



Australian Government

Australian Government

Implementation of recommendations
from the *Final Report* of the
Royal Commission into Institutional
Responses to Child Sexual Abuse



Annual Progress Report 2018



Support services

The work of the Royal Commission and the Australian Government's response may be distressing to some in our community. If at any time you feel that you would like to speak with someone there are many services and support groups that can help.

Some options for advice and support include:

- 1800 Respect
- Lifeline on 13 11 14
- the National Redress Information Line on 1800 146 713.

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Annual Progress Report:
Implementation of recommendations
from the *Final Report* of the Royal
Commission into Institutional
Responses to Child Sexual Abuse



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Ministerial foreword

Twelve months ago, the Australian Government received the comprehensive *Final Report* of the Royal Commission into Institutional Responses to Child Sexual Abuse (the Royal Commission). This was Australia's longest running Royal Commission. The *Final Report* had 17 volumes. It was the result of nearly five years of dedicated investigation from the Commissioners, Commission staff and experts from around the world. However, the contributions and brave accounts of more than 9,000 survivors was what made the *Final Report* possible. We acknowledge the strength of those who came forward to tell the Commissioners about their abuse. Many people spoke about their experiences of abuse for the first time.

The Royal Commission's work uncovered how the nation had failed to protect children in the past and addressed what we need to do to do better in the future. The Commission made 409 recommendations to governments and institutions around Australia. In the past 12 months, all governments around Australia have acted to address these recommendations. As the Royal Commission recommended, all Australian governments provided their comprehensive responses to the *Final Report* in mid-2018. These responses built on the significant bodies of work that governments had already commenced during the course of the Royal Commission. The Royal Commission also recommended that governments around Australia report on their progress each year. The Royal Commission asked that the first of these reports be published six months after their first responses.

Progress has been made through addressing the recommendations and progressing the cultural change and awareness our society needs to help keep children safe.

While improvements are taking place, there is still much more work to be done.

We are committed to continuing our work across governments and institutions to meet the objectives of the Royal Commission's recommendations and give children the protection and support they deserve. We expect that the actions we all take to respond to the recommendations will help to protect children from all forms of abuse, not just sexual abuse.



The Australian Government honours the contributions of survivors and their families and supporters. We respect the way this process has held us accountable and has helped us on our journey to create lasting change. It is never too late for victims and survivors to come forward and receive support, assistance, encouragement and understanding.

On 22 October 2018, the Australian Government delivered the National Apology to Victims and Survivors of Institutional Child Sexual Abuse (the National Apology) on behalf of all Australians. The National Apology was an important step in recognising the harm and suffering survivors endured.

The Australian Government will continue to lead the nation on this very important issue. Making sure that our children are safe is everyone's responsibility and, together, we can achieve an even safer Australia for children.

The Hon Scott Morrison MP

Prime Minister of Australia

The Hon Christian Porter MP

Attorney-General

Executive summary

On 15 December 2017, the Royal Commission into Institutional Responses to Child Sexual Abuse (the Royal Commission) delivered its *Final Report*. It has 17 volumes and makes 409 recommendations. The recommendations are based on improving laws, policies and practices to prevent and respond to child sexual abuse in institutions. The *Final Report* made 189 new recommendations. It also included recommendations from three other reports that were tabled in Parliament:

- the *Working with Children Checks Report* (tabled 17 August 2015)
- the *Criminal Justice Report* (tabled 14 August 2017)
- the *Redress and Civil Litigation Report* (tabled 14 September 2015).

Since 2015, the Australian Government has been working on its response to recommendations.

The *Final Report* includes 84 recommendations that deal with redress. To respond to these recommendations, the Australian Government has created the National Redress Scheme for people who have experienced institutional child sexual abuse (the National Redress Scheme).

The National Redress Scheme is a way of acknowledging and recognising the harm that occurred and providing help to those victims and survivors. That help can be a redress payment, access to counselling and psychological services, and a direct personal response if wanted.

This *Annual Progress Report (Annual Report)* outlines the Australian Government's progress with:

- the 84 recommendations focussed on redress
- the now more than 122 other recommendations that require some involvement by the Australian Government.

The Australian Government has not rejected any of the Royal Commission's recommendations. Since we published our response to the *Final Report* on 13 June 2018, we have been looking closely at the recommendations that were listed as 'for further consideration' or 'noted'. We are doing this work in consultation with states and territories. Work has progressed on these and further details on a number of these recommendations can be found throughout the report. For example, information about the recently announced national centre for the prevention of child sexual abuse can be found under Theme 2 of this report.

This first *Annual Report* shows the progress that the Australian Government has made so far. Of course, this is just the beginning. Ongoing action is needed and this report highlights some of the projects that will continue in 2019 and beyond.



The Australian Government's key achievements reported here include:

- establishing the National Office for Child Safety, July 2018
- starting the National Redress Scheme, July 2018
- developing the National Principles for Child Safe Organisations and National Standards for Working with Children Checks with states and territories
- opening the Australian Centre to Counter Child Exploitation, July 2018
- implementing the Commonwealth Child Safe Framework across Australian Government entities.

Relevant recommendations:

From the *Final Report*:

6.4, 6.5 to 6.7, 6.13, 6.16 and 6.17

From the *Redress and Civil Litigation Report*: 1 to 84

From the *Working with Children Checks Report*: 3c

Reports from states, territories and institutions

This *Annual Report* is focussed on recommendations that require Australian Government involvement. The state and territory governments, and other institutions, will also produce their own annual reports outlining their progress. The Australian Government is working with other institutions to meet their reporting responsibilities.

Working together

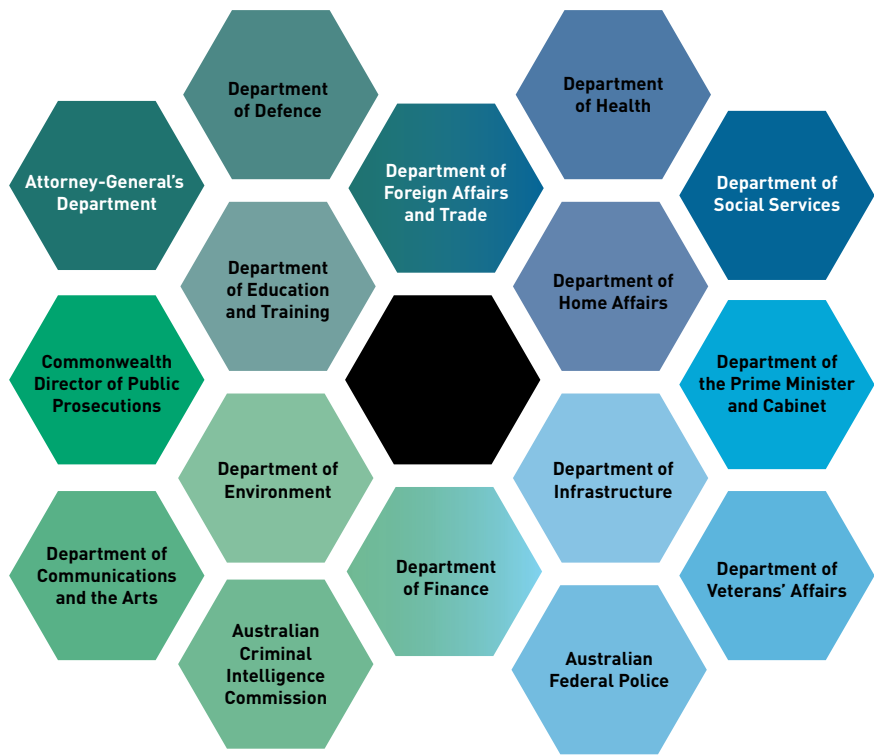
Because there are so many recommendations in the *Final Report*, all areas of the Australian Government are working together to achieve results.

Some of the recommendations need a coordinated approach. We are all working together to consult with the community and make change happen. Significant change needs long-term collaboration.

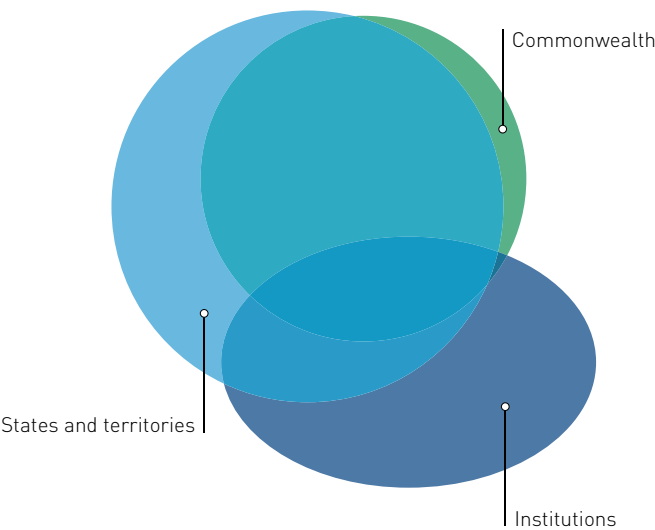
The diagram on the next page shows the different areas of the Australian Government that have been working together.

Areas of government that have been working together

Agencies that have contributed to this *Annual Report*:



Recommendations with overlapping areas of responsibility



Structure of this report

The Royal Commission's *Final Report* made 409 recommendations in total:

- 17 volumes addressing a range of different issues (189 recommendations)
- the *Working with Children Checks Report* (36 recommendations)
- the *Criminal Justice Report* (85 recommendations)
- the *Redress and Civil Litigation Report* (99 recommendations).

Given the number of recommendations made by the Royal Commission, this report has grouped them together into five key themes.

The diagram below explains which volumes of the *Final Report* fall under each of the five themes.

You can find a more detailed description of the recommendations that each theme covers at the start of each chapter.

A full list of the Royal Commission's recommendations is at Appendix A of this report.

Making institutions child safe

Theme 1

Recommendations from the following volumes in the Royal Commission's *Final Report*

- Volume 6 – Making institutions child safe
- Volume 8 – Recordkeeping and information sharing
- Volume 12 – Contemporary out-of-home care
- Volume 13 – Schools
- Volume 14 – Sport, recreation, arts, culture, community and hobby groups
- Volume 15 – Contemporary detention environments

Causes, support and treatment

Theme 2

Recommendations from the following volumes in the Royal Commission's *Final Report*

- Volume 2 – Nature and cause
- Volume 9 – Advocacy, support and therapeutic treatment services
- Volume 10 – Children with harmful sexual behaviours

Responses to abuse

Theme 3

Recommendations from the *Redress and Civil Litigation Report*

Criminal justice and the protection of children

Theme 4

Recommendations from the *Criminal Justice Report* and *Working with Children Checks Report*

Accountability and annual reporting

Theme 5

Recommendations from the Royal Commission's *Final Report* Volume 17 – Beyond the Royal Commission

Governments working together around Australia

The Royal Commission made many recommendations that need Australian, state and territory governments to work together.

In these situations, the Australian Government is working closely with states and territories. This will make sure that the Royal Commission's recommendations are put in place around Australia in a coordinated and consistent way.

This work addresses a wide range of recommendations that relate to:

- child protection
- law and justice
- policing
- education
- online safety
- supports for victims and survivors.

Progress on this work is well underway. But changes to culture and systems take time. These kinds of changes must be made in a considered way for the long-term. All governments are committed to working together to achieve this kind of change on a national level.

The national priorities

All governments have agreed to prioritise recommendations that are about:

Relevant recommendations:

From the *Final Report*: 6.1, 6.2, 6.3, 6.5, 6.6, 6.7, 6.15, 8.1, 8.4, 8.6, 8.7, 8.8, 10.1, 12.1, 12.2, 12.3, 12.15, 17.1 and 17.2

- supporting child safe institutions
- improving information sharing, recordkeeping and data collection
- developing a National Strategy to prevent child sexual abuse, including strategies to address the complex issue of children with harmful sexual behaviours
- reporting publicly on the progress of the reforms each year.

Working on these national priority recommendations together is vital for improving child safety. It will also create the groundwork for putting the other recommendations into practice.



Some work on the national priority recommendations is being done through intergovernmental forums. Other work is being done at an Australian Government, state or territory level.

In March 2018, the Australian Government set up the Child Abuse Royal Commission Interjurisdictional Working Group. The Interjurisdictional Working Group meets once a month and is made up of representatives from the Australian Government and each state and territory who work in law and justice, child protection and community service departments.

You can find updates on the national priorities throughout this report under each theme. Annual reports from each state and territory will also include important updates on progress.





Theme 1: Making institutions child safe

This theme at a glance


The Royal Commission's *Final Report* made a number of recommendations on improving child safety within institutions. These recommendations are in the following volumes of the *Final Report*:

- Volume 6 – Making institutions child safe (recommendations 6.1 to 6.24)
- Volume 8 – Recordkeeping and information sharing (recommendations 8.1 to 8.23)
- Volume 12 – Contemporary out-of-home care (recommendations 12.1 to 12.22)
- Volume 13 – Schools (recommendations 13.1 to 13.8)
- Volume 14 – Sport, recreation, arts, culture, community and hobby groups (recommendations 14.1 to 14.4)
- Volume 15 – Contemporary detention environments (recommendations 15.1 to 15.15).

The Australian Government has started putting the recommendations from these volumes into practice. We are working on the recommendations that relate to us both as a government responsible for policy and legislation and as an entity running Commonwealth institutions that have children in their care.



Key national achievements

- 
- August 2017** The Australian Government committed to developing the Commonwealth Child Safe Framework and putting it into practice.
- October 2017** Changes were made to the National Law and Regulations for supervisors in early learning services to meet child protection training requirements.
- December 2017** Australia ratified the Optional Protocol to the Convention against Torture that sets out the core requirements to prevent torture and other forms of mistreatment.
- July 2018** The Australian Government established the National Office for Child Safety to lead the development of national policies to improve children's safety.
- The Australian Government established the Australian Centre to Counter Child Exploitation to lead the national response to counter the exploitation of children.
- October 2018** All education ministers agreed to the Australian Student Wellbeing Framework.
- The National Archives of Australia issued a document called the *General Records Authority 41 – Child Sexual Abuse Incidents and Allegations* (GRA 41). This document is for all Australian Government institutions. It outlines requirements for keeping, destroying or transferring records relating to child sexual abuse incidents and allegations.
- The National Archives of Australia published and promoted the recordkeeping principles. This will help Australian Government agencies to put the Royal Commission's recommended principles into practice.

National priority update – Work across the Australian Government, and the state and territory governments

Supporting child safe institutions

The Australian and state and territory governments have agreed to prioritise recommendations that:

- Make sure that the National Principles for Child Safe Organisations and the Child Safe Standards are put into practice.
- Support the development of a National Child Safe Framework from 2020. This work will include:
 - a nationally agreed approach to improving the safety of all children
 - priorities for government action across prevention and response to institutional child sexual abuse, as well as broader child safety issues.

The National Principles for Child Safe Organisations and Child Safe Standards

Relevant recommendations:

From the *Final Report*:
6.5 to 6.11 and 6.14

The National Principles for Child Safe Organisations (the National Principles) provide a consistent approach to creating cultures in organisations that support child safety and wellbeing around Australia.

National Principles for Child Safe Organisations



Note: This image has been adapted under a Creative Commons License (CC BY 4.0) from the National Principles for Child Safe Organisations document developed by the Australian Human Rights Commission. The Australian Human Rights Commission is acknowledged as the copyright holder of the work. <https://www.humanrights.gov.au/national-principles-child-safe-organisations>

The National Principles include the 10 Child Safe Standards that the Royal Commission recommended. As well as child sexual abuse, the National Principles cover other forms of possible harm to children and young people.

The Australian Government, state and territory community services ministers guided and oversaw the development of the National Principles. The Prime Minister, the Hon Scott Morrison MP, has written to all Premiers and Chief Ministers seeking their endorsement of the National Principles, in order to set a nationally consistent approach to making organisations across Australia safe for children.

The National Office for Child Safety will provide national leadership for the implementation of the National Principles. They will work with state and territory governments, child safety advocates and organisations working with children to promote the National Principles across all sectors.

A new National Framework for Child Safety

Relevant recommendations:

From the *Final Report*: 6.15

The National Framework for Protecting Australia's Children 2009–2020 ends in 2020. A new National Framework for Child Safety will be developed for 2020 onwards.

During 2018, the Department of Social Services had discussions about the new National Framework with the National Forum for Protecting Australia's Children, the National Coalition on Child Safety and Wellbeing, and Children and Families Secretaries. They discussed the priorities for 2020 and beyond. Discussions will continue on these important issues next year.

Examples from the states and territories

South Australia

In South Australia, the *Children and Young People (Safety) Act 2017* (SA) is now in effect. This puts more responsibility on institutions to make sure their environments are safe for children and young people. Under the Act, organisations must also lodge statements regularly that explain how they comply with the law.

Victoria

The Victorian Child Safe Standards have also come into effect. They are designed to change the culture in organisations. The Victorian Child Safe Standards are compulsory for all organisations that provide services to children. Victoria has also introduced a reportable conduct scheme, which commenced on 1 July 2017, and is being rolled out in three phases. The final phase will start on 1 January 2019. A review of the Victorian Child Safe Standards has commenced and will be concluded in 2019. The review will consider potential adjustments to better align the Victorian Standards with the Royal Commission's recommendations.

Australian Capital Territory

The Australian Capital Territory Government is also doing some important work in this area. They are looking at the current law in the ACT to see if institutions are ready to implement the Child Safe Standards. This includes working out if organisations are able to monitor and oversee the Child Safe Standards once they come into effect.

Western Australia

The Western Australian Government is progressing the Safe Clubs 4 Kids initiative. Safe Clubs 4 Kids helps the sport and recreation industry to create child safe environments. They provide resources and run workshops for sporting associations to:

- increase people's awareness about how to create child safe sporting environments
- help people to understand the importance of criminal record checks, including Working with Children Checks
- teach people how to respond to, and report, a disclosure or suspicion of child abuse.

Improving how information is shared, records are kept and data is collected

The Australian Government and state and territory governments have also agreed to:

Relevant recommendations:

From the *Final Report*:

8.1, 8.4, 8.6, 8.7, 8.8, 12.1, 12.2, 12.3 and 12.15

- improve the ability of individuals to access their records and improve recordkeeping practices of institutions
- remove barriers to sharing information across borders and services, where needed, to make sure the response to child abuse is coordinated and collective.

Managing records

Relevant recommendations:

From the *Final Report*:

8.1, 8.2, 8.3 and 8.4

It is important that victims and survivors of child sexual abuse are able to access their records. This helps them to make disclosures or claims about the abuse they experienced at any time during their life.

All governments are working together with the Australian Society of Archivists. They are developing advice and information about recordkeeping. This will improve the way that victims and survivors can access their records.

Australian, state and territory government records and archival authorities are working together. They meet monthly through the Council of Australasian Archives and Records Authorities. They are planning how to implement the Royal Commission's recommendations.

Many governments are also making sure that their departments and agencies keep relevant records for an appropriate period of time.

For example, on 11 October 2018, the National Archives of Australia issued *General Records Authority 41 – Child Sexual Abuse Incidents and Allegations* (GRA 41). This document explains that Australian Government agencies must keep all records that relate to child sexual abuse incidents and allegations for at least 45 years.

Sharing information

All governments are working together to improve how they share information to keep children and young people safe and well.

The Australian Government is developing a new Data Sharing and Release Bill.

If enacted, this will make it easier for the Australian Government to share data across the public service and with other people, like researchers and universities.

Examples from the states and territories

New South Wales

The New South Wales Government is improving the safety and wellbeing of children in educational environments. To do this they are working with the government and non-government school and early childhood education sectors. The improvements will happen through new initiatives, such as:

- new laws for nationally consistent teacher accreditation
- new ways to share information between different parts of Australia.

This will mean they will have better information about people working in schools and it will reduce the opportunity for abuse to happen.

Northern Territory

The Northern Territory Government is building a new client information system. It includes a data sharing service for child protection and youth justice. The new system will improve information sharing among professionals working with families. It will also enable information to be shared across all human services agencies working with vulnerable children and families to improve their development, learning and health outcomes.

South Australia

In South Australia, the Vulnerable Children Project is now underway. The project will build capacity to securely and efficiently share administrative information in service delivery settings. This will provide a more complete picture of vulnerable children. Designed to be used as a reference, the project will determine how best to identify and respond to child abuse more broadly. South Australia is also sharing information and working with analytics units in other states and territories.

Victoria

The Victorian Government has recently introduced a Child Information Sharing Scheme (the Scheme). It began on 27 September 2018 for the first group of organisations and services. The Scheme is designed to help professionals predominantly working with children and families to share information that promotes the wellbeing or safety of children. This is in line with the Royal Commission's recommendations. The Scheme is being rolled out in stages. A second group of organisations is likely to start using the Scheme in 2020.

Collecting data

Relevant recommendations:

From the *Final Report*:
12.1 to 12.3 and 12.15

All governments have committed to or provided in-principle support for improving the Child Protection National Minimum Dataset within two years. This will improve national reporting on children in out-of-home care. The improvements include:

- Improving the ways that children with a disability are identified to help make sure that they and their carers have access to the right support and services.
- Improving data about Aboriginal and Torres Strait Islander children. This will help to reduce the number of Aboriginal and Torres Strait Islander children and families in the child protection system. It will also help to support their connection to culture, community and country.
- Reporting the number of children who were victims of sexual abuse in out-of-home care. This reporting will include statistical data about those children to help develop future policy.

This data will be published in the *Child Protection Australia 2019–20* report from 2021 onwards. The Australian Institute of Health and Welfare publishes this annual report on child protection, which includes detailed statistical information on state and territory child protection and support services. Once these initial improvements have been made, governments will work together to better identify children from culturally and linguistically diverse backgrounds.

The Child Protection and Youth Justice Working Group is also working on identifying the type of information that needs to be reported on in government services. This work supports the Royal Commission's recommendation to report on out-of-home care and outcomes for 'improved health and wellbeing of the child', 'safe return home' and 'permanent care'.



Australian Government progress

National leadership, policies and frameworks

National Office for Child Safety

Relevant recommendations:

From the *Final Report*: 6.16

In July 2018, the National Office for Child Safety (the National Office) was established in the Department of Social Services. This shows the Australian Government's commitment to preventing child sexual abuse. The National Office is taking a

leadership role to develop national policies and strategies that improve children's safety. From early 2019, the National Office will move to the Department of the Prime Minister and Cabinet and report directly to the Prime Minister. This reflects how important the work of the National Office is.

The National Office is working on the following measures that the Royal Commission has recommended:

Relevant recommendations:

From the *Final Report*: 2.1, 6.1 to 6.3, 6.5 to 6.7, 6.14, 9.9, 10.1 and 17.3

From the *Working with Children Checks Report*: 3c

- Commonwealth Child Safe Framework
- National Principles for Child Safe Organisations
- a National Strategy to Prevent Child Sexual Abuse
- a national study on how widespread child abuse is in Australia
- non-government institution reporting.

To support this work, the National Office is consulting with governments and the community. The National Office is working to raise awareness and change the culture in institutions and the community to support child safety and wellbeing.

The National Office will continue to work with governments and other organisations to progress policies and strategies that improve children's safety.



Case study: Australian Centre to Counter Child Exploitation

The Australian Centre to Counter Child Exploitation (ACCCE) opened on 1 July 2018. The aim of the ACCCE is to lead a national response to free children from exploitation. The ACCCE brings together people working in law enforcement, government, industry, civil society and academia to find new ways to prevent online child sexual abuse and exploitation.

The ACCCE's work includes:

- a centre for evaluation and referrals
- a specialist Victim Identification Unit
- methods for uncovering online child exploitation.

The ACCCE consults with stakeholders, including:

- state and territory law enforcement agencies
- Commonwealth agencies such as the Office of the eSafety Commissioner (eSafety Office) and the National Office for Child Safety.

The ACCCE will continue to identify challenges, gaps and opportunities to prevent and respond to online child sexual abuse.

The ACCCE will work with state and territory law enforcement agencies and the eSafety Office to develop new procedures for identifying victims across Australia.

Working with the National Office for Child Safety, the eSafety Commissioner and other relevant stakeholders, the ACCCE will also develop online safety initiatives for Aboriginal and Torres Strait Islander communities.

National Strategy to Prevent Child Sexual Abuse

Relevant recommendations:

From the *Final Report*:
6.1 to 6.3 and 10.1

The National Office is managing the design and implementation of a National Strategy to Prevent Child Sexual Abuse in institutional and non-institutional settings (the Strategy). The Royal Commission recommended that the Strategy focus on cultural change through education and raising awareness.

It will also specifically consider the needs of:

- Aboriginal and Torres Strait Islander communities
- culturally and linguistically diverse communities
- people with disability
- regional and remote communities.

The National Office has started talking to survivors, organisations, institutions and academics. This will help the Australian Government understand what the priorities for the Strategy are.

As the states and territories are mostly responsible for funding and providing services, the National Office will work closely with them to develop the Strategy. The Strategy will also be considered when developing the new National Framework for Child Safety.

Strengthening child safety in Australian Government institutions

Relevant recommendations:

From the *Final Report*:
6.4 and 6.13


From the *Working with Children Checks Report*: 3c

Commonwealth Child Safe Framework

In August 2017, in response to early findings of the Royal Commission, the Australian Government established the Commonwealth Child Safe Framework (the Framework). The Framework sets minimum standards for creating and embedding child safe culture and practice in Australian Government entities.

Under the Framework, Australian Government entities must:

- Do a risk assessment to identify the level of responsibility they have for children.
- Work out whether there is any risk of harm or abuse and put strategies in place to minimise risk.

- 
- Make sure staff know about, and follow, the Framework and any other laws. This will include working with children checks and reporting requirements for all staff, including contractors.
 - Adopt the National Principles for Child Safe Organisations and start using them.

The National Office is leading the way in putting the Framework into practice.

The National Office is also working to extend the Framework to Australian Government funded organisations. This includes developing a 'child safety clause' for the Australian Government to use when making grant agreements. This clause will make sure that the requirements of the Framework will also apply to organisations that receive Australian Government funding.

Case study: Defence Youth Safety Framework

The Royal Commission's case study into the Australian Defence Force (ADF) found nine issues with the Department of Defence's child safety system. The Defence Youth Safety Framework (the Youth Safety Framework) is now addressing these issues.

The Youth Safety Framework is a foundation for consistent approaches to youth safety across the Defence portfolio. The portfolio includes:

- almost 100,000 personnel in the Defence organisation
- more than 29,000 members of the Australian Defence Force Cadets program.

The aim of the Youth Safety Framework is to create and maintain an organisation that is safe for young people. It makes everyone responsible for youth safety. Defence has rolled out the Youth Safety Framework in four phases:

- Phase 1: Looking at youth concerns, with a focus on the ADF Cadets.
- Phase 2: Partnering with organisations such as EY and Bravehearts to find gaps in Defence's youth safety system. They then started developing new policies and guides to address these gaps.
- Phase 3: Establishing the governance, training, compliance and assurance, and cultural change aspects of the Youth Safety Framework. They also further developed policy and resources to guide people on the policy changes.
- Phase 4: Consolidating the Youth Safety Framework. This phase focussed on continuing to develop and roll out youth safety policies and resources, as well as delivering:
 - the full youth safety training program for specific roles
 - the youth safety suitability screening
 - a compliance and assurance system.

Defence has made progress in addressing many of the issues that the Royal Commission identified. They are continuing to strengthen policies, processes and cultural changes in Defence. The initial focus of the Youth Safety Framework was on fixing flaws in managing youth safety for the ADF Cadets, where the risks were greatest. Defence is now developing a safety system that works across the whole department and beyond, including corporate entities and organisations that receive grants.

The implementation of the Youth Safety Framework in the ADF Cadets program has empowered young people to feel safe to report instances of abuse.



Making detention environments safer

Implementing the Optional Protocol to the Convention against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment

On 21 December 2017, Australia ratified the United Nation's Optional Protocol to the Convention against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment (OPCAT).

Relevant recommendations:

From the *Final Report*: 15.2

All countries that sign up to OPCAT are required to set up an independent body called the National Preventive Mechanism (NPM). The NPM will conduct inspections of all places of detention and closed environments (such as care settings). The Australian Government has selected the Office of the Commonwealth Ombudsman to be the NPM Coordinator. There will also be NPM bodies in each state and territory.

The Australian Government is now negotiating with states and territories to set up a general framework to implement OPCAT. As part of this process, governments will discuss whether child sexual abuse will be within the scope and function of the NPM.

Australia is also making arrangements for visits by the United Nations Subcommittee on Prevention of Torture and other Cruel, Inhuman or Degrading Treatment or Punishment.

Immigration detention

The Department of Home Affairs (formerly known as the Department of Immigration and Border Protection) established a Child Protection Panel (CPP) to provide independent advice on child protection in immigration detention and regional processing centres. The CPP made

Relevant recommendations:

From the *Final Report*:
15.11 and 15.14

17 recommendations in its 2016 report, *Making Children Safer: The wellbeing and protection of children in immigration detention and regional processing centres*.

The CPP met again in October 2017 to review the Department of Home Affairs progress against the recommendations. The CPP found that the Department of Home Affairs had made significant progress. They found that it had completed a large number of the recommendations and had plans for putting others into place. The CPP also found the Department of Home Affairs had:

- made significant cultural change in the way it deals with children and their families
- improved the way it responds to and reports on incidents involving children
- created an awareness of child protection in the organisation's culture.

A copy of the CPP's review report is available on the Department of Home Affairs' website at <https://archive.homeaffairs.gov.au/about/reports-publications/reviews-inquiries/child-protection-panel-terms-of-reference>. The Department of Home Affairs will continue to report on the way it is working toward achieving the remaining recommendations of the CPP.

As well as implementing the recommendations of the CPP, the Department of Home Affairs has set up a program employing Child Wellbeing Officers in Melbourne and Sydney. The role of these officers is to help build the capacity of staff and service providers in immigration detention facilities. Child Wellbeing Officers can also travel to support staff and service providers in regional locations.

In 2019, more Child Wellbeing Officer placements will be considered to cover more areas. The Australian Government's policy is that the detention of a minor happens only as a last resort, for the least amount of time and in the least restrictive environment possible.

Reforms in the education sector

Relevant recommendations:

From the *Final Report*:

6.19, 6.21, 6.22, 8.9, 8.10, 8.11, 8.12, 8.16, 13.1, 13.4 and 13.8

The Australian Government plays an important role in developing national priorities for education. State and territory governments, along with other education authorities, are responsible for making sure that students can learn in safe and supportive school environments.

For this reason, the COAG Education Council established a Senior Officials Working Group (the COAG working group). It includes people from all states, territories and non-government education authorities. The aim of the working group is to act on the Royal Commission's 11 national recommendations relating to education.

The COAG working group will report to the Education Council in December 2018 on its progress and actions.

Early childhood education: Supporting our youngest children

The National Quality Framework for early childhood education and care is the national approach to the regulation and quality assessment of child care and early learning services. The National Quality Framework applies to all child care and early learning services approved under the *Education and Child Care Services National Law Act 2010* (Cth) (the National Law). The National Quality Framework includes a National Quality Standard, which sets a benchmark for child care and early learning services.

State and territory governments are responsible for the regulation of child care and early learning services and have carriage of the legislation underpinning the National Quality Framework.

On 1 October 2017, the National Law and its Regulations were changed to make sure people in charge of early learning services meet child protection training requirements.

The Australian Government is discussing further actions in response to the Royal Commission with early childhood education and care authorities in states and territories.

School education: Supporting students and building resilience

In October 2018, all education ministers around the country agreed to the Australian Student Wellbeing Framework (the Wellbeing Framework).

The Wellbeing Framework is available at www.studentwellbeinghub.edu.au. It explains how schools can be safe and supportive places for students.

Five key principles of the Australian Student Wellbeing Framework

Elements

The five elements of leadership, inclusion, student voice, partnerships and support provide the foundation for the whole school community to promote student wellbeing, safety and learning outcomes.



The Wellbeing Framework supports the recommendations of the Royal Commission. It is also consistent with the National Principles for Child Safe Organisations.

The Wellbeing Framework provides guidance on safety and wellbeing in schools. It encourages the development of safe online environments for children. The Wellbeing Framework draws from other policies, initiatives and laws that are in place around Australia. There are also supporting resources on the Student Wellbeing Hub website for parents, teachers and students.

School education: Strengthening teacher registration

The Royal Commission outlined a series of specific recommendations for teacher registration. In September 2017, all education ministers agreed to a National Review of Teacher Registration (the Teacher Registration Review).

The Teacher Registration Review was carried out by an independent expert panel, appointed by the Australian Institute for Teaching and School Leadership. The panel released its final report, *One Teaching Profession: Teacher Registration in Australia* on 20 September 2018, which made 17 recommendations. Recommendations 9, 10 and 11 of the report specifically relate to improving child safety.

The expert panel looked at how the current national registration framework, including teachers' suitability to work with children and be a teacher, is operating. It considered consistency, best practice, challenges and barriers. The panel also looked at:

- how the Australian Professional Standards for Teachers are used to drive teacher quality and how this can be strengthened
- how the registration of early childhood teachers (who can teach children up to around age 8) and vocational education and training (VET) teachers (who teach in secondary school settings) operates.

During 2018, the COAG working group met with the Australian Institute for Teaching and School Leadership. They discussed the way the Teacher Registration Review could support recommendations of the Royal Commission. At the first meeting in 2019, education ministers will look at how the Teacher Registration Review's recommendations are to be implemented.

Vocational education: Bringing industry on-board

The Australian Industry and Skills Committee (AISC) provides advice to Australian Government, state and territory ministers for industry and skills about national VET policies. It also approves national training packages for the VET system.

The Children's Education and Care Industry Reference Committee is updating six qualifications and related units of competency in the Children's Education and Care Training Package. Recommendations from the Royal Commission are being considered as part of this work. Updated training package products are due to be submitted to AISC for approval in February 2019.

Online safety

ThinkUKnow

ThinkUKnow Australia is a nationally delivered online safety program led by law enforcement. It is a partnership between the Australian Federal Police (AFP), the Commonwealth Bank of Australia, Datacom and Microsoft Australia. The program is delivered together with state and territory police and Neighbourhood Watch Australasia.

Relevant recommendations:

From the *Final Report*:
6.20 and 6.24

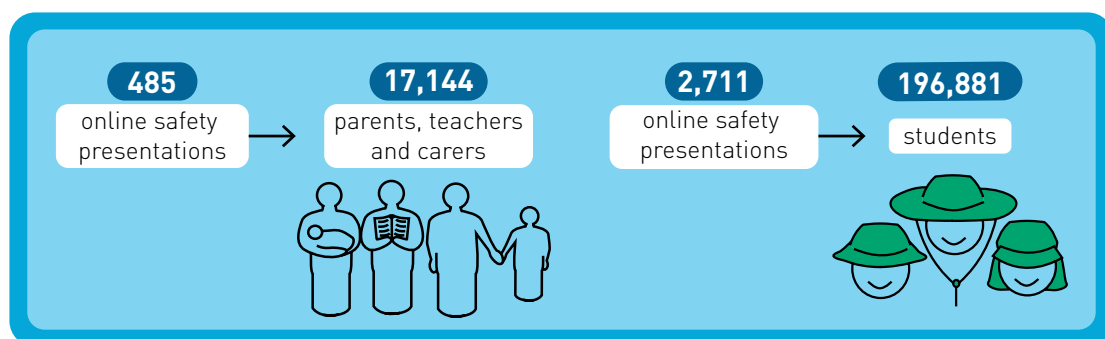
The AFP works with a range of government and non-government stakeholders, including the eSafety Office, on a range of initiatives in support of online child safety education. Working with the AFP Child Protection Assessment Centre, ThinkUKnow presentations are updated each year to include new issues and trends with a law enforcement focus.

To assist in making sure the presentations are effective for parents, carers and teachers, evaluation forms are provided at each presentation. During 2017–18, 97 per cent of participants agreed or strongly agreed that the presentation motivated them to take action.

The AFP's Online Child Safety Team delivers face-to-face and digital presentation training sessions for industry and law enforcement volunteers and presenters. Training takes place annually in each capital city as well as regional hubs.

Now nearing its tenth year in Australia, the AFP will continue to expand the ThinkUKnow program and training to ensure online safety education is able to reach as many Australians as possible.

In 2017–18, ThinkUKnow delivered 485 presentations to 17,144 parents, carers and teachers. There were 2,711 presentations to 196,881 students across Australia.



Education for parents and communities

Parents and carers play a critical role in keeping children safe in online environments. The eSafety Office runs a national online safety program for parents, carers and other people who work with children. The program raises awareness and understanding of online safety issues, including child sexual abuse. The program includes face-to-face presentations to parents and carers, community groups, sporting clubs and mental health groups. It also provides information and resources online.

The eSafety Office works with the national, state and territory children's commissioners and guardians as well a range of other departments. In particular, the eSafety Office works closely with education departments to develop online safety material and resources for schools. There are a range of resources to help parents and carers of children and teenagers learn about online risks and how to manage them. For example, there are resources for parents and carers of young children that have practical tips to help manage their child's first access to online devices.

The eSafety Office has trained 4,486 teachers through their teacher professional learning program. This program helps teachers feel confident in educating their students about online safety. The eSafety Office is now developing the 2019 program, which will also look at parents' concerns identified in the national parent survey.

The eSafety Office has also reached 278,172 students across Australia through virtual classrooms, teaching children about being safe online.

To improve their education program for parents, the eSafety Office conducted research with 3,520 parents of children aged between 2 and 17. The aim of this research was to better understand parents':

- digital literacy
- views on how important online safety is
- awareness of, and responses to, the negative online experiences of their children
- needs in relation to technology safety features
- attitudes, experiences, confidence and capability to deal with their children's exposure to online pornography
- information gaps and support needs.

This research will be used to improve the eSafety Office's resources, information and education for parents. This will help parents to better protect their children from online harms, including child sexual abuse.

The eSafety Office will continue to review its education and training material to make sure it supports parents and the wider community to protect children from online risks.



Safe Sport

Sport Australia is leading a grass roots child safe sport initiative across Australia. Safe Sport Australia was established in early 2018. Since then they have actively engaged with former athletes and developed strong governance structures to support their work in child safety.

Relevant recommendations:

From the *Final Report*:
14.1, 14.2, 14.3 and 14.4

Safe Sport Australia aims to create awareness of positive child safe sport practices by sharing information and resources. Safe Sport Australia is using online resources to connect to the millions of Australians in the grass roots sport community, targeting parents, adults and children. It also incorporates the National Principles, based on the 10 Child Safe Standards the Royal Commission identified.

Safe Sport Australia will learn from how people respond to these resources to continue to build their knowledge and identify areas of risk. Safe Sport Australia will then use this information to take further action to prevent child abuse and promote child safety in sport. An industry advisory committee will guide Safe Sport Australia in this work.



Theme 2: Causes, support and treatment

This theme at a glance

The Royal Commission's *Final Report* looked at complex issues about why and how child sexual abuse happens in institutions, and how to support and respond to children with harmful sexual behaviours. The Royal Commission also made recommendations about how victims and survivors can be supported better to recover from trauma. These recommendations were included in the volumes of the *Final Report* below:

- Volume 2 – Nature and cause (recommendation 2.1)
- Volume 9 – Advocacy, support and therapeutic treatment services (recommendations 9.1 to 9.9)
- Volume 10 – Children with harmful sexual behaviours (recommendations 10.1 to 10.7).

The Australian Government is working on those recommendations that require Australian Government involvement. This includes developing ways to improve its understanding of what causes child sexual abuse in institutions. It is also funding a range of support programs for victims and survivors.

Key national achievements

2018 to 2019

The Australian Government committed \$54.6 million in funding under the Indigenous Advancement Strategy. This will deliver social and emotional wellbeing services to help support Aboriginal and Torres Strait Islander peoples, with a focus on Stolen Generations and their families.

July 2018

The Australian Government committed \$37.9 million funding for knowmore.

October 2018

The Prime Minister announced that a national centre to prevent child sexual abuse will be established.

National priority update – Work across the Australian Government, and state and territory governments

The complex issue of children with harmful sexual behaviours

The Royal Commission found that sexual abuse of children by adults does not represent all child sexual abuse occurring within institutions. Children have also been sexually abused by other children. The Royal Commission recommended a range of strategies for children who demonstrate harmful sexual behaviours.

The National Office for Child Safety (the National Office) is managing the design and implementation of a National Strategy to Prevent Child Sexual Abuse in institutional and non-institutional settings (the Strategy). The Strategy will prioritise the issue of children's harmful sexual behaviours by looking at measures to prevent harmful sexual behaviours as well as interventions if harmful behaviours happen.

The National Office has started talking to survivors, organisations, institutions and academics. This will help the Australian Government to understand what the priorities for the Strategy are.

The National Office will work closely with the states and territories to develop the Strategy.

Examples from the states and territories

New South Wales

New South Wales is reducing, and responding to, children's problematic and harmful sexual behaviours. The New South Wales Government will invest \$37.7 million to focus on initiatives that prevent and intervene early as well as improving access to specialist treatment.

New Street is a leading specialist service for children and young people aged 10 to 17 years who show harmful sexual behaviours. The New South Wales Government will significantly expand New Street services across the state. New South Wales is also establishing New Street services in Wagga Wagga and Lismore.

They will also improve access to specialist support for children aged under 10 years who have problematic sexual behaviours.

South Australia

South Australia delivers a range of targeted services to children and young people with problematic and harmful sexual behaviours. This includes the Adolescent Sexual Assault Prevention program, which provides free treatment for young people and their families.

The program aims to make sexuality respectful and positive, and assists adolescents who display harmful sexual behaviours.

The South Australian Government also delivers a range of services across the state, including in the Anangu Pitjantjatjara Yankunytjatjara Lands. By working with children, families, communities and Aboriginal community leaders, the South Australian Government has been able to develop culturally appropriate:

- mental health assessments
- therapeutic resources
- targeted training.

Interpreting and translating services are also available to make sure important information is shared and understood.

Victoria

The Victorian Government funds 11 organisations to provide treatment services for children and young people who have displayed problem or sexually abusive behaviours. These services are provided across the state. They support children and young people aged 0 to 17 and their family, carers, school and community. Support includes a response that is right for each young person's developmental stage. It addresses their needs and behaviour.

Northern Territory

The Northern Territory Department of Health provides Sexual Assault Referral Centres in Darwin, Alice Springs, Katherine and Tennant Creek. These centres support adults and children who have experienced sexual assault. This includes supporting children showing harmful sexualised behaviour who are under the age of 10 and are living in urban areas.

Queensland

The Queensland Government funds a number of services to address the issues of children and young people with harmful sexual behaviours including:

- sexual abuse counselling services for children and young people in the child protection system
- specialist services to provide assessments and interventions for children and young people who are also subject to criminal proceedings.

Australian Government progress

Improving understanding of the nature and causes of child sexual abuse

National Centre for the Prevention of Child Sexual Abuse

Relevant recommendations:

From the *Final Report*: 9.9

On 22 October 2018, during the National Apology to Victims and Survivors of Institutional Child Sexual Abuse, the Prime Minister of Australia, the Hon Scott Morrison MP, announced that a national centre would be established. The centre will focus on the prevention of child sexual abuse. The Prime Minister called on the states and territories to work together on this initiative. This is in response to the *Final Report*'s recommendation that the Australian Government, working with state and territory governments, should set up and fund a centre to raise awareness and understanding of the impacts of child sexual abuse.

The Prime Minister stated that the centre will:

- raise awareness and understanding to help deal with the stigma of abuse
- support people looking for help
- guide best practice for training and other services.

The Australian Government will consult with key stakeholders to establish the centre. These stakeholders will include Australian, state and territory governments, and non-government organisations, including victim and survivor support and advocacy groups, clinical practitioners, academics, and child protection experts.

National study of the prevalence of child maltreatment

Relevant recommendations:

From the *Final Report*: 2.1

The Royal Commission recommended that the Australian Government conduct and publish a study measuring how prevalent child maltreatment is nationally. This study should be done regularly to show the extent of child maltreatment in institutions and non-institutional settings (including communities and families) in Australia.

In its response to the Royal Commission's report, the Australian Government accepted this recommendation in principle. Since then, the National Office has consulted with researchers and data agencies to look at national data that is available. This has been done with the idea of improving existing data sources and identifying the research gaps that this study would need to fill.



Supports for victims and survivors

knowmore

In 2013, the Australian Government launched knowmore – a free legal advisory service to support people involved with the Royal Commission. During the Royal Commission, knowmore provided victims and survivors with:

- legal advice and assistance
- information, referral and support services.

Relevant recommendations:

From the *Final Report*: 9.4

They provided this via a national phone service, face-to-face services in key locations, outreach activities in regional and remote communities and a dedicated website.

knowmore developed a lot of expertise helping survivors throughout the Royal Commission. To make sure its dedicated and trauma-informed services can continue to support people, the Australian Government is continuing to fund knowmore. The service will provide information and trauma-informed advice to victims and survivors about their legal options. These options can include:

- claims under the National Redress Scheme for Institutional Child Sexual Abuse
- access to compensation through other schemes
- common law rights and claims.

knowmore is also providing advice on key steps in the redress process.

The Australian Government is providing \$37.9 million funding for knowmore over three years, from 1 July 2018. knowmore will continue to support victims and survivors.

Redress support services

Relevant recommendations:

From the *Final Report*:
9.2, 9.3 and 9.6

The National Redress Scheme is a way of supporting people who experienced child sexual abuse in an institution. There are community-based support services in all states and territories. The Australian Government funds these services. They help people to engage with the National Redress Scheme. This includes:

- specialist support services for survivors with a disability
- culturally appropriate services for Aboriginal and Torres Strait Islander survivors
- support for survivors from culturally and linguistically diverse backgrounds.

The people who work in these services understand the trauma that people may have experienced.

Support for members of the Stolen Generations

Some Aboriginal and Torres Strait Islander people were the victims of institutional child sexual abuse and the Stolen Generations. They were placed into care after being removed from their families by force. The Australian Government's response to address the harm caused to the Stolen Generations has focused on practical ways to improve people's lives. It also addresses the harm by providing healing and support services.

In 2018–19, the Australian Government committed \$54.6 million for these services that help Aboriginal and Torres Strait Islander peoples, including the Stolen Generations and their families. This funding includes \$6.6 million to the Healing Foundation in 2018–19. This is part of the Indigenous Advancement Strategy.

These services include funding:

- the Aboriginal and Torres Strait Islander Healing Foundation
- the national Link-Up network
- social and emotional wellbeing support services
- the Australian Institute of Aboriginal and Torres Strait Islander Studies Family History Unit.

These services help strengthen connections to family and community and address grief and trauma through counselling and other healing activities.



Helping sexual assault support services to work together

In 2018, the Australian Government asked the Australian Psychological Society (APS) to undertake some research into complex trauma. APS:

- reviewed the evidence for treating complex trauma effectively
- provided a report on how effective treatments for complex trauma are.

Relevant recommendations:

From the *Final Report*: 9.7

The review included treatment options for people who have experienced child sexual abuse. The review also identified training and resources that are available to mental health workers who manage and treat complex trauma. They found that trauma, including child sexual abuse, is best treated by people who understand the affects it can have and the best ways to respond to it.

The APS has developed a range of tools and resources to support mental health professionals working with people affected by child sexual abuse. They have also created a web portal to host the tools and resources, which can be accessed from www.traumasupport.com.au

The APS has also developed a directory of services for survivors of child sexual abuse. The directory will help people find practitioners who know how to work with people dealing with complex trauma. The APS hosts and maintains the directory.

Over the next year, the Australian Government will also work with primary health networks. They will work out if the primary health networks can support services for people who have experienced sexual assault.

Case study: Developing trauma-informed policies and frameworks

The Australian Government Department of Social Services is responsible for policies, programs and services that improve the wellbeing of people and families.

The Department of Social Services talks extensively to the community about changes to policy for children and families. This includes looking at the best ways to deliver trauma-informed approaches that help people affected by trauma in their lives.

The Department of Social Services also makes sure that changes to policies and programs are based on sound evidence and research.

The Department of Social Services is currently working on the National Framework for Protecting Australia's Children 2009–2020 (the National Framework).

The National Framework is an ambitious long-term approach designed to keep children safe and well. Its key aim is to deliver a substantial and sustained reduction in child abuse and child neglect. It includes a series of three-year action plans. The National Framework recognises that keeping children safe is everyone's business. To deliver the National Framework and its actions, the Department of Social Services works closely with:

- state and territory governments
- the National Children's Commissioner
- non-government organisations, service providers and researchers.

This collaboration is done through the National Forum for Protecting Australia's Children. Regular meetings of the National Forum:

- inform the development of action plans under the National Framework
- work out how the actions will be put into place.





Theme 3: Responses to abuse (*Redress and Civil Litigation Report*)

This theme at a glance


In response to the 84 recommendations in the *Redress and Civil Litigation Report*, the Australian Government established the National Redress Scheme for Institutional Child Sexual Abuse (the National Redress Scheme). The National Redress Scheme started on 1 July 2018 and will continue for 10 years.

The Australian Government is also addressing the recommendations within the *Redress and Civil Litigation Report* that relate to civil litigation matters (court proceedings that are not criminal in nature).

These measures are covered on the following pages.



Key national achievements

- 
- May 2016** Attorney-General issued guidance to agencies not to contest a claim of child sexual abuse brought against the Australian Government on the basis that the claim was filed out of time. This gives people more time to take a case against an Australian Government institution to court.
 - November 2016** The Department of Veterans' Affairs changed its policy relating to evidence for claims of abuse in the Australian Defence Force (ADF). This makes it easier for victims of abuse to establish that abuse occurred.
 - July 2017** The Department of Veteran's Affairs changed its policy to make sure that any person with one day's continuous fulltime service in the ADF can receive treatment for mental health conditions.
 - December 2017** The Department of Veterans' Affairs reviewed its policy relating to evidence for claims of abuse in the ADF. The claims were made by survivors for medical conditions resulting from abuse. There was an increase in the number of claims that were accepted. These rose from 50 per cent to 62 per cent.
 - July 2018** The Australian Government launched the National Redress Scheme.
 - October 2018** The Prime Minister delivered the National Apology to Victims and Survivors of Institutional Child Sexual Abuse.

Australian Government progress

Case study: The National Apology

The Australian Government made a National Apology to Victims and Survivors of Institutional Child Sexual Abuse (the National Apology) on 22 October 2018. This was in response to the *Final Report* of the Royal Commission.



The purpose of the National Apology was to formally recognise, and apologise for, the appalling abuse of children in institutions and the profound and ongoing effects this abuse has had on their lives.

The Australian Government wanted to make sure that the National Apology focussed on the needs of survivors. They established an independent group of people called the National Apology Reference Group (the Reference Group).

The Reference Group helped the Australian Government understand:

- what form the apology should take
- how they should deliver the apology
- what the apology should say.

The Reference Group included a broad range of survivors, their families and supporters, as well as Members of Parliament, from across Australia. The diverse members of the group were able to represent a wide range of views. A secretariat in the Attorney-General's Department supported the Reference Group with their work.

During May to July 2018, the Reference Group consulted with people around the country. This process included a consultation form that people could fill out either online or on paper and face-to-face sessions.

The Reference Group held 58 face-to-face consultation sessions across all Australian states and territories, except in the Northern Territory where telephone consultations were offered instead. Over 390 survivors, support people and their families attended the face-to-face consultation sessions. The Reference Group also received over 360 online and paper consultation forms and emailed feedback.



On Monday, 22 October 2018, the Prime Minister delivered the National Apology in the Australian Parliament House. The apology was offered to all victims and survivors of institutional child sexual abuse, their families, supporters and all those affected by abuse. It aimed to raise awareness in the community about the lifelong impacts of child sexual abuse and help protect children now and into the future. Over 1,000 people attended the National Apology in Canberra, with many more taking part at events in their local communities.

An excerpt of the National Apology is shown below.



National Apology to Victims and Survivors of Institutional Child Sexual Abuse

Today the Australian Government and this Parliament, on behalf of all Australians, unreservedly apologises to the victims and survivors of institutional child sexual abuse.

For too many years our eyes and hearts were closed to the truths we were told by children.

For too many years governments and institutions refused to acknowledge the darkness that lay within our community.

Today, we reckon with our past and commit to protect children now and into the future.

Today, we apologise for the pain, suffering and trauma inflicted upon victims and survivors as children, and for its profound and ongoing impact.

As children, you deserved care and protection. Instead, the very people and institutions entrusted with your care failed you. You suffered appalling physical and mental abuse, and endured horrific sexual crimes.

As fellow Australians, we apologise for this gross betrayal of trust and for the fact that organisations with power over children – schools; religious organisations; governments; orphanages; sports and social clubs; and charities – were left unchecked.

For many, the National Apology marked an important step in helping people with their recovery. It recognised the long-term impact this abuse has had on their lives and helped to educate others on these impacts.

The National Apology gave us all the opportunity to pause and reflect on the role that the government, Parliament and community should play in protecting children from abuse.

The Prime Minister encouraged state and territory governments to host their own events to view the National Apology. This allowed people who could not attend the event in Canberra the opportunity to engage with the National Apology. All states and territories, except Western Australia, held local viewing events. Western Australia had already apologised to victims and survivors of institutional child sexual abuse in June.

Details of the state and territory events were listed on the National Apology website. Places holding viewing events were also provided with memorabilia to give to those attending, if requested.

The Attorney-General, the Hon Christian Porter MP, wrote to his counterparts in the states and territories. He asked that victims and survivors in prisons and other correctional facilities be allowed to:

- take part in the consultation process
- watch the broadcast of the National Apology.



Limitation periods

The Royal Commission made a number of recommendations about statutory limitation periods. A limitation period is the period of time a person has to file an application for a legal proceeding.

The Royal Commission found that, due to the impact of trauma, some survivors of child sexual abuse may take years or decades to come forward about their abuse. Limitation periods were often a barrier to survivors taking legal action.

In its private sessions, the Royal Commission heard that many survivors had received legal advice against starting a case because the limitation period had expired. The Commission heard that some advice provided to survivors suggested that there is a risk that some cases won't be able to be heard in court. This may be because some institutions or perpetrators might not be willing to agree to extend the timeframe, or the court might not allow an application to be heard.

Relevant recommendations:

From the *Redress and Civil Litigation Report*: 85 to 88 and 96 to 99

State and territory governments are responsible for the legislation that sets limitation periods. States and territories have taken steps to amend their legislation to remove limitation periods in relation to historical child sexual abuse claims.

Changes to the Australian Government's handling of historic child sexual abuse claims

On 4 May 2016, the former Attorney-General, the Hon George Brandis QC, issued the Legal Services Direction – Time barred child abuse claims (the Direction).

Under the Direction, Australian Government agencies cannot:

- **contest a claim in relation to historical child sexual abuse because it has been filed out of time**
- **object to an application to extend the time to file a claim.**

In March 2016, the Office of Legal Services Coordination issued Guidance Note 13 (since reissued in June 2018) to make sure that Australian Government agencies responding to civil claims involving institutional child sexual abuse use a consistent approach.

The Guidance Note is on the Office of Legal Services Coordination website on the Attorney-General's Department's website at www.ag.gov.au/olsc

The National Redress Scheme for Institutional Child Sexual Abuse

Relevant recommendations:

From the *Redress and Civil Litigation Report*: 1 to 84.

The Royal Commission recommended establishing the National Redress Scheme for Institutional Child Sexual Abuse (the National Redress Scheme). The Australian Government launched the National Redress Scheme on 1 July 2018. It will support people who experienced institutional child sexual abuse. It will run for 10 years.

The National Redress Scheme is trauma-informed, acknowledges that many children were sexually abused in Australian institutions and recognises the harm caused by this abuse. The Royal Commission estimated that up to 60,000 survivors may access the National Redress Scheme.

The Australian Government designed the National Redress Scheme with:

- state and territory governments
- non-government institutions
- an independent advisory council, including people who experienced institutional child sexual abuse, and their supporters.

The states and territories will continue to work with the Australian Government for the life of the National Redress Scheme.

The National Redress Scheme helps people who have experienced institutional child sexual abuse to access:

- **counselling and psychological care services**
- **a direct personal response to a survivor from the institution where abuse took place**
- **a payment.**

States need to pass legislation to allow institutions to participate in the National Redress Scheme. As at 30 November 2018, New South Wales, Queensland, South Australia, Tasmania, Victoria and Western Australia have enacted this legislation. The Australian Capital Territory and the Northern Territory do not need to pass legislation in order for the National Redress Scheme to operate in the territories.

Institutions have until 30 June 2020 to join the National Redress Scheme. Only after an institution joins can applications about that institution be assessed.



Commonwealth Government institutions and government institutions in the Australian Capital Territory, New South Wales, the Northern Territory, Queensland, Tasmania and Victoria are all participating in the National Redress Scheme. Government institutions in South Australia and Western Australia are expected to join in early 2019.

As of 6 December 2018, 11 institutions are participating in the National Redress Scheme:

- the YMCA
- Korowal School
- the United Protestant Association of New South Wales
- Scouts Australia
- Scouts New South Wales
- Scouts South Australia
- Scouts Victoria
- Scouts Western Australia
- the Salvation Army
- Global Interaction
- Anglican Church – first small group of Anglican institutions.

See www.nationalredress.gov.au/institutions/joined-scheme for a full list of participating institutions.

The Australian Government will continue to engage with government and non-government institutions to support them to take part in the National Redress Scheme. Work will continue on any implementation and policy issues to make sure the National Redress Scheme operates as effectively as possible.

More information about the National Redress Scheme will be available in the National Redress Scheme's Annual Report, which will be tabled in Parliament soon after 30 June 2019.

Compensation for individuals who experienced sexual or physical abuse in the Australian Defence Force

Relevant recommendations:

From the *Final Report*:
9.3 and 9.8

From the *Redress and Civil Litigation Report*: 2 and 21

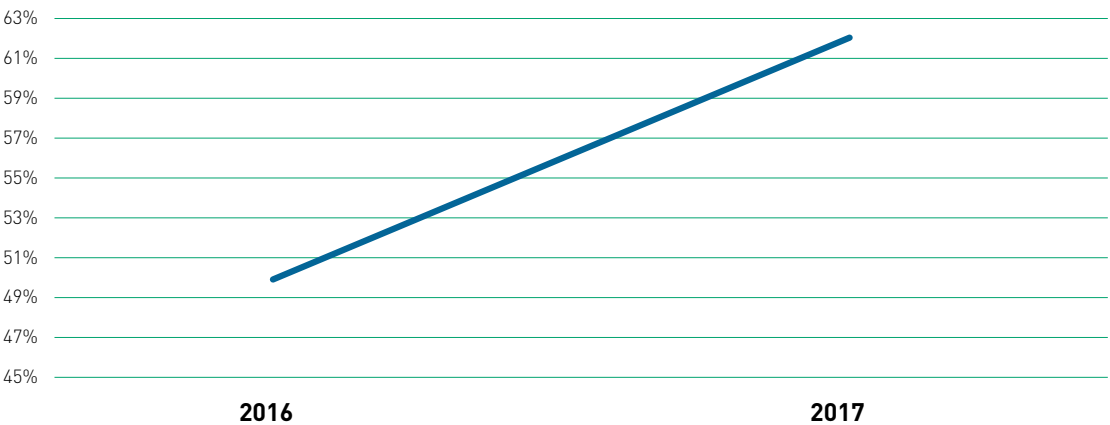
The Department of Veterans’ Affairs provides services, support and compensation to people who experienced sexual or physical abuse in the ADF, including child sexual abuse.

In November 2016, the Department of Veterans’ Affairs changed its policy relating to the evidence needed for claims of abuse in the ADF. The change was designed to make it easier for survivors to

establish that abuse had occurred. For people under 18, a credible statutory declaration will be accepted as evidence that the abuse took place.

In December 2017, the Department of Veterans’ Affairs reviewed the policy and found there has been an increase in the number of successful claims. These have risen from 50 per cent to 62 per cent since the policy was introduced.

Acceptance rate of abuse claims since new evidentiary policy



The Department of Veterans’ Affairs continues to review its policies for abuse claims. And to look at ways the claims process can be improved.

The Department of Veterans’ Affairs has a dedicated team to manage claims relating to sexual or physical abuse. This team has had training from Phoenix Australia Centre for Post-traumatic Mental Health and was formed to deal sensitively with cases involving abuse. People making a claim who have experienced abuse can have a social worker as the single point of contact to help them with the claims process.



To apply for compensation and to find out more, you can call 1800 555 254, or fill out an online claim form on the Department's website www.dva.gov.au

Extra support services that the Department of Veterans' Affairs provides

Since 2017, the Department of Veterans' Affairs has provided mental health treatment for any person with one day's continuous fulltime service in the ADF. This means that veterans do not need to establish that a mental health condition is related to service in order to receive treatment for the condition.

In 2018, this measure was also extended to cover reservists with disaster relief or border protection services, or who were involved in a serious training accident. These veterans are now eligible for free treatment for all mental health conditions.

Veterans may also access support from Open Arms – Veterans and Families Counselling Service on 1800 011 046, 24 hours a day, seven days a week.



Theme 4: Criminal justice and the protection of children

This theme at a glance

The Royal Commission's *Working with Children's Checks* (WWCC) and *Criminal Justice Reports* made recommendations to better protect children from child sexual abuse. The recommendations covered:

- strengthening protections under state and territory WWCC
- reforming criminal justice systems in Australia.

In Volume 7 of the *Final Report*, the Royal Commission also recommended a number of changes to strengthen laws around:

- mandatory reporting
- reportable conduct schemes.

The Australian Government has worked on implementing recommendations from the reports that apply to the Australian Government both as a government and as an institution.



Key national achievements

- 
- February 2017** The Australian Government established a working group. It is made up of state and territory representatives and is designed to consider the recommendations of the WWCC Report.
 - September 2017** The Australian Government introduced a Bill into Parliament, the Crimes Legislation Amendment (Sexual Crimes Against Children and Community Protection) Bill 2017.
 - December 2017** The Commonwealth agreed to the establishment of a national database for WWCC decisions within the Australian Criminal Intelligence Commission and sought the support of the states and territories.
 - Early 2018** The Council of Attorneys-General (CAG) established a working group to develop reforms to evidence law. This group works across the states and territories. The working group has developed several reform options to allow courts to consider the past behaviour of a person who has been accused of a crime.
 - June 2018** The CAG agreed to continue to work on privileges for religious confessions.
 - November to December 2018** Relevant ministers consider whether to endorse the National Standards for WWCCs.

Australian Government progress

Working with Children Checks

Relevant recommendations:

From the *Working with Children Checks Report*: 1, 5 to 29, 32 and 33

There are 36 recommendations in the Royal Commission's *WWCC Report*. They are mostly directed at state and territory governments. To make sure there is greater national consistency of WWCC schemes and that the schemes provide appropriate protection for children, the Australian Government is working with states and territories on the recommendations in the *WWCC Report*.

In 2016, the Australian Government established and chaired the WWCC Working Group. The Working Group is made up of state and territory representatives responsible for the operation and policy for WWCCs and has met on many occasions to consider the recommendations of the WWCC Report.

National Standards for WWCCs

The WWCC Working Group developed the National Standards for WWCCs so that there could be a consistent minimum standard around the country. The National Standards are consistent with the recommendations in the *WWCC Report*. The Council of Attorneys-General (CAG) have considered the National Standards for WWCCs and have provided endorsement. Community services ministers are currently considering endorsement of the National Standards for WWCCs.

Once all relevant ministers have endorsed the National Standards for WWCCs, states and territories will need to change their laws to make sure that the National Standards for WWCCs have force. When the National Standards for WWCCs are implemented, there will be:

- higher and more consistent standards for WWCCs across Australia
- greater protections for children.

Relevant recommendations:

From the *Working with Children Checks Report*: 3

WWCC database

The Australian Government is also developing a database within the Australian Criminal Intelligence Commission which will be called the WWCC National Reference System. This will allow all agencies who issue WWCCs to be aware of whether an applicant has previously been refused a check in another jurisdiction.



The Australian Government has been working with the states and territories through a series of workshops to develop the WWCC National Reference System. Between August 2017 and October 2018, the workshops have been helping the Australian Criminal Intelligence Commission to understand the business needs of each agency.

The development and implementation of a WWCC National Reference System is expected to deliver the database by 30 June 2019 and on-boarding of screening agencies to occur thereafter. This is however dependent on legislative change.

Criminal Justice Report

Developing reforms to evidence law

In December 2017, the CAG agreed to look at the way evidence is considered by courts under the Uniform Evidence Law. A Working Group is looking at options, and developing a proposal, to improve the test for admissibility of tendency and coincidence evidence. If these reforms were put into practice, this would mean that courts could consider a person's previous conduct to decide whether someone is more likely to have committed a crime because of the way they have behaved in the past.

Relevant recommendations:

From the *Criminal Justice Report*:
44 to 51

The Working Group was established in early 2018. It includes representatives from all states and territories, with New South Wales chairing and providing secretariat support. The Working Group has developed several options to allow greater admissibility of certain types of evidence in criminal proceedings. They will report to the CAG on the options at its first meeting in 2019.

Registered intermediary schemes

The Royal Commission recommended that state and territory governments introduce intermediary schemes. These would use a person, called an intermediary, to help vulnerable witnesses with communication difficulties when they have to give evidence in child sexual abuse prosecution cases.

Relevant recommendations:

From the *Criminal Justice Report*:
59 to 60

The Australian Government in its response indicated that these two recommendations would be for further consideration. Since the response, the Australian Government has been carefully monitoring registered intermediary schemes in Australia and overseas. This work included monitoring a New South Wales Child Sexual Offence Evidence Pilot, which the New South Wales Government recently made permanent. The Final Outcome Evaluation Report of the Pilot found that the Pilot:

- received very strong support from participants
- reduced stress for children
- resulted in a better quality of evidence from child witnesses.

The Australian Government will continue to monitor this program.

As a number of other states and territories are also thinking about introducing registered intermediary schemes, the Australian Government is continuing to look at how an Australian Government scheme could best support or work alongside other schemes. It is important that schemes like this support victims without complicating processes or overloading courts.

Consideration of data developments

Relevant recommendations:

From the *Final Report*: 12.3

The Australian Government has set up the Steering Committee for the Review of Government Service Provision (the Steering Committee). It is made up of representatives of the Australian Government and all state and territory governments.

The Steering Committee prepares the Report on Government Services. They do this work every year on behalf of the Council of Australian Governments.

In its *Criminal Justice Report*, the Royal Commission recommended that the Steering Committee:

- review the reporting framework for police services
- look at whether the data could include reporting on child sexual abuse offences
- understand the measures police could use to investigate child sexual abuse offences.

The Steering Committee has agreed to start this work through the Productivity Commission. The Productivity Commission will also consult with the Police and Emergency Management Working Group. This group includes people from the state and territory police departments. It is well-placed to advise the Productivity Commission and the Steering Committee on data in this area.

Strengthening child abuse reporting laws

The Royal Commission recommended a number of changes to strengthen laws in the following areas:

- mandatory reporting
- reportable conduct schemes
- failing to report offences.

Relevant recommendations:

From the *Final Report*:
7.3, 7.4, 7.10 and 7.12

From the *Criminal Justice Report*:
33 and 35

These laws mean that people must report child sexual abuse to child protection authorities or the police. Child abuse reporting laws are mostly the responsibility of the states and territories. Some states and territories have already introduced changes to the law to put the Royal Commission's recommendations into practice. This includes extending these laws to cover religious ministers and requiring them to report information disclosed in religious confession.

The CAG has also discussed the privilege around religious confessions in relation to the Royal Commission's recommendations. They have agreed that further work needs to be done in this area.

Information sharing regimes – family violence

The Australian Law Reform Commission and the New South Wales Law Reform Commission wrote a report. It's called *Family Violence: A National Legal Response* (ALRC 114).

Relevant recommendations:

From the *Criminal Justice Report*: 8

Recommendation 8 of the *Criminal Justice Report* asks state and territory governments to put the recommendations of the Family Violence report into practice, in particular its recommendations about disclosing the identity of a mandatory reporter to law enforcement.

Related to this issue, the CAG Family Violence Working Group of justice officials is working to develop an information sharing framework. This framework will improve the sharing of information between the family law, family violence and child protection systems. The framework being developed will consider how best to share court orders, judgments, transcripts and other documents between the family law, family violence and child protection systems. The Family Violence Working Group are also looking at technological solutions to help this work well. They will continue their work on this topic and will report back to the CAG in 2019.



Theme 5: Accountability and annual reporting

This theme at a glance

The Royal Commission made recommendations about monitoring and reporting. These include recommendations 9.5 and 17.1 to 17.6 in Volume 17 of the *Final Report*.

Key national achievements

June 2018

The Australian Government tabled its response to the Royal Commission.

December 2018

The Australian Government tables its first of five annual reports in response to the Royal Commission.

The Australian Government facilitates reporting by institutions and publishes their first annual progress reports.

The Australian Government launches the first phase of a new website which includes copies of all annual progress reports across Australia as they are published.

National priority update – Work across the Australian Government and state and territory governments

Reporting publicly on the progress of reforms each year

All Australian governments have committed to reporting on their progress each year. They will report on the work they are doing to put the recommendations of the *Final Report* into practice. This includes the following areas of the *Final Report*:

- Working with Children Checks
- Redress and Civil Litigation
- Criminal Justice.

These reports will be produced annually from 2018 until 2022.

All states and territories gave responses to the Royal Commission's *Final Report* in mid-2018. They have all agreed to report on the progress they have made. The progress reports will be made in shared forums to make sure that the community can see the progress that has been made. This will also make sure that all jurisdictions are focussing on delivery.

Australian Government progress

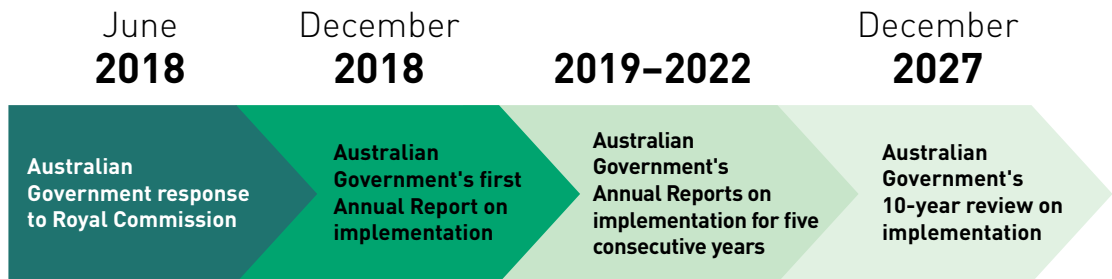
Tracking implementation

Relevant recommendations:

From the *Final Report*: 17.1 to 17.6

The Australian Government released its formal response to the Royal Commission's *Final Report* on 13 June 2018. The Australian Government did not reject any of the recommendations directed to it in the *Final Report*.

This is the first of the Australian Government's annual progress reports. Each report will be tabled before Parliament and shared with the public. The focus is on making sure information about progress is trauma-informed and accessible to survivors, families, children and institutions.



Ten-year review

The Australian Government has committed to a 10-year review following the tabling of the *Final Report* of the Royal Commission. The review will:

- show to what stage the Royal Commission's recommendations have been implemented 10 years after the *Final Report*
- look at how effective the measures taken in response to the Royal Commission have been in:
 - preventing child sexual abuse
 - improving the responses of institutions to child sexual abuse
 - making sure that victims and survivors of child sexual abuse get justice, treatment and support
- advise what further steps governments and institutions should take to make sure improvements in policy and service delivery continue in relation to child sexual abuse in institutions.



The Australian Government is working to create an Evaluation Framework so that useful data can be collected over the 10-year period.

The Australian Government plans for the Evaluation Framework to be implemented by December 2019. More information about the design and metrics of the Framework will be included in the 2019 Annual Report.

The results from the Evaluation Framework, over the 10-year period, will help to inform new ways to improve child safety and to assess the way any particular recommendation has been put into practice.

Reporting by institutions

The Royal Commission recommended that non-government institutions and peak bodies involved in child-related work also report on their implementation progress within 12 months of the Royal Commission's *Final Report*.

Relevant recommendations:

From the *Final Report*: 17.3

The Australian Government has accepted, in principle, recommendation 17.3. However, it is not able to require non-government institutions to report.

The recommendation states that, at a minimum, the nine institutions that were the subject of the Royal Commission's hearings, held from 5 December 2016 to 10 March 2017, should report. The National Office for Child Safety (National Office) has been working with these institutions to support their public reporting by the end of 2018.

These institutions are:

1. Catholic Church Authorities (the Australian Catholic Bishops Conference and Catholic Religious Australia)
2. Anglican Church Authorities
3. Yeshivah Melbourne and Yeshiva Bondi
4. Australian Christian Churches
5. Uniting Church Australia
6. Jehovah's Witnesses
7. The Salvation Army
8. The National Council of the YMCA of Australia
9. Scouts Australia.

During the course of the five-year reporting period, the National Office will continue to work with these institutions. The National Office will assist these institutions to publicly report on their progress on putting the Royal Commission's recommendations into place.

The Royal Commission also recommended that other major institutions or peak bodies that are involved in child-related work should consider reporting annually.

The National Office is assessing which other institutions and peak bodies are in scope for reporting in 2019, including:

- religious institutions
- out-of-home care providers
- education providers
- sporting organisations
- arts and recreation organisations.

The National Office will work with the other major institutions and peak bodies to facilitate public reporting from the next Annual Report in December 2019.

Online resources and websites

Relevant recommendations:

From the *Final Report*:
9.5 and 17.5

The Australian Government has established an online resource (website) to publish the Australian Government Response and Annual Reports as well as other information regarding the work of the Royal Commission. This resource will continue to evolve and expand in 2019 and beyond.

It is designed to keep people informed of progress and to provide accessible and trauma-informed information to survivors, families, children and institutions.

The government has also established a trauma-informed, survivor focussed website for the National Redress Scheme for Institutional Child Sexual Abuse. The website provides information, advice and support to survivors looking for redress.

National Memorial

Relevant recommendations:

From the *Final Report*: 17.6

The Australian Government conducted consultations in preparation for the National Apology through the National Apology Reference Group (the Reference Group). The consultations sought views on the National Memorial as well as the National Apology.



The Reference Group who facilitated the consultations, included a broad range of survivors, their families and supporters, as well as Members of Parliament, from across Australia. Many attendees at the consultations were supportive of a memorial and provided diverse views on the form, location and other aspects of any memorial.

Further scoping work on the development of a National Memorial will take place in 2019.

Separately, when delivering the National Apology, on 22 October 2018, the Prime Minister, the Hon Scott Morrison MP, also announced that the Australian Government will establish a national museum as a place of reflection and to raise awareness and understanding of the impacts of child sexual abuse.

The Australian Government is committed to reporting annually on the implementation of the Royal Commission's recommendations.

The Australian Government will produce its next *Annual Report* in December 2019.



Useful links and contacts

Royal Commission into Institutional Responses to Child Sexual Abuse

For access to the Royal Commission's *Final Report*, case studies, research and resources.

www.childabuseroyalcommission.gov.au

National Redress Scheme for Institutional Child Sexual Abuse

For information about the National Redress Scheme, the application process and participating institutions.

www.nationalredress.gov.au

1800 737 377

Australian Human Rights Commission – Child Rights website

For material about the work of the Australian Human Rights Commission in the area of children's rights, with links to the National Principles for Child Safe Organisations.

www.humanrights.gov.au/our-work/childrens-rights

Australian Psychological Society

For tools and resources to support mental health professionals working with people affected by child sexual abuse.

www.psychology.org.au/About-Us/What-we-do/advocacy/Advocacy-social-issues/Child-sexual-abuse

National Office for Child Safety

For information about the initiatives led by the National Office including the National Strategy to Prevent Child Sexual Abuse, National Principles for Child Safe Organisations and the Commonwealth Child Safe Framework.

www.dss.gov.au/the-national-office-for-child-safety



Relevant frameworks and policies

Throughout this report, there are references to different national level initiatives that are part of the Australian Government's overarching child safety framework.

To assist readers to navigate this report, this section provides a quick-reference guide to key initiatives mentioned in this report and which Royal Commission recommendations they relate to.

National Framework for Protecting Australia's Children 2009–2020

The National Framework for Protecting Australia's Children (the National Framework) sets out a long-term approach to reducing child abuse and neglect in Australia. The National Framework will conclude in 2020. The Australian Government is currently consulting key stakeholders on the development of a new National Framework for Child Safety from 2020 onwards (recommendation 6.15).

The Child Safe Standards

The Child Safe Standards are 10 standards recommended by the Royal Commission as being essential for ensuring child safe institutions (recommendations 6.5 and 6.6). The Child Safe Standards are intended to set a best-practice guide for institutions.

The Australian Government has incorporated the Child Safe Standards into other national initiatives, such as the National Principles for Child Safe Organisations and the Commonwealth Child Safe Framework.

National Principles for Child Safe Organisations

The National Principles for Child Safe Organisations (the National Principles) are 10 high-level principles showing the elements of a child safe organisation to prevent future abuse of children in institutional environments. The National Principles were developed in response to the Royal Commission's recommendations and are in line with the 10 Child Safe Standards.

Commonwealth Child Safe Framework

The Commonwealth Child Safe Framework (the Child Safe Framework) sets out child safety requirements for Australian Government entities to follow to ensure that staff working with children and young people comply with relevant child safety laws.

The Child Safe Framework also requires Australian Government entities to adopt the National Principles, which incorporate the child safe standards recommended by the Royal Commission (recommendations 6.4 and 6.13 of the *Final Report* and recommendation 3c of the *Working with Children Checks Report*).

National Strategy to Prevent Child Sexual Abuse

The National Office for Child Safety is currently developing a National Strategy to Prevent Child Sexual Abuse (the National Strategy) in both institutional and non-institutional settings (recommendations 6.1, 6.2 and 6.3). The National Strategy will encompass education and awareness raising measures, and measures that provide victims of child sexual abuse with access to the right supports at the right time.

National Standards for Working with Children Checks

The National Standards for Working with Children Checks (the National Standards) provide a minimum benchmark for working with children check screening across all states and territories. The National Standards will ensure greater national consistency of working with children check schemes. The National Standards are largely in line with the Royal Commission's recommendations in the *Working with Children Checks Report*.



**Appendix A –
Recommendations from the
*Final Report***



Volume 2, *Nature and cause recommendations*

Recommendation 2.1

The Australian Government should conduct and publish a nationally representative prevalence study on a regular basis to establish the extent of child maltreatment in institutional and non-institutional contexts in Australia.

Volume 6, *Making institutions child safe recommendations*


Recommendation 6.1

The Australian Government should establish a mechanism to oversee the development and implementation of a national strategy to prevent child sexual abuse. This work should be undertaken by the proposed National Office for Child Safety (see Recommendations 6.16 and 6.17) and be included in the National Framework for Child Safety (see Recommendation 6.15).

Recommendation 6.2

The national strategy to prevent child sexual abuse should encompass the following complementary initiatives:

- a. social marketing campaigns to raise general community awareness and increase knowledge of child sexual abuse, to change problematic attitudes and behaviour relating to such abuse, and to promote and direct people to related prevention initiatives, information and help-seeking services
- b. prevention education delivered through preschool, school and other community institutional settings that aims to increase children's knowledge of child sexual abuse and build practical skills to assist in strengthening self-protective skills and strategies. The education should be integrated into existing school curricula and link with related areas such as respectful relationships education and sexuality education. It should be mandatory for all preschools and schools
- c. prevention education for parents delivered through day care, preschool, school, sport and recreational settings, and other institutional and community settings. The education should aim to increase knowledge of child sexual abuse and its impacts, and build skills to help reduce the risks of child sexual abuse
- d. online safety education for children, delivered via schools. Ministers for education, through the Council of Australian Governments, should establish a nationally consistent curriculum for online safety education in schools. The Office of the eSafety Commissioner should be consulted on the design of the curriculum and contribute to the development of course content and approaches to delivery (see Recommendation 6.19)

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- e. online safety education for parents and other community members to better support children's safety online. Building on their current work, the Office of the eSafety Commissioner should oversee the delivery of this education nationally (see Recommendation 6.20)
 - f. prevention education for tertiary students studying university, technical and further education, and vocational education and training courses before entering child-related occupations. This should aim to increase awareness and understanding of the prevention of child sexual abuse and potentially harmful sexual behaviours in children
 - g. information and help-seeking services to support people who are concerned they may be at risk of sexually abusing children. The design of these services should be informed by the Stop It Now! model implemented in Ireland and the United Kingdom
 - h. information and help seeking services for parents and other members of the community concerned that:
 - i. an adult they know may be at risk of perpetrating child sexual abuse
 - ii. a child or young person they know may be at risk of sexual abuse or harm
 - iii. a child they know may be displaying harmful sexual behaviours.

Recommendation 6.3

The design and implementation of these initiatives should consider:

- a. aligning with and linking to national strategies for preventing violence against adults and children, and strategies for addressing other forms of child maltreatment
- b. tailoring and targeting initiatives to reach, engage and provide access to all communities, including children, Aboriginal and Torres Strait Islander communities, culturally and linguistically diverse communities, people with disability, and regional and remote communities
- c. involving children and young people in the strategic development, design, implementation and evaluation of initiatives
- d. using research and evaluation to:
 - i. build the evidence base for using best practices to prevent child sexual abuse and harmful sexual behaviours in children
 - ii. guide the development and refinement of interventions, including the piloting and testing of initiatives before they are implemented.

Recommendation 6.4

All institutions should uphold the rights of the child. Consistent with Article 3 of the United Nations Convention on the Rights of the Child, all institutions should act with the best interests of the child as a primary consideration. In order to achieve this, institutions should implement the Child Safe Standards identified by the Royal Commission.

Recommendation 6.5

The Child Safe Standards are:

1. Child safety is embedded in institutional leadership, governance and culture
2. Children participate in decisions affecting them and are taken seriously
3. Families and communities are informed and involved
4. Equity is upheld and diverse needs are taken into account
5. People working with children are suitable and supported
6. Processes to respond to complaints of child sexual abuse are child focused
7. Staff are equipped with the knowledge, skills and awareness to keep children safe through continual education and training
8. Physical and online environments minimise the opportunity for abuse to occur
9. Implementation of the Child Safe Standards is continuously reviewed and improved
10. Policies and procedures document how the institution is child safe.

Recommendation 6.6

Institutions should be guided by the following core components when implementing the Child Safe Standards:

Standard 1: Child safety is embedded in institutional leadership, governance and culture

- a. The institution publicly commits to child safety and leaders champion a child safe culture.
- b. Child safety is a shared responsibility at all levels of the institution.
- c. Risk management strategies focus on preventing, identifying and mitigating risks to children.
- d. Staff and volunteers comply with a code of conduct that sets clear behavioural standards towards children.
- e. Staff and volunteers understand their obligations on information sharing and recordkeeping.



Standard 2: Children participate in decisions affecting them and are taken seriously

- a. Children are able to express their views and are provided opportunities to participate in decisions that affect their lives.
- b. The importance of friendships is recognised and support from peers is encouraged, helping children feel safe and be less isolated.
- c. Children can access sexual abuse prevention programs and information.
- d. Staff and volunteers are attuned to signs of harm and facilitate child-friendly ways for children to communicate and raise their concerns.

Standard 3: Families and communities are informed and involved

- a. Families have the primary responsibility for the upbringing and development of their child and participate in decisions affecting their child.
- b. The institution engages in open, two-way communication with families and communities about its child safety approach and relevant information is accessible.
- c. Families and communities have a say in the institution's policies and practices.
- d. Families and communities are informed about the institution's operations and governance.

Standard 4: Equity is upheld and diverse needs are taken into account

- a. The institution actively anticipates children's diverse circumstances and responds effectively to those with additional vulnerabilities.
- b. All children have access to information, support and complaints processes.
- c. The institution pays particular attention to the needs of Aboriginal and Torres Strait Islander children, children with disability, and children from culturally and linguistically diverse backgrounds.

Standard 5: People working with children are suitable and supported

- a. Recruitment, including advertising and screening, emphasises child safety.
- b. Relevant staff and volunteers have Working With Children Checks.
- c. All staff and volunteers receive an appropriate induction and are aware of their child safety responsibilities, including reporting obligations.
- d. Supervision and people management have a child safety focus.

Standard 6: Processes to respond to complaints of child sexual abuse are child focused

- a. The institution has a child-focused complaint handling system that is understood by children, staff, volunteers and families.
- b. The institution has an effective complaint handling policy and procedure which clearly outline roles and responsibilities, approaches to dealing with different types of complaints and obligations to act and report.
- c. Complaints are taken seriously, responded to promptly and thoroughly, and reporting, privacy and employment law obligations are met.

Standard 7: Staff are equipped with the knowledge, skills and awareness to keep children safe through continual education and training

- a. Relevant staff and volunteers receive training on the nature and indicators of child maltreatment, particularly institutional child sexual abuse.
- b. Staff and volunteers receive training on the institution's child safe practices and child protection.
- c. Relevant staff and volunteers are supported to develop practical skills in protecting children and responding to disclosures.

Standard 8: Physical and online environments minimise the opportunity for abuse to occur


- a. Risks in the online and physical environments are identified and mitigated without compromising a child's right to privacy and healthy development.
- b. The online environment is used in accordance with the institution's code of conduct and relevant policies.

Standard 9: Implementation of the Child Safe Standards is continuously reviewed and improved

- a. The institution regularly reviews and improves child safe practices.
- b. The institution analyses complaints to identify causes and systemic failures to inform continuous improvement.

Standard 10: Policies and procedures document how the institution is child safe

- a. Policies and procedures address all Child Safe Standards.
- b. Policies and procedures are accessible and easy to understand.

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- c. Best practice models and stakeholder consultation inform the development of policies and procedures.
 - d. Leaders champion and model compliance with policies and procedures.
 - e. Staff understand and implement the policies and procedures.

Recommendation 6.7

The national Child Safe Standards developed by the Royal Commission and listed at Recommendation 6.5 should be adopted as part of the new National Statement of Principles for Child Safe Organisations described by the Community Services Ministers' Meeting in November 2016. The National Statement of Principles for Child Safe Organisations should be endorsed by the Council of Australian Governments.

Recommendation 6.8

State and territory governments should require all institutions in their jurisdictions that engage in child-related work to meet the Child Safe Standards identified by the Royal Commission at Recommendation 6.5.

Recommendation 6.9

Legislative requirements to comply with the Child Safe Standards should cover institutions that provide:

- a. accommodation and residential services for children, including overnight excursions or stays
- b. activities or services of any kind, under the auspices of a particular religious denomination or faith, through which adults have contact with children
- c. childcare or childminding services
- d. child protection services, including out-of-home care
- e. activities or services where clubs and associations have a significant membership of, or involvement by, children
- f. coaching or tuition services for children
- g. commercial services for children, including entertainment or party services, gym or play facilities, photography services, and talent or beauty competitions
- h. services for children with disability

- i. education services for children
- j. health services for children
- k. justice and detention services for children, including immigration detention facilities
- l. transport services for children, including school crossing services.

Recommendation 6.10

State and territory governments should ensure that:

- a. an independent oversight body in each state and territory is responsible for monitoring and enforcing the Child Safe Standards. Where appropriate, this should be an existing body.
- b. the independent oversight body is able to delegate responsibility for monitoring and enforcing the Child Safe Standards to another state or territory government body, such as a sector regulator.
- c. regulators take a responsive and risk-based approach when monitoring compliance with the Child Safe Standards and, where possible, utilise existing regulatory frameworks to monitor and enforce the Child Safe Standards.

Recommendation 6.11

Each independent state and territory oversight body should have the following additional functions:

- a. provide advice and information on the Child Safe Standards to institutions and the community
- b. collect, analyse and publish data on the child safe approach in that jurisdiction and provide that data to the proposed National Office for Child Safety
- c. partner with peak bodies, professional standards bodies and/or sector leaders to work with institutions to enhance the safety of children
- d. provide, promote or support education and training on the Child Safe Standards to build the capacity of institutions to be child safe
- e. coordinate ongoing information exchange between oversight bodies relating to institutions' compliance with the Child Safe Standards.



Recommendation 6.12

With support from governments at the national, state and territory levels, local governments should designate child safety officer positions from existing staff profiles to carry out the following functions:

- a. developing child safe messages in local government venues, grounds and facilities
- b. assisting local institutions to access online child safe resources
- c. providing child safety information and support to local institutions on a needs basis
- d. supporting local institutions to work collaboratively with key services to ensure child safe approaches are culturally safe, disability aware and appropriate for children from diverse backgrounds.

Recommendation 6.13

The Australian Government should require all institutions that engage in child-related work for the Australian Government, including Commonwealth agencies, to meet the Child Safe Standards identified by the Royal Commission at Recommendation 6.5.

Recommendation 6.14

The Australian Government should be responsible for the following functions:

- a. evaluate, publicly report on, and drive the continuous improvement of the implementation of the Child Safe Standards and their outcomes
- b. coordinate the direct input of children and young people into the evaluation and continuous improvement of the Child Safe Standards
- c. coordinate national capacity building and support initiatives and opportunities for collaboration between jurisdictions and institutions
- d. develop and promote national strategies to raise awareness and drive cultural change in institutions and the community to support child safety.

Recommendation 6.15

The Australian Government should develop a new National Framework for Child Safety in collaboration with state and territory governments. The Framework should:

- a. commit governments to improving the safety of all children by implementing long-term child safety initiatives, with appropriate resources, and holding them to account
- b. be endorsed by the Council of Australian Governments and overseen by a joint ministerial body

- c. commence after the expiration of the current National Framework for Protecting Australia's Children, no later than 2020
- d. cover broader child safety issues, as well as specific initiatives to better prevent and respond to institutional child sexual abuse including initiatives recommended by the Royal Commission
- e. include links to other related policy frameworks.

Recommendation 6.16

The Australian Government should establish a National Office for Child Safety in the Department of the Prime Minister and Cabinet, to provide a response to the implementation of the Child Safe Standards nationally, and to develop and lead the proposed National Framework for Child Safety. The Australian Government should transition the National Office for Child Safety into an Australian Government statutory body within 18 months of this Royal Commission's Final Report being tabled in the Australian Parliament.

Recommendation 6.17

The National Office for Child Safety should report to Parliament and have the following functions:

- a. develop and lead the coordination of the proposed National Framework for Child Safety, including national coordination of the Child Safe Standards
- b. collaborate with state and territory governments to lead capacity building and continuous improvement of child safe initiatives through resource development, best practice material and evaluation
- c. promote the participation and empowerment of children and young people in the National Framework and child safe initiatives
- d. perform the Australian Government's Child Safe Standards functions as set out at Recommendation 6.15
- e. lead the community prevention initiatives as set out in Recommendation 6.2.

Recommendation 6.18

The Australian Government should create a ministerial portfolio with responsibility for children's policy issues, including the National Framework for Child Safety.



Recommendation 6.19

Ministers for education, through the Council of Australian Governments, should establish a nationally consistent curriculum for online safety education in schools. The Office of the eSafety Commissioner should be consulted on the design of the curriculum and contribute to the development of course content and approaches to delivery. The curriculum should:

- a. be appropriately staged from Foundation year to Year 12 and be linked with related content areas to build behavioural skills as well as technical knowledge to support a positive and safe online culture
- b. involve children and young people in the design, delivery and piloting of new online safety education, and update content annually to reflect evolving technologies, online behaviours and evidence of international best practice approaches
- c. be tailored and delivered in ways that allow all Australian children and young people to reach, access and engage with online safety education, including vulnerable groups that may not access or engage with the school system.

Recommendation 6.20

Building on its current work, the Office of the eSafety Commissioner should oversee the delivery of national online safety education aimed at parents and other community members to better support children's safety online. These communications should aim to:

- a. keep the community up to date on emerging risks and opportunities for safeguarding children online
- b. build community understanding of responsibilities, legalities and the ethics of children's interactions online
- c. encourage proactive responses from the community to make it 'everybody's business' to intervene early, provide support or report issues when concerns for children's safety online are raised
- d. increase public awareness of how to access advice and support when online incidents occur.

Recommendation 6.21

Pre-service education and in-service staff training should be provided to support child-related institutions in creating safe online environments. The Office of the eSafety Commissioner should advise on and contribute to program design and content. These programs should be aimed at:

- a. tertiary students studying university, technical and further education, and vocational education and training courses, before entering child-related occupations; and could be provided as a component of a broader program of child sexual abuse prevention education (see Recommendation 6.2)
- b. staff and volunteers in schools and other child-related organisations, and could build on the existing web-based learning programs of the Office of the eSafety Commissioner.

Recommendation 6.22


In partnership with the proposed National Office of Child Safety (see Recommendations 6.16 and 6.17), the Office of the eSafety Commissioner should oversee the development of an online safety framework and resources to support all schools in creating child safe online environments. This work should build on existing school-based e-safety frameworks and guidelines, drawing on Australian and international models.

The school-based online safety framework and resources should be designed to:

- a. support schools in developing, implementing and reviewing their online codes of conduct, policies and procedures to help create an online culture that is safe for children
- b. guide schools in their response to specific online incidents, in coordination with other agencies. This should include guidance in complaint handling, understanding reporting requirements, supporting victims to minimise further harm, and preserving digital evidence to support criminal justice processes.

Recommendation 6.23

State and territory education departments should consider introducing centralised mechanisms to support government and non-government schools when online incidents occur. This should result in appropriate levels of escalation and effective engagement with all relevant entities, such as the Office of the eSafety Commissioner, technical service providers and law enforcement.



Consideration should be given to:

- a. adopting the promising model of the Queensland Department of Education and Training's Cyber Safety and Reputation Management Unit, which provides advice and a centralised coordination function for schools, working in partnership with relevant entities to remove offensive online content and address other issues
- b. strengthening or re-establishing multi-stakeholder forums and case-management for effective joint responses involving all relevant agencies, such as police, education, health and child protection.

Recommendation 6.24

In consultation with the eSafety Commissioner, police commissioners from states and territories and the Australian Federal Police should continue to ensure national capability for coordinated, best practice responses by law enforcement agencies to online child sexual abuse. This could include through:

- a. establishing regular meetings of the heads of cybersafety units in all Australian police departments to ensure a consistent capacity to respond to emerging incidents and share best practice approaches, tools and resources
- b. convening regular forums and conferences to bring together law enforcement, government, the technology industry, the community sector and other relevant stakeholders to discuss emerging issues, set agendas and identify solutions to online child sexual abuse and exploitation
- c. building capability across police departments, through in-service training for:
 - i. frontline police officers to respond to public complaints relating to issues of online child sexual abuse or harmful sexual behaviours
 - ii. police officers who liaise with young people in school and community settings.

Volume 7, Improving institutional responding and reporting recommendations

Recommendation 7.1

State and territory governments that do not have a mandatory reporter guide should introduce one and require its use by mandatory reporters.

Recommendation 7.2

Institutions and state and territory governments should provide mandatory reporters with access to experts who can provide timely advice on child sexual abuse reporting obligations.

Recommendation 7.3

State and territory governments should amend laws concerning mandatory reporting to child protection authorities to achieve national consistency in reporter groups. At a minimum, state and territory governments should also include the following groups of individuals as mandatory reporters in every jurisdiction:

- a. out-of-home care workers (excluding foster and kinship/relative carers)
- b. youth justice workers
- c. early childhood workers
- d. registered psychologists and school counsellors
- e. people in religious ministry.

Recommendation 7.4

Laws concerning mandatory reporting to child protection authorities should not exempt persons in religious ministry from being required to report knowledge or suspicions formed, in whole or in part, on the basis of information disclosed in or in connection with a religious confession.

Recommendation 7.5

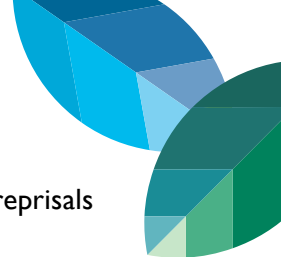
The Australian Government and state and territory governments should ensure that legislation provides comprehensive protection for individuals who make reports in good faith about child sexual abuse in institutional contexts. Such individuals should be protected from civil and criminal liability and from reprisals or other detrimental action as a result of making a complaint or report, including in relation to:

- a. mandatory and voluntary reports to child protection authorities under child protection legislation
- b. notifications concerning child abuse under the Health Practitioner Regulation National Law.

Recommendation 7.6

State and territory governments should amend child protection legislation to provide adequate protection for individuals who make complaints or reports in good faith to any institution engaging in child-related work about:

- a. child sexual abuse within that institution or
- b. the response of that institution to child sexual abuse.



Such individuals should be protected from civil and criminal liability and from reprisals or other detrimental action as a result of making a complaint or report.

Recommendation 7.7

Consistent with Child Safe Standard 6: Processes to respond to complaints of child sexual abuse are child focused, institutions should have a clear, accessible and child-focused complaint handling policy and procedure that sets out how the institution should respond to complaints of child sexual abuse. The complaint handling policy and procedure should cover:

- a. making a complaint
- b. responding to a complaint
- c. investigating a complaint
- d. providing support and assistance
- e. achieving systemic improvements following a complaint.

Recommendation 7.8

Consistent with Child Safe Standard 1: Child safety is embedded in institutional leadership, governance and culture, institutions should have a clear code of conduct that:

- a. outlines behaviours towards children that the institution considers unacceptable, including concerning conduct, misconduct or criminal conduct
- b. includes a specific requirement to report any concerns, breaches or suspected breaches of the code to a person responsible for handling complaints in the institution or to an external authority when required by law and/or the institution's complaint handling policy
- c. outlines the protections available to individuals who make complaints or reports in good faith to any institution engaging in child-related work (see Recommendation 7.6 on reporter protections).

Recommendation 7.9

State and territory governments should establish nationally consistent legislative schemes (reportable conduct schemes), based on the approach adopted in New South Wales, which oblige heads of institutions to notify an oversight body of any reportable allegation, conduct or conviction involving any of the institution's employees.

Recommendation 7.10

Reportable conduct schemes should provide for:

- a. an independent oversight body
- b. obligatory reporting by heads of institutions
- c. a definition of reportable conduct that covers any sexual offence, or sexual misconduct, committed against, with, or in the presence of, a child
- d. a definition of reportable conduct that includes the historical conduct of a current employee
- e. a definition of employee that covers paid employees, volunteers and contractors
- f. protection for persons who make reports in good faith
- g. oversight body powers and functions that include:
 - i. scrutinising institutional systems for preventing reportable conduct and for handling and responding to reportable allegations, or reportable convictions
 - ii. monitoring the progress of investigations and the handling of complaints by institutions
 - iii. conducting, on its own motion, investigations concerning any reportable conduct of which it has been notified or otherwise becomes aware
 - iv. power to exempt any class or kind of conduct from being reportable conduct
 - v. capacity building and practice development, through the provision of training, education and guidance to institutions
 - vi. public reporting, including annual reporting on the operation of the scheme and trends in reports and investigations, and the power to make special reports to parliaments.

Recommendation 7.11

State and territory governments should periodically review the operation of reportable conduct schemes, and in that review determine whether the schemes should cover additional institutions that exercise a high degree of responsibility for children and involve a heightened risk of child sexual abuse.



Recommendation 7.12

Reportable conduct schemes should cover institutions that:

- exercise a high degree of responsibility for children
- engage in activities that involve a heightened risk of child sexual abuse, due to institutional characteristics, the nature of the activities involving children, or the additional vulnerability of the children the institution engages with.

At a minimum, these should include institutions that provide:

- a. accommodation and residential services for children, including:
 - i. housing or homelessness services that provide overnight beds for children and young people
 - ii. providers of overnight camps
- b. activities or services of any kind, under the auspices of a particular religious denomination or faith, through which adults have contact with children
- c. childcare services, including:
 - i. approved education and care services under the Education and Care Services National Law
 - ii. approved occasional care services
- d. child protection services and out-of-home care, including:
 - i. child protection authorities and agencies
 - ii. providers of foster care, kinship or relative care
 - iii. providers of family group homes
 - iv. providers of residential care
- e. disability services and supports for children with disability, including:
 - i. disability service providers under state and territory legislation
 - ii. registered providers of supports under the National Disability Insurance Scheme

- f. education services for children, including:
 - i. government and non-government schools
 - ii. TAFEs and other institutions registered to provide senior secondary education or training, courses for overseas students or student exchange programs
- g. health services for children, including:
 - i. government health departments and agencies, and statutory corporations
 - ii. public and private hospitals
 - iii. providers of mental health and drug or alcohol treatment services that have inpatient beds for children and young people
- h. justice and detention services for children, including:
 - i. youth detention centres
 - ii. immigration detention facilities.

Volume 8, Recordkeeping and information sharing recommendations

Recommendation 8.1

To allow for delayed disclosure of abuse by victims and take account of limitation periods for civil actions for child sexual abuse, institutions that engage in child-related work should retain, for at least 45 years, records relating to child sexual abuse that has occurred or is alleged to have occurred.

Recommendation 8.2

The National Archives of Australia and state and territory public records authorities should ensure that records disposal schedules require that records relating to child sexual abuse that has occurred or is alleged to have occurred be retained for at least 45 years.

Recommendation 8.3

The National Archives of Australia and state and territory public records authorities should provide guidance to government and non-government institutions on identifying records which, it is reasonable to expect, may become relevant to an actual or alleged incident of child sexual abuse; and on the retention and disposal of such records.



Recommendation 8.4

All institutions that engage in child-related work should implement the following principles for records and recordkeeping, to a level that responds to the risk of child sexual abuse occurring within the institution.

Principle 1: Creating and keeping full and accurate records relevant to child safety and wellbeing, including child sexual abuse, is in the best interests of children and should be an integral part of institutional leadership, governance and culture.

Institutions that care for or provide services to children must keep the best interests of the child uppermost in all aspects of their conduct, including recordkeeping. It is in the best interest of children that institutions foster a culture in which the creation and management of accurate records are integral parts of the institution's operations and governance.

Principle 2: Full and accurate records should be created about all incidents, responses and decisions affecting child safety and wellbeing, including child sexual abuse.

Institutions should ensure that records are created to document any identified incidents of grooming, inappropriate behaviour (including breaches of institutional codes of conduct) or child sexual abuse and all responses to such incidents.

Records created by institutions should be clear, objective and thorough. They should be created at, or as close as possible to, the time the incidents occurred, and clearly show the author (whether individual or institutional) and the date created.

Principle 3: Records relevant to child safety and wellbeing, including child sexual abuse, should be maintained appropriately.

Records relevant to child safety and wellbeing, including child sexual abuse, should be maintained in an indexed, logical and secure manner. Associated records should be collocated or cross-referenced to ensure that people using those records are aware of all relevant information.

Principle 4: Records relevant to child safety and wellbeing, including child sexual abuse, should only be disposed of in accordance with law or policy.

Records relevant to child safety and wellbeing, including child sexual abuse, must only be destroyed in accordance with records disposal schedules or published institutional policies.

Records relevant to child sexual abuse should be subject to minimum retention periods that allow for delayed disclosure of abuse by victims, and take account of limitation periods for civil actions for child sexual abuse.

Principle 5: Individuals' existing rights to access, amend or annotate records about themselves should be recognised to the fullest extent.

Individuals whose childhoods are documented in institutional records should have a right to access records made about them. Full access should be given unless contrary to law. Specific, not generic, explanations should be provided in any case where a record, or part of a record, is withheld or redacted.

Individuals should be made aware of, and assisted to assert, their existing rights to request that records containing their personal information be amended or annotated, and to seek review or appeal of decisions refusing access, amendment or annotation.

Recommendation 8.5

State and territory governments should ensure that non-government schools operating in the state or territory are required to comply, at a minimum, with standards applicable to government schools in relation to the creation, maintenance and disposal of records relevant to child safety and wellbeing, including child sexual abuse.


Recommendation 8.6

The Australian Government and state and territory governments should make nationally consistent legislative and administrative arrangements, in each jurisdiction, for a specified range of bodies (prescribed bodies) to share information related to the safety and wellbeing of children, including information relevant to child sexual abuse in institutional contexts (relevant information). These arrangements should be made to establish an information exchange scheme to operate in and across Australian jurisdictions.

Recommendation 8.7

In establishing the information exchange scheme, the Australian Government and state and territory governments should develop a minimum of nationally consistent provisions to:

- a. enable direct exchange of relevant information between a range of prescribed bodies, including service providers, government and non-government agencies, law enforcement agencies, and regulatory and oversight bodies, which have responsibilities related to children's safety and wellbeing
- b. permit prescribed bodies to provide relevant information to other prescribed bodies without a request, for purposes related to preventing, identifying and responding to child sexual abuse in institutional contexts
- c. require prescribed bodies to share relevant information on request from other prescribed bodies, for purposes related to preventing, identifying and responding to child sexual abuse in institutional contexts, subject to limited exceptions

- 
- d. explicitly prioritise children's safety and wellbeing and override laws that might otherwise prohibit or restrict disclosure of information to prevent, identify and respond to child sexual abuse in institutional contexts
 - e. provide safeguards and other measures for oversight and accountability to prevent unauthorised sharing and improper use of information obtained under the information exchange scheme
 - f. require prescribed bodies to provide adversely affected persons with an opportunity to respond to untested or unsubstantiated allegations, where such information is received under the information exchange scheme, prior to taking adverse action against such persons, except where to do so could place another person at risk of harm.

Recommendation 8.8

The Australian Government, state and territory governments and prescribed bodies should work together to ensure that the implementation of our recommended information exchange scheme is supported with education, training and guidelines. Education, training and guidelines should promote understanding of, and confidence in, appropriate information sharing to better prevent, identify and respond to child sexual abuse in institutional contexts, including by addressing:

- a. impediments to information sharing due to limited understanding of applicable laws
- b. unauthorised sharing and improper use of information.

Recommendation 8.9

The Council of Australian Governments (COAG) Education Council should consider the need for nationally consistent state and territory legislative requirements about the types of information recorded on teacher registers. Types of information that the council should consider, with respect to a person's registration and employment as a teacher, include:

- a. the person's former names and aliases
- b. the details of former and current employers
- c. where relating to allegations or incidents of child sexual abuse:
 - i. current and past disciplinary actions, such as conditions on, suspension of, and cancellation of registration
 - ii. grounds for current and past disciplinary actions
 - iii. pending investigations
 - iv. findings or outcomes of investigations where allegations have been substantiated
 - v. resignation or dismissal from employment.

Recommendation 8.10

The COAG Education Council should consider the need for nationally consistent provisions in state and territory teacher registration laws providing that teacher registration authorities may, and/or must on request, make information on teacher registers available to:

- a. teacher registration authorities in other states and territories
- b. teachers' employers.

Recommendation 8.11

The COAG Education Council should consider the need for nationally consistent provisions

- a. in state and territory teacher registration laws or
- b. in administrative arrangements, based on legislative authorisation for information sharing under our recommended information exchange scheme

providing that teacher registration authorities may or must notify teacher registration authorities in other states and territories and teachers' employers of information they hold or receive about the following matters where they relate to allegations or incidents of child sexual abuse:

- a. disciplinary actions, such as conditions or restrictions on, suspension of, and cancellation of registration, including with notification of grounds
- b. investigations into conduct, or into allegations or complaints
- c. findings or outcomes of investigations
- d. resignation or dismissal from employment.

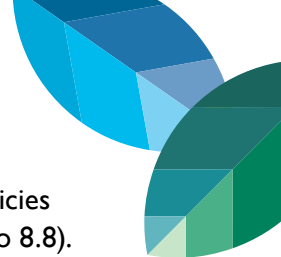
Recommendation 8.12

In considering improvements to teacher registers and information sharing by registration authorities, the COAG Education Council should also consider what safeguards are necessary to protect teachers' personal information.

Recommendation 8.13

State and territory governments should ensure that policies provide for the exchange of a student's information when they move to another school, where:

- a. the student may pose risks to other children due to their harmful sexual behaviours or may have educational or support needs due to their experiences of child sexual abuse and
- b. the new school needs this information to address the safety and wellbeing of the student or of other students at the school.



State and territory governments should give consideration to basing these policies on our recommended information exchange scheme (Recommendations 8.6 to 8.8).

Recommendation 8.14

State and territory governments should ensure that policies for the exchange of a student's information when they move to another school:

- a. provide that the principal (or other authorised information sharer) at the student's previous school is required to share information with the new school in the circumstances described in Recommendation 8.13 and
- b. apply to schools in government and non-government systems.

Recommendation 8.15

State and territory governments should ensure that policies about the exchange of a student's information (as in Recommendations 8.13 and 8.14) provide the following safeguards, in addition to any safeguards attached to our recommended information exchange scheme:

- a. information provided to the new school should be proportionate to its need for that information to assist it in meeting the student's safety and wellbeing needs, and those of other students at the school
- b. information should be exchanged between principals, or other authorised information sharers, and disseminated to other staff members on a need-to-know basis.

Recommendation 8.16

The COAG Education Council should review the Interstate Student Data Transfer Note and Protocol in the context of the implementation of our recommended information exchange scheme (Recommendations 8.6 to 8.8).

Recommendation 8.17

State and territory governments should introduce legislation to establish carers registers in their respective jurisdictions, with national consistency in relation to:

- a. the inclusion of the following carer types on the carers register:
 - i. foster carers
 - ii. relative/kinship carers
 - iii. residential care staff

- b. the types of information which, at a minimum, should be recorded on the register
- c. the types of information which, at a minimum, must be made available to agencies or bodies with responsibility for assessing, authorising or supervising carers, or other responsibilities related to carer suitability and safety of children in out-of-home care.

Recommendation 8.18

Carers registers should be maintained by state and territory child protection agencies or bodies with regulatory or oversight responsibility for out-of-home care in that jurisdiction.

Recommendation 8.19

State and territory governments should consider the need for carers registers to include, at a minimum, the following information (register information) about, or related to, applicant or authorised carers, and persons residing on the same property as applicant/authorised home-based carers (household members):

- a. lodgement or grant of applications for authorisation
- b. status of the minimum checks set out in Recommendation 12.6 as requirements for authorisation, indicating their outcomes as either satisfactory or unsatisfactory
- c. withdrawal or refusal of applications for authorisation in circumstances of concern (including in relation to child sexual abuse)
- d. cancellation or surrender of authorisation in circumstances of concern (including in relation to child sexual abuse)
- e. previous or current association with an out-of-home care agency, whether by application for authorisation, assessment, grant of authorisation, or supervision
- f. the date of reportable conduct allegations, and their status as either current, finalised with ongoing risk-related concerns, and/or requiring contact with the reportable conduct oversight body.

Recommendation 8.20

State and territory governments should consider the need for legislative and administrative arrangements to require responsible agencies to:

- a. record register information in minimal detail
- b. record register information as a mandatory part of carer authorisation
- c. update register information about authorised carers.



Recommendation 8.21

State and territory governments should consider the need for legislative and administrative arrangements to require responsible agencies:

- a. before they authorise or recommend authorisation of carers, to:
 - i. undertake a check for relevant register information, and
 - ii. seek further relevant information from another out-of-home care agency where register information indicates applicant carers, or their household members (in the case of prospective home-based carers) have a prior or current association with that other agency
- b. in the course of their assessment, authorisation, or supervision of carers, to:
 - i. seek further relevant information from other agencies or bodies, where register information indicates they hold, or may hold, additional information relevant to carer suitability, including reportable conduct information.

State and territory governments should give consideration to enabling agencies to seek further information for these purposes under our recommended information exchange scheme (Recommendations 8.6 to 8.8).

Recommendation 8.22

State and territory governments should consider the need for effective mechanisms to enable agencies and bodies to obtain relevant information from registers in any state or territory holding such information. Consideration should be given to legislative and administrative arrangements, and digital platforms, which will enable:

- a. agencies responsible for assessing, authorising or supervising carers
- b. other agencies, including jurisdictional child protection agencies and regulatory and oversight bodies, with responsibilities related to the suitability of persons to be carers and the safety of children in out-of-home care

to obtain relevant information from their own and other jurisdictions' registers for the purpose of exercising their responsibilities and functions.

Recommendation 8.23

In considering the legislative and administrative arrangements required for carers registers in their jurisdiction, state and territory governments should consider the need for guidelines and training to promote the proper use of carers registers for the protection of children in out-of-home care. Consideration should also be given to the need for specific safeguards to prevent inappropriate use of register information.

Volume 9, Advocacy, support and therapeutic treatment services recommendations

Recommendation 9.1

The Australian Government and state and territory governments should fund dedicated community support services for victims and survivors in each jurisdiction, to provide an integrated model of advocacy and support and counselling to children and adults who experienced childhood sexual abuse in institutional contexts.

Funding and related agreements should require and enable these services to:

- a. be trauma-informed and have an understanding of institutional child sexual abuse
- b. be collaborative, available, accessible, acceptable and high quality
- c. use case management and brokerage to coordinate and meet service needs
- d. support and supervise peer-led support models.

Recommendation 9.2

The Australian Government and state and territory governments should fund Aboriginal and Torres Strait Islander healing approaches as an ongoing, integral part of advocacy and support and therapeutic treatment service system responses for victims and survivors of child sexual abuse. These approaches should be evaluated in accordance with culturally appropriate methodologies, to contribute to evidence of best practice.

Recommendation 9.3

The Australian Government and state and territory governments should fund support services for people with disability who have experienced sexual abuse in childhood as an ongoing, integral part of advocacy and support and therapeutic treatment service system responses for victims and survivors of child sexual abuse.

Recommendation 9.4

The Australian Government should establish and fund a legal advice and referral service for victims and survivors of institutional child sexual abuse. The service should provide advice about accessing, amending and annotating records from institutions, and options for initiating police, civil litigation or redress processes as required. Support should include advice, referrals to other legal services for representation and general assistance for people to navigate the legal service system.



Funding and related agreements should require and enable these services to be:

- a. trauma-informed and have an understanding of institutional child sexual abuse
- b. collaborative, available, accessible, acceptable and high quality.

Recommendation 9.5

The Australian Government should fund a national website and helpline as a gateway to accessible advice and information on childhood sexual abuse. This should provide information for victims and survivors, particularly victims and survivors of institutional child sexual abuse, the general public and practitioners about supporting children and adults who have experienced sexual abuse in childhood and available services. The gateway may be operated by an existing service with appropriate experience and should:

- a. be trauma-informed and have an understanding of institutional child sexual abuse
- b. be collaborative, available, accessible, acceptable and high quality
- c. provide telephone and online information and initial support for victims and survivors, including independent legal information and information about reporting to police
- d. provide assisted referrals to advocacy and support and therapeutic treatment services.

Recommendation 9.6

The Australian Government and state and territory governments should address existing specialist sexual assault service gaps by increasing funding for adult and child sexual assault services in each jurisdiction, to provide advocacy and support and specialist therapeutic treatment for victims and survivors, particularly victims and survivors of institutional child sexual abuse. Funding agreements should require and enable services to:

- a. be trauma-informed and have an understanding of institutional child sexual abuse
- b. be collaborative, available, accessible, acceptable and high quality
- c. use collaborative community development approaches
- d. provide staff with supervision and professional development.

Recommendation 9.7

Primary Health Networks, within their role to commission joined up local primary care services, should support sexual assault services to work collaboratively with key services such as disability-specific services, Aboriginal and Torres Strait Islander services, culturally and linguistically diverse services, youth justice, aged care and child and youth services to better meet the needs of victims and survivors.

Recommendation 9.8

The Australian Government and state and territory government agencies responsible for the delivery of human services should ensure relevant policy frameworks and strategies recognise the needs of victims and survivors and the benefits of implementing trauma-informed approaches.

Recommendation 9.9

The Australian Government, in conjunction with state and territory governments, should establish and fund a national centre to raise awareness and understanding of the impacts of child sexual abuse, support help-seeking and guide best practice advocacy and support and therapeutic treatment. The national centre's functions should be to:

- a. raise community awareness and promote destigmatising messages about the impacts of child sexual abuse
- b. increase practitioners' knowledge and competence in responding to child and adult victims and survivors by translating knowledge about the impacts of child sexual abuse and the evidence on effective responses into practice and policy. This should include activities to:
 - i. identify, translate and promote research in easily available and accessible formats for advocacy and support and therapeutic treatment practitioners
 - ii. produce national training materials and best practice clinical resources
 - iii. partner with training organisations to conduct training and workforce development programs
 - iv. influence national tertiary curricula to incorporate child sexual abuse and trauma-informed care
 - v. inform government policy making
- c. lead the development of better service models and interventions through coordinating a national research agenda and conducting high-quality program evaluation.

The national centre should partner with survivors in all its work, valuing their knowledge and experience.

Volume 10, *Children with harmful sexual behaviours* recommendations

Recommendation 10.1

The Australian Government and state and territory governments should ensure the issue of children's harmful sexual behaviours is included in the national strategy to prevent child sexual abuse that we have recommended (see Recommendations 6.1 to 6.3).

Harmful sexual behaviours by children should be addressed through each of the following:

- a. primary prevention strategies to educate family, community members, carers and professionals (including mandatory reporters) about preventing harmful sexual behaviours
- b. secondary prevention strategies to ensure early intervention when harmful sexual behaviours are developing
- c. tertiary intervention strategies to address harmful sexual behaviours.

Recommendation 10.2

The Australian Government and state and territory governments should ensure timely expert assessment is available for individual children with problematic and harmful sexual behaviours, so they receive appropriate responses, including therapeutic interventions, which match their particular circumstances.

Recommendation 10.3

The Australian Government and state and territory governments should adequately fund therapeutic interventions to meet the needs of all children with harmful sexual behaviours. These should be delivered through a network of specialist and generalist therapeutic services. Specialist services should also be adequately resourced to provide expert support to generalist services.

Recommendation 10.4

State and territory governments should ensure that there are clear referral pathways for children with harmful sexual behaviours to access expert assessment and therapeutic intervention, regardless of whether the child is engaging voluntarily, on the advice of an institution or through their involvement with the child protection or criminal justice systems.

Recommendation 10.5

Therapeutic intervention for children with harmful sexual behaviours should be based on the following principles:

- a. a contextual and systemic approach should be used
- b. family and carers should be involved
- c. safety should be established
- d. there should be accountability and responsibility for the harmful sexual behaviours
- e. there should be a focus on behaviour change
- f. developmentally and cognitively appropriate interventions should be used
- g. the care provided should be trauma-informed
- h. therapeutic services and interventions should be culturally safe
- i. therapeutic interventions should be accessible to all children with harmful sexual behaviours.

Recommendation 10.6

The Australian Government and state and territory governments should ensure that all services funded to provide therapeutic intervention for children with harmful sexual behaviours provide professional training and clinical supervision for their staff.

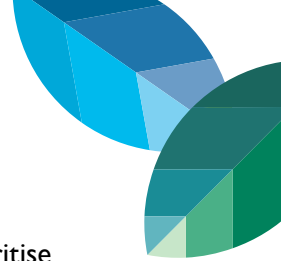
Recommendation 10.7

The Australian Government and state and territory governments should fund and support evaluation of services providing therapeutic interventions for problematic and harmful sexual behaviours by children.

Volume 12, Contemporary out-of-home care recommendations

Recommendation 12.1

The Australian Government and state and territory governments should develop nationally agreed key terms and definitions in relation to child sexual abuse for the purpose of data collection and reporting by the Australian Institute of Health and Welfare (AIHW) and the Productivity Commission.



Recommendation 12.2

The Australian Government and state and territory governments should prioritise enhancements to the Child Protection National Minimum Data Set to include:

- a. data identifying children with disability, children from culturally and linguistically diverse backgrounds and Aboriginal and Torres Strait Islander children
- b. the number of children who were the subject of a substantiated report of sexual abuse while in out-of-home care
- c. the demographics of those children
- d. the type of out-of-home care placement in which the abuse occurred
- e. information about when the abuse occurred
- f. information about who perpetrated the abuse, including their age and their relationship to the victim, if known.

Recommendation 12.3

State and territory governments should agree on reporting definitions and data requirements to enable reporting in the *Report on government services* on outcome indicators for 'improved health and wellbeing of the child', 'safe return home' and 'permanent care'.

Recommendation 12.4

Each state and territory government should revise existing mandatory accreditation schemes to:

- a. incorporate compliance with the Child Safe Standards identified by the Royal Commission
- b. extend accreditation requirements to both government and non-government out-of-home care service providers.

Recommendation 12.5

In each state and territory, an existing statutory body or office that is independent of the relevant child protection agency and out-of-home care service providers, for example a children's guardian, should have responsibility for:

- a. receiving, assessing and processing applications for accreditation of out-of-home care service providers
- b. conducting audits of accredited out-of-home care service providers to ensure ongoing compliance with accreditation standards and conditions.

Recommendation 12.6

In addition to a National Police Check, Working With Children Check and referee checks, authorisation of all foster and kinship/relative carers and all residential care staff should include:

- a. community services checks of the prospective carer and any adult household members of home-based carers
- b. documented risk management plans to address any risks identified through community services checks
- c. at least annual review of risk management plans as part of carer reviews and more frequently as required.

Recommendation 12.7

All out-of-home care service providers should conduct annual reviews of authorised carers that include interviews with all children in the placement with the carer under review, in the absence of the carer.

Recommendation 12.8

Each state and territory government should adopt a model of assessment appropriately tailored for kinship/relative care. This type of assessment should be designed to:

- a. better identify the strengths as well as the support and training needs of kinship/relative carers
- b. ensure holistic approaches to supporting placements that are culturally safe
- c. include appropriately resourced support plans.

Recommendation 12.9

All state and territory governments should collaborate in the development of a sexual abuse prevention education strategy, including online safety, for children in out-of-home care that includes:

- a. input from children in out-of-home care and care-leavers
- b. comprehensive, age-appropriate and culture-appropriate education about sexuality and healthy relationships that is tailored to the needs of children in out-of-home care
- c. resources tailored for children in care, for foster and kinship/relative carers, for residential care staff and for caseworkers
- d. resources that can be adapted to the individual needs of children with disability and their carers.



Recommendation 12.10

State and territory governments, in collaboration with out-of-home care service providers and peak bodies, should develop resources to assist service providers to:

- a. provide appropriate support and mechanisms for children in out-of-home care to communicate, either verbally or through behaviour, their views, concerns and complaints
- b. provide appropriate training and support to carers and caseworkers to ensure they hear and respond to children in out-of-home care, including ensuring children are involved in decisions about their lives
- c. regularly consult with the children in their care as part of continuous improvement processes.

Recommendation 12.11

State and territory governments and out-of-home care service providers should ensure that training for foster and relative/kinship carers, residential care staff and child protection workers includes an understanding of trauma and abuse, the impact on children and the principles of trauma-informed care to assist them to meet the needs of children in out-of-home care, including children with harmful sexual behaviours.

Recommendation 12.12

When placing a child in out-of-home care, state and territory governments and out-of-home care service providers should take the following measures to support children with harmful sexual behaviours:

- a. undertake professional assessments of the child with harmful sexual behaviours, including identifying their needs and appropriate supports and interventions to ensure their safety
- b. establish case management and a package of support services
- c. undertake careful placement matching that includes:
 - i. providing sufficient relevant information to the potential carer/s and residential care staff to ensure they are equipped to support the child, and additional training as necessary
 - ii. rigorously assessing potential threats to the safety of other children, including the child's siblings, in the placement.

Recommendation 12.13

State and territory governments and out-of-home care service providers should provide advice, guidelines and ongoing professional development for all foster and kinship/relative carers and residential care staff about preventing and responding to the harmful sexual behaviours of some children in out-of-home care.

Recommendation 12.14

All state and territory governments should develop and implement coordinated and multi-disciplinary strategies to protect children in residential care by:

- a. identifying and disrupting activities that indicate risk of sexual exploitation
- b. supporting agencies to engage with children in ways that encourage them to assist in the investigation and prosecution of sexual exploitation offences.

Recommendation 12.15

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 in out-of-home care as a form of child sexual abuse.

Recommendation 12.16

All institutions that provide out-of-home care should develop strategies that increase the likelihood of safe and stable placements for children in care. Such strategies should include:

- a. improved processes for 'matching' children with carers and other children in a placement, including in residential care
- b. the provision of necessary information to carers about a child, prior to and during their placement, to enable carers to properly support the child
- c. support and training for carers to deal with the different developmental needs of children as well as managing difficult situations and challenging behaviour.

Recommendation 12.17

Each state and territory government should ensure that:

- a. the financial support and training provided to kinship/relative carers is equivalent to that provided to foster carers
- b. the need for any additional supports are identified during kinship/relative carer assessments and are funded
- c. additional casework support is provided to maintain birth family relationships.



Recommendation 12.18

The key focus of residential care for children should be based on an intensive therapeutic model of care framework designed to meet the complex needs of children with histories of abuse and trauma.

Recommendation 12.19

All residential care staff should be provided with regular training and professional supervision by appropriately qualified clinicians.

Recommendation 12.20

Each state and territory government, in consultation with appropriate Aboriginal and Torres Strait Islander organisations and community representatives, should develop and implement plans to:

- a. fully implement the Aboriginal and Torres Strait Islander Child Placement Principle
- b. improve community and child protection sector understanding of the intent and scope of the principle
- c. develop outcome measures that allow quantification and reporting on the extent of the full application of the principle, and evaluation of its impact on child safety and the reunification of Aboriginal and Torres Strait Islander children with their families
- d. invest in community capacity building as a recognised part of kinship care, in addition to supporting individual carers, in recognition of the role of Aboriginal and Torres Strait Islander communities in bringing up children.

Recommendation 12.21

Each state and territory government should ensure:

- a. the adequate assessment of all children with disability entering out-of-home care
- b. the availability and provision of therapeutic support
- c. support for disability-related needs
- d. the development and implementation of care plans that identify specific risk-management and safety strategies for individual children, including the identification of trusted and safe adults in the child's life.

Recommendation 12.22

State and territory governments should ensure that the supports provided to assist all care-leavers to safely and successfully transition to independent living include:

- a. strategies to assist care-leavers who disclose that they were sexually abused while in out-of-home care to access general post-care supports
- b. the development of targeted supports to address the specific needs of sexual abuse survivors, such as help in accessing therapeutic treatment to deal with impacts of abuse, and for these supports to be accessible until at least the age of 25.

Volume 13, Schools recommendations

Recommendation 13.1

All schools should implement the Child Safe Standards identified by the Royal Commission.

Recommendation 13.2

State and territory independent oversight authorities responsible for implementing the Child Safe Standards (see Recommendation 6.10) should delegate to school registration authorities the responsibility for monitoring and enforcing the Child Safe Standards in government and non-government schools.

Recommendation 13.3

School registration authorities should place particular emphasis on monitoring government and non-government boarding schools to ensure they meet the Child Safe Standards. Policy guidance and practical support should be provided to all boarding schools to meet these standards, including advice on complaint handling.

Recommendation 13.4

The Australian Government and state and territory governments should ensure that needs-based funding arrangements for Aboriginal and Torres Strait Islander boarding students are sufficient for schools and hostels to create child safe environments.

Recommendation 13.5

Boarding hostels for children and young people should implement the Child Safe Standards identified by the Royal Commission. State and territory independent oversight authorities should monitor and enforce the Child Safe Standards in these institutions.



Recommendation 13.6

Consistent with the Child Safe Standards, complaint handling policies for schools (see Recommendation 7.7) should include effective policies and procedures for managing complaints about children with harmful sexual behaviours.

Recommendation 13.7

State and territory governments should provide nationally consistent and easily accessible guidance to teachers and principals on preventing and responding to child sexual abuse in all government and non-government schools.

Recommendation 13.8

The Council of Australian Governments (COAG) should consider strengthening teacher registration requirements to better protect children from sexual abuse in schools. In particular, COAG should review minimum national requirements for assessing the suitability of teachers, and conducting disciplinary investigations.

Volume 14, Sport, recreation, arts, culture, community and hobby groups recommendations

Recommendation 14.1

All sport and recreation institutions, including arts, culture, community and hobby groups, that engage with or provide services to children should implement the Child Safe Standards identified by the Royal Commission.

Recommendation 14.2

The National Office for Child Safety should establish a child safety advisory committee for the sport and recreation sector with membership from government and non-government peak bodies to advise the national office on sector-specific child safety issues.

Recommendation 14.3

The education and information website known as Play by the Rules should be expanded and funded to develop resources – in partnership with the National Office for Child Safety – that are relevant to the broader sport and recreation sector.

Recommendation 14.4

The independent state and territory oversight bodies that implement the Child Safe Standards should establish a free email subscription function for the sport and recreation sector so that all providers of these services to children can subscribe to receive relevant child safe information and links to resources.

Volume 15, Contemporary detention environments recommendations

Recommendation 15.1

All institutions engaged in child-related work, including detention institutions and those involving detention and detention-like practices, should implement the Child Safe Standards identified by the Royal Commission.

Recommendation 15.2

Given the Australian Government's commitment to ratify the Optional Protocol to the Convention against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment, the National Preventive Mechanism(s) should be provided with the expertise to consider and make recommendations relating to preventing and responding to child sexual abuse as part of regularly examining the treatment of persons deprived of their liberty in places of detention.


Recommendation 15.3

Youth justice agencies in each state and territory should review the building and design features of youth detention to identify and address elements that may place children at risk. This should include consideration of how to most effectively use technology, such as closed-circuit television (CCTV) cameras and body-worn cameras, to capture interactions between children and between staff and children without unduly infringing children's privacy.

Recommendation 15.4

As part of efforts to mitigate risks of child sexual abuse in the physical environment of youth detention, state and territory governments should review legislation, policy and procedures to ensure:

- a. appropriate and safe placements of children in youth detention, including a risk assessment process before placement decisions that identifies if a child may be vulnerable to child sexual abuse or if a child is displaying harmful sexual behaviours
- b. children are not placed in adult prisons
- c. frameworks take into account the importance of children having access to trusted adults, including family, friends and community, in the prevention and disclosure of child sexual abuse and provide for maximum contact between children and trusted adults through visitation, and use of the telephone and audio-visual technology

- 
- d. best practice processes are in place for strip searches and other authorised physical contact between staff and children, including sufficient safeguards to protect children such as:
 - i. adequate communication between staff and the child before, during and after a search is conducted or other physical contact occurs
 - ii. clear protocols detailing when such practices are permitted and how they should be performed. The key elements of these protocols should be provided to children in an accessible format
 - iii. staff training that highlights the potential for strip searching to re-traumatise children who have been sexually abused and how the misuse of search powers can lead to sexual humiliation or abuse.

State and territory governments should consider implementing strategies for detecting contraband, such as risk assessments or body scanners, to minimise the need for strip searching children.

Recommendation 15.5

State and territory governments should consider further strategies that provide for the cultural safety of Aboriginal and Torres Strait Islander children in youth detention including:

- a. recruiting and developing Aboriginal and Torres Strait Islander staff to work at all levels of the youth justice system, including in key roles in complaint handling systems
- b. providing access to interpreters, particularly with respect to induction and education programs, and accessing internal and external complaint handling systems
- c. ensuring that all youth detention facilities have culturally appropriate policies and procedures that facilitate connection with family, community and culture, and reflect an understanding of, and respect for, cultural practices in different clan groups
- d. employing, training and professionally developing culturally competent staff who understand the particular needs and experiences of Aboriginal and Torres Strait Islander children, including the specific barriers that Aboriginal and Torres Strait Islander children face in disclosing sexual abuse.

Recommendation 15.6

All staff should receive appropriate training on the needs and experiences of children with disability, mental health problems, and alcohol or other drug problems, and children from culturally and linguistically diverse backgrounds that highlights the barriers these children may face in disclosing sexual abuse.

Recommendation 15.7

State and territory governments should improve access to therapeutic treatment for survivors of child sexual abuse who are in youth detention, including by assessing their advocacy, support and therapeutic treatment needs and referring them to appropriate services, and ensure they are linked to ongoing treatment when they leave detention.

Recommendation 15.8

State and territory governments should ensure that all staff in youth detention are provided with training and ongoing professional development in trauma-informed care to assist them to meet the needs of children in youth detention, including children at risk of sexual abuse and children with harmful sexual behaviours.

Recommendation 15.9

State and territory governments should review the current internal and external complaint handling systems concerning youth detention to ensure they are capable of effectively dealing with complaints of child sexual abuse, including so that:

- a. children can easily access child-appropriate information about internal complaint processes and external oversight bodies that may receive or refer children's complaints, such as visitor's schemes, ombudsmen, inspectors of custodial services, and children's commissioners or guardians
- b. children have confidential and unrestricted access to external oversight bodies
- c. staff involved in managing complaints both internally and externally include Aboriginal and Torres Strait Islander peoples and professionals qualified to provide trauma-informed care
- d. complaint handling systems are accessible for children with literacy difficulties or who speak English as a second language
- e. children are regularly consulted about the effectiveness of complaint handling systems and systems are continually improved.

Recommendation 15.10

State and territory governments should ensure they have an independent oversight body with the appropriate visitation, complaint handling and reporting powers, to provide oversight of youth detention. This could include an appropriately funded and independent Inspector of Custodial Services or similar body. New and existing bodies should have expertise in child-trauma, and the prevention and identification of child sexual abuse.



Recommendation 15.11

The Department of Immigration and Border Protection should publicly report within 12 months on how it has implemented the Child Protection Panel's recommendations.

Recommendation 15.12

- a. The Australian Government should establish a mechanism to regularly audit the implementation of the Child Safe Standards in immigration detention by staff, contractors and agents of the Department of Immigration and Border Protection. The outcomes of each audit should be publicly reported.
- b. The Department of Immigration and Border Protection should contractually require its service providers to comply with the Child Safe Standards identified by the Royal Commission, as applied to immigration detention.

Recommendation 15.13

The Department of Immigration and Border Protection should identify the scope and nature of the need for support services for victims in immigration detention. The Department of Immigration and Border Protection should ensure that appropriate therapeutic and other specialist and support services are funded to meet the identified needs of victims in immigration detention and ensure they are linked to ongoing treatment when they leave detention.

Recommendation 15.14

The Department of Immigration and Border Protection should designate appropriately qualified child safety officers for each place in which children are detained. These officers should assist and build the capacity of staff and service providers at the local level to implement the Child Safe Standards.

Recommendation 15.15

The Department of Immigration and Border Protection should implement an independent visitors program in immigration detention.

Volume 16, Religious institutions recommendations

Recommendation 16.1

The Anglican Church of Australia should adopt a uniform episcopal standards framework that ensures that bishops and former bishops are accountable to an appropriate authority or body in relation to their response to complaints of child sexual abuse.

Recommendation 16.2

The Anglican Church of Australia should adopt a policy relating to the management of actual or perceived conflicts of interest that may arise in relation to allegations of child sexual abuse, which expressly covers:

- a. members of professional standards bodies
- b. members of diocesan councils (otherwise known as bishop-in-council or standing committee of synod)
- c. members of the Standing Committee of the General Synod
- d. chancellors and legal advisers for dioceses.

Recommendation 16.3

The Anglican Church of Australia should amend Being together and any other statement of expectations or code of conduct for lay members of the Anglican Church to expressly refer to the importance of child safety.

Recommendation 16.4

The Anglican Church of Australia should develop a national approach to the selection, screening and training of candidates for ordination in the Anglican Church.

Recommendation 16.5

The Anglican Church of Australia should develop and each diocese should implement mandatory national standards to ensure that all people in religious or pastoral ministry (bishops, clergy, religious and lay personnel):

- a. undertake mandatory, regular professional development, compulsory components being professional responsibility and boundaries, ethics in ministry and child safety
- b. undertake mandatory professional/pastoral supervision
- c. undergo regular performance appraisals.

Recommendation 16.6

The bishop of each Catholic Church diocese in Australia should ensure that parish priests are not the employers of principals and teachers in Catholic schools.

Recommendation 16.7

The Australian Catholic Bishops Conference should conduct a national review of the governance and management structures of dioceses and parishes, including in relation to



issues of transparency, accountability, consultation and the participation of lay men and women. This review should draw from the approaches to governance of Catholic health, community services and education agencies.

Recommendation 16.8

In the interests of child safety and improved institutional responses to child sexual abuse, the Australian Catholic Bishops Conference should request the Holy See to:

- a. publish criteria for the selection of bishops, including relating to the promotion of child safety
- b. establish a transparent process for appointing bishops which includes the direct participation of lay people.

Recommendation 16.9

The Australian Catholic Bishops Conference should request the Holy See to amend the 1983 Code of Canon Law to create a new canon or series of canons specifically relating to child sexual abuse, as follows:

- a. All delicts relating to child sexual abuse should be articulated as canonical crimes against the child, not as moral failings or as breaches of the 'special obligation' of clerics and religious to observe celibacy.
- b. All delicts relating to child sexual abuse should apply to any person holding a 'dignity, office or responsibility in the Church' regardless of whether they are ordained or not ordained.
- c. In relation to the acquisition, possession, or distribution of pornographic images, the delict (currently contained in Article 6 §2 1° of the revised 2010 norms attached to the motu proprio *Sacramentorum sanctitatis tutela*) should be amended to refer to minors under the age of 18, not minors under the age of 14.

Recommendation 16.10

The Australian Catholic Bishops Conference should request the Holy See to amend canon law so that the pontifical secret does not apply to any aspect of allegations or canonical disciplinary processes relating to child sexual abuse.

Recommendation 16.11

The Australian Catholic Bishops Conference should request the Holy See to amend canon law to ensure that the 'pastoral approach' is not an essential precondition to the commencement of canonical action relating to child sexual abuse.

Recommendation 16.12

The Australian Catholic Bishops Conference should request the Holy See to amend canon law to remove the time limit (prescription) for commencement of canonical actions relating to child sexual abuse. This amendment should apply retrospectively.

Recommendation 16.13

The Australian Catholic Bishops Conference should request the Holy See to amend the 'imputability' test in canon law so that a diagnosis of paedophilia is not relevant to the prosecution of or penalty for a canonical offence relating to child sexual abuse.

Recommendation 16.14

The Australian Catholic Bishops Conference should request the Holy See to amend canon law to give effect to Recommendations 16.55 and 16.56.

Recommendation 16.15

The Australian Catholic Bishops Conference and Catholic Religious Australia, in consultation with the Holy See, should consider establishing an Australian tribunal for trying canonical disciplinary cases against clergy, whose decisions could be appealed to the Apostolic Signatura in the usual way.

Recommendation 16.16

The Australian Catholic Bishops Conference should request the Holy See to introduce measures to ensure that Vatican Congregations and canonical appeal courts always publish decisions in disciplinary matters relating to child sexual abuse, and provide written reasons for their decisions. Publication should occur in a timely manner. In some cases it may be appropriate to suppress information that might lead to the identification of a victim.

Recommendation 16.17

The Australian Catholic Bishops Conference should request the Holy See to amend canon law to remove the requirement to destroy documents relating to canonical criminal cases in matters of morals, where the accused cleric has died or ten years have elapsed from the condemnatory sentence. In order to allow for delayed disclosure of abuse by victims and to take account of the limitation periods for civil actions for child sexual abuse, the minimum requirement for retention of records in the secret archives should be at least 45 years.

Recommendation 16.18

The Australian Catholic Bishops Conference should request the Holy See to consider introducing voluntary celibacy for diocesan clergy.



Recommendation 16.19

All Catholic religious institutes in Australia, in consultation with their international leadership and the Holy See as required, should implement measures to address the risks of harm to children and the potential psychological and sexual dysfunction associated with a celibate rule of religious life. This should include consideration of whether and how existing models of religious life could be modified to facilitate alternative forms of association, shorter terms of celibate commitment, and/or voluntary celibacy (where that is consistent with the form of association that has been chosen).

Recommendation 16.20

In order to promote healthy lives for those who choose to be celibate, the Australian Catholic Bishops Conference and all Catholic religious institutes in Australia should further develop, regularly evaluate and continually improve, their processes for selecting, screening and training of candidates for the clergy and religious life, and their processes of ongoing formation, support and supervision of clergy and religious.

Recommendation 16.21

The Australian Catholic Bishops Conference and Catholic Religious Australia should establish a national protocol for screening candidates before and during seminary or religious formation, as well as before ordination or the profession of religious vows.

Recommendation 16.22

The Australian Catholic Bishops Conference and Catholic Religious Australia should establish a mechanism to ensure that diocesan bishops and religious superiors draw upon broad-ranging professional advice in their decision-making, including from staff from seminaries or houses of formation, psychologists, senior clergy and religious, and lay people, in relation to the admission of individuals to:

- a. seminaries and houses of religious formation
- b. ordination and/or profession of vows.

Recommendation 16.23

In relation to guideline documents for the formation of priests and religious:

- a. The Australian Catholic Bishops Conference should review and revise the *Ratio nationalis institutionis sacerdotalis: Programme for priestly formation* (current version December 2015), and all other guideline documents relating to the formation of priests, permanent deacons, and those in pastoral ministry, to explicitly address the issue of child sexual abuse by clergy and best practice in relation to its prevention.

- b. All Catholic religious institutes in Australia should review and revise their particular norms and guideline documents relating to the formation of priests, religious brothers, and religious sisters, to explicitly address the issue of child sexual abuse and best practice in relation to its prevention.

Recommendation 16.24

The Australian Catholic Bishops Conference and Catholic Religious Australia should conduct a national review of current models of initial formation to ensure that they promote pastoral effectiveness, (including in relation to child safety and pastoral responses to victims and survivors) and protect against the development of clericalist attitudes.

Recommendation 16.25

The Australian Catholic Bishops Conference and Catholic Religious Australia should develop and each diocese and religious institute should implement mandatory national standards to ensure that all people in religious or pastoral ministry (bishops, provincials, clergy, religious, and lay personnel):

- a. undertake mandatory, regular professional development, compulsory components being professional responsibility and boundaries, ethics in ministry, and child safety
- b. undertake mandatory professional/pastoral supervision
- c. undergo regular performance appraisals.

Recommendation 16.26

The Australian Catholic Bishops Conference should consult with the Holy See, and make public any advice received, in order to clarify whether:

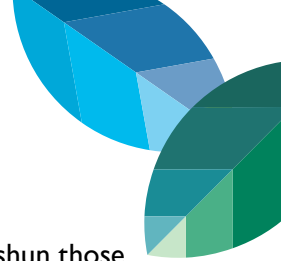
- a. information received from a child during the sacrament of reconciliation that they have been sexually abused is covered by the seal of confession
- b. if a person confesses during the sacrament of reconciliation to perpetrating child sexual abuse, absolution can and should be withheld until they report themselves to civil authorities.

Recommendation 16.27

The Jehovah's Witness organisation should abandon its application of the two-witness rule in cases involving complaints of child sexual abuse.

Recommendation 16.28

The Jehovah's Witness organisation should revise its policies so that women are involved in processes related to investigating and determining allegations of child sexual abuse.



Recommendation 16.29

The Jehovah's Witness organisation should no longer require its members to shun those who disassociate from the organisation in cases where the reason for disassociation is related to a person being a victim of child sexual abuse.

Recommendation 16.30

All Jewish institutions in Australia should ensure that their complaint handling policies explicitly state that the *halachic* concepts of *mesirah*, *moser* and *loshon horo* do not apply to the communication and reporting of allegations of child sexual abuse to police and other civil authorities.

Recommendation 16.31

All institutions that provide activities or services of any kind, under the auspices of a particular religious denomination or faith, through which adults have contact with children, should implement the 10 Child Safe Standards identified by the Royal Commission.

Recommendation 16.32

Religious organisations should adopt the Royal Commission's 10 Child Safe Standards as nationally mandated standards for each of their affiliated institutions.

Recommendation 16.33

Religious organisations should drive a consistent approach to the implementation of the Royal Commission's 10 Child Safe Standards in each of their affiliated institutions.

Recommendation 16.34

Religious organisations should work closely with relevant state and territory oversight bodies to support the implementation of and compliance with the Royal Commission's 10 Child Safe Standards in each of their affiliated institutions.

Recommendation 16.35

Religious institutions in highly regulated sectors, such as schools and out-of-home care service providers, should report their compliance with the Royal Commission's 10 Child Safe Standards, as monitored by the relevant sector regulator, to the religious organisation to which they are affiliated.

Recommendation 16.36

Consistent with Child Safe Standard 1, each religious institution in Australia should ensure that its religious leaders are provided with leadership training both pre- and post-appointment, including in relation to the promotion of child safety.

Recommendation 16.37

Consistent with Child Safe Standard 1, leaders of religious institutions should ensure that there are mechanisms through which they receive advice from individuals with relevant professional expertise on all matters relating to child sexual abuse and child safety. This should include in relation to prevention, policies and procedures and complaint handling. These mechanisms should facilitate advice from people with a variety of professional backgrounds and include lay men and women.

Recommendation 16.38

Consistent with Child Safe Standard 1, each religious institution should ensure that religious leaders are accountable to an appropriate authority or body, such as a board of management or council, for the decisions they make with respect to child safety.

Recommendation 16.39

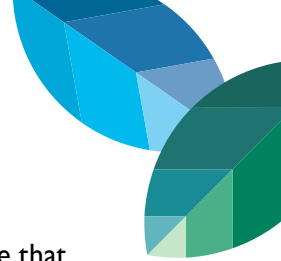
Consistent with Child Safe Standard 1, each religious institution should have a policy relating to the management of actual or perceived conflicts of interest that may arise in relation to allegations of child sexual abuse. The policy should cover all individuals who have a role in responding to complaints of child sexual abuse.

Recommendation 16.40

Consistent with Child Safe Standard 2, wherever a religious institution has children in its care, those children should be provided with age-appropriate prevention education that aims to increase their knowledge of child sexual abuse and build practical skills to assist in strengthening self-protective skills and strategies. Prevention education in religious institutions should specifically address the power and status of people in religious ministry and educate children that no one has a right to invade their privacy and make them feel unsafe.

Recommendation 16.41

Consistent with Child Safe Standard 3, each religious institution should make provision for family and community involvement by publishing all policies relevant to child safety on its website, providing opportunities for comment on its approach to child safety, and seeking periodic feedback about the effectiveness of its approach to child safety.



Recommendation 16.42

Consistent with Child Safe Standard 5, each religious institution should require that candidates for religious ministry undergo external psychological testing, including psychosexual assessment, for the purposes of determining their suitability to be a person in religious ministry and to undertake work involving children.

Recommendation 16.43

Each religious institution should ensure that candidates for religious ministry undertake minimum training on child safety and related matters, including training that:

- a. equips candidates with an understanding of the Royal Commission's 10 Child Safe Standards
- b. educates candidates on:
 - i. professional responsibility and boundaries, ethics in ministry and child safety
 - ii. policies regarding appropriate responses to allegations or complaints of child sexual abuse, and how to implement these policies
 - iii. how to work with children, including childhood development
 - iv. identifying and understanding the nature, indicators and impacts of child sexual abuse.

Recommendation 16.44

Consistent with Child Safe Standard 5, each religious institution should ensure that all people in religious or pastoral ministry, including religious leaders, are subject to effective management and oversight and undertake annual performance appraisals.

Recommendation 16.45

Consistent with Child Safe Standard 5, each religious institution should ensure that all people in religious or pastoral ministry, including religious leaders, have professional supervision with a trained professional or pastoral supervisor who has a degree of independence from the institution within which the person is in ministry.

Recommendation 16.46

Religious institutions which receive people from overseas to work in religious or pastoral ministry, or otherwise within their institution, should have targeted programs for the screening, initial training and professional supervision and development of those people. These programs should include material covering professional responsibility and boundaries, ethics in ministry and child safety.

Recommendation 16.47

Consistent with Child Safe Standard 7, each religious institution should require that all people in religious or pastoral ministry, including religious leaders, undertake regular training on the institution's child safe policies and procedures. They should also be provided with opportunities for external training on best practice approaches to child safety.

Recommendation 16.48

Religious institutions which have a rite of religious confession for children should implement a policy that requires the rite only be conducted in an open space within the clear line of sight of another adult. The policy should specify that, if another adult is not available, the rite of religious confession for the child should not be performed.

Recommendation 16.49

Codes of conduct in religious institutions should explicitly and equally apply to people in religious ministry and to lay people.

Recommendation 16.50

Consistent with Child Safe Standard 7, each religious institution should require all people in religious ministry, leaders, members of boards, councils and other governing bodies, employees, relevant contractors and volunteers to undergo initial and periodic training on its code of conduct. This training should include:

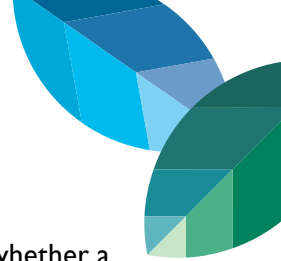
- a. what kinds of allegations or complaints relating to child sexual abuse should be reported and to whom
- b. identifying inappropriate behaviour which may be a precursor to abuse, including grooming
- c. recognising physical and behavioural indicators of child sexual abuse
- d. that all complaints relating to child sexual abuse must be taken seriously, regardless of the perceived severity of the behaviour.

Recommendation 16.51

All religious institutions' complaint handling policies should require that, upon receiving a complaint of child sexual abuse, an initial risk assessment is conducted to identify and minimise any risks to children.

Recommendation 16.52

All religious institutions' complaint handling policies should require that, if a complaint of child sexual abuse against a person in religious ministry is plausible, and there is a risk that person may come into contact with children in the course of their ministry, the person be stood down from ministry while the complaint is investigated.



Recommendation 16.53

The standard of proof that a religious institution should apply when deciding whether a complaint of child sexual abuse has been substantiated is the balance of probabilities, having regard to the principles in *Briginshaw v Briginshaw*.

Recommendation 16.54

Religious institutions should apply the same standards for investigating complaints of child sexual abuse whether or not the subject of the complaint is a person in religious ministry.

Recommendation 16.55

Any person in religious ministry who is the subject of a complaint of child sexual abuse which is substantiated on the balance of probabilities, having regard to the principles in *Briginshaw v Briginshaw*, or who is convicted of an offence relating to child sexual abuse, should be permanently removed from ministry. Religious institutions should also take all necessary steps to effectively prohibit the person from in any way holding himself or herself out as being a person with religious authority.

Recommendation 16.56

Any person in religious ministry who is convicted of an offence relating to child sexual abuse should:

- a. in the case of Catholic priests and religious, be dismissed from the priesthood and/or dispensed from his or her vows as a religious
- b. in the case of Anglican clergy, be deposed from holy orders
- c. in the case of Uniting Church ministers, have his or her recognition as a minister withdrawn
- d. in the case of an ordained person in any other religious denomination that has a concept of ordination, holy orders and/or vows, be dismissed, deposed or otherwise effectively have their religious status removed.

Recommendation 16.57

Where a religious institution becomes aware that any person attending any of its religious services or activities is the subject of a substantiated complaint of child sexual abuse, or has been convicted of an offence relating to child sexual abuse, the religious institution should:

- a. assess the level of risk posed to children by that perpetrator's ongoing involvement in the religious community
- b. take appropriate steps to manage that risk.

Recommendation 16.58

Each religious organisation should consider establishing a national register which records limited but sufficient information to assist affiliated institutions identify and respond to any risks to children that may be posed by people in religious or pastoral ministry.

Volume 17, *Beyond the Royal Commission recommendations*

Recommendation 17.1

The Australian Government and state and territory governments should each issue a formal response to this Final Report within six months of it being tabled, indicating whether our recommendations are accepted, accepted in principle, rejected or subject to further consideration.

Recommendation 17.2

The Australian Government and state and territory governments should, beginning 12 months after this Final Report is tabled, report on their implementation of the Royal Commission's recommendations made in this Final Report and its earlier *Working With Children Checks, Redress and civil litigation* and *Criminal justice* reports, through five consecutive annual reports tabled before their respective parliaments.


Recommendation 17.3

Major institutions and peak bodies of institutions that engage in child-related work should, beginning 12 months after this Final Report is tabled, report on their implementation of the Royal Commission's recommendations to the National Office for Child Safety through five consecutive annual reports. The National Office for Child Safety should make these reports publicly available. At a minimum, the institutions reporting should include those that were the subject of the Royal Commission's institutional review hearings held from 5 December 2016 to 10 March 2017.

Recommendation 17.4

The Australian Government should initiate a review to be conducted 10 years after the tabling of this Final Report. This review should:

- a. establish the extent to which the Royal Commission's recommendations have been implemented 10 years after the tabling of the Final Report
- b. examine the extent to which the measures taken in response to the Royal Commission have been effective in preventing child sexual abuse, improving the responses of institutions to child sexual abuse and ensuring that victims and survivors of child sexual abuse obtain justice, treatment and support

- 
- c. advise on what further steps should be taken by governments and institutions to ensure continuing improvement in policy and service delivery in relation to child sexual abuse in institutional contexts.

Recommendation 17.5

The Australian Government should host and maintain the Royal Commission website for the duration of the national redress scheme for victims and survivors of institutional child sexual abuse.

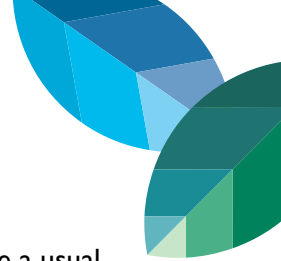
Recommendation 17.6

A national memorial should be commissioned by the Australian Government for victims and survivors of child sexual abuse in institutional contexts. Victims and survivors should be consulted on the memorial design and it should be located in Canberra.

Working With Children Checks report recommendations (2015)

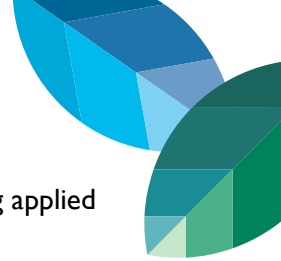
1. State and territory governments should:
 - a. within 12 months of the publication of this report, amend their WWCC laws to implement the standards identified in this report
 - b. once the standards are implemented, obtain agreement from the Council of Australian Governments (COAG), or a relevant ministerial council, before deviating from or altering the standards in this report, adopting changes across all jurisdictions
 - c. within 18 months from the publication of this report, amend their WWCC laws to enable clearances from other jurisdictions to be recognised and accepted.
2. The South Australian Government should, within 12 months of the publication of this report, replace its criminal history assessments with a WWCC scheme that incorporates the standards set out in this report.
3. The Commonwealth Government should, within 12 months of the publication of this report:
 - a. facilitate a national model for WWCCs by:
 - i. establishing a centralised database, operated by CrimTrac, that is readily accessible to all jurisdictions to record WWCC decisions
 - ii. together with state and territory governments, identifying consistent terminology to capture key WWCC decisions (for example, refusal, cancellation, suspension and grant) for recording into the centralised database
 - iii. enhancing CrimTrac's capacity to continuously monitor WWCC cardholders' national criminal history records

- b. explore avenues to make international records more accessible for the purposes of WWCCs
 - c. identify and require all Commonwealth Government personnel, including contractors, undertaking child-related work, as defined by the child-related work standards set out in this report, to obtain WWCCs.
- 4. The Commonwealth, state and territory governments should, within 12 months of the publication of this report:
 - a. agree on a set of standards or guidelines to enhance the accurate and timely recording of information by state and territory police into CrimTrac's system
 - b. review the information they have agreed to exchange under the National Exchange of Criminal History Information for People Working with Children (ECHIPWC), and establish a set of definitions for the key terms used to describe the different types of criminal history records so they are consistent across the jurisdictions (these key terms include pending charges, non-conviction charges and information about the circumstances of an offence)
 - c. take immediate action to record into CrimTrac's system historical criminal records that are in paper form or on microfilm and which are not currently identified by CrimTrac's initial database search
 - d. once these historical criminal history records are entered into CrimTrac's system by all jurisdictions, check all WWCC cardholders against them through the expanded continuous monitoring process.
- 5. State and territory governments should amend their WWCC laws to incorporate a consistent and simplified definition of child-related work, in line with the recommendations below.
- 6. State and territory governments should amend their WWCC laws to provide that work must involve contact between an adult and one or more children to qualify as child-related work.
- 7. State and territory governments should:
 - a. amend their WWCC laws to provide that the phrase 'contact with children' refers to physical contact, face-to-face contact, oral communication, written communication or electronic communication
 - b. through COAG, or a relevant ministerial council, agree on standard definitions for each kind of contact and amend their WWCC laws to incorporate those definitions.



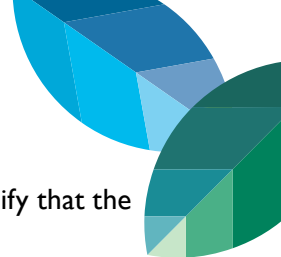
8. State and territory governments should:
 - a. amend their WWCC laws to provide that contact with children must be a usual part of, and more than incidental to, the child-related work
 - b. through COAG, or a relevant ministerial council, agree on standard definitions for the phrases 'usual part of work' and 'more than incidental to the work', and amend their WWCC laws to incorporate those definitions.
9. State and territory governments should amend their WWCC laws to specify that it is irrelevant whether the contact with children is supervised or unsupervised.
10. State and territory governments should amend their WWCC laws to provide that a person is engaged in child-related work if they are engaged in the work in any capacity and whether or not for reward.
11. State and territory governments should amend their WWCC laws to provide that work that is undertaken under an arrangement for a personal or domestic purpose is not child-related, even if it would otherwise be so considered.
12. State and territory governments should amend their WWCC laws to:
 - a. define the following as child-related work:
 - i. accommodation and residential services for children, including overnight excursions or stays
 - ii. activities or services provided by religious leaders, officers or personnel of religious organisations
 - iii. childcare or minding services
 - iv. child protection services, including out-of-home care (OOHC)
 - v. clubs and associations with a significant membership of, or involvement by, children
 - vi. coaching or tuition services for children
 - vii. commercial services for children, including entertainment or party services, gym or play facilities, photography services, and talent or beauty competitions
 - viii. disability services for children
 - ix. education services for children
 - x. health services for children
 - xi. justice and detention services for children, including immigration detention facilities where children are regularly detained

- xii. transport services for children, including school crossing services
 - xiii. other work or roles that involve contact with children that is a usual part of, and more than incidental to, the work or roles.
 - b. require WWCCs for adults residing in the homes of authorised carers of children
 - c. remove all other remaining categories of work or roles.
13. State and territory governments, through COAG, or a relevant ministerial council, should agree on standard definitions for each category of child-related work and amend their WWCC laws to incorporate those definitions.
14. State and territory governments should amend their WWCC laws to:
- a. exempt:
 - i. children under 18 years of age, regardless of their employment status
 - ii. employers and supervisors of children in a workplace, unless the work is child-related
 - iii. people who engage in child-related work for seven days or fewer in a calendar year, except in respect of overnight excursions or stays
 - iv. people who engage in child-related work in the same capacity as the child
 - v. police officers, including members of the Australian Federal Police
 - vi. parents or guardians who volunteer for services or activities that are usually provided to their children, in respect of that activity, except in respect of:
 - a) overnight excursions or stays
 - b) providing services to children with disabilities, where the services involve close, personal contact with those children
 - b. remove all other exemptions and exclusions
 - c. prohibit people who have been denied a WWCC, and subsequently not granted one, from relying on any exemption.
15. State and territory governments, through COAG, or a relevant ministerial council, should agree on standard definitions for each exemption category and amend their WWCC laws to incorporate those definitions.
16. State and territory governments should amend their WWCC laws to incorporate a consistent and simplified list of offences, including:
- a. engaging in child-related work without holding, or having applied for, a WWCC



- b. engaging a person in child-related work without them holding, or having applied for, a WWCC
 - c. providing false or misleading information in connection with a WWCC application
 - d. applicants and/or WWCC cardholders failing to notify screening agencies of relevant changes in circumstances
 - e. unauthorised disclosure of information gathered during the course of a WWCC.
17. State and territory governments should amend their WWCC laws to include a standard definition of criminal history, for WWCC purposes, comprised of:
- a. convictions, whether or not spent
 - b. findings of guilt that did not result in a conviction being recorded
 - c. charges, regardless of status or outcome, including:
 - i. pending charges – that is, charges laid but not finalised
 - ii. charges disposed of by a court, or otherwise, other than by way of conviction (for example, withdrawn, set aside or dismissed)
 - iii. charges that led to acquittals or convictions that were quashed or otherwise over-turned on appeal
- for all offences, irrespective of whether or not they concern the person's history as an adult or a child and/or relate to offences outside Australia.
18. State and territory governments should amend their WWCC laws to require police services to provide screening agencies with records that meet the definition of criminal history records for WWCC purposes and any other available information relating to the circumstances of such offences.
19. State and territory governments should amend their WWCC laws to:
- a. require that relevant disciplinary and/or misconduct information is checked for all WWCC applicants
 - b. include a standard definition of disciplinary and/or misconduct information that encompasses disciplinary action and/or findings of misconduct where the conduct was against, or involved, a child, irrespective of whether this information arises from reportable conduct schemes or other systems or bodies responsible for disciplinary or misconduct proceedings
 - c. require the bodies responsible for the relevant disciplinary and/or misconduct information to notify their respective screening agencies of relevant disciplinary and/or misconduct information that meets the definition.

20. State and territory governments should amend their WWCC laws to respond to records in the same way, specifically that:
- a. the absence of any relevant criminal history, disciplinary or misconduct information in an applicant's history leads to an automatic grant of a WWCC
 - b. any conviction and/or pending charge in an applicant's criminal history for the following categories of offence leads to an automatic WWCC refusal, provided the applicant was at least 18 years old at the time of the offence:
 - i. murder of a child
 - ii. manslaughter of a child
 - iii. indecent or sexual assault of a child
 - iv. child pornography-related offences
 - v. incest where the victim was a child
 - vi. abduction or kidnapping of a child
 - vii. animal-related sexual offences.
 - c. all other relevant criminal, disciplinary or misconduct information should trigger an assessment of the person's suitability for a WWCC (consistent with the risk assessment factors set out below).
21. State and territory governments should amend their WWCC laws to specify that relevant criminal records for the purposes of recommendation 20(c) include but are not limited to the following:
- a. juvenile records and/or non-conviction charges for the offence categories specified in recommendation 20(b)
 - b. sexual offences, regardless of whether the victim was a child and including offences not already covered in recommendation 20(b)
 - c. violent offences, including assaults, arson and other fire-related offences, regardless of whether the victim was a child and including offences not already covered in recommendation 20(b)
 - d. child welfare offences
 - e. offences involving cruelty to animals
 - f. drug offences.
22. The Commonwealth Government, through COAG, or a relevant ministerial council, should take a lead role in identifying the specific criminal offences that fall within the categories specified in recommendations 20(b) and 21.



23. State and territory governments should amend their WWCC laws to specify that the criteria for assessing risks to children include:
- a. the nature, gravity and circumstances of the offence and/or misconduct, and how this is relevant to children or child-related work
 - b. the length of time that has passed since the offence and/or misconduct occurred
 - c. the age of the child
 - d. the age difference between the person and the child
 - e. the person's criminal and/or disciplinary history, including whether there is a pattern of concerning conduct
 - f. all other relevant circumstances in respect of their history and the impact on their suitability to be engaged in child-related work.
24. State and territory governments should amend their WWCC laws to expressly provide that, in weighing up the risk assessment criteria, the paramount consideration must always be the best interests of children, having regard to their safety and protection.
25. State and territory governments should amend their WWCC laws to permit WWCC applicants to begin child-related work before the outcome of their application is determined, provided the safeguards listed below are introduced.

Applicants

- a. applicants must submit a WWCC application to the appropriate screening agency before beginning child-related work and not withdraw the application while engaging in child-related work
- b. applicants must provide a WWCC application receipt to their employers before beginning child-related work

Other safeguards

- c. employers must cite application receipts, record application numbers and verify applications with the relevant screening agency
 - d. there must be capacity to impose interim bars on applicants where records are identified that may indicate a risk and require further assessment.
26. State and territory governments that do not have an online WWCC processing system should establish one.
27. State and territory governments should process WWCC applications within five working days, and no longer than 21 working days for more complex cases.
28. All state and territory governments should amend their WWCC laws to specify that:

- a. WWCC decisions are based on the circumstances of the individual and are detached from the employer the person is seeking to work for, or the role or organisation the person is seeking to work in
- b. the outcome of a WWCC is either that a clearance is issued or it is not; there should be no conditional or different types of clearances
- c. volunteers and employees are issued with the same type of clearance.

29. All state and territory governments should ensure that any person the subject of an adverse WWCC decision can appeal to a body independent of the WWCC screening agency, but within the same jurisdiction, for a review of the decision, except persons who have been convicted of one of the following categories of offences:

- murder of a child
- indecent or sexual assault of a child
- child pornography-related offences
- incest where the victim was a child

and

- a. received a sentence of full time custody for the conviction, such persons being permanently excluded from an appeal

or

- b. by virtue of that conviction, the person is subject to an order that imposes any control on the person's conduct or movement, or excludes the person from working with children, such persons being excluded from an appeal for the duration of that order.

Notwithstanding the above any person may bring an appeal in which they allege that offences have been mistakenly recorded as applying to that person.

30. Subject to the implementation of the standards set out in this report, all state and territory governments should amend their WWCC laws to enable WWCCs from other jurisdictions to be recognised and accepted.

31. Subject to the commencement of continuous monitoring of national criminal history records, state and territory governments should amend their WWCC laws to specify that:

- a. WWCCs are valid for five years
- b. employers and WWCC cardholders engaged in child-related work must inform the screening agency when a person commences or ceases being engaged in specific child-related work
- c. screening agencies are required to notify a person's employer of any change in the person's WWCC status.

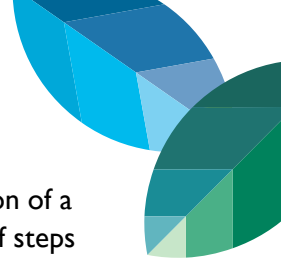


32. All state and territory governments should grant screening agencies, or another suitable regulatory body, the statutory power to monitor compliance with WWCC laws.
33. All state and territory governments should ensure their WWCC laws include powers to compel the production of relevant information for the purposes of compliance monitoring.
34. The Commonwealth, state and territory governments should:
 - a. through COAG, or a relevant ministerial council, adopt the standards and set a timeframe within which all jurisdictions must report back to COAG, or a relevant ministerial council, on implementation
 - b. establish a process whereby changes to the standards or to state and territory schemes need to be agreed to by COAG, or a relevant ministerial council, and must be adopted across all jurisdictions.
35. The Commonwealth, state and territory governments should provide an annual report to COAG, or a relevant ministerial council, for three years following the publication of this report, to be tabled in the parliaments of all nine jurisdictions, detailing their progress in implementing the recommendations in this report and achieving a nationally consistent approach to WWCCs.
36. COAG, or a relevant ministerial council, should ensure a review is made after three years of the publication of this report, of the state and territory governments' progress in achieving consistency across the WWCC schemes, with a view to assessing whether they have implemented the Royal Commission's recommendations.

Redress and civil litigation report recommendations (2015)


1. A process for redress must provide equal access and equal treatment for survivors – regardless of the location, operator, type, continued existence or assets of the institution in which they were abused – if it is to be regarded by survivors as being capable of delivering justice.
2. Appropriate redress for survivors should include the elements of:
 - a. direct personal response
 - b. counselling and psychological care
 - c. monetary payments.
3. Funders or providers of existing support services should maintain their current resourcing for existing support services, without reducing or diverting resources in response to the Royal Commission's recommendations on redress and civil litigation.

4. Any institution or redress scheme that offers or provides any element of redress should do so in accordance with the following principles:
 - a. Redress should be survivor focused.
 - b. There should be a 'no wrong door' approach for survivors in gaining access to redress.
 - c. All redress should be offered, assessed and provided with appropriate regard to what is known about the nature and impact of child sexual abuse – and institutional child sexual abuse in particular – and to the cultural needs of survivors.
 - d. All redress should be offered, assessed and provided with appropriate regard to the needs of particularly vulnerable survivors.
5. Institutions should offer and provide a direct personal response to survivors in accordance with the following principles:
 - a. Re-engagement between a survivor and an institution should only occur if, and to the extent that, a survivor desires it.
 - b. Institutions should make clear what they are willing to offer and provide by way of direct personal response to survivors of institutional child sexual abuse. Institutions should ensure that they are able to provide the direct personal response they offer to survivors.
 - c. At a minimum, all institutions should offer and provide on request by a survivor:
 - i. an apology from the institution
 - ii. the opportunity to meet with a senior institutional representative and receive an acknowledgement of the abuse and its impact on them
 - iii. an assurance or undertaking from the institution that it has taken, or will take, steps to protect against further abuse of children in that institution.
 - d. In offering direct personal responses, institutions should try to be responsive to survivors' needs.
 - e. Institutions that already offer a broader range of direct personal responses to survivors and others should consider continuing to offer those forms of direct personal response.
 - f. Direct personal responses should be delivered by people who have received some training about the nature and impact of child sexual abuse and the needs of survivors, including cultural awareness and sensitivity training where relevant.
 - g. Institutions should welcome feedback from survivors about the direct personal response they offer and provide.



6. Those who operate a redress scheme should offer to facilitate the provision of a written apology, a written acknowledgement and/or a written assurance of steps taken to protect against further abuse for survivors who seek these forms of direct personal response but who do not wish to have any further contact with the institution.
7. Those who operate a redress scheme should facilitate the provision of these forms of direct personal response by conveying survivors' requests for these forms of direct personal response to the relevant institution.
8. Institutions should accept a survivor's choice of intermediary or representative to engage with the institution on behalf of the survivor, or with the survivor as a support person, in seeking or obtaining a direct personal response.
9. Counselling and psychological care should be supported through redress in accordance with the following principles:
 - a. Counselling and psychological care should be available throughout a survivor's life.
 - b. Counselling and psychological care should be available on an episodic basis.
 - c. Survivors should be allowed flexibility and choice in relation to counselling and psychological care.
 - d. There should be no fixed limits on the counselling and psychological care provided to a survivor.
 - e. Without limiting survivor choice, counselling and psychological care should be provided by practitioners with appropriate capabilities to work with clients with complex trauma.
 - f. Treating practitioners should be required to conduct ongoing assessment and review to ensure treatment is necessary and effective. If those who fund counselling and psychological care through redress have concerns about services provided by a particular practitioner, they should negotiate a process of external review with that practitioner and the survivor. Any process of assessment and review should be designed to ensure it causes no harm to the survivor.
 - g. Counselling and psychological care should be provided to a survivor's family members if necessary for the survivor's treatment.
10. To facilitate the provision of counselling and psychological care by practitioners with appropriate capabilities to work with clients with complex trauma:
 - a. the Australian Psychological Society should lead work to design and implement a public register to enable identification of practitioners with appropriate capabilities to work with clients with complex trauma

- b. the public register and the process to identify practitioners with appropriate capabilities to work with clients with complex trauma should be designed and implemented by a group that includes representatives of the Australian Psychological Society, the Australian Association of Social Workers, the Royal Australian and New Zealand College of Psychiatrists, Adults Surviving Child Abuse, a specialist sexual assault service, and a non-government organisation with a suitable understanding of the counselling and psychological care needs of Aboriginal and Torres Strait Islander survivors
 - c. the funding for counselling and psychological care under redress should be used to provide financial support for the public register if required
 - d. those who operate a redress scheme should ensure that information about the public register is made available to survivors who seek counselling and psychological care through the redress scheme.
11. Those who administer support for counselling and psychological care through redress should ensure that counselling and psychological care are supported through redress in accordance with the following principles:
- a. Counselling and psychological care provided through redress should supplement, and not compete with, existing services.
 - b. Redress should provide funding for counselling and psychological care services and should not itself provide counselling and psychological care services.
 - c. Redress should fund counselling and psychological care as needed by survivors rather than providing a lump sum payment to survivors for their future counselling and psychological care needs.
12. The Australian Government should remove any restrictions on the number of sessions of counselling and psychological care, whether in a particular period of time or generally, for which Medicare funding is available for survivors who are assessed as eligible for redress under a redress scheme.
13. The Australian Government should expand the range of counselling and psychological care services for which Medicare funding is available for survivors who are assessed as eligible for redress under a redress scheme to include longer-term interventions that are suitable for treating complex trauma, including through non-cognitive approaches.

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14. The funding obtained through redress to ensure that survivors' needs for counselling and psychological care are met should be used to fund measures that help to meet those needs, including:
- a. measures to improve survivors' access to Medicare by:
 - i. funding case management style support to help survivors to understand what is available through the Better Access initiative and Access to Allied Psychological Services and why a GP diagnosis and referral is needed
 - ii. maintaining a list of GPs who have mental health training, are familiar with the existence of the redress scheme and are willing to be recommended to survivors as providers of GP services, including referrals, in relation to counselling and psychological care
 - iii. supporting the establishment and use of the public register that provides details of practitioners who have been identified as having appropriate capabilities to treat survivors and who are registered practitioners for Medicare purposes
 - b. providing funding to supplement existing services provided by state-funded specialist services to increase the availability of services and reduce waiting times for survivors
 - c. measures to address gaps in expertise and geographical and cultural gaps by:
 - i. supporting the establishment and promotion of the public register that provides details of practitioners who have been identified as having appropriate capabilities to treat survivors
 - ii. funding training in cultural awareness for practitioners who have the capabilities to work with survivors but have not had the necessary training or experience in working with Aboriginal and Torres Strait Islander survivors
 - iii. funding rural and remote practitioners, or Aboriginal and Torres Strait Islander practitioners, to obtain appropriate capabilities to work with survivors
 - iv. providing funding to facilitate regional and remote visits to assist in establishing therapeutic relationships; these could then be maintained largely by online or telephone counselling. There could be the potential to fund additional visits if required from time to time
 - d. providing funding for counselling and psychological care for survivors whose needs for counselling and psychological care cannot otherwise be met, including by paying reasonable gap fees charged by practitioners if survivors are unable to afford these fees.
15. The purpose of a monetary payment under redress should be to provide a tangible recognition of the seriousness of the hurt and injury suffered by a survivor.

16. Monetary payments should be assessed and determined by using the following matrix:

Factor	Value
Severity of abuse	1–40
Impact of abuse	1–40
Additional elements	1–20

17. The ‘Additional elements’ factor should recognise the following elements:

- a. whether the applicant was in state care at the time of the abuse – that is, as a ward of the state or under the guardianship of the relevant Minister or government agency
- b. whether the applicant experienced other forms of abuse in conjunction with the sexual abuse – including physical, emotional or cultural abuse or neglect
- c. whether the applicant was in a ‘closed’ institution or without the support of family or friends at the time of the abuse
- d. whether the applicant was particularly vulnerable to abuse because of his or her disability.

18. Those establishing a redress scheme should commission further work to develop this matrix and the detailed assessment procedures and guidelines required to implement it:

- a. in accordance with our discussion of the factors
- b. taking into account expert advice in relation to institutional child sexual abuse, including child development, medical, psychological, social and legal perspectives
- c. with the benefit of actuarial advice in relation to the actuarial modelling on which the level and spread of monetary payments and funding expectations are based.

19. The appropriate level of monetary payments under redress should be:

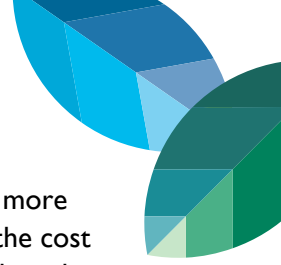
- a. a minimum payment of \$10,000
- b. a maximum payment of \$200,000 for the most severe case
- c. an average payment of \$65,000.

20. Monetary payments should be assessed and paid without any reduction to repay past Medicare expenses, which are to be repaid (if required) as part of the administration costs of a redress scheme.



21. Consistent with our view that monetary payments under redress are not income for the purposes of social security, veterans' pensions or any other Commonwealth payments, those who operate a redress scheme should seek a ruling to this effect to provide certainty for survivors.
22. Those who operate a redress scheme should give consideration to offering monetary payments by instalments at the option of eligible survivors, taking into account the likely demand for this option from survivors and the cost to the scheme of providing it.
23. Survivors who have received monetary payments in the past – whether under other redress schemes, statutory victims of crime schemes, through civil litigation or otherwise – should be eligible to be assessed for a monetary payment under redress.
24. The amount of the monetary payments that a survivor has already received for institutional child sexual abuse should be determined as follows:
 - a. monetary payments already received should be counted on a gross basis, including any amount the survivor paid to reimburse Medicare or in legal fees
 - b. no account should be taken of the cost of providing any services to the survivor, such as counselling services
 - c. any uncertainty as to whether a payment already received related to the same abuse for which the survivor seeks a monetary payment through redress should be resolved in the survivor's favour.
25. The monetary payments that a survivor has already received for institutional child sexual abuse should be taken into account in determining any monetary payment under redress by adjusting the amount of the monetary payments already received for inflation and then deducting that amount from the amount of the monetary payment assessed under redress.
26. In order to provide redress under the most effective structure for ensuring justice for survivors, the Australian Government should establish a single national redress scheme.
27. If the Australian Government does not establish a single national redress scheme, as the next best option for ensuring justice for survivors, each state and territory government should establish a redress scheme covering government and non-government institutions in the relevant state or territory.
28. The Australian Government should determine and announce by the end of 2015 that it is willing to establish a single national redress scheme.
29. If the Australian Government announces that it is willing to establish a single national redress scheme, the Australian Government should commence national negotiations with state and territory governments and all parties to the negotiations should seek to ensure that the negotiations proceed as quickly as possible to agree the necessary arrangements for a single national redress scheme.

30. If the Australian Government does not announce that it is willing to establish a single national redress scheme, each state and territory government should establish a redress scheme for the relevant state or territory that covers government and non-government institutions. State and territory governments should undertake national negotiations as quickly as possible to agree the necessary matters of detail to provide the maximum possible consistency for survivors between the different state and territory schemes.
31. Whether there is a single national redress scheme or separate state and territory redress schemes, the scheme or schemes should be established and ready to begin inviting and accepting applications from survivors by no later than 1 July 2017.
32. The Australian Government (if it announces that it is willing to establish a single national redress scheme) or state and territory governments should establish a national redress advisory council to advise all participating governments on the establishment and operation of the redress scheme or schemes.
33. The national redress advisory council should include representatives:
 - a. of survivor advocacy and support groups
 - b. of non-government institutions, particularly those that are expected to be required to respond to a significant number of claims for redress
 - c. with expertise in issues affecting survivors with disabilities
 - d. with expertise in issues of particular importance to Aboriginal and Torres Strait Islander survivors
 - e. with expertise in psychological and legal issues relevant to survivors
 - f. with any other expertise that may assist in advising on the establishment and operation of the redress scheme or schemes.
34. For any application for redress made to a redress scheme, the cost of redress in respect of the application should be:
 - a. a proportionate share of the cost of administration of the scheme
 - b. if the applicant is determined to be eligible, the cost of any contribution for counselling and psychological care in respect of the applicant
 - c. if the applicant is determined to be eligible, the cost of any monetary payment to be made to the applicant.
35. The redress scheme or schemes should be funded as much as possible in accordance with the following principles:
 - a. The institution in which the abuse is alleged or accepted to have occurred should fund the cost of redress.



- b. Where an applicant alleges or is accepted to have experienced abuse in more than one institution, the redress scheme or schemes should apportion the cost of funding redress between the relevant institutions, taking account of the relative severity of the abuse in each institution and any other features relevant to calculating a monetary payment.
 - c. Where the institution in which the abuse is alleged or accepted to have occurred no longer exists but the institution was part of a larger group of institutions or where there is a successor to the institution, the group of institutions or the successor institution should fund the cost of redress.
36. The Australian Government and state and territory governments should provide ‘funder of last resort’ funding for the redress scheme or schemes so that the governments will meet any shortfall in funding for the scheme or schemes.
37. Regardless of whether there is a single national redress scheme or separate state and territory redress schemes, the Australian Government and each state or territory government should negotiate and agree their respective shares of or contributions to ‘funder of last resort’ funding in respect of applications alleging abuse in the relevant state or territory.
38. The Australian Government (if it announces that it is willing to establish a single national redress scheme) or state and territory governments should determine how best to raise the required funding for the redress scheme or schemes, including government funding and funding from non-government institutions.
39. The Australian Government or state and territory governments should determine whether or not to require particular non-government institutions or particular types of non-government institutions to contribute funding for redress.
40. The redress scheme, or each redress scheme, should establish a trust fund to receive the funding for counselling and psychological care paid under redress and to manage and apply that funding to meet the needs for counselling and psychological care of those eligible for redress under the relevant redress scheme.
41. The trust fund, or each trust fund, should be governed by a corporate trustee with a board of directors appointed by the government that establishes the relevant redress scheme. The board or each board should include:
- a. an independent Chair
 - b. a representative of: government; non-government institutions; survivor advocacy and support groups; and the redress scheme
 - c. those with any other expertise that is desired at board level to direct the trust.

42. The trustee, or each trustee, should engage actuaries to conduct regular actuarial assessments to determine a 'per head' estimate of future counselling and psychological care costs to be met through redress. The trustee, or each trustee, should determine the amount from time to time that those who fund redress, including as the funder of last resort, must pay per eligible applicant to fund the counselling and psychological care element of redress.
43. A person should be eligible to apply to a redress scheme for redress if he or she was sexually abused as a child in an institutional context and the sexual abuse occurred, or the first incidence of the sexual abuse occurred, before the cut-off date.
44. 'Institution' should have the same meaning as in the Royal Commission's terms of reference.
45. Child sexual abuse should be taken to have occurred in an institutional context in the following circumstances:
- a. it happens:
 - i. on premises of an institution
 - ii. where activities of an institution take place or
 - iii. in connection with the activities of an institution

in circumstances where the institution is, or should be treated as being, responsible for the contact between the abuser and the applicant that resulted in the abuse being committed
 - b. it is engaged in by an official of an institution in circumstances (including circumstances that involve settings not directly controlled by the institution) where the institution has, or its activities have, created, facilitated, increased, or in any way contributed to (whether by act or omission) the risk of abuse or the circumstances or conditions giving rise to that risk
 - c. it happens in any other circumstances where the institution is, or should be treated as being, responsible for the adult abuser having contact with the applicant.
46. Those who operate the redress scheme should specify the cut-off date as being the date on which the Royal Commission's recommended reforms to civil litigation in relation to limitation periods and the duty of institutions commence.
47. An offer of redress should only be made if the applicant is alive at the time the offer is made.



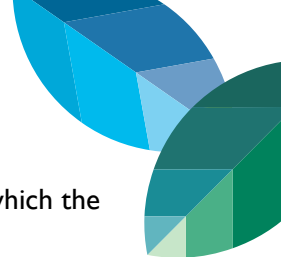
48. A redress scheme should have no fixed closing date. But, when applications to the scheme reduce to a level where it would be reasonable to consider closing the scheme, those who operate the redress scheme should consider specifying a closing date for the scheme. The closing date should be at least 12 months into the future. Those who operate the redress scheme should ensure that the closing date is given widespread publicity until the scheme closes.
49. Those who operate a redress scheme should ensure the availability of the scheme is widely publicised and promoted.
50. The redress scheme should consider adopting particular communication strategies for people who might be more difficult to reach, including:
 - a. Aboriginal and Torres Strait Islander communities
 - b. people with disability
 - c. culturally and linguistically diverse communities
 - d. regional and remote communities
 - e. people with mental health difficulties
 - f. people who are experiencing homelessness
 - g. people in correctional or detention centres
 - h. children and young people
 - i. people with low levels of literacy
 - j. survivors now living overseas.
51. A redress scheme should rely primarily on completion of a written application form.
52. A redress scheme should fund support services and community legal centres to assist applicants to apply for redress.
53. A redress scheme should select support services and community legal centres to cover a broad range of likely applicants, taking into account the need to cover regional and remote areas and the particular needs of different groups of survivors, including Aboriginal and Torres Strait Islander survivors.
54. Those who operate a redress scheme should determine whether the scheme will require additional material or evidence and additional procedures to determine the validity of applications. Any additional requirements should be clearly set out in scheme material that is made available to applicants, support services and others who may support or advise applicants in relation to the scheme.

55. A redress scheme may require applicants for redress to verify their accounts of abuse by statutory declaration.
56. A redress scheme should inform any institution named in an application for redress of the application and the allegations made in it and request the institution to provide any relevant information, documents or comments.
57. 'Reasonable likelihood' should be the standard of proof for determining applications for redress.
58. A redress scheme should adopt administrative decision-making processes appropriate to a large-scale redress scheme. It should make decisions based on the application of the detailed assessment procedures and guidelines for implementing the matrix for monetary payments.
59. An offer of redress should remain open for acceptance for a period of one year.
60. A period of three months should be allowed for an applicant to seek a review of an offer of redress after the offer is made.
61. A redress scheme should offer an internal review process.
62. A redress scheme established on an administrative basis should be made subject to oversight by the relevant ombudsman through the ombudsman's complaints mechanism.
63. As a condition of making a monetary payment, a redress scheme should require an applicant to release the scheme (including the contributing government or governments) and the institution from any further liability for institutional child sexual abuse by executing a deed of release.
64. A redress scheme should fund, at a fixed price, a legal consultation for an applicant before the applicant decides whether or not to accept the offer of redress and grant the required releases.
65. No confidentiality obligations should be imposed on applicants for redress.
66. A redress scheme should offer and fund counselling during the period from assisting applicants with the application, through the period when the application is being considered, to the making of the offer and the applicant's consideration of whether or not to accept the offer. This should include a session of financial counselling if the applicant is offered a monetary payment.
67. A redress scheme should fund counselling provided by a therapist of the applicant's choice if it is specifically requested by the applicant and in circumstances where the applicant has an established relationship with the therapist and the cost is reasonably comparable to the cost the redress scheme is paying for these services generally.



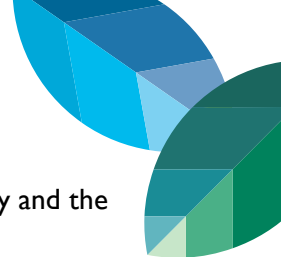
68. A redress scheme should offer and fund a limited number of counselling sessions for family members of survivors if reasonably required.
69. A redress scheme should take the following steps to improve transparency and accountability:
- a. In addition to publicising and promoting the availability of the scheme, the scheme's processes and time frames should be as transparent as possible. The scheme should provide up-to-date information on its website and through any funded counselling and support services and community legal centres, other relevant support services and relevant institutions.
 - b. If possible, the scheme should ensure that each applicant is allocated to a particular contact officer who they can speak to if they have any queries about the status of their application or the timing of its determination and so on.
 - c. The scheme should operate a complaints mechanism and should welcome any complaints or feedback from applicants and others involved in the scheme (for example, support services and community legal centres).
 - d. The scheme should provide any feedback it receives about common problems that have been experienced with applications or institutions' responses to funded counselling and support services and community legal centres, other relevant support services and relevant institutions. It should include any suggestions on how to improve applications or responses or ensure more timely determinations.
 - e. The scheme should publish data, at least annually, about:
 - i. the number of applications received
 - ii. the institutions to which the applications relate
 - iii. the periods of alleged abuse
 - iv. the number of applications determined
 - v. the outcome of applications
 - vi. the mean, median and spread of payments offered
 - vii. the mean, median and spread of time taken to determine the application
 - viii. the number and outcome of applications for review.
70. A redress scheme should not make any 'findings' that any alleged abuser was involved in any abuse.

71. A redress scheme may defer determining an application for redress if the institution advises that it is undertaking internal disciplinary processes in respect of the abuse the subject of the application. A scheme may have the discretion to consider the outcome of the disciplinary process, if it is provided by the institution, in determining the application.
72. A redress scheme should comply with any legal requirements, and make use of any permissions, to report or disclose abuse, including to oversight agencies.
73. A redress scheme should report any allegations to the police if it has reason to believe that there may be a current risk to children. If the relevant applicant does not consent to the allegations being reported to the police, the scheme should report the allegations to the police without disclosing the applicant's identity.
74. A redress scheme should seek to cooperate with any reasonable requirements of the police in terms of information sharing, subject to satisfying any privacy and consent requirements with applicants.
75. A redress scheme should encourage any applicants who seek advice from it about reporting to police to discuss their options directly with the police.
76. Institutions should seek to achieve independence in institutional redress processes by taking the following steps:
 - a. Institutions should provide information on the application process, including online, so that survivors do not need to approach the institution if there is an independent person with whom they can make their claim.
 - b. If feasible, the process of receiving and determining claims should be administered independently of the institution to minimise the risk of any appearance that the institution can influence the process or decisions.
 - c. Institutions should ensure that anyone they engage to handle or determine redress claims is appropriately trained in understanding child sexual abuse and its impacts and in any relevant cultural awareness issues.
 - d. Institutions should ensure that any processes or interactions with survivors are respectful and empathetic, including by taking into account the factors discussed in Chapter 5 concerning meetings and meeting environments.
 - e. Processes and interactions should not be legalistic. Any legal, medical and other relevant input should be obtained for the purposes of decision making.
77. Institutions should ensure that the required independence is set out clearly in writing between the institution and any person or body the institution engages as part of its redress process.



78. If a survivor alleges abuse in more than one institution, the institution to which the survivor applies for redress should adopt the following process:
- a. With the survivor's consent, the institution's redress process should approach the other named institutions to seek cooperation on the claim.
 - b. If the survivor consents and the relevant institutions agree, one institutional process should assess the survivor's claim in accordance with the recommended redress elements and processes (with any necessary modifications because of the absence of a government-run scheme) and allocate contributions between the institutions.
 - c. If any institution no longer exists and has no successor, its share should be met by the other institution or institutions.
79. Institutions should adopt the elements of redress and the general principles for providing redress recommended in Chapter 4.
80. Institutions should undertake, through their redress processes, to meet survivors' needs for counselling and psychological care. A survivor's need for counselling and psychological care should be assessed independently of the institution.
81. Institutions should adopt the purpose of monetary payments recommended in Chapter 7 and be guided by the recommended matrix for assessing monetary payments.
82. In implementing any interim arrangements for institutions to offer and provide redress, institutions should take account of our discussion of the applicability of the redress scheme processes recommended in Chapter 11.
83. Institutions should ensure no deeds of release are required under interim arrangements for institutions to offer and provide redress.
84. If the Australian Government or state and territory governments accept our recommendations and announce that they are working to establish a single national redress scheme or separate state and territory redress schemes, institutions may wish to offer smaller interim or emergency payments as an alternative to offering institutional redress processes as interim arrangements.
85. State and territory governments should introduce legislation to remove any limitation period that applies to a claim for damages brought by a person where that claim is founded on the personal injury of the person resulting from sexual abuse of the person in an institutional context when the person is or was a child.
86. State and territory governments should ensure that the limitation period is removed with retrospective effect and regardless of whether or not a claim was subject to a limitation period in the past.

87. State and territory governments should expressly preserve the relevant courts' existing jurisdictions and powers so that any jurisdiction or power to stay proceedings is not affected by the removal of the limitation period.
88. State and territory governments should implement these recommendations to remove limitation periods as soon as possible, even if that requires that they be implemented before our recommendations in relation to the duty of institutions and identifying a proper defendant are implemented.
89. State and territory governments should introduce legislation to impose a non-delegable duty on certain institutions for institutional child sexual abuse despite it being the deliberate criminal act of a person associated with the institution.
90. The non-delegable duty should apply to institutions that operate the following facilities or provide the following services and be owed to children who are in the care, supervision or control of the institution in relation to the relevant facility or service:
- a. residential facilities for children, including residential out-of-home care facilities and juvenile detention centres but not including foster care or kinship care
 - b. day and boarding schools and early childhood education and care services, including long day care, family day care, outside school hours services and preschool programs
 - c. disability services for children
 - d. health services for children
 - e. any other facility operated for profit which provides services for children that involve the facility having the care, supervision or control of children for a period of time but not including foster care or kinship care
 - f. any facilities or services operated or provided by religious organisations, including activities or services provided by religious leaders, officers or personnel of religious organisations but not including foster care or kinship care.
91. Irrespective of whether state and territory parliaments legislate to impose a non-delegable duty upon institutions, state and territory governments should introduce legislation to make institutions liable for institutional child sexual abuse by persons associated with the institution unless the institution proves it took reasonable steps to prevent the abuse. The 'reverse onus' should be imposed on all institutions, including those institutions in respect of which we do not recommend a non-delegable duty be imposed.
92. For the purposes of both the non-delegable duty and the imposition of liability with a reverse onus of proof, the persons associated with the institution should include the institution's officers, office holders, employees, agents, volunteers and contractors. For religious organisations, persons associated with the institution also include religious leaders, officers and personnel of the religious organisation.



93. State and territory governments should ensure that the non-delegable duty and the imposition of liability with a reverse onus of proof apply prospectively and not retrospectively.
94. State and territory governments should introduce legislation to provide that, where a survivor wishes to commence proceedings for damages in respect of institutional child sexual abuse where the institution is alleged to be an institution with which a property trust is associated, then unless the institution nominates a proper defendant to sue that has sufficient assets to meet any liability arising from the proceedings:
 - a. the property trust is a proper defendant to the litigation
 - b. any liability of the institution with which the property trust is associated that arises from the proceedings can be met from the assets of the trust.
95. The Australian Government and state and territory governments should consider whether there are any unincorporated bodies that they fund directly or indirectly to provide children's services. If there are, they should consider requiring them to maintain insurance that covers their liability in respect of institutional child sexual abuse claims.
96. Government and non-government institutions that receive, or expect to receive, civil claims for institutional child sexual abuse should adopt guidelines for responding to claims for compensation concerning allegations of child sexual abuse.
97. The guidelines should be designed to minimise potential re-traumatisation of claimants and to avoid unnecessarily adversarial responses to claims.
98. The guidelines should include an obligation on the institution to provide assistance to claimants and their legal representatives in identifying the proper defendant to a claim if the proper defendant is not identified or is incorrectly identified.
99. Government and non-government institutions should publish the guidelines they adopt or otherwise make them available to claimants and their legal representatives.

Criminal justice report recommendations (2017)

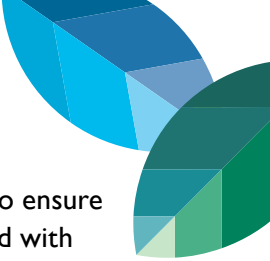
- I. In relation to child sexual abuse, including institutional child sexual abuse, the criminal justice system should be reformed to ensure that the following objectives are met:
 - a. the criminal justice system operates in the interests of seeking justice for society, including the complainant and the accused
 - b. criminal justice responses are available for victims and survivors
 - c. victims and survivors are supported in seeking criminal justice responses.

2. Australian governments should refer to the Steering Committee for the Report on Government Services for review the issues of:
 - a. how the reporting framework for police services in the Report on Government Services could be extended to include reporting on child sexual abuse offences
 - b. whether any outcome measures that would be appropriate for police investigations of child sexual abuse offences could be developed and reported on.
3. Each Australian government should ensure that its policing agency:
 - a. recognises that a victim or survivor's initial contact with police will be important in determining their satisfaction with the entire criminal justice response and in influencing their willingness to proceed with a report and to participate in a prosecution
 - b. ensures that all police who may come into contact with victims or survivors of institutional child sexual abuse are trained to:
 - i. have a basic understanding of complex trauma and how it can affect people who report to police, including those who may have difficulties dealing with institutions or persons in positions of authority (such as the police)
 - ii. treat anyone who approaches the police to report child sexual abuse with consideration and respect, taking account of any relevant cultural safety issues
 - c. establishes arrangements to ensure that, on initial contact from a victim or survivor, police refer victims and survivors to appropriate support services.
4. To encourage reporting of allegations of child sexual abuse, including institutional child sexual abuse, each Australian government should ensure that its policing agency:
 - a. takes steps to communicate to victims (and their families or support people where victims are children or are particularly vulnerable) that their decision whether to participate in a police investigation will be respected – that is, victims retain the right to withdraw at any stage in the process and to decline to proceed further with police and/or any prosecution
 - b. provides information on the different ways in which victims and survivors can report to police or seek advice from police on their options for reporting or not reporting abuse – this should be in a format that allows institutions and survivor advocacy and support groups and support services to provide it to victims and survivors
 - c. makes available a range of channels to encourage reporting, including specialist telephone numbers and online reporting forms, and provides information about what to expect from each channel of reporting




- d. works with survivor advocacy and support groups and support services, including those working with people from culturally and linguistically diverse backgrounds and people with disability, to facilitate reporting by victims and survivors
 - e. allows victims and survivors to benefit from the presence of a support person of their choice if they so wish throughout their dealings with police, provided that this will not interfere with the police investigation or risk contaminating evidence
 - f. is willing to take statements from victims and survivors in circumstances where the alleged perpetrator is dead or is otherwise unlikely to be able to be tried.
5. To encourage reporting of allegations of child sexual abuse, including institutional child sexual abuse, among Aboriginal and Torres Strait Islander victims and survivors, each Australian government should ensure that its policing agency:
- a. takes the lead in developing good relationships with Aboriginal and Torres Strait Islander communities
 - b. provides channels for reporting outside of the community (such as telephone numbers and online reporting forms).
6. To encourage prisoners and former prisoners to report allegations of child sexual abuse, including institutional child sexual abuse, each Australian government should ensure that its policing agency:
- a. provides channels for reporting that can be used from prison and that allow reports to be made confidentially
 - b. does not require former prisoners to report at a police station.
7. Each Australian government should ensure that its policing agency conducts investigations of reports of child sexual abuse, including institutional child sexual abuse, in accordance with the following principles:
- a. While recognising the complexity of police rosters, staffing and transfers, police should recognise the benefit to victims and their families and survivors of continuity in police staffing and should take steps to facilitate, to the extent possible, continuity in police staffing on an investigation of a complaint.
 - b. Police should recognise the importance to victims and their families and survivors of police maintaining regular communication with them to keep them informed of the status of their report and any investigation unless they have asked not to be kept informed.

- c. Particularly in relation to historical allegations of institutional child sexual abuse, police who assess or provide an investigative response to allegations should be trained to:
 - i. be non-judgmental and recognise that many victims of child sexual abuse will go on to develop substance abuse and mental health problems, and some may have a criminal record
 - ii. focus on the credibility of the complaint or allegation rather than focusing only on the credibility of the complainant.
- 8. State and territory governments should introduce legislation to implement Recommendation 20-I of the report of the Australian Law Reform Commission and the New South Wales Law Reform Commission Family violence: A national legal response in relation to disclosing or revealing the identity of a mandatory reporter to a law enforcement agency.
- 9. Each Australian government should ensure that its policing agency conducts investigative interviewing in relation to reports of child sexual abuse, including institutional child sexual abuse, in accordance with the following principles:
 - a. All police who provide an investigative response (whether specialist or generalist) to child sexual abuse should receive at least basic training in understanding sexual offending, including the nature of child sexual abuse and institutional child sexual abuse offending.
 - b. All police who provide an investigative response (whether specialist or generalist) to child sexual abuse should be trained to interview the complainant in accordance with current research and learning about how memory works in order to obtain the complainant's memory of the events.
 - c. The importance of video recorded interviews for children and other vulnerable witnesses should be recognised, as these interviews usually form all, or most, of the complainant's and other relevant witnesses' evidence in chief in any prosecution.
 - d. Investigative interviewing of children and other vulnerable witnesses should be undertaken by police with specialist training. The specialist training should focus on:
 - i. a specialist understanding of child sexual abuse, including institutional child sexual abuse, and the developmental and communication needs of children and other vulnerable witnesses
 - ii. skill development in planning and conducting interviews, including use of appropriate questioning techniques.

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- e. Specialist police should undergo refresher training on a periodical basis to ensure that their specialist understanding and skills remain up to date and accord with current research.
 - f. From time to time, experts should review a sample of video recorded interviews with children and other vulnerable witnesses conducted by specialist police for quality assurance and training purposes and to reinforce best-practice interviewing techniques.
 - g. State and territory governments should introduce legislation to remove any impediments, including in relation to privacy concerns, to the use of video recorded interviews so that the relevant police officer, his or her supervisor and any persons engaged by police in quality assurance and training can review video recorded interviews for quality assurance and training purposes. This should not authorise the use of video recorded interviews for general training in a manner that would raise privacy concerns.
 - h. Police should continue to work towards improving the technical quality of video recorded interviews so that they are technically as effective as possible in presenting the complainant's and other witnesses' evidence in chief.
 - i. Police should recognise the importance of interpreters, including for some Aboriginal and Torres Strait Islander victims, survivors and other witnesses.
 - j. Intermediaries should be available to assist in police investigative interviews of children and other vulnerable witnesses.
10. Each Australian government should ensure that its policing agency makes decisions in relation to whether to lay charges for child sexual abuse offences in accordance with the following principles:
- a. Recognising that it is important to complainants that the correct charges be laid as early as possible so that charges are not significantly downgraded at or close to trial, police should ensure that care is taken, and that early prosecution advice is sought, where appropriate, in laying charges.
 - b. In making decisions about whether to charge, police should not:
 - i. expect or require corroboration where the victim or survivor's account does not suggest that there should be any corroboration available
 - ii. rely on the absence of corroboration as a determinative factor in deciding not to charge, where the victim or survivor's account does not suggest that there should be any corroboration available, unless the prosecution service advises otherwise.

11. The Victorian Government should review the operation of section 401 of the *Criminal Procedure Act 2009* (Vic) and consider amending the provision to restrict the awarding of costs against police if it appears that the risk of costs awards might be affecting police decisions to prosecute. The government of any other state or territory that has similar provisions should conduct a similar review and should consider similar amendments.
12. Each Australian government should ensure that, if its policing agency does not provide a specialist response to victims and survivors reporting historical child sexual abuse, its policing agency develops and implements a document in the nature of a 'guarantee of service' which sets out for the benefit of victims and survivors – and as a reminder to the police involved – what victims and survivors are entitled to expect in the police response to their report of child sexual abuse. The document should include information to the effect that victims and survivors are entitled to:
- a. be treated by police with consideration and respect, taking account of any relevant cultural safety issues
 - b. have their views about whether they wish to participate in the police investigation respected
 - c. be referred to appropriate support services
 - d. contact police through a support person or organisation rather than contacting police directly if they prefer
 - e. have the assistance of a support person of their choice throughout their dealings with police unless this will interfere with the police investigation or risk contaminating evidence
 - f. have their statement taken by police even if the alleged perpetrator is dead
 - g. be provided with the details of a nominated person within the police service for them to contact
 - h. be kept informed of the status of their report and any investigation unless they do not wish to be kept informed
 - i. have the police focus on the credibility of the complaint or allegations rather than focusing only on the credibility of the complainant, recognising that many victims of child sexual abuse will go on to develop substance abuse and mental health problems, and some may have a criminal record.

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13. Each Australian government should ensure that its policing agency responds to victims and survivors with disability, or their representatives, who report or seek to report child sexual abuse, including institutional child sexual abuse, to police in accordance with the following principles:
 - a. Police who have initial contact with the victim or survivor should be non-judgmental and should not make any adverse assessment of the victim or survivor's credibility, reliability or ability to make a report or participate in a police investigation or prosecution because of their disability.
 - b. Police who assess or provide an investigative response to allegations made by victims and survivors with disability should focus on the credibility of the complaint or allegation rather than focusing only on the credibility of the complainant, and they should not make any adverse assessment of the victim or survivor's credibility or reliability because of their disability.
 - c. Police who conduct investigative interviewing should make all appropriate use of any available intermediary scheme, and communication supports, to ensure that the victim or survivor is able to give their best evidence in the investigative interview.
 - d. Decisions in relation to whether to lay charges for child sexual abuse offences should take full account of the ability of any available intermediary scheme, and communication supports, to assist the victim or survivor to give their best evidence when required in the prosecution process.
 14. In order to assist in the investigation of current allegations of institutional child sexual abuse, each Australian government should ensure that its policing agency:
 - a. develops and keeps under review procedures and protocols to guide police and institutions about the information and assistance police can provide to institutions where a current allegation of institutional child sexual abuse is made
 - b. develops and keeps under review procedures and protocols to guide the police, other agencies, institutions and the broader community on the information and assistance police can provide to children and parents and the broader community where a current allegation of institutional child sexual abuse is made.
 15. The New South Wales Standard Operating Procedures for Employment Related Child Abuse Allegations and the Joint Investigation Response Team Local Contact Point Protocol should serve as useful precedents for other Australian governments to consider.
 16. In relation to blind reporting, institutions and survivor advocacy and support groups should:
 - a. be clear that, where the law requires reporting to police, child protection or another agency, the institution or group or its relevant staff member or official will report as required

- b. develop and adopt clear guidelines to inform staff and volunteers, victims and their families and survivors, and police, child protection and other agencies as to the approach the institution or group will take in relation to allegations, reports or disclosures it receives that it is not required by law to report to police, child protection or another agency.
- 17. If a relevant institution or survivor advocacy and support group adopts a policy of reporting survivors' details to police without survivors' consent – that is, if it will not make blind reports – it should seek to provide information about alternative avenues for a survivor to seek support if this aspect of the institution or group's guidelines is not acceptable to the survivor.
- 18. Institutions and survivor advocacy and support groups that adopt a policy that they will not report the survivor's details without the survivor's consent should make a blind report to police in preference to making no report at all.
- 19. Regardless of an institution or survivor advocacy and support group's policy in relation to blind reporting, the institution or group should provide survivors with:
 - a. information to inform them about options for reporting to police
 - b. support to report to police if the survivor is willing to do so.
- 20. Police should ensure that they review any blind reports they receive and that they are available as intelligence in relation to any current or subsequent police investigations. If it appears that talking to the survivor might assist with a police investigation, police should contact the relevant institution or survivor advocacy and support group, and police and the institution or group should cooperate to try to find a way in which the survivor will be sufficiently supported so that they are willing to speak to police.
- 21. Each state and territory government should introduce legislation to amend its persistent child sexual abuse offence so that:
 - a. the actus reus is the maintaining of an unlawful sexual relationship
 - b. an unlawful sexual relationship is established by more than one unlawful sexual act
 - c. the trier of fact must be satisfied beyond reasonable doubt that the unlawful sexual relationship existed but, where the trier of fact is a jury, jurors need not be satisfied of the same unlawful sexual acts
 - d. the offence applies retrospectively but only to sexual acts that were unlawful at the time they were committed
 - e. on sentencing, regard is to be had to relevant lower statutory maximum penalties if the offence is charged with retrospective application.
- 22. The draft provision in Appendix H (of the *Criminal Justice Report*) provides for the recommended reform. Legislation to the effect of the draft provision should be introduced.



23. State and territory governments (other than Victoria) should consider introducing legislation to establish legislative authority for course of conduct charges in relation to child sexual abuse offences if legislative authority may assist in using course of conduct charges.
24. State and territory governments should consider providing for any of the two or more unlawful sexual acts that are particularised for the maintaining an unlawful sexual relationship offence to be particularised as courses of conduct.
25. To the extent they do not already have a broad grooming offence, each state and territory government should introduce legislation to amend its criminal legislation to adopt a broad grooming offence that captures any communication or conduct with a child undertaken with the intention of grooming the child to be involved in a sexual offence.
26. Each state and territory government (other than Victoria) should introduce legislation to extend its broad grooming offence to the grooming of persons other than the child.
27. State and territory governments should review any position of authority offences applying in circumstances where the victim is 16 or 17 years of age and the offender is in a position of authority (however described) in relation to the victim. If the offences require more than the existence of the relationship of authority (for example, that it be 'abused' or 'exercised'), states and territories should introduce legislation to amend the offences so that the existence of the relationship is sufficient.
28. State and territory governments should review any provisions allowing consent to be negated in the event of sexual contact between a victim of 16 or 17 years of age and an offender who is in a position of authority (however described) in relation to the victim. If the provisions require more than the existence of the relationship of authority (for example, that it be 'abused' or 'exercised'), state and territory governments should introduce legislation to amend the provisions so that the existence of the relationship is sufficient.
29. If there is a concern that one or more categories of persons in a position of authority (however described) may be too broad and may catch sexual contact which should not be criminalised when it is engaged in by such persons with children above the age of consent, state and territory governments could consider introducing legislation to establish defences such as a similar-age consent defence.
30. State and territory governments should introduce legislation to remove any remaining limitation periods, or any remaining immunities, that apply to child sexual abuse offences, including historical child sexual abuse offences, in a manner that does not revive any sexual offences that are no longer in keeping with community standards.
31. Without limiting recommendation 30, the New South Wales Government should introduce legislation to give the repeal of the limitation period in section 78 of the *Crimes Act 1900* (NSW) retrospective effect.

32. Any person associated with an institution who knows or suspects that a child is being or has been sexually abused in an institutional context should report the abuse to police (and, if relevant, in accordance with any guidelines the institution adopts in relation to blind reporting under recommendation 16).
33. Each state and territory government should introduce legislation to create a criminal offence of failure to report targeted at child sexual abuse in an institutional context as follows:
- a. The failure to report offence should apply to any adult person who:
 - i. is an owner, manager, staff member or volunteer of a relevant institution – this includes persons in religious ministry and other officers or personnel of religious institutions
 - ii. otherwise requires a Working with Children Check clearance for the purposes of their role in the institutionbut it should not apply to individual foster carers or kinship carers.
 - b. The failure to report offence should apply if the person fails to report to police in circumstances where they know, suspect, or should have suspected (on the basis that a reasonable person in their circumstances would have suspected and it was criminally negligent for the person not to suspect), that an adult associated with the institution was sexually abusing or had sexually abused a child.
 - c. Relevant institutions should be defined to include institutions that operate facilities or provide services to children in circumstances where the children are in the care, supervision or control of the institution. Foster and kinship care services should be included (but not individual foster carers or kinship carers). Facilities and services provided by religious institutions, and any services or functions performed by persons in religious ministry, should be included.
 - d. If the knowledge is gained or the suspicion is or should have been formed after the failure to report offence commences, the failure to report offence should apply if any of the following circumstances apply:
 - i. A child to whom the knowledge relates or in relation to whom the suspicion is or should have been formed is still a child (that is, under the age of 18 years).
 - ii. The person who is known to have abused a child or is or should have been suspected of abusing a child is either:
 - still associated with the institution
 - known or believed to be associated with another relevant institution.



iii. The knowledge gained or the suspicion that is or should have been formed relates to abuse that may have occurred within the previous 10 years.

e. If the knowledge is gained or the suspicion is or should have been formed before the failure to report offence commences, the failure to report offence should apply if any of the following circumstances apply:

- i. A child to whom the knowledge relates or in relation to whom the suspicion is or should have been formed is still a child (that is, under the age of 18 years) and is still associated with the institution (that is, they are still in the care, supervision or control of the institution).
- ii. The person who is known to have abused a child or is or should have been suspected of abusing a child is either:
 - still associated with the institution
 - known or believed to be associated with another relevant institution.

34. State and territory governments should:

- a. ensure that they have systems in place in relation to their mandatory reporting scheme and any reportable conduct scheme to ensure that any reports made under those schemes that may involve child sexual abuse offences are brought to the attention of police
- b. include appropriate defences in the failure to report offence to avoid duplication of reporting under mandatory reporting and any reportable conduct schemes.

35. Each state and territory government should ensure that the legislation it introduces to create the criminal offence of failure to report recommended in recommendation 33 addresses religious confessions as follows:

- a. The criminal offence of failure to report should apply in relation to knowledge gained or suspicions that are or should have been formed, in whole or in part, on the basis of information disclosed in or in connection with a religious confession.
- b. The legislation should exclude any existing excuse, protection or privilege in relation to religious confessions to the extent necessary to achieve this objective.
- c. Religious confession should be defined to include a confession about the conduct of a person associated with the institution made by a person to a second person who is in religious ministry in that second person's professional capacity according to the ritual of the church or religious denomination concerned.

36. State and territory governments should introduce legislation to create a criminal offence of failure to protect a child within a relevant institution from a substantial risk of sexual abuse by an adult associated with the institution as follows:
- a. The offence should apply where:
 - i. an adult person knows that there is a substantial risk that another adult person associated with the institution will commit a sexual offence against:
 - a child under 16
 - a child of 16 or 17 years of age if the person associated with the institution is in a position of authority in relation to the child
 - ii. the person has the power or responsibility to reduce or remove the risk
 - iii. the person negligently fails to reduce or remove the risk.
 - b. The offence should not be able to be committed by individual foster carers or kinship carers.
 - c. Relevant institutions should be defined to include institutions that operate facilities or provide services to children in circumstances where the children are in the care, supervision or control of the institution. Foster care and kinship care services should be included, but individual foster carers and kinship carers should not be included. Facilities and services provided by religious institutions, and any service or functions performed by persons in religious ministry, should be included.
 - d. State and territory governments should consider the Victorian offence in section 49C of the *Crimes Act 1958* (Vic) as a useful precedent, with an extension to include children of 16 or 17 years of age if the person associated with the institution is in a position of authority in relation to the child.
37. All Australian Directors of Public Prosecutions, with assistance from the relevant government in relation to funding, should ensure that prosecution responses to child sexual abuse are guided by the following principles:
- a. All prosecution staff who may have professional contact with victims of institutional child sexual abuse should be trained to have a basic understanding of the nature and impact of child sexual abuse – and institutional child sexual abuse in particular – and how it can affect people who are involved in a prosecution process, including those who may have difficulties dealing with institutions or person in positions of authority.
 - b. While recognising the complexity of prosecution staffing and court timetables, prosecution agencies should recognise the benefit to victims and their families and survivors of continuity in prosecution team staffing and should take steps to facilitate, to the extent possible, continuity in staffing of the prosecution team involved in a prosecution.



- c. Prosecution agencies should continue to recognise the importance to victims and their families and survivors of the prosecution agency maintaining regular communication with them to keep them informed of the status of the prosecution unless they have asked not to be kept informed.
 - d. Witness Assistance Services should be funded and staffed to ensure that they can perform their task of keeping victims and their families and survivors informed and ensuring that they are put in contact with relevant support services, including staff trained to provide a culturally appropriate service for Aboriginal and Torres Strait Islander victims and survivors. Specialist services for children should also be considered.
 - e. Particularly in relation to historical allegations of institutional child sexual abuse, prosecution staff who are involved in giving early charge advice or in prosecuting child sexual abuse matters should be trained to:
 - i. be non-judgmental and recognise that many victims of child sexual abuse will go on to develop substance abuse and mental health problems, and some may have a criminal record
 - ii. focus on the credibility of the complaint or allegation rather than focusing only on the credibility of the complainant.
 - f. Prosecution agencies should recognise that children with disability are at a significantly increased risk of abuse, including child sexual abuse. Prosecutors should take this increased risk into account in any decisions they make in relation to prosecuting child sexual abuse offences.
38. Each state and territory government should facilitate the development of standard material to provide to complainants or other witnesses in child sexual abuse trials to better inform them about giving evidence. The development of the standard material should be led by Directors of Public Prosecutions in consultation with Witness Assistance Services, public defenders (where available), legal aid services and representatives of the courts to ensure that it:
- a. is likely to be of adequate assistance for complainants who are not familiar with criminal trials and giving evidence
 - b. is fair to the accused as well as to the prosecution
 - c. does not risk rehearsing or coaching the witness.

39. All Australian Directors of Public Prosecutions should ensure that prosecution charging and plea decisions in prosecutions for child sexual abuse offences are guided by the following principles:

- a. Prosecutors should recognise the importance to complainants of the correct charges being laid as early as possible so that charges are not significantly downgraded or withdrawn at or close to trial. Prosecutors should provide early advice to police on appropriate charges to lay when such advice is sought.
- b. Regardless of whether such advice has been sought, prosecutors should confirm the appropriateness of the charges as early as possible once they are allocated the prosecution to ensure that the correct charges have been laid and to minimise the risk that charges will have to be downgraded or withdrawn closer to the trial date.
- c. While recognising the benefit of securing guilty pleas, prosecution agencies should also recognise that it is important to complainants – and to the criminal justice system – that the charges for which a guilty plea is accepted reasonably reflect the true criminality of the abuse they suffered.
- d. Prosecutors must endeavour to ensure that they allow adequate time to consult the complainant and the police in relation to any proposal to downgrade or withdraw charges or to accept a negotiated plea and that the complainant is given the opportunity to obtain assistance from relevant witness assistance officers or other advocacy and support services before they give their opinion on the proposal. If the complainant is a child, prosecutors must endeavour to ensure that they give the child the opportunity to consult their carer or parents unless the child does not wish to do so.

40. Each Australian Director of Public Prosecutions should:

- a. have comprehensive written policies for decision-making and consultation with victims and police
- b. publish all policies online and ensure that they are publicly available
- c. provide a right for complainants to seek written reasons for key decisions, without detracting from an opportunity to discuss reasons in person before written reasons are provided.

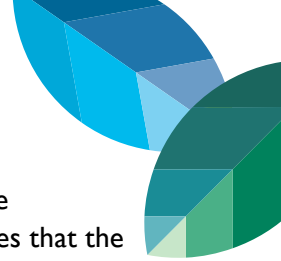
41. Each Australian Director of Public Prosecutions should establish a robust and effective formalised complaints mechanism to allow victims to seek internal merits review of key decisions.

42. Each Australian Director of Public Prosecutions should establish robust and effective internal audit processes to audit their compliance with policies for decision-making and consultation with victims and police.



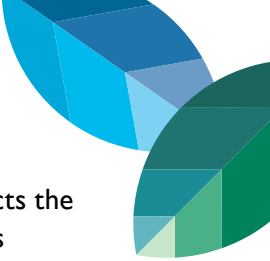
43. Each Australian Director of Public Prosecutions should publish the existence of their complaints mechanism and internal audit processes and data on their use and outcomes online and in their annual reports.
44. In order to ensure justice for complainants and the community, the laws governing the admissibility of tendency and coincidence evidence in prosecutions for child sexual abuse offences should be reformed to facilitate greater admissibility and cross-admissibility of tendency and coincidence evidence and joint trials.
45. Tendency or coincidence evidence about the defendant in a child sexual offence prosecution should be admissible:
- a. if the court thinks that the evidence will, either by itself or having regard to the other evidence, be 'relevant to an important evidentiary issue' in the proceeding, with each of the following kinds of evidence defined to be 'relevant to an important evidentiary issue' in a child sexual offence proceeding:
 - i. evidence that shows a propensity of the defendant to commit particular kinds of offences if the commission of an offence of the same or a similar kind is in issue in the proceeding
 - ii. evidence that is relevant to any matter in issue in the proceeding if the matter concerns an act or state of mind of the defendant and is important in the context of the proceeding as a whole
 - b. unless, on the application of the defendant, the court thinks, having regard to the particular circumstances of the proceeding, that both:
 - i. admission of the evidence is more likely than not to result in the proceeding being unfair to the defendant
 - ii. if there is a jury, the giving of appropriate directions to the jury about the relevance and use of the evidence will not remove the risk.
46. Common law principles or rules that restrict the admission of propensity or similar fact evidence should be explicitly abolished or excluded in relation to the admissibility of tendency or coincidence evidence about the defendant in a child sexual offence prosecution.
47. Issues of concoction, collusion or contamination should not affect the admissibility of tendency or coincidence evidence about the defendant in a child sexual offence prosecution. The court should determine admissibility on the assumption that the evidence will be accepted as credible and reliable, and the impact of any evidence of concoction, collusion or contamination should be left to the jury or other fact-finder.

48. Tendency or coincidence evidence about a defendant in a child sexual offence prosecution should not be required to be proved beyond reasonable doubt.
49. Evidence of:
- a. the defendant's prior convictions
 - b. acts for which the defendant has been charged but not convicted (other than acts for which the defendant has been acquitted)
- should be admissible as tendency or coincidence evidence if it otherwise satisfies the test for admissibility of tendency or coincidence evidence about a defendant in a child sexual offence prosecution.
50. Australian governments should introduce legislation to make the reforms we recommend to the rules governing the admissibility of tendency and coincidence evidence.
51. The draft provisions in Appendix N provide for the recommended reforms for Uniform Evidence Act jurisdictions. Legislation to the effect of the draft provisions should be introduced for Uniform Evidence Act jurisdictions and non-Uniform Evidence Act jurisdictions.
52. State and territory governments should ensure that the necessary legislative provisions and physical resources are in place to allow for the prerecording of the entirety of a witness's evidence in child sexual abuse prosecutions. This should include both:
- a. in summary and indictable matters, the use of a prerecorded investigative interview as some or all of the witness's evidence in chief
 - b. in matters tried on indictment, the availability of pre-trial hearings to record all of a witness's evidence, including cross-examination and re-examination, so that the evidence is taken in the absence of the jury and the witness need not participate in the trial itself.
53. Full prerecording should be made available for:
- a. all complainants in child sexual abuse prosecutions
 - b. any other witnesses who are children or vulnerable adults
 - c. any other prosecution witness that the prosecution considers necessary.
54. Where the prerecording of cross-examination is used, it should be accompanied by ground rules hearings to maximise the benefits of such a procedure.
55. State and territory governments should work with courts to improve the technical quality of closed circuit television and audiovisual links and the equipment used and staff training in taking and replaying prerecorded and remote evidence.



56. State and territory governments should introduce legislation to require the audiovisual recording of evidence given by complainants and other witnesses that the prosecution considers necessary in child sexual abuse prosecutions, whether tried on indictment or summarily, and to allow these recordings to be tendered and relied on as the relevant witness's evidence in any subsequent trial or retrial. The legislation should apply regardless of whether the relevant witness gives evidence live in court, via closed circuit television or in a prerecorded hearing.
57. State and territory governments should ensure that the courts are adequately resourced to provide this facility, in terms of both the initial recording and its use in any subsequent trial or retrial.
58. If it is not practical to record evidence given live in court in a way that is suitable for use in any subsequent trial or retrial, prosecution guidelines should require that the fact that a witness may be required to give evidence again in the event of a retrial be discussed with witnesses when they make any choice as to whether to give evidence via prerecording, closed circuit television or in person.
59. State and territory governments should establish intermediary schemes similar to the Registered Intermediary Scheme in England and Wales which are available to any prosecution witness with a communication difficulty in a child sexual abuse prosecution. Governments should ensure that the scheme:
 - a. requires intermediaries to have relevant professional qualifications to assist in communicating with vulnerable witnesses
 - b. provides intermediaries with training on their role and in understanding that their duty is to assist the court to communicate with the witness and to be impartial
 - c. makes intermediaries available at both the police interview stage and trial stage
 - d. enables intermediaries to provide recommendations to police and the court on how best to communicate with the witness and to intervene in an interview or examination where they observe a communication breakdown.
60. State and territory governments should work with their courts administration to ensure that ground rules hearings are able to be held – and are in fact held – in child sexual abuse prosecutions to discuss the questioning of prosecution witnesses with specific communication needs, whether the questioning is to take place via a prerecorded hearing or during the trial. This should be essential where a witness intermediary scheme is in place and should allow, at a minimum, a report from an intermediary to be considered.

61. The following special measures should be available in child sexual abuse prosecutions for complainants, vulnerable witnesses and other prosecution witnesses where the prosecution considers it necessary:
- giving evidence via closed circuit television or audiovisual link so that the witness is able to give evidence from a room away from the courtroom
 - allowing the witness to be supported when giving evidence, whether in the courtroom or remotely, including, for example, through the presence of a support person or a support animal or by otherwise creating a more child-friendly environment
 - if the witness is giving evidence in court, using screens, partitions or one-way glass so that the witness cannot see the accused while giving evidence
 - clearing the public gallery of a courtroom during the witness's evidence
 - the judge and counsel removing their wigs and gowns.
62. State and territory governments should introduce legislation to allow a child's competency to give evidence in child sexual abuse prosecutions to be tested as follows:
- Where there is any doubt about a child's competence to give evidence, a judge should establish the child's ability to understand basic questions asked of them by asking simple, non-theoretical questions – for example, about their age, school, family et cetera.
 - Where it does not appear that the child can give sworn evidence, the judge should simply ask the witness for a promise to tell the truth and allow the examination of the witness to proceed.
63. State and territory governments should provide adequate interpreting services such that any witness in a child sexual abuse prosecution who needs an interpreter is entitled to an interpreter who has sufficient expertise in their primary language, including sign language, to provide an accurate and impartial translation.
64. State and territory governments should consider or reconsider the desirability of partial codification of judicial directions now that Victoria has established a precedent from which other jurisdictions could develop their own reforms.
65. Each state and territory government should review its legislation and introduce any amending legislation necessary to ensure that it has the following provisions in relation to judicial directions and warnings:
- Delay and credibility:** Legislation should provide that:
 - there is no requirement for a direction or warning that delay affects the complainant's credibility

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- ii. the judge must not direct, warn or suggest to the jury that delay affects the complainant's credibility unless the direction, warning or suggestion is requested by the accused and is warranted on the evidence in the particular circumstances of the trial
 - iii. in giving any direction, warning or comment, the judge must not use expressions such as 'dangerous or unsafe to convict' or 'scrutinise with great care'.

b. Delay and forensic disadvantage: Legislation should provide that:

- i. there is no requirement for a direction or warning as to forensic disadvantage to the accused
- ii. the judge must not direct, warn or suggest to the jury that delay has caused forensic disadvantage to the accused unless the direction, warning or suggestion is requested by the accused and there is evidence that the accused has suffered significant forensic disadvantage
- iii. the mere fact of delay is not sufficient to establish forensic disadvantage
- iv. in giving any direction, warning or comment, the judge should inform the jury of the nature of the forensic disadvantage suffered by the accused
- v. in giving any direction, warning or comment, the judge must not use expressions such as 'dangerous or unsafe to convict' or 'scrutinise with great care'.

c. Uncorroborated evidence: Legislation should provide that the judge must not direct, warn or suggest to the jury that it is 'dangerous or unsafe to convict' on the uncorroborated evidence of the complainant or that the uncorroborated evidence of the complainant should be 'scrutinised with great care'.

d. Children's evidence: Legislation should provide that:

- i. the judge must not direct, warn or suggest to the jury that children as a class are unreliable witnesses
- ii. the judge must not direct, warn or suggest to the jury that it would be 'dangerous or unsafe to convict' on the uncorroborated evidence of a child or that the uncorroborated evidence of a child should be 'scrutinised with great care'
- iii. the judge must not give a direction or warning about, or comment on, the reliability of a child's evidence solely on account of the age of the child.

66. The New South Wales Government, the Queensland Government and the government of any other state or territory in which Markuleski directions are required should consider introducing legislation to abolish any requirement for such directions.

67. State and territory governments should support and encourage the judiciary, public prosecutors, public defenders, legal aid and the private Bar to implement regular training and education programs for the judiciary and legal profession in relation to understanding child sexual abuse and current social science research in relation to child sexual abuse.

68. Relevant Australian governments should ensure that bodies such as:

- a. the Australasian Institute of Judicial Administration
- b. the National Judicial College of Australia
- c. the Judicial Commission of New South Wales
- d. the Judicial College of Victoria

are adequately funded to provide leadership in making relevant information and training available in the most effective forms to the judiciary and, where relevant, the broader legal profession so that they understand and keep up to date with current social science research that is relevant to understanding child sexual abuse.

69. In any state or territory where provisions such as those in sections 79(2) and 108C of the Uniform Evidence Act or their equivalent are not available, the relevant government should introduce legislation to allow for expert evidence in relation to the development and behaviour of children generally and the development and behaviour of children who have been victims of child sexual abuse offences.

70. Each state and territory government should lead a process to consult the prosecution, defence, judiciary and academics with relevant expertise in relation to judicial directions containing educative information about children and the impact of child sexual abuse, with a view to settling standard directions and introducing legislation as soon as possible to authorise and require the directions to be given. The National Child Sexual Assault Reform Committee's recommended mandatory judicial directions and the Victorian Government's proposed directions on inconsistencies in the complainant's account should be the starting point for the consultation process, subject to the removal of the limitation in the third direction recommended by the National Child Sexual Assault Reform Committee in relation to children's responses to sexual abuse so that it can apply regardless of the complainant's age at trial.

71. In advance of any more general codification of judicial directions, each state and territory government should work with the judiciary to identify whether any legislation is required to permit trial judges to assist juries by giving relevant directions earlier in the trial or to otherwise assist juries by providing them with more information about the issues in the trial. If legislation is required, state and territory governments should introduce the necessary legislation.



72. Each state and territory government should work with its courts, prosecution, legal aid and policing agencies to ensure that delays are reduced and kept to a minimum in prosecutions for child sexual abuse offences, including through measures to encourage:
- a. the early allocation of prosecutors and defence counsel
 - b. the Crown – including subsequently allocated Crown prosecutors – to be bound by early prosecution decisions
 - c. appropriate early guilty pleas
 - d. case management and the determination of preliminary issues before trial.
73. In those states and territories that have a qualified privilege in relation to sexual assault communications, the relevant state or territory government should work with its courts, prosecution and legal aid agencies to implement any necessary procedural or case management reforms to ensure that complainants are effectively able to claim the privilege without risking delaying the trial.
74. All state and territory governments (other than New South Wales and South Australia) should introduce legislation to provide that good character be excluded as a mitigating factor in sentencing for child sexual abuse offences where that good character facilitated the offending, similar to that applying in New South Wales and South Australia.
75. State and territory governments should introduce legislation to require sentencing courts, when setting a sentence in relation to child sexual abuse offences involving multiple discrete episodes of offending and/or where there are multiple victims, to indicate the sentence that would have been imposed for each offence had separate sentences been imposed.
76. State and territory governments should introduce legislation to provide that sentences for child sexual abuse offences should be set in accordance with the sentencing standards at the time of sentencing instead of at the time of the offending, but the sentence must be limited to the maximum sentence available for the offence at the date when the offence was committed.
77. State and territory governments, in consultation with their respective Directors of Public Prosecutions, should improve the information provided to victims and survivors of child sexual abuse offences to:
- a. give them a better understanding of the role of the victim impact statement in the sentencing process
 - b. better prepare them for making a victim impact statement, including in relation to understanding the sort of content that may result in objection being taken to the statement or parts of it.

78. State and territory governments should ensure that, as far as reasonably practicable, special measures to assist victims of child sexual abuse offences to give evidence in prosecutions are available for victims when they give a victim impact statement, if they wish to use them.
79. State and territory governments should introduce legislation, where necessary, to expand the Director of Public Prosecution's right to bring an interlocutory appeal in prosecutions involving child sexual abuse offences so that the appeal right:
- a. applies to pre-trial judgments or orders and decisions or rulings on the admissibility of evidence, but only if the decision or ruling eliminates or substantially weakens the prosecution's case
 - b. is not subject to a requirement for leave
 - c. extends to 'no case' rulings at trial.
80. State and territory governments should work with their appellate court and the Director of Public Prosecutions to ensure that the court is sufficiently well resourced to hear and determine interlocutory appeals in prosecutions involving child sexual abuse offences in a timely manner.
81. Directors of Public Prosecutions should amend their prosecution guidelines, where necessary, in relation to the decision as to whether there should be a retrial following a successful conviction appeal in child sexual abuse prosecutions. The guidelines should require that the prosecution consult the complainant and relevant police officer before the Director of Public Prosecutions decides whether to retry a matter.
82. State and territory governments should ensure that a relevant government agency, such as the Office of the Director of Public Prosecutions, is monitoring the number, type and success rate of appeals in child sexual abuse prosecutions and the issues raised to:
- a. identify areas of the law in need of reform
 - b. ensure any reforms – including reforms arising from the Royal Commission's recommendations in relation to criminal justice, if implemented – are working as intended.
83. State and territory governments (other than the Northern Territory) should give further consideration to whether the abolition of the presumption that a male under the age of 14 years is incapable of having sexual intercourse should be given retrospective effect and whether any immunity which has arisen as a result of the operation of the presumption should be abolished. State and territory governments (other than the Northern Territory) should introduce any legislation they consider necessary as a result of this consideration.



84. State and territory governments should review their legislation – and if necessary introduce amending legislation – to ensure that complainants in child sexual abuse prosecutions do not have to give evidence on any additional occasion in circumstances where the accused, or one of two or more co-accused, is a juvenile at the time of prosecution or was a juvenile at the time of the offence.
85. State and territory governments should keep the interaction of:
- a. their legislation relevant to regulatory responses to institutional child sexual abuse
 - b. their crimes legislation and the crimes legislation of all other Australian jurisdictions, particularly in relation to child sexual abuse offences and sex offender registration
- under regular review to ensure that their regulatory responses work together effectively with their relevant crimes legislation and the relevant crimes legislation of all other Australian jurisdictions in the interests of responding effectively to institutional child sexual abuse.

