



**PROJECT<sup>®</sup>  
PARADIGM**  
WORKING TO END CHILD EXPLOITATION

**Submission by Project Paradigm, IFYS to the Royal Commission into Domestic, Family and Sexual Violence, South Australia.**

Project Paradigm welcomes this opportunity to make a submission to the Royal Commission into Domestic, Family and Sexual Violence, South Australia.

We note that the terms of reference include:

- Prevention - drivers of sexual violence and initiatives.
- Response – best practice responses.
- Recovery and healing.

**Background**

IFYS had its inception as a youth shelter on the Sunshine Coast over 40 years ago. Much of the focus of its work in the early days was aimed at addressing what was referred to at the time as ‘opportunistic prostitution’ or ‘child prostitution’. In the early 1990’s the organisation was one of only 5 agencies state-wide, funded to provide detached outreach services to young people at risk across the Sunshine Coast region.

Today IFYS has a service footprint that covers from the Gold Coast in the South to the far North of Queensland as well as involvement in a number of national initiatives aimed at addressing child sexual abuse and exploitation. The organisation delivers a range of specialist support and intervention programmes for children, young people and families.

Our vision is a national community that acknowledges, understands and values childhood by committing to the protection of children and young people through collaboration, advocacy and support.

Nationally, through our Project Paradigm programme, we are focusing on prevention and intervention for children and young people at risk of or experiencing child exploitation by:

1. Building the capacity of frontline professionals and communities to be able to identify and respond appropriately to child exploitation through the development and provision of training and resources.
2. Contributing to the broader community of practice through research and advocacy activities.
3. Collaborating with stakeholders to achieve best outcomes for children and young people at risk of or experiencing child exploitation.

Fundamentally, our stance is that of ensuring the ‘best interests of the child’ is the primary consideration in all recommendations captured within the proposed actions from the Royal Commission into the Domestic, Family and Sexual Violence, South Australia.

Australia ratified the UN Convention on the Rights of the Child in December 1990, committing to ensure that **all** children in Australia enjoy the rights set out in the treaty. These rights recognise that children and young people are unique and as such entitled to additional rights recognising their specific needs to help them thrive and develop their full potential. Special protection is afforded because of broad acknowledgment regarding their vulnerability to exploitation and abuse.

In January 2007 Australia ratified the Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography.

With both milestones in mind, this submission is intended to place a focus on child sexual exploitation (CSE) within the broader context of sexual violence.

For the purpose of this submission and to ensure a clear point of reference when speaking about CSE the following definition is used:

*“Child sexual exploitation is the abuse of a child where some form of remuneration is involved whereby the perpetrators benefit – monetarily, socially, politically, etc. Exploitation constitutes a form of coercion and violence, detrimental to the child’s physical and mental health, development, and education.” (United Nations, 2001)*

### **Drivers of sexual violence and initiatives**

Child sexual exploitation (CSE) is a form of abuse that does not discriminate based on age, gender, ethnicity, or sexual orientation. Offenders are deceptive and manipulative,

targeting children and young people in effective ways, ensnaring, isolating, and controlling away from families and support networks. They will often target young people who lack positive nurturing relationships with protective adults, many of whom may not recognise the signs that they are being exploited. Perpetrators will normally target children and young people based on vulnerability, sometimes through sophisticated, tech-facilitated, grooming techniques and often by exploiting the young person's attachment needs.

In recent years the issue of CSE has become a prominent problem for many countries to address. Some governments on the World stage have made combatting the issue a major priority, citing it as a "national threat" (Cameron, 2015). Others refer to online CSE as a "top priority" (Dutton, 2018).

In Australia, there is currently no consistent national definition for CSE making it difficult for practitioners and agencies to identify, monitor and respond effectively, despite this being a specific recommendation in the Royal Commission into Institutional Responses to Child Sexual Abuse (Royal Commission into Institutional Responses to Child Sexual Abuse, 2017). Much of the discourse and language relating to CSE within a social policy and law enforcement context, focuses on online grooming or child exploitation material (CEM) (CDPP, 2019), both of which, while important issues, can distract from CSE taking place in offline contexts (Townson, 2019).

Lack of a consistent national definition acts as an enabler for a culture of victim blaming, labelling discourses around child sexual exploitation and the pathologising of vulnerable young people who find themselves in high-risk situations. Adopting a clear definition would ensure, that moving forward, both policy and public discourse regarding this issue can be effectively shaped in a trauma informed and children's rights way, encouraging a collective, community response.

A recent article, "*Room for Improvement: How does the Media portray Individuals Who Engage in Material Depicting Child Sexual Abuse?*" (Christensen & Pollard, 2022) published in the journal *Sexuality and Culture* reveals that mainstream media articles often downplayed the abusive offending, leading to the marginalisation of victims.

### **Prevalence**

It is estimated by the World Health Organization that up to 1 billion children aged 12-17 years, have experienced physical, sexual, or emotional violence or neglect in recent years (WHO, 2022), with over 8.5 million children and young people worldwide considered to be victims of labour and sexual exploitation (ChildX, 2024). The Australian Child Maltreatment Study, the first nationally representative study of the prevalence of child maltreatment specifically in Australia, surveyed 8500 Australians and revealed

that child maltreatment is widespread. Findings demonstrated that 28.5 per cent of those surveyed, had experienced sexual abuse in their lifetime stemming from their childhood (Haslam et al, 2023).

The UK Home Office – equivalent to the Australian Department of Home Affairs – has conducted extensive research into the prevalence of CSE and considers those most at risk as being children who have a history of running away/going missing overnight, are in residential care or transitional housing and foster care, have disengaged from education, and those using drugs and alcohol (CEOP, 2011).

This is congruent with research undertaken by the Victorian Commissioner for Children and Young People in 2021. The research findings were published in the report *Out of Sight*, and drew on interviews with children and young people, key stakeholders, workers, data, client files and incident reports. This inquiry concluded that children and young people were absent and missing from residential care at alarming rates and whilst absent, suffered criminal and sexual exploitation. The report pointed to a spectrum of perpetrator typologies, ranging from organised exploitation rings actively targeting children and young people in residential care, through to “*the odd guy and his mates*” who opportunistically exploit and assault vulnerable children and young people when they are away from residential care.

In Australia, the last significant piece of funded federal government research specifically relating to child sexual exploitation was undertaken in 2001 by the Australian Institute of Criminology (AIC) (Grabosky, Grant & David, 2001). This research was in response to Australia’s commitment to the Stockholm Agenda, an outcome of the 1996 First World Congress on Commercial Child Sexual Exploitation, which established a national agenda for action aimed at eradicating the commercial sexual exploitation of children within its borders.

While the research was able to identify predisposed vulnerabilities present in young victims’ lives – historic familial abuse, homelessness, domestic and family violence, etc – it appeared to present the view that the behaviour of the young people themselves was largely responsible for the exploitation. Something that might be viewed by today’s standards as ‘victim blaming’. The research, however, did demonstrate some critical pieces of data. It indicated that within two weeks of becoming homeless, 75 % of young people had become involved in exploitative activity – sexual exploitation, child sexual abuse material production, criminal exploitation, etc. The researchers highlighted this against a backdrop of youth homelessness figures at the time, which demonstrated that approximately 25,000 to 30,000 of young people experienced homelessness each year. These figures had remained constant for more than a decade since, with the 2016 Census night reporting 27,680 young people aged 12 to 24 being counted as homeless

(Council to Homeless Persons, 2018). However, since then there has been a sharp increase in the number of young people being classified as homeless, with Specialist Homelessness Services across the nation reporting in 2021 that more than 39,000 young people presenting as homelessness support (Salvation Army, 2024).

The 2001 AIC research identified significant difficulties in quantifying the true scale of the problem due to ambiguity around definitions of CSE, the hidden nature of CSE and the absence of data collection in general. In relation to data collection, they discovered that the main issues were underreporting, professionals dismissing the relevance of data collection and a lack of coordination amongst agencies. Regarding prevalence of CSE, the research concluded that 30 - 40% of 'at risk' children in Adelaide had been sexually exploited in a commercial context. The researchers estimated that over a period of one year, in 1998, 375 children between the ages of 13 and 17, across South Australia, were victims of commercial sexual exploitation. Of these, 68 % were female.

Since 2001, minimal research has been undertaken at a national level, specifically relating to CSE in a broad context. Much of the national data available is presented within the context of online child exploitation (ACCCE, 2019).

As was the case in the 2001 AIC study, it is still difficult today to estimate the prevalence of CSE in Australia due to reporting and identification issues, a point noted in the 2016 Royal Commission into Institutional Responses to Child Sexual Abuse. There are only two recommendations made by the Royal Commission into Institutional Responses to Child Sexual abuse in its final report, specifically relating to CSE – 12.14 and 12.15. Recommendation 12.15 draws attention to the problem of data collection by stating:

*“Child protection departments in all states and territories should adopt a nationally consistent definition for child sexual exploitation to enable the collection and reporting of data on sexual exploitation of children...”*

(Royal Commission into Institutional Responses to Child Sexual Abuse, 2017, p39).

The scope of data collection recommended in the final report presents limitations, in that it is focused solely on children in out-of-home care. There is a strong argument that such a narrow scope of data collection will lead to underreporting of CSE cases for those children who still live in the family home. There is currently a lack of understanding relating to how CSE affects first nations communities, but recent cases encountered by professionals across various states, suggest there is evidence children from these communities have been specifically targeted due to their cultural background (Atkinson, 2018). More research is required into how CSE impacts first nations communities, especially in relation to the prevalence of cases and frequency of reporting.

Project Paradigm seeks to highlight that the current Royal Commission into Domestic, Family and Sexual Violence in South Australia presents as a critical window of opportunity for the South Australian government to play a crucial role in addressing child exploitation by enshrining a definition for CSE, which will in turn, encourage dialogue nationally regarding the adoption of a nationally consistent definition.

### **CSE in context**

CSE remains a hidden problem. As previously noted, it is a type of child sexual abuse not consistently defined across Australian jurisdictions (ECPAT, 2018; ECPAT 2012; Cameron et al, 2015). In Australian discourse, policy, and practice, CSE is most frequently associated with the production, distribution, and possession of Child Exploitation Material (CEM), often conflated with, or added to the broader categorisation of CSA, online exploitation, and abuse.

Whilst there is a strong focus on online, non-contact offending, in-person, community-based contact offending is occurring right across Australia. It is the experience of Project Paradigm that there is often an intersection between online and offline child sexual exploitation offending in Australian communities. This process is multidirectional, perpetrators may use devices to initiate contact, entice young people away from their protective supports, use devices to perpetrate CEM offences, and arrange to meet up in person and also to control and manipulate young people to commit further offences against them or to procure others. Concurrently perpetrators may groom young people and then transition to CEM production. Neither exists in a vacuum, however legislation currently tends to heavily focus on online dangers only.

### **Missing children**

Scott and Skidmore (2006) describe going missing in the context of child sexual exploitation as “*the most immediate indicator of vulnerability*” (Sharp, 2012). It is well recognised that there is a link between children going missing and child sexual exploitation. When a child goes missing, this can be both a cause and a consequence of the child being sexually exploited (Youle, 2020). While reliable data is limited, the actual rate of children and young people who go absent or missing from residential care is believed to be greater than formal reporting suggests and is significantly higher than that of children and young people in the general population (Victoria Commission for Children & Young People, 2021).

The link between going missing and child sexual and criminal exploitation is not a new phenomenon. Research in the UK has long recognised that young people who go missing are often vulnerable to exploitation because of their own traumatic circumstances – history of abuse, emotional and physical neglect, breakdown in family or home relationships, domestic and family violence.

Research also highlights that children in out of home care tend to be overrepresented in data due to the additional vulnerabilities found to be present in their situations – attachment deficit, lack of consistent care, etc - and the fact that authorities tend to be slow to act due to inconsistencies in how an absence or missing episode might be classified.

The added vulnerability factors for children in residential care mean that this particular demographic is often targeted and groomed by perpetrators operating in both gang based and individual contexts, because they are seen as an easy target. This is frequently compounded by the tendency of statutory agencies, such as police or child protection services, to treat ‘missing’ incidents involving young people in out-of- home care as a ‘baseline’ behaviour, not understanding that there are likely to be complex power and control dynamics at work in the background.

The main goal of perpetrators is to pull the young person away from any protective people in their life, often under the guise of being an understanding ‘boyfriend/girlfriend’ or adult. In gang related exploitation, it is not unusual for the young person to initially see a gang as a place of belonging.

Once control and dominance is established by the perpetrators, the young person may then be forced or manipulated into having sex with ‘friends’ of the perpetrators and/or will be used to carry out street related crimes, such as drug dealing or petty theft.

For those agencies focused on addressing the issue of missing children and child exploitation the most widely accepted ‘best practice’ approach, is to use a model known as ‘assertive outreach’.

This model takes a position of persistence where, after an episode of missing, practitioners from non-government organisations will initially conduct a return home interview followed by consistent and regular attempts to engage and intervene with the young person. It relies on professionals making themselves readily available and accessible to the young person and frequently utilises multiagency partnerships with police and statutory child protection agencies as a means of responding rapidly to the needs of the young person. Once effective engagement has been established practitioners will seek to maintain regular contact with the young person through modes of communication accessible to the young person – text, phone, internet, etc.

Practitioners will meet with the young person in their own environment or in locations where the young person feels most comfortable. The core aim of any work undertaken is to provide necessary support to encourage change and build resilience, to the extent that the young person is able to experience a sense of agency, leading to a greater feeling of self-worth and belonging. This particular practice model has seen agencies report a significant increase in safety and well-being in children and a reduction in episodes of missing by up to 41%. However, despite the effectiveness of this approach, there is a significant lack of resourcing for organisations to implement such models in Australia.

One of the most critical aspects to ensuring positive outcomes for young people who go missing is capacity building for frontline professionals through programmes of education and awareness. Case studies in Australia demonstrate that when professionals lack adequate training relating to community-based child sexual and criminal exploitation, victims are less likely to receive the support they need which can have dire consequences for their long-term well-being (Townson, 2021-2022).

Whilst it is imperative to speak about going missing in the context of out-of-home care, Australia is currently in the grip of a housing crisis, impacting both buyers and renters alike, equating to a marked increase in the number of children and young people who are finding themselves homeless, exposed, and vulnerable to CSE.

During the Census of Population and Housing, 122,494 people were estimated to be homeless on Census night in 2021. Of this figure 23.0% (conservatively estimated at 28,173) were aged from 12-24 years (ABS, 2021). According to Anglicare's 2022 Rental Affordability Snapshot, a review of 45,992 national rental property listings, there is no likelihood of the housing crisis easing, with zero affordable properties available for a young person on Youth Allowance – even in shared living, anywhere in the country (Anglicare, 2022).

Population growth has also outpaced social housing supply across Australia, with national social housing stocks only growing 9 per cent from 2006-2020 in contrast to homelessness which has grown 30 percent within the same period, social housing (Pawson, 2023).

### **Out-of-home care**

While defining terminology for children in out-of-home care can vary across states and territories, for the purpose of this submission Project Paradigm uses the following definition:

*The term ‘out-of-home care’ refers to the provision of short, medium, or long-term accommodation for children aged 0-18 years, who are unable to live with their parents, commonly due to abuse and/or neglect. This may include foster care, residential care, kinship care or other types of statutory, public or alternative care. (Townson et al, 2024)*

Historical misconceptions about children and young people in the care system continue to shape responses to children and young people who are absent or missing from residential care. This creates a barrier to children and young people receiving the care response they need. Stakeholders often characterise the act of going absent or missing from residential care as ‘absconding’. This label is derived from nineteenth century laws, which at the time conflated neglect with criminality.

The ‘best interests’ principle that underpins the current legislative framework replaced this approach, yet terms such as ‘absconding’ and the conflation of neglect with criminality continue to influence practice. As a result, some stakeholders perceive these children and young people as ‘rotten kids’, ‘troublemakers’ or ‘streetwise’ who are blamed for their actions. They are perceived to be less deserving, the risks they face may be underestimated, and they are sometimes subject to a punitive, rather than caring, response.

The high rate of children and young people absent or missing from residential care, combined with a sense that current interventions are ineffective, also leads to frustration and a sense of fatigue, particularly among staff in frontline care and policing roles. There are signs that attitudes, perceptions, and responses are shifting slightly, with some children and young people reporting a more positive and supportive response. In some parts of the system, there is evidence that responses are informed by an understanding that a child or young person who is absent or missing from residential care is not ‘rotten’ nor able to look after themselves but is highly vulnerable and often suffering the impact of significant childhood trauma, (Commission for Children & Young People, 2021).

Victorian Commission for Children and Young People (2021) reported that in the 18 months to 31 March 2020, 388 warrants were granted each month on average authorising police to take children and young people who were absent or missing from residential care into ‘safe custody’. This equates to nearly one warrant per child or young person in residential care each month, which is approximately 75 times the rate of missing person reports for children and young people aged 13 to 17 reported in a 2016 Australian Institute of Criminology (AIC) study of missing person reports across Australia.

In this inquiry, the Commission found evidence of children and young people being sexually, criminally, and financially exploited, raped, and assaulted, sustaining physical injuries, engaging in self-harm, and extensive and damaging use of substances and alcohol.

Australian Federal Police’s *‘Children and Youth Reported Missing from Out-of-Home care in Australia,’* report, prepared to help police understand why children go missing in Australia, found that young people aged 13 to 17 in out-of-home care make up less than 1 per cent of the youth population in Australia, yet they make up more than 70 per cent of missing youth reports. Of these, females and First Nations youth were identified as being most at risk. The research found that some young people had been exposed to harm while missing, with children returning home drug-affected, exhibiting mental health issues or with unexplained physical injuries. It also identified cases of under-age girls being returned to care homes by unknown adult men and associating with older youths known to police (McFarlene, 2021).

### **South Australia - Out-of-home care sector**

There are currently 4,500 children in state care in South Australia (July 2024) (Olle, 2024). 15 per cent of children in the child protection system are in residential care, while 85 per cent are in family-based care, such as foster homes (Kelly, 2024). In January 2024, there were 118 children aged under 10 years of age living in government-run houses including eight toddlers and preschoolers as young as two years of age.

In 2022, South Australian Children’s Commissioner Helen Connolly expressed concerns that the state government was housing children with disabilities in “crisis” temporary housing, with some forced to move between placements multiple times a year (Richards, 2022).

According to the Commissioner, on June 30, 2022, 34 South Australian children and young people with disabilities lived in voluntary out-of-home care – an increase on the year before. Her office identified that 18 of those children did not have access to stable, safe or appropriate accommodation, factors that are well known to increase vulnerability to abuse and exploitation.

As of 2022, South Australia had the third highest number of children living in voluntary out-of-home care in the country (Richards, 2022).

### **South Australia- Missing:**

Reports from multiple sources in 2023 revealed that a core group of approximately 30 young people across South Australian out-of-care facilities are running away more than 100 times a year, with children as young as 10 years of age repeatedly running back to their parents and cases of teenage girls leaving placements due to exploitation by adults (Bermingham, 2022). Children as young as 13 are reported as leaving regularly at night, with staffing shortages meaning children are vulnerable and at increased risk of being targeted.

It has been highlighted that child protection workers in South Australia lodge an average of 28 missing child reports a day - or more than 10,500 in the 2021 – 2022 financial year (Novak, 2022). Reports from this period also reveal that South Australian Child Protection Department staff turnover rate hit its highest level of 16.8 per cent in 2021, equating to 393 of the estimated 2342 full-time equivalent staff employed in 2021-2022 leaving to pursue other work. 170 of those roles were identified as being frontline staff working across the out-of-home care sector.

Anecdotally, child protection workers have reported to media that they feel “powerless” to stop young people running away from their place of care and hold fears that they are at risk of being exploited or involved in crime when they do. The Public Service Association, which represents youth workers, said the issues were widespread and staff were under “enormous pressure” (Bermingham, 2022).

### **Recommendation 1 – Prevention tools**

Project Paradigm considers that this Royal Commission presents an opportunity for the South Australian government to increase their focus on supporting the out-of-home care sector, to improve its capacity to attract, retain, enough suitably qualified workers and to protect children in their care.

We support the implementation of independent out-of-home care sector oversight, to ensure transparency, and to ensure that all decisions made regarding children in care are in their best interests and placements are the right kind, in the right places, meaning that children are getting access to care and accommodation that meets their specific needs.

We propose the implementation of clear and effective reporting mechanisms that help to identify emerging localised issues and respond to potential unmet needs of individual children and their respective families so that supports and resources can be offered thereby reducing the potential for long term statutory intervention.

Project Paradigm encourages the use of specialist training to help build capacity across frontline staff in key positions, with a strong focus on child sexual exploitation, trafficking and criminal exploitation and supporting the development of specific resources targeting the out-of-home care sector, similar to the collaborative piece created by Project Paradigm, PeakCare and Queensland Family and Child Commission - *Safe and Supported in Queensland: Enhancing safety for young people who go missing in care*

### **South Australia - Child protection:**

Recent media reports suggest the number of serious injuries suffered by children in state care is being massively underreported and imply that the department is downplaying the real extent of what some are referring to as a child protection crisis (Olle, 2024).

Based on these reports, it could be argued that there is strong need for an independent complaint mechanism, given that up to 40 calls per day to the Department for Child Protection's abuse report hotline go unanswered every day (Olle, 2024). It is noted that in May 2024, 5607 calls were made to the reporting line — but only 4305, 76.8 per cent, were answered. Total calls to the 24/7 hotline were up 16.5 per cent compared to the month prior, and online child abuse reports have surged by more than 50 per cent.

Advocacy groups like the Carer Project have stated that many foster and kinship carers feel powerless when attempting to lodge concerns through the Department's internal complaints system — and believe the number of incidents reported is not being accurately captured (Olle, 2024). This comes as the Department for Child Protection in South Australia is set to cut funding by almost \$63 million, despite key activity indicators forecasting huge increases in demand (Olle, 2024).

Earlier this year, the South Australian government's own records demonstrated a total of 49 people were charged with sexual offences against children in state care between March 2022 and May 2024, one of them a government staff member. Two girls in state care reported pregnancies following alleged sexual assaults (Hanife, 2024). Data shows more than 100,000 reports were made to SA's child abuse report line last year.

The state's Guardian for Children and Young People, Shona Reid, has gone on public record saying she is "not convinced" that the Department for Child Protection and other agencies are "paying enough attention when children are telling them that they're scared, or worried, or feeling particularly vulnerable".

Department for Child Protection data shows 114,299 online and phone reports were made to SA's child abuse report line last financial year. This demonstrates an increase from 104,359 in 2021-22 by more than 9 per cent (Richards, 2023).

Reports suggest that at least 20 South Australian teenagers in state care at risk of sexual exploitation and abuse have been unable to get the help they need from a specialist public health service due to service capacity issues (Novak, 2024). This has been confirmed by the Guardian for Children and Young People, Shona Reid, who has highlighted that since she was appointed in July 2023, she had been made aware of at least 21 eligible young people who were not able to access SA Health's Intensive Therapeutic Care Program (ITCP) which is intended to provide therapeutic support and counselling for young people in state care aged over 12 who go missing or absent and are at risk of being sexually exploited.

### **Recommendation 2 – Establish effective disruption legislation**

Disruption should be considered a crucial, meaningful action to help eradicate CSE but it is the experience of Project Paradigm and other key stakeholders that it is not often discussed outside of direct prosecution proceedings and rarely referenced by agencies outside of law enforcement. Comprehensive disruption tools equip frontline workers with effective methods to prevent victimisation and aligns with recently released findings from the Federal Attorney General's Targeted Review of Modern Slavery and Trafficking Offences in Divisions 270 and 271 of the Criminal Code Act 1995 (Cth). The review identified areas for possible legislative change to help strengthen offences in line with international best practice and in recognition of emerging forms of modern slavery. Project Paradigm along with a number of other non-government agencies and leading child protection academics and experts have continually called for a broader understanding of modern slavery to include CSE within the offence legislation due to it not currently being captured in an Australian context.

Such updates would be timely and congruent with a number of international jurisdictions (including the United Nations), noting Australian laws have not been significantly amended since 2013, during which time domestic and international understanding of modern slavery has evolved, as have the practices adopted to address it. Project Paradigm, alongside many other agencies, made submission to this review highlighting the importance of a victim and survivor-centred, trauma-informed, harm minimisation approach, prioritising the protection of victims and survivors. A core focus of proposed amendments would prioritise the recovery of victims and survivors through

referral to appropriate support services, a position echoed in the NSW Anti-slavery Commissioner's Strategic Plan (2023- 2026).

Convictions are considered just one of several possible successful outcomes from an investigation, and law enforcement may instead seek to prevent or disrupt offending in the interests of protecting the victim and survivor. It's important to note that this document provides no clear protocol or guidance as to what this disruption may in fact look like.

Within Australia, Victoria is the only state with explicit guidelines identifying the appropriate assessment, prevention, and response for CSE. Policy and procedure guidance identifies the five elements of effective practice in response to CSE, listing prevention, detection, disruption, intervention, recovery and reconnection. Project Paradigm would like to see Australia establish legislated mechanisms that enable law enforcement and allied frontline staff to disrupt the sexual and criminal exploitation of children and young people, breaking the cycle of abuse, signalling to perpetrators that there are consequences to their actions.

The concept of a 'best practice' approach to disruption within the context of CSE, posits that people who exploit children sexually may also be committing other crimes, such as drug trafficking, and may also be involved in harbouring children who have gone missing. By establishing legislative opportunities to target specific risks ranging from warning notices to offence charges to persons of interest, police and statutory agencies can disrupt patterns of behaviour associated directly or indirectly with sexual and criminal exploitation.

However, police rightly rely on statutory child protection entities and individuals to provide relevant, accurate and timely information (Department of Health and Human Services, 2017, p.19).

Project Paradigm does not consider that it is always appropriate to leave the protection of vulnerable children and young people to the criminal justice process alone, a sentiment echoed by the Victorian Child Protection Manual which states reliance on criminal prosecutions for alleged offenders is often insufficient in the fight against child sexual exploitation. Disruption should be considered a whole of community responsibility, supported by legislative mechanisms enabling statutory agencies utilise every available resource.

Across Victoria, police have alternative avenues to remove persons of interest from a child's circle of influence, disrupting exploitation. To undertake this effectively, police and law enforcement agencies need accurate and timely information from a range of sources including Child Protection services, schools, carers, family members. There are

established SOCIT (Sex Offences Child Investigation Team) investigators placed as primary police contacts regarding offences of child exploitation. Their role is to vet information before a child is asked to attend the police station for a formal interview. In the Victorian child protection program, the sexual exploitation information template (SEIT) is the mechanism for SOCIT investigators to receive information about child protection clients at risk of sexual exploitation. A tiered systems exists with regards to identifying the severity of risk and strategies that might be employed to protect the child. Victorian Police also undertake active monitoring of children assessed at high risk of sexual exploitation and use sexual exploitation link charts to provide a visual overview of networks between children and person/s of interest.

Legal options for Child Protection and police to consider mitigating the risk of sexual exploitation include:

- Serving the person of interest with a ss. 495 and 497 CYFA 2005 ‘harbouring notice’ or ‘loitering letter’. The harbouring notice is served on persons of interest who are ‘harbouring’ or concealing a child or counselling or inducing a child to be absent from placement. The loitering letter is for persons of interest entering, lurking, or loitering where a child is placed.
- Applying for a family violence or personal safety IVO on behalf of the child against the person of interest.

The Family Violence (Protection) Act 2008 has a broad definition of family members that can be considered when applying that legislation. Victorian police acknowledge that people who exploit children sexually may also be committing other crimes such as drug trafficking and harbouring children who have gone missing. By applying ‘lower order’ offences to persons of interest, police can disrupt patterns of behaviour associated directly or indirectly with sexual exploitation. This can include breaches of an intervention order (IVO), drug possession or dangerous driving offences (Department of Health and Human Services, 2017). The guidelines provide a list of additional disruption activities which include:

- Police visiting persons of interest at their homes to search (via a warrant) for the missing child.
- Police reminding persons of interest of the age of consent or other laws (an active IVO has been obtained against them).
- Actively pursuing known drug trafficking or other illegal activity by the person of interest generally ensuring the person of interest knows they are being watched closely.

Project Paradigm would like to see an adoption by other states and territories in Australia of these types of mechanisms for disruption.

The United Kingdom has an exhaustive list of disruption techniques aside from those listed above, identifying potential alternative legal channels and options that work to disrupt CSE with a focus on the specific needs of the young person. These could form part of a suite of established legislated mechanisms embodied within legislation to disrupt CSE.

Project Paradigm would also like to see a broader use of tools already used to support law enforcement with other issues, in the fight against CSE, such as problem profiling. A problem profile is a police intelligence product that provides a greater understanding of established and emerging crime or incident types, priority locations, or other identified high-risk issues. Problem profiling is not a new mechanism, with criminal profiling and intelligence gathering key to many Australian criminal investigations, especially within the area of counterterrorism. With the onset of artificial intelligence, high risk offenders can be mapped more easily, and problem area mapping can identify community hotspots, assisting in resource deployment. A problem profile should be reflective of the particular types of child exploitation that are taking place in a local area. Where these are overlapping – for example if the same venues are being used for sexual exploitation and criminal exploitation, or the same victims are being exposed to multiple harm types. A problem profile can help professionals to identify these links. Problem profiles specific to particular harms can ensure that the most appropriate disruption tactics are utilised, and victims are supported appropriately.

The following key information would be useful in all problem profiles:

- Numbers of children and young people that have been exploited.
- The adults, children and young people who are suspected to be involved in the exploitation of children and young people – including those who might be exploited themselves.
- The profile of suspected offenders, such as their gender, age etc.
- information on locations of concern, such as businesses, public parks, hotels, house parties and schools
- Information on local organised crime groups, networks, other groups, and individuals who present a risk to children and young people.
- Recommendations to mitigate risks, safeguard the vulnerable and drive the operational response. Including disruption within national legislation that ensures that nationally, we are responding to child sexual exploitation in the context of modern slavery with a suite of innovative pieces of legislation, aligned with international standards, guidelines, and good practice.

In Australia, there is a broad lack of understanding across jurisdictions regarding domestic trafficking offences. At present the Australian Federal Police are undertaking

an educational campaign focused on increasing awareness of State and Territory Police to be able to effectively identify and report incidents of human trafficking. It is imperative when discussing CSE that there is broad acknowledgement that the recruitment, movement or harbouring of a child or young person from a place of safety to a place for the purposes of being exploited constitutes an offence of human trafficking, congruent with how the UN views the issue.

### **Recommendation 3 – Establish multi-agency forums for effective collaboration**

Project Paradigm supports the legislated formation of locally informed multiagency stakeholder groups and regional/district review boards. Legislated multi-agency collaborations would ensure accountability, and collective, unified responses, offering a unique opportunity to effectively tackle the escalating and complex problem of CSE across Australia. Innovative and collaborative approaches are necessary to navigate the inherent barriers faced when aligning agency and departmental agendas, policies, and procedures, to find commonality and forge true partnerships based on reciprocity. It should be noted that what is proposed is the assurance of a system level mechanism for sector collaboration and reporting but not so prescriptive as to impede place-based responses and integrated partnerships to naturally occur.

The United Kingdom (Sharp-Jeffs et al, 2017) has been proactively addressing CSE identification, prevention and disruption utilising multi-agency frameworks of practice for more than a decade. Research and peer reviewed literature (Pajon & Walsh, 2022) demonstrates its benefits. Multi-agency arrangements are responsible for responding to all forms of child exploitation at the point of identification, assessment, planning, and decision making in response to notifications and referrals. Such arrangements focus on protecting, supporting, and caring for children and young people at risk or harmed by exploitation, as well as preventing exploitation through awareness-raising and disruption. This approach enables stakeholders to contribute through their specific role whilst incorporating local strategic and operational responses. A recent study from the UK examined the effectiveness of multi-agency collaboration and human trafficking investigations.

The study reviewed police collaborations in England and Wales, noting various upsides to these approaches, including (Sharp-Jeffs et al, 2017):

- Opportunities for intelligence sharing, thereby increasing the quality and usefulness of data.
- Better mapping of the problem.
- Improved decision-making.

- Joint problem-solving approaches.
- Each agency bringing different forms of expertise.
- The ability to access young people in different contexts.
- Development of a protective community network.

Formalised agreements are necessary for effective, cross disciplinary information sharing and law enforcement plays a central figure in ensuring that coordinated, specialist services receive and share appropriate information to tailor approaches to meet the needs of the child or young person at risk. Similar to domestic and family violence contexts, information shared between specialist support services helps to develop shared perspectives and approaches to protecting children and young people.

When considering the efficacy of multiagency collaboration, accessibility to police services and key personnel is a significant issue which requires a formal resolution. Whilst national '1300' telephone numbers offer the general public quick connection to emergency services for non-life-threatening, non-urgent scenarios, and from a policing context, the ability to vet and monitor phone calls and emails, access to key specialist groups has become increasingly impossible without a pre-existing relationship or personal contact. Legislated working groups with mandated protocols relating to designated law enforcement and statutory child protection agency attendance would ensure that relevant agencies and key personnel have direct access to specialist staff in a timely manner.

On a small scale, several agencies from government and not for profit domains working across the Queensland Sunshine Coast region established a working group in 2017 focused specifically on the issue of CSE. Since its formation the working group has successfully disrupted incidents of organised exploitation and supported many young people at risk of or impacted by CSE. The fundamental role of the group is two-fold:

- to support a coordinated collaborative approach to intervention and disruption of CSE perpetrator behaviour identified on the Sunshine Coast; and
- to help support and protect vulnerable young people at risk of harm due to CSE.

In the absence of a formally mandated protocol, the group, operates according to an agreed term of reference, which outlines referral processes, agreed upon meeting content and information sharing parameters. It is very much intended to be a collaborative forum for interagency assessment, safety planning and intervention.

When responding to trafficking crimes, multi-agency cooperation can also help protect victims. Research has found that multi-agency teams help to better assess the psychological, social, emotional, and economic needs of victims and tailor responses accordingly (Pajon and Walsh, 2022). Police services involved in multi-agency

collaborations are also more likely to provide support to victims during an investigation (Farrell, et al, 2013).

**Recommendation 4 – Establish a clear definition for CSE consistent with the United Nations Optional Protocol on the Sale & Sexual exploitation of children and create a framework of trauma informed language.**

The language and terminology around child exploitation often implies that the child or young person is responsible for the abuse and crime that they are subjected to, normalising and minimising the child’s experience resulting in a lack of appropriate responses. Project Paradigm frequently observes language used across services reflecting this fact. Labels, such as ‘promiscuous’, ‘streetwise’, ‘risk taker’, all contextualising the abuse as consensual. We frequently observe statements like “she is a 14-year-old girl and her boyfriend is in his 30’s”, and “the young person is putting themselves at risk”. In each of these scenarios the adult or perpetrator and their behaviour is not the focus, whilst the child or young person is understood to be choosing to be sexually abused (Children’s Society, 2022). Sexually exploited children are often misidentified and labelled in ways that distract from the reality of the abuse they are suffering. This can include:

- Placing them in the domain of harmful sexual behaviours.
- Viewing them as being engaged in a consensual intimate partner relationship.
- And/or considering them to be in a domestic violence relationship.

This last category is a particular issue for young people aged 16 or 17, the legally determined ages of consent across Australian States and Territories. There is often a misunderstanding of the dynamics at work within the relationship, ignoring the fact that in many cases the young person has been groomed and manipulated, removing the ability to make informed consent and as such interventions focus on the behaviour of the young person, rather than the perpetrator behaviours. There is an expectation for young people to leave or cease the ‘relationship’, with professionals who struggle to identify them as victims of abuse if they cannot extricate themselves from the situation. This experience mirrors that of victims of domestic abuse who have traditionally faced unrealistic and unsafe pressure to leave a domestic violence relationship with the emphasis of professional intervention on the victim (Meyer, 2011). The focus of intervention on the victim is an approach that distracts from the actions and tactics of the perpetrator, instead perpetuating the notion that the exploitative interaction between victim and perpetrator is an ‘intimate partner relationship’.

## **A NOTE ON CONSENT**

*The law in relation to sexual offences against children under the age of 16 & 17 (dependent on jurisdiction) treats the victim as being incapable of giving consent. There is a possible defense in a court of law if the victim is over the age of 12 and the accused can prove on reasonable grounds an honestly held belief that the child was over the age of consent. It is worth pointing out however, that when consent is viewed within the context of CSE the UN explicitly states the following: ...the term 'sexual exploitation' refers to all children up to the age of 18; issues of locally defined 'age of consent' are not relevant to the child's right to protection. (United Nations, 2001) It is also important to note that the range of grooming processes combined with power and control methods employed by perpetrators of CSE, render the young person incapable of identifying the fact that they are being exploited and therefore unable to give informed consent (Welsh Government, 2013). For example, these factors are particularly important when considering child victims aged 16 and 17 because their cases are most likely to be dealt with as though they are adults. Even when it can appear as though the young person is initiating the 'relationship' and they are old enough to consent to sexual activity, consent is provided based on informed freedom of choice and capacity. Professionals need to consider whether lack of choice, substance use, or potential power and control dynamics exerted by a perpetrator, are impacting on that young person's ability to consent. (Townson, 2019)*

Sexual exploitation is a highly lucrative activity (Laird et al, 2020) and can often be the motivator for the perpetrator rather than just for sexual gratification.

Without defining and describing CSE, there is a continuing 'child prostitution' discourse that is reflected in the media, policy, and practice, suggesting that because children may 'gain' something from a sexual encounter, they have exercised agency by deciding to engage in such activity. Furthermore, due to social and political constructs of victimhood, if children are considered less vulnerable and/or innocent (McAlinden, 2014) than their peers due to their behaviour or circumstances, they are deemed less deserving of help and are often blamed for the harm and abuse they suffer.

Recent research undertaken by Larissa Christensen and Katarina Pollard (2022) regarding how CEM offenders are depicted in the media, reiterates the media's reluctance to use alternative terminology instead of inappropriate phrases like 'child pornography' or 'kiddy porn', impacting on how the public perceives the offending

behaviour. It could also further trivialize and rationalize the offending by those offenders who already discount the harm of their offending.

Formally defining CSE would be a clear fulfillment of Recommendation 12.15 of the Royal Commission into Institutional Responses to Child Sexual Abuse.

### **Recommendations 5 – Increased funding for recovery, treatment, training and therapeutic intervention**

Project Paradigm is one of only a very small number of providers delivering endorsed CSE awareness training and practice guidance across Australia. It should be noted that this training and associated services are not currently funded externally and as a non-profit entity, Project Paradigm relies on paid attendees to undertake the CSE training workshops.

Anecdotal evidence gathered from various government, non-government agencies, stakeholders and practitioners identifies that frontline workers are failing to adequately identify CSE and respond to children and young people appropriately, leaving them victimised and feeling unsupported. Many practitioners report a lack of skills in understanding and identifying CSE effectively, possessing inadequate knowledge about perpetrators and their motivations, being unable to effectively risk assess, safety plan and disrupt, coupled with a lack of confidence in addressing the issue as a key concern. Many agencies are also unclear about the legalities of sharing critical information and are fearful of repercussions with regards to perceived confidentiality breaches.

Nationally, there are no formally adopted screening tools to help guide assessment and support for children, young people, and their families in this space. Internationally, the use of a CSE screening tool during assessments is considered common practice as it offers practitioners an opportunity to clarify their concerns and determine a specific, individualised course of action (Welsh Government, 2013).

It is widely agreed across the sector that sexual assault and therapeutic child abuse service delivery does not meet current demand and as such there is a critical need for a substantial increase in funding to adequately resource such services. A commitment to doing so would see the South Australian government fulfilling a number of the key recommendations set out in Volume 9 of the Royal Commission into Institutional Responses to Child Sexual Abuse.

## **Conclusion**

The extent and scale of the issue of child sexual exploitation in South Australia and more broadly Australia, presents a significant challenge on multiple fronts.

Firstly, the volume of children and young people who are currently residing in out of home care contexts across South Australia poses a challenge (Australian Institute of Health & Welfare, 2021). With insufficient residential placements available for the most vulnerable young people, high staff turnover and shortages, a lack of specialist training and concerns about quality of care reported across the sector, there are justified concerns raised by advocates about the ability, and in some cases suitability, of many state funded care facilities to ensure child safety and wellbeing.

Secondly, awareness training on CSE for professionals is not deemed to be required or mandatory. Project Paradigm has regularly observed instances where Departmental attendees report having difficulties in obtaining permission to attend or access training or the funding to resource it.

Thirdly, whilst the majority of emphasis and focus in both national and state based law enforcement settings is placed on addressing and disrupting online CSE, face-to-face community based, contact offending (as defined according to the UN) goes unnoticed and underreported, meaning that prevalence rates are undeterminable and children and young people remain at risk of harm.

Finally, CSE interventions are often police-led and remain contingent on building an evidence base to prove that a criminal offence has occurred, rather than focusing on the protection needs of the child and their respective social support networks -family, carers, friends, etc. It is our experience that other professionals often lack the confidence to challenge this paradigm or engage police in robust discussions if concerns are raised.

It is the view of Project Paradigm that the profound issue of child sexual exploitation should be clearly viewed within the context of this Royal Commission remit under the category of sexual violence and as such deserves an open and transparent dialogue which focuses on meaningful change, based on a children's rights narrative, whilst treating the issue as serious societal problem, congruent with the stance taken by both the United Nations and other member states.

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