinet Sub Committee will lead the implementation of recommendations, with input from relevant stakeholders, including non-government organisations and community groups. The National Office of Child Safety is responsible for coordination at a national level.

2.2. Continued work on recommendations

The State Government's *Response to Recommendations* and the Implementation Framework have involved substantial work across Government agencies during 2018. At the same time, State Government agencies have continued wherever possible to progress improvements that address the Royal Commission recommendations. As shown in Table 1, agencies have reported that, at 13 November 2018, 108 of the 310 recommendations had been completed. Of the 202 recommendations that are yet to be completed, work is well underway on 186 with 16 yet to be commenced.

	Completed	Work in progress	Work yet to commence	Total
Action Area 1	16	94	6	116
Action Area 2	27	70	9	106
Action Area 3	65	22	1	88
Total	108	186	16	310

In the following sections, case studies grouped by Action Area, provide a selective sample of this work to demonstrate the State Government's ongoing commitment.

2.3. Recommendations requiring further consideration

In its June 2018 response to the Royal Commission recommendations, the WA Government identified 21 recommendations requiring further consideration before a position could be announced.

Following consultation and consideration the State Government now accepts or accepts in principle 16 of these recommendations.

Further consideration is required for Recommendations 89-93 (of the Redress and Civil Litigation Report). These recommendations require further consideration and consultation because of the complexity of the issue and the legislative framework required to give effect to these recommendations. A Discussion Paper on this issue is being finalised which will be circulated for stakeholder feedback. The input received on the matters addressed in the Discussion Paper will inform the State Government's response.

Action Areas

- 1. Preventing child sexual abuse from happening in the future**
- 2. Responding swiftly and effectively to abuse should it happen**
- 3. Addressing abuse that happened in the past**

3. Action Area 1: Preventing child sexual abuse from happening in the future

Many Royal Commission recommendations are directed at preventative measures to reduce the likelihood of child sexual abuse happening in the future. Accordingly, the Implementation Framework places significant emphasis on prevention of child sexual abuse.

Some of this work involves developing nationally consistent approaches, such as for child safe standards. Other work requires reviewing and enhancing current approaches to improve responses to children with harmful sexual behaviours; tailoring protections against child sexual abuse to high risk environments and vulnerable populations; and improving screening of and support for people who work with, undertake activities with or care for children.

Improved record keeping and information sharing between institutions and across states and territories will increase protections against child sexual abuse and also assist in the continuous improvement of institutions through enhanced recording and reporting of comparable data.

Of the 116 recommendations that have been grouped into *Action Area 1: Preventing child sexual abuse from happening in the future*, 16 recommendations have been completed, and work is progressing on a further 94 recommendations. The State Government is committed to commencing work on the remaining six recommendations, which will be done as part of a thoughtful and considered approach over the next 10 years.



Action Area 1 Preventing child sexual abuse from happening in the future



Action Area 1: Preventing child sexual abuse from happening in the future – leading practice examples

Child Protection Policy

The Department of Education is committed to being a child safe organisation through the prevention, identification and reporting of child abuse and neglect. This includes the provision of support to children who have been abused, or are affected by abuse or neglect. Learnings from the Royal Commission have been incorporated into the Department's updated *Child Protection* policy, which requires school principals to:

- confirm that staff complete the online *Child Protection and Abuse Prevention* course within six months of enrolment in the course;
- confirm that staff repeat the online *Child Protection and Abuse Prevention* program every three years from the date of completion; and
- inform all contract staff of their child protection responsibilities.

Principals must implement protective behaviours education that aligns with the Western Australian Curriculum across all phases of schooling.

All public schools are supported to implement this policy in a culturally responsive manner and in a way that recognises the heightened vulnerability of particular student cohorts. For example, the *Aboriginal Cultural Standards Framework* assists schools to establish supportive and safe learning environments for all Aboriginal students, that recognise and value the strengths, experiences and circumstances of Aboriginal people across Western Australia.

Supporting Family Carers

The Department of Communities has commenced a Family Care Support Service across the metropolitan (excluding Peel), East Kimberley, West Kimberley, Pilbara and Wheatbelt regional areas to provide identified family carers (priority given to Aboriginal families) with intensive practical services to keep placements stable and to keep children with family.

Service activities provided by the Family Care Support Services focus on maintaining family care arrangements by improving parenting skills and building capacity to safely care for children and young people. Activities include protective behaviours education and a range of culturally appropriate programs that support carers and children or young people to develop safe networks and remain connected to family, country and community. Family Support Care Services also make referrals and link carers, children and young people to relevant community supports when required.

4. Action Area 2: Responding swiftly and effectively to abuse should it happen

Distress and trauma suffered by survivors can be exacerbated by delays in, or failures to, identify and respond to risks and incidents of child sexual abuse. When child sexual abuse happens, responses must be reliable, swift and effective to minimise trauma to the survivor.

Work in this area includes making sure that if child sexual abuse occurs, it is reliably reported and acted on; making sure investigation and prosecution of abuse are undertaken to the highest standard; and making sure the criminal justice system responds effectively to abuse.

Of the 106 recommendations that have been grouped into *Action Area 2: Responding swiftly and effectively to abuse should it happen*, 27 recommendations have been completed, and work has commenced on a further 70 recommendations. The State Government is committed to commencing work on the remaining nine recommendations, which will be done as part of a thoughtful and considered approach over the next ten years.



Action area 2

Responding swiftly and effectively to abuse should it happen



Action Area 2: Responding swiftly and effectively to abuse should it happen – leading practice examples

Enhancing Existing Prosecution Practices

The Office of the Director of Public Prosecutions (ODPP) has published on their website an updated Statement of Prosecution Policy and Guidelines and new Policy and Guidelines for Victims of Crime on 1 September 2018 that enhance existing prosecutorial practices. Alongside this, a Continuing Professional Development Program provides training in dealing with historical sexual abuse. The ODPP has worked to support continuity in prosecutorial staff (in so far as is practicable).

Child Friendly Complaints Systems

The Commissioner for Children and Young People (CCYP) continues capacity building work to support organisations to develop child safe cultures and strategies. This includes ensuring organisations have in place child friendly complaint systems. The Commissioner also has an existing role in monitoring ways in which State Government agencies respond to complaints made by children and young people.

Within the 2018 monitoring process, the CCYP introduced an emphasis on Child Safe Standard Six of the Royal Commission: *Processes to respond to complaints of child sexual abuse are child focused*. Government agencies were asked to report on ways in which they were meeting this standard already, and to identify areas for further development. The CCYP's focus supports Government agencies to implement effective child-focused complaints systems.

The Department of Communities (Communities) uses Viewpoint, a web based tool, to engage children and young people in self-administered interviews to explore their views, wishes and experiences about being in care. Communities has progressed Viewpoint over the past year resulting in a great improvement in the engagement of young people. More than 2,000 children and young people in care gave their views in the 12 months to end September 2018. In that same period 65% of young people aged 8 to 17 years reported that they knew if they were unhappy with something, they could get help to make a complaint or to get things changed.

Communities has improved communication strategies, increased training for service delivery staff, and developed an eLearning program which is accessible to all staff at any time and explains the Viewpoint methodology and how to use the tool. Since October 2018, Communities has also rolled out data-linking between Assist (Communities' child protection client management database) and Viewpoint, which automates many of the processes previously done manually in district offices, and both raises Viewpoint's profile with staff and gives them easier access to young people's responses.

5. Action Area 3: Addressing abuse that happened in the past

Whilst the pain and suffering that survivors of child sexual abuse have experienced cannot ever be taken away, the 88 recommendations in the Royal Commission's *Final Report* that address historical abuse reflect the importance of having avenues available for survivors to pursue justice, healing and recognition.

Work in this area includes providing redress for survivors of child sexual abuse; improving accessibility of civil litigation for survivors of child sexual abuse; and improving advocacy, treatment and support.

Of the 88 recommendations that have been grouped into *Action Area 3: Addressing abuse that happened in the past*, work has been completed on 65 recommendations and work has commenced on a further 22 recommendations. The State Government is committed to commencing work on the remaining recommendation, which will be done as part of a thoughtful and considered approach over the next ten years.



Action Area 3

Addressing abuse that happened in the past



Action Area 3: Addressing abuse that happened in the past – leading practice examples

State Government Participation In National Redress Scheme

The National Redress Scheme formally commenced operation on 1 July 2018. The State Government's participation in the Scheme will commence on 1 January 2019.

Persons who experienced abuse in WA institutions can currently apply to the National Redress Scheme. The National Redress Scheme for Institutional Child Sexual Abuse (Commonwealth Powers) Bill 2018 (WA) (the Bill) was passed in Parliament during the second half of 2018.

The Department of the Premier and Cabinet (DPC) and the Department of Justice have been working together and with other agencies to ensure the State Government is prepared for participation.

The State Government's Redress Coordination Unit (the Unit) has been established within the Department of Justice's Office of the Commissioner for Victims of Crime. This Unit coordinates the provision of information from State Government agencies to the Scheme, as well as coordinates the delivery of Direct Personal Responses and information about counselling and psychological care to eligible survivors. The Unit has engaged with the Department of Justice's senior Aboriginal staff to consider the specific needs of Western Australian Aboriginal persons who may be eligible to apply to the National Redress Scheme.

The Civil Liability Legislation Amendment (Child Sexual Abuse Actions) Act 2018

On 1 July 2018, the State Government proclaimed the *Civil Liability Legislation Amendment (Child Sexual Abuse Actions) Act 2018* (WA), which removed the limitation periods for civil actions by victims of child sexual abuse. As a result of this change, the first settlement of a civil claim based on historic child sexual abuse was made on 16 August 2018. The first mediation in the Supreme Court was held on 27 September 2018 in relation to a historic abuse in care claim.

The Government has its *Whole of Government Guiding Principles for Responding to Civil Litigation involving Child Sexual Abuse* and these are publicly available via the Department of Justice's website at www.justice.wa.gov.au. These Guiding Principles are designed to identify how the State and its agencies will handle civil litigation involving allegations of child sexual abuse. This will ensure a consistent and compassionate approach is taken by government. The State Solicitor's Office is applying these Guiding Principles in responding to claims against the State. This means that survivors in Western Australia have a choice of pursuing civil litigation through the courts or seeking redress under the National Redress Scheme.

Improving Advocacy, Treatment And Support For Survivors Of Child Sexual Abuse

The State Government is progressing with the expansion of sexual assault counselling and outreach services in the northern suburbs. This will enable Sexual Assault Resource Centre (SARC) to increase the number of counselling appointments offered and assist with reducing the waiting times experienced by patients. An additional 80 patients per year are anticipated to benefit from this service.

Children in care who have experienced significant trauma through abuse are able to access Rapid Response which is a Cabinet endorsed, across-government framework to provide prioritised service responses to meet the complex needs of children and young people in care, and care leavers up to the age of 25 years. Consultation is underway in relation to recommendation 47 of the statutory review of the *Children and Community Services Act 2004*, aimed at strengthening the shared responsibility across government agencies for children in care and those who are eligible for leaving care services.

It has been established in national and international research that children and young people who require protection and placement in care will have experienced some level of trauma. As a result, these children experience higher rates of disadvantage across a range of areas including health, housing, psychological, education and employment. Reduced and interrupted access to services often significantly impacts on immediate and long-term outcomes for this vulnerable group and can lead to their entrenchment in adult service systems.

Since its inception, Rapid Response has achieved a number of initiatives, including: health assessments and health and educational plans for all children in care; waiver of fees by State Training Providers to reduce barriers to training; and the inclusion of care leavers on the housing priority waitlist from 16 years of age.

Rapid Response also has the potential for significant long-term savings across government as disadvantaged young people who are supported early may be prevented from entering and becoming entrenched in other systems or services, such as the adult justice and mental health systems, unemployment and homelessness.

6. The way forward

The Royal Commission work stems from five years of investigation and is represented in 17 volumes. This work involves significant cultural change in some institutions, sweeping changes to State legislation, and complex coordination with the Commonwealth, other States and Territories and between Government and non-government institutions. The Royal Commissioners understood that it will take up to ten years for States and Territories to implement the necessary changes, and recommended that a national audit on implementation be conducted a decade after the tabling of the Royal Commission's *Final Report*.

The State Government is committed to getting implementation right. This will need to involve progressing in a careful, coordinated and consistent manner for the protection of children regardless of where they live or which institutions they encounter. This will safeguard that no state or institution will become a safe haven for abusers, and that there are no gaps in protecting children.

6.1. Priorities for Implementation 2019-20

The Royal Commission work is, in short, both too complex and too important a task to rush or to fail to implement properly. Accordingly, the State Government has spent the second half of 2018 consulting and carefully developing a framework to guide this work over the next ten years. As part of this, the priority work for progressing immediately has been identified.

Work areas that are prioritised for progression in 2019-20 are shown in Figure 3.

While this work is progressing in 2019-20, State Government institutions will also continue to work on other recommendations that can be progressed as part of core ongoing business. Consultation with key stakeholders will be ongoing in 2019-20.

Figure 3: Priority areas of work for progressing in 2019-2020

A safer WA for children		
<p>Action Area 1: Preventing child sexual abuse from occurring in the future</p>	<p>Action Area 2: Responding swiftly and effectively to abuse should it occur</p>	<p>Action Area 3: Addressing abuse that occurred in the past</p>
<p>Initiative 1 Ensure that all institutions implement child safe standards (Recs 6.2-6.7 FR) Undertake policy and program development for National Strategy for the Prevention of Child Sexual Abuse; National Framework for Child Safety; and implementation of Child Safe Standards.</p>	<p>Initiative 7 Make sure that if abuse occurs, it is reliably reported and acted on (Recs 7.1-7.6 FR; and 8, 34 CJ) Increase the range of people obliged to report suspected child sexual abuse so as to improve national consistency and increase protection.</p>	<p>Initiative 10 Provide redress for survivors of child sexual abuse (Recs 1-75 RCL excluding “noted” recs 10, 12, 13, 28, 32, 33) Support the first year of implementation of the National Redress Scheme in Western Australia.</p>
<p>Initiative 2 Improve responses to harmful sexual behaviours in children (Recs 10.1-10.7, 12.12, 12.13 FR) Undertake policy and program development for improving access to early intervention, appropriate assessment and therapeutic responses.</p>	<p>Initiative 7 Make sure that if abuse occurs, it is reliably reported and acted on (Recs 7.8-7.12, 15.9 FR) Design a reportable conduct scheme, where institutions are obliged to notify an independent oversight body of allegations or convictions of staff.</p>	<p>Initiative 11 Make civil litigation more accessible for survivors of child sexual abuse (Recs 85-88 RCL) Continue to support implementation of the Civil Liability Legislation Amendment (Child Sexual Abuse Actions) Act 2018.</p>

Initiative 3

Improve screening of and support for people who work with, undertake activities with or care for children

(Recs 1, 3-26, 28-35 WWC)

Improve working with children check screening.

Initiative 7

Make sure that if abuse occurs, it is reliably reported and acted on (Rec 8.5 FR)

Improve record keeping and retention in relation to child sexual abuse.

Initiative 12

Improve advocacy, treatment and support for survivors of child sexual abuse

(Recs 9.1-9.3, 9.6-9.9 FR)

Develop dedicated community support services for victims and survivors; enhanced capacity of specialist sexual assault services; and responsive mainstream services.

Initiative 5

Improve information sharing between institutions and across states

(Recs 8.6-8.8 FR)

Contribute to a National Information Exchange Scheme to improve information sharing related to child safety between specified agencies.

Build consistency of record keeping and improve information sharing across all WA schools.

Initiative 9

Make sure that the criminal justice system responds effectively to child sexual abuse

(Recs 33, 35 CJ)

Introduce a new criminal offence for institutions that fail to report suspected abuse, which includes religious confession.

Initiative 6

Improving recording and reporting to enable continued improvement in preventing child sexual abuse

(Recs 12.1-12.3, 12.15, 17.2 FR; 82 CJ)

Build national consistency and improve data on child sexual abuse to inform policy development.

At the end of 2019, table in the WA Parliament an annual report of progress.

Initiative 9

Make sure that the criminal justice system responds effectively to child sexual abuse

(Recs 59-61 CJ)

Improve the way court processes support victims and survivors to give evidence, and how this evidence is used.

Recommendations key

- FR: Final Report 2017
- CJ: Criminal Justice Report 2017
- WWC: Working with Children Checks 2015
- RCL: Redress and Civil Litigation 2015

6.2. Concluding comments

This report shows that the State Government has in 2018 made substantial progress in preparing for implementation of the Royal Commission recommendations by:

- developing and releasing a response to the 409 recommendations;
- delivering an apology in the WA Parliament;
- passing important legislation that removed the limitation periods on child sexual abuse, thereby opening an avenue for survivors of past abuse to seek justice, healing and recognition through civil litigation;
- joining the National Redress Scheme, providing a choice of whether to seek to address their needs through civil litigation or the National Redress Scheme;
- completing the preparations for Western Australia's participation in the National Redress Scheme on 1 January 2019;
- through State Government institutions, progressing work wherever possible within existing resources to increase protections against child sexual abuse;
- preparing an Implementation Framework that organises the 310 recommendations that are applicable to the State Government into meaningful and organised work streams; and
- identifying the priority areas for progressing in 2019-20, which will form the building blocks upon which the Royal Commission work will be implemented over the next 10 years.

Whilst work has begun within Government, there is still a lot of work to be done. The priorities identified in this report will be progressed over the next twelve months in consultation with relevant stakeholders.

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