

Reporting on the implementation of
Royal Commission recommendations by
major institutions



Submission of
Scouts Australia

7 December 2018

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This Report is an initial overview of the Report and Recommendations of the Royal Commission into Institutional Responses to Child Sexual Abuse from the Scouts Australia context. It is fully expected that Scouts Australia will conduct a more comprehensive review of each of the Recommendations and develop a plan of action for the future, taking into consideration the changes that will be required within the organisation in order to support the Recommendations and to meet new best-practice and/or legislative requirements that may result.

The Royal Commission into Institutional Responses to Child Sexual Abuse was the world's most significant inquiry into child sexual abuse. From the outset Scouts Australia took a proactive public and operational position to the Royal Commission, working closely with the Gillard Government on contributing to the development of the Terms of Reference, and continuing this commitment through each phase of the almost five year Inquiry.

Scouts Australia's rationale was that this was the most significant opportunity to address past systemic issues that it was unable to resolve to the satisfaction of survivors or the wider community. Additionally, Scouts Australia sought to move forward into the future, advancing its significant commitment to protect children, and to continue to provide development opportunities through Scouting to young people in the future.

Scouts Australia was committed to pre-emptive participation in the Royal Commission in the full knowledge that its institutional responses to child abuse would be reviewed and discussed publicly.

Scouts Australia placed the welfare of survivors and their needs at the centre of its objectives for participation in the Commission and in its communication. The Inquiry was viewed as an opportunity to continue – and in some cases begin – the healing process for those who had been affected by child abuse within the Scouts Australia organisation.

Throughout the course of the Inquiry, the welfare and support for survivors and the ongoing safety and protection of children was Scouts Australia's priority. Scouts Australia reiterated its 'zero tolerance' approach to child abuse and its commitment to the protection and safety of children. It undertook to communicate the developments it has made in its national child protection policies and procedures to date, and to promote its ongoing commitment to improvement in all areas of child protection and its responsibilities to survivors.

The advocacy and communication objective of Scouts Australia through the Inquiry was to ensure that the Commissioners, survivors and the public understood Scouts Australia was:

- Committed to ensuring survivors were heard, supported, and compensated.
- Committed to the objectives of the Royal Commission; and
- Committed to the protection, wellbeing and safety of all children in Australia's communities.

From the outset Scouts Australia was committed to communicate honestly and transparently to its audiences, and advocate for the needs of the survivors, for systemic changes to key government and community stakeholders.

Throughout the process of the Royal Commission, the intensity of scrutiny informed Scouts Australia's process of reflection and action. Scouts Australia's leadership came to understand the level of commitment the Commission had to revealing the gaps in Scouts Australia and other organisations' culture, policies and procedures, and was committed to addressing these gaps as a matter of urgency.

In summary the areas that require action from Scouts Australia are:

- Continuing to support all of the recommendations made in the Final Report by the Commission (including the Redress Scheme);
- Continuing to work on reviewing national child protection policies and procedures against the Standards and Principles defined by the Commission, as well as all other actions identified in the Royal Commission report;
- To better listen to survivors and learn from them in our efforts to enhance our Child Protection policies and procedures.
- Continuing to work towards making Scouts Australia a Child Safe organisation, with a view to being recognised by the new recommended Government authorities as a 'best practice' Child Safe organisation; and to
- Continue to enhance all communication and key messages used by Scouts Australia around child safety, and to ensure that it is nationally consistent, proactive and reassures all audiences of the strength of its existing policies and procedures.
- Communicating to all audiences Scouts commitment to respond to all of the Commission's recommendations.
- Each incorporated legal entity of Scouts Australia (branches) that has entered into an MOU with the National Redress Scheme will be required to submit an annual report.

Of particular note are the following initiatives:

- The national Scouts Australia Child Protection Policy and Prescribed Procedures approved at the National Executive Council of Scouts Australia on 19-20 November 2016 (and published later that month). This policy is being continuously assessed and updated at the National level of the organisation and all State and Territory Branches of Scouting are an integral part of that ongoing development.
- On 15 December 2016, volunteers and senior staff of Scouts Australia attended Trauma Informed Redress: Direct Personal Response, facilitated by the Blue Knot Foundation.
- In 2017 Scouts Australia commissioned an independent childsafe agency (CHILDWISE) to track, monitor and continually assess its policies and practises. CHILDWISE is directly assisting many Branches to develop their own conforming Child Protection Frameworks and will regularly assess and report our progress on a formal basis to the national body as well as back to each Scout Branch.
- From 5 May 2017 all new position descriptions for volunteers and senior Scouts Australia employees cite as a selection criterion, support for the strategic plan - which includes the primary goal of establishing a child safe environment.

- From 16 February 2017 child protection screening enhancements to all Scouts Australia's Branch online membership system were completed. Alerts are now automatically shared with a national alert database to enable cross checking of new membership applications from a national perspective.
- In 2018, Scouts Australia developed a specific-for-purpose Child Protection Requirement for its major Australian National Event (Australian Jamboree 2019). This document is designed to promote a childsafe environment, setting a standard for subsequent major events.
- Later in 2018, Scouts Australia and all State Branches of Scouts Australia were formally declared by the Minister as 'participating organisations' in the National Redress Scheme. Scout Branches have completed their 'onboarding' and are actively participating in survivor meetings and engagement.

In terms of survivor specific support, Scouts Australia has also actioned the following:

- All Scouts Australia's Branches wrote to all known survivors notifying them of the Scouts Australia Apology to Survivors and the National Apology to Survivors by the Prime Minister.
- Informed by the Royal Commission, we are developing a more open and engaging approach to survivors. Scouts Branches are working closely with survivors (when this is welcome by them) through regular engagement and interaction. We believe that we are now more actively listening and learning from our survivors than we have in the past.
- A Scouts Australia Child Safe Conference, hosted by Scouts Australia NSW, took place on 9 September 2017 during National Child Protection Week.
- In 2017 Scouts Australia introduced a new policy which requires all current staff to repeat the latest e-learning modules about child protection and child safety. Failure by current staff to complete the latest updated training results in the staff members being suspended.

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Section 1: Identifying the institution

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Background information

Scouts Australia is part of the World Scout Movement which has over 40 million members. In Australia, Scouting is a family based organisation that provides approximately 66,000 Youth Members aged six to 25 with fun and challenging opportunities to grow and develop.

Across Australia, Scouting is a part of every community. Our members come from a wide variety of cultural and religious backgrounds, across the socio-economic spectrum and include individuals with intellectual or physical disabilities.

Scouting in Australia operates through a federal model. In each State and Territory, Scouting is organised through a separate body; incorporated by statute.

For the purposes of the Royal Commission into Institutional Child Sexual Abuse, Scouts Australia and its Branches are classified as sports and recreational institutions.

All adults in Scouting are mandated and encouraged to report concerns directly to their State Authorities and to the State Branch HQ. Youth members are now encouraged to report any situation in which they do not feel safe. Reminders are made through each State Branch for all members to remain vigilant and to report.

Scouts Australia recognises that a key finding of the Royal Commission was that the most common barrier to disclosure was shame or embarrassment. Scouts Australia is committed to providing appropriate and accessible reporting mechanisms which will enable a supportive environment where disclosures are encouraged.

Section 2: General reporting against recommendations relevant to all institutions

THEME 1: Making institutions child safe

Measure 1.1: New or revised Code of Conduct, policies and procedures for child safe institutions

Scouts Australia has a strong commitment to being a child safe institution. To be successful in our work with young people, our commitment to child safety must continue to be sincere and recognised by the community and stakeholders. The Commission's recommendations in this Volume of the Royal Commission report asked the Government to set up a substantial bureaucratic infrastructure to lead, develop, manage and monitor a new national child safety approach. Scouts Australia is supportive of these recommendations which will enhance Scouts Australia commitment to child safety. In turn, the recommendations support Scouts Australia in its advocacy and communication of its commitment to being a child safe organisation.

Scouts Australia will continue to work with existing and new Government entities such that Scouts Australia will continue to position itself as a 'best practice' organisation for the children in its care.

The following recommendations that Scouts Australia are considering include:

- Promoting understanding and commitment to uphold the UN convention for the protection of children – a convention that Scouts Australia is a signatory to globally.

ACTION: Ongoing enhancement of the National Child Protection Policy and associated procedures, Scouts Australia's Youth Program, Adult Development and Training and operational activities to monitor, report and manage Scouts Australia's commitment to child safety.

Scouts Australia National Code of Ethics and Policy & Rules requires all Adult Members to review, sign up to, and comply with a Scouting Code of Conduct and Ethics. This document clearly sets out Scouts Australia NSW expectations regarding appropriate behaviour.

Any breaches of the Scouts National Code of Ethics and Policy & Rules are reported directly to child protection personnel in each Branch and are dealt with in accordance with the Scouts Australia behavioural management processes.

All youth members are also expected to adhere to the Scouts Australia Promise and Law and are subject to regular peer review of behavioural standards via sectional Youth Councils.

On behalf of all Branches in each State and Territory, the national body Scouts Australia developed the Scouts Australia Child Protection Policy and Prescribed Procedures, which were approved at the National Executive Council of Scouts Australia on 19-20 November 2016. These national documents explain reporting requirements and processes regarding the handling of child sexual abuse complaints. They have recently been modified to include specific and explicit reference to the National Principles for Child Safe Organisations, which are expected to be soon endorsed by COAG.

In addition, the Scouts Australia Child Protection Policy mandates that no child is to be alone with an Adult Member at any time (including when on-line). This constitutes a new child protection measure focused on minimising the risk of abuse.

Scouts Australia has a clear National Alcohol Policy and National Social Media Guidelines, both of which are communicated to the membership regularly via Scouts Australia communications vehicles including newsletters, emails, the website and social media. These national policies help to define and identify behaviours which the organisation considers to be inappropriate to enable the membership to understand boundaries of appropriate behaviour and where a breach occurs, appropriate action to be taken.

In response to the Royal Commission key finding that institutional cultures of physical National abuse and bullying contributed to abuse, Scouts Australia has a zero tolerance policy towards abuse. Scouts Australia has also launched a website called Breaking the Cycle (<http://breakingthecycle.scouts.com.au/>) which is aimed at providing the membership with information and reporting mechanisms to address all forms of bullying behaviours. This website has a different area for each section (age range) in scouting and addresses ways that individuals can deal with or report bullying behaviours.

Measure 1.2: Improvements to institutional responding and reporting

The Commission found gaps, inconsistencies and inadequate systems, and a general lack of understanding across all Institutions in the importance of responding and reporting of child sex abuse.

The Commission's examination of case studies (including Scouts Australia's case study) identified an absence in knowledge or care of legal obligations, with many institutions and their staff and

volunteers not reporting abuse outside the institution, to the considerable detriment of the children concerned.

The Commission's recommendations in this Volume will make Scouts Australia a mandatory reporter across all jurisdictions. Effectively, the recommendations make all organisations (including religious organisations) mandatory reporters.

The Commission has created a new definition of a 'complaint for child protection issues'. A 'complaint' includes any allegation, suspicion, concern or report of a breach of the institution's code of conduct. It also includes disclosures made to an institution that may be about, or relate to, child sexual abuse in an institutional context. A complaint can be made by anyone – including a child, adult survivor, parent, trusted adult, independent support person, staff member, volunteer or community member. A complaint may be made about an adult allegedly perpetrating child sexual abuse or about a child exhibiting harmful sexual behaviours. Institutions may receive complaints directly or through a redress scheme. This definition is reflected in the 10 Child Safe Standards also recommended by the Commission.

RISK: The operational realities of the recommendations in this Volume are likely to have significant impacts for Scouts Australia. In particular, the impacts embedded in the implementation of a national reportable conduct scheme, whilst essential, could take time to implement, enforce and to embed holistic reporting. Current child protection training may be required to be updated to ensure compliance and adherence to such an important initiative.. This is a key recommendation for the Commission and one that has always been a focus for the Commission's mission.

ACTION: The 2016 Scouts Australia National Child Protection Policy, developed during the period of the Royal Commission, directs that ALL adults in Scouting (notwithstanding the existence or otherwise of State or Territory law) are mandated to report Child Abuse. This is a new requirement (for some State Branches) and will require reinforcement.

ACTION: Scouts Australia will continue to align all policies and procedures, training and education programs, communication and promotion of its child protection policies to reflect this definition within the parameters of its federated model.

ACTION: Scouts Australia (through its national Child Protection Policy) has mandated a consistent child abuse reporting requirement and process across Australia. Additionally, the Policy provides guidance on how to respond to a disclosure or report. Our adult training modules now specifically include examples of how to report and respond.

ACTION: Scouts Australia will continue to work with its Branches to update the National Code of Conduct for all staff and volunteers and ensure it is clearly communicated and understood by all.

ACTION: Scouts Australia will ensure that all of its jurisdiction's policies and procedures for responding to complaints are compliant with the Commission's recommendations regarding responding to a complaint and investigating a complaint.

ACTION: Scouts Australia's policies and procedures will align to the Commission's recommendation of the development and implementation of a nationally consistent reportable conduct scheme. This will nationalise all jurisdiction's compulsory reporting schemes, and assist Scouts Australia in having a consistent approach across all Branches.

ACTION: Scouts Australia and its State Branches have unreservedly joined the National Redress Scheme as part of its recognised commitment to survivors and applicants. We have done this in recognition that we have, in the past, made judgements that we realise have contributed to the pain of our survivors. We wish to address this.

Scouts Australia Member Alert:

The Scouts Australia Member Alerts system maintains a central record of members for whom there is information that should be considered before granting membership. Such information may be child protection related or it could relate to behaviour, money handling or something else.

The alert information itself is not centrally recorded. The background may in fact only exist as a paper record at a Branch. A successful search simply advises that there is information that should be sought about this person and which Branch to contact for details.

The system will provide screens for both recording and searching functions. However, to eliminate additional administration by Branches and ensure that every adult applicant is tested against the Alerts records, an Applications Programming Interface will be provided. Once integrated within a Branch membership system, Alert searches will be fully automated.

Searching will be on several levels of decreasing confidence. A “perfect” match would be on first name, last name, gender and DOB. A low possibility match would be on mobile phone number only.

Scouts Australia’s National website on our Child Safe Scouting page, urges all Adults, Youth Members, families and members to make complaints about any issue related to child safety.

In accordance with Recommendation 7.7, National procedures are to refer complaints immediately and appropriately to Branches which have the resources to address them and the policies to ensure Child Safety and appropriate investigation by authorities.

Measure 1.3: Improvements to recordkeeping and information sharing

Scouts Australia is working to implement a risk management tool to facilitate efficient incident reporting and recording. This tool will allow for in-depth analysis of incidents across the organisation.

The National Data Privacy Policy on our current website is being reviewed.

Scouts Australia contracts include clauses on data privacy.

Scouts Australia acknowledges the minimum retention period for records relating to child sexual abuse as 45 years. In accordance with Recommendation 8.1, the organisation is currently reviewing the Scouts Australia policy regarding data retention to ensure compliance in accordance with Recommendation 8.4.

The National Data Privacy Policy on our current website is being reviewed.

Currently under development is a National Digital Transformation Strategy which will, as a matter of urgency consider the consolidation and central storage of all data.

In accordance with Recommendation 8.4, each Scouts Australia advocate will also receive training on how to maintain file notes and records to ensure transparency, accountability, and accurate recordkeeping across the organisation.

THEME 2: Children's Voices

Measure 2.1: Children participate in decisions that affect them

Scouts Australia is a youth led, adult supported organisation. Our youth members are at the forefront of everything that we do. The intellectual property of Scouts Australia's youth program has been adapted and implemented to Branches. This program provides many varied opportunities for youth members to participate in decisions that affect them.

Scouts Australia has actively sought out the opinions and concerns of youth members via many consultations at numerous Scouting events and activities. It is clear that Youth Members have distinct views on what makes them feel safe and they have a desire to express their thoughts in a constructive manner. These views have been shared with the Child Protection Team and have been closely considered when designing and implementing initiatives such as the Scouts Australia NSW Advocates scheme, and the "I have the right to feel safe" campaign.

The "I have the right to feel safe" campaign focuses on empowering our Youth Members to know their rights and to speak openly and freely about anything that does not align with their safety and wellbeing. This concept enforces Article 12 of the UN's Convention on the Rights of the Child and accords with Recommendation 6.4. The campaign will be further developed and promulgated in 2019.

The National Commissioner Youth Empowerment and National Youth Council are committed to giving our Youth Members a strong platform where they can openly share their views and concerns, particularly about decisions that directly impact them.

The Scouts Australia National Child Protection Policy and Prescribed Procedures reinforces children's rights and encourages open dialogue between parents, scouting adults with the view to promoting openness in discussion about Child Protection and the right to feel safe. The Policy now incorporates the 10 Principles of Childsafe Organisations which reinforces openness and the right to feel safe at all times.

Section 3: Reporting against institution specific recommendations

Scouts Australia was deemed by the Royal Commission to fall within the scope of sport and recreation sector.

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.

Child Safe Standards:

Standard 1: Child Safety is embedded in institutional leadership, governance and culture. Involves the entire institution, from staff to volunteers, understanding obligations and complying with codes of conduct.

ACTIONS:

- We have included in our National Strategic goals that we are determined to be a child safe organisation. And we have incorporated the Australian Human Right Commission's 10 Principles for Child Safe Organisations into our National Child Protection Policy.

- Scouts Australia have two senior employees, including the National General Manager, who are accountable for working in conjunction with Scouts Australia's National Coordinator, Redress, Mr Neville Tomkins, OAM. JP, and with Branch Redress representatives in relation to the following all child protection policies, procedures, national level communication and engagement, associated adult training and development, child safe scouting etc.
- We now have Child protection as a standing item on the National Support Team, National Team and National Executive Committee meeting agendas. This action has resulted in the National Policy being reviewed quarterly for accuracy and best practise. This action is ongoing.
- The Scouts Australia National Code of Ethics in Policy & Rules is available on the National website. The website also includes a specific Child Safe page which provides updates and information on new child-focused initiatives.

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

Emphasis must be placed on children's ability to express their views and participate in decisions that impact their lives. Children also need to be able to access sexual abuse prevention programs and information.

The Scouting ethos of "youth-lead, adult supporting is embedded on our new National Youth Program "The Adventure Begins". Our youth lead philosophy gives young people ability to express their views and participate in decisions that impact their lives.

Standard 3: Families and communities are informed and involved. Institutions must engage in two-way communication with families about child safety approaches, and families need to have a say in the institution's policies and practices.

The National incorporated entity communicates with families by various mechanisms including:

ACTION: We have amended the National Child Protection Policy to include the requirements to regularly communicate and consult with youth members and families.

ACTION: We have committed to amend the Association's Policy & Rules to ensure that they are consistent with this policy requirement.

ACTION: We have developed a Scouts Australia's national website with messages on child safe scouting, commentary and links to the Commonwealth Redress Scheme and Child Protection and Scout Leaders.

ACTION: We have developed a Scouts Australia Facebook page which is being continuously enhanced which seeks input and feedback from youth members and families in all aspects of 'scouting' including Child Protection.

- We now distribute a formal monthly eNews newsletter which is sent to all members and families.
- Information was sent to every adult member and parent regarding Redress and the Royal Commission.

Scouts Australia continues to collaborate and consult with Branches in relation to the ongoing enhancement of child protection policies and procedures, child safe scouting and adult volunteer training.

Standard 4: Equity is upheld and diverse needs are taken into account. Institutions must pay close attention to Aboriginal and Torres Strait Islander children, children with disability and children from culturally and linguistically diverse backgrounds.

Measures implemented prior to December 2018:

ACTION: We have establishment a National Diversity & Inclusion Commissioner position.

ACTION: We have amended the Scout Promise to be more inclusive of cultural and religious differences.

ACTION: We have amended The Scouts Australia National Child Protection Policy to remind all members of the need to be culturally and diversity sensitive in the handling of Child Protection matters.

Standard 5: People working with children are suitable and supported. Institutions must incorporate child safety in recruitment processes and involve Working with Children Checks across the organisation.

Key personnel within the National office, including the National General Manager, Manager Program & Governance, National Manager Brand & Communications, National Administrator and the Youth Program Team leader are all going through a customised refresh of Redress training. Many undertook a full day training on Monday 19 November 2018, facilitated by the Blue Knot Foundation.

All new employees of the National Office undertake a new or refresh of the Working with Children check and Police check prior to commencing employment with Scouts Australia. All current employees have completed Working with Children check and Police checks.

Standard 6: Processes to respond to complaints of a child sexual abuse are child focused. The institution must have a child-focused complaint handling system that is understood by children, staff, volunteers and families.

Scouts Australia continue to work collaboratively with all Branches, the Australia Child Commissioners and Child Wise in order to:

- create conditions that reduce the likelihood of harm to children
- create conditions that increase the likelihood of identifying and reporting harm
- respond appropriately to disclosures, allegations or suspicions of harm.

ACTION: Ongoing review of current internal and external complaint handling systems to ensure they are capable of dealing with complaints of child sexual abuse effectively. Scouts Australia is working on a systemic approach to make changes across the board to constantly strive to better protect children against sexual abuse but as importantly, to have the systems in place to alleviate the impact of abuse when it occurs and help ensure effective child focused responses and support.

In addition, Scouts Australia is working to establish a mechanism to regularly audit the implementation of the standards within the organisation by volunteers and staff.

ACTION: Scouts Australia, through the Branches, is working on a systemic approach to therapeutic treatment services to help victims deal with the impacts of abuse, which may help reduce negative social outcomes, including anger, substance abuse and recidivism as suggested by the Royal Commission. Scouts Australia, through the Branches, is working on connecting with external providers, referring survivors of child sexual abuse to appropriate services and ensuring follow up to stay connected with cases.

Standard 7: Staff are equipped with the knowledge, skills and awareness to keep children safe through continual education and training. All staff and volunteers receive training of child safe practices and child protection. Relevant staff receive training in protecting children and responding to disclosures.

The Scouts Australia National Team is accountable for the ongoing development of the youth program, in consultation with the branches, in its continued development of all adult volunteer training ensuring that the program delivery is focussed around equipping all staff and volunteers with the knowledge, skills and awareness to ensure the safety of our youth members. Whilst Scouts Australia is responsible for designing and promulgating the Youth program with the Branches, it is the Branches who execute the program locally.

All members of Scouts Australia's Nation Team are required to complete online training regarding Child Protection. This training provides all Adults with a fundamental level of risk mitigation knowledge and awareness.

In 2017 Scouts Australia introduced a new policy which requires all current staff to repeat the latest e-learning modules about child protection and child safety. Failure by current staff to complete the latest updated training results in the staff members being suspended.

Standard 8: Physical and online environments minimise the opportunity for abuse to occur. Risks in the online and physical environments are identified and mitigated without compromising a child's right to privacy and healthy development.

Scouts Australia recognises that abuse can occur in a myriad of environments, including in physical and online spaces.

ACTION: We have strengthened The Scouts Australia National Child Protection Policy to include specific guidance to Adults and Youth Members regarding their safety in on-line environments. This is also an area for our continuous reinforcement and reminder. It is also an area to be targeted in our external audits/accreditation.

These concerns, particularly in relation to the potential of abuse in the online environment, are addressed by Scouts Australia's Social Media Policy, which is available on the website, flagged on the Child Safe Page of the website and highlighted via targeted communications (such as Facebook, and Branch Chief Chat messages from the Chief Commissioner, etc).

Standard 9: Implementation of the Child Safe Standards is continuously reviewed and improved. The institution regularly reviews and improves child safe practices and analyses complaints to identify causes and systemic failures to inform continuous improvement.

Scouts Australia recognises the significance and importance of the Child Safe Standards, and remains committed to incorporating the Standards throughout the organisation.

ACTION: Scouts Australia now reviews its national Child Protection Policy every quarter. This is a continuing Action item on every National Executive Committee agenda.

Standard 10: Policies and procedures document how the institution is child safe. Policies and procedures address all Child Safe Standards.

Scouts Australia Child Protection Policy and Procedures and Policy and Rules are currently available on the Scouts Australia website, and communications have been circulated to the membership to ensure maximum awareness.

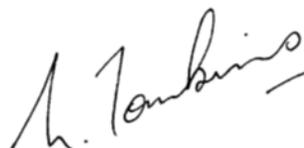
ACTION: Scouts Australia has developed Policies and Procedures that have incorporated the AHRC 10 Principles for Child Safe Organisations, and, has engaged the independent child safe organisation 'CHILDWISE' to ensure that our systems and processes are regularly audited and therefore improved.

Should you require any further information regarding any of the matters outlined above, please do not hesitate to contact us.

Kind regards



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Scouts Australia

7 December 2018