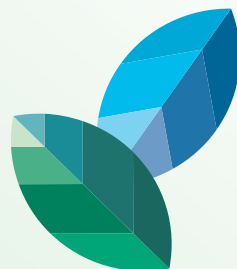




**Australian Government**

**Australian Government**

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



# Annual Progress Report 2019

## 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](#) on 1800 737 732
- [Lifeline](#) on 13 11 14
- the [National Redress Information Line](#) on 1800 737 377.

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ISSN:

2652-2659 (Print)

2652-2667 (Online)

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# **Annual Progress Report 2019:**

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



# Table of contents

<b>Ministerial foreword</b>	<b>6</b>
<b>Introduction</b>	<b>8</b>
Australian Government progress	9
Reports from states, territories and institutions	11
<b>Structure of this report</b>	<b>12</b>
<b>Governments working together around Australia</b>	<b>13</b>
The national priorities	13
Other joint government actions	14
<b>Theme 1: Making institutions child safe</b>	<b>15</b>
Key national achievements in 2019	17
National priority update – Work across all Australian governments	18
Other national collaboration	32
Australian Government progress	40
<b>Theme 2: Causes, support and treatment</b>	<b>53</b>
Key national achievements in 2019	55
National priority update – Work across all Australian governments	56
Australian Government progress	58
<b>Theme 3: Responses to abuse (<i>Redress and Civil Litigation Report</i>)</b>	<b>63</b>
Key national achievements in 2019	65
Australian Government progress	66

<b>Theme 4: Criminal justice and the protection of children</b>	<b>77</b>
Key national achievements in 2019	79
National collaboration	80
Australian Government progress	86
<b>Theme 5: Accountability and annual reporting</b>	<b>93</b>
Key national achievements in 2019	95
National priority update – Work across all Australian governments	96
Australian Government progress	98
<b>Closing</b>	<b>101</b>
<b>Useful links and contacts</b>	<b>102</b>
<b>Relevant frameworks and policies</b>	<b>104</b>
<b>Index</b>	<b>106</b>
<b>Appendix – Recommendations from the <i>Final Report</i></b>	<b>113</b>



# Ministerial foreword

It has been 18 months since the Australian Government responded to the 409 recommendations made by the Royal Commission into Institutional Responses to Child Sexual Abuse (the Royal Commission). Each recommendation targeted how to better protect children from child sexual abuse in institutions. We have made strong progress on the 122 recommendations for the Australian Government. We are committed to making sure we respect the work of the Royal Commission and implement its recommendations. We also want to build on that work into the future.

Over the past 12 months, since the first *Annual Progress Report*, governments across Australia have been working together. We have launched several national initiatives. We have also led work to promote consistent approaches to policies and programs that implement the recommendations.

The Australian Government is doing everything it can to make sure its own institutions are safe for children. One way we are making our institutions safe is through the National Principles for Child Safe Organisations (the National Principles). In February, the Council of Australian Governments endorsed the National Principles, which include the 10 Child Safe Standards that the Royal Commission recommended. The National Principles will mean all governments are taking a consistent approach to making organisations safe for children across Australia.

We have also implemented the Commonwealth Child Safe Framework. The Commonwealth Child Safe Framework applies the National Principles to all non-corporate Commonwealth entities. Our agencies are carrying out annual risk assessments to make sure they have safeguards in place for their programs and activities that involve children. We have set up systems to train the Australian Public Service and make sure all staff comply with the Commonwealth Child Safe Framework and all Australian laws.

Though we have made progress, there is still a lot of work to do. We have started work on the National Evaluation Framework. This will support the 10-year review on how we are meeting the recommendations of the Royal Commission. It will help us to be accountable and to achieve the goals we set.



On 22 October 2019, we marked the one-year anniversary of the Australian Government's National Apology to Victims and Survivors of Institutional Child Sexual Abuse. This anniversary honours the strength and endurance of survivors, victims and those with lived experience of abuse. It reminds us that our commitment to child safety is everyone's responsibility.

The Australian Government and the state and territory governments are committed to making a safer Australia for our children, in all aspects of their life – physically, mentally and online. This is a responsibility that we all share and we must all be held to account. In building an inclusive society that protects and supports our most vulnerable, we will create a future that values justice, fairness and safety. This is something our children deserve.

A handwritten signature in blue ink, appearing to read 'Scott Morrison'.

**The Hon. Scott Morrison MP**

Prime Minister of Australia

A handwritten signature in blue ink, appearing to read 'Christian Porter'.

**The Hon. Christian Porter MP**

Attorney-General

# Introduction

On 15 December 2017, the Royal Commission delivered its *Final Report*. The *Final Report* made 409 recommendations to better protect children from sexual abuse in Australian institutions. The report included:

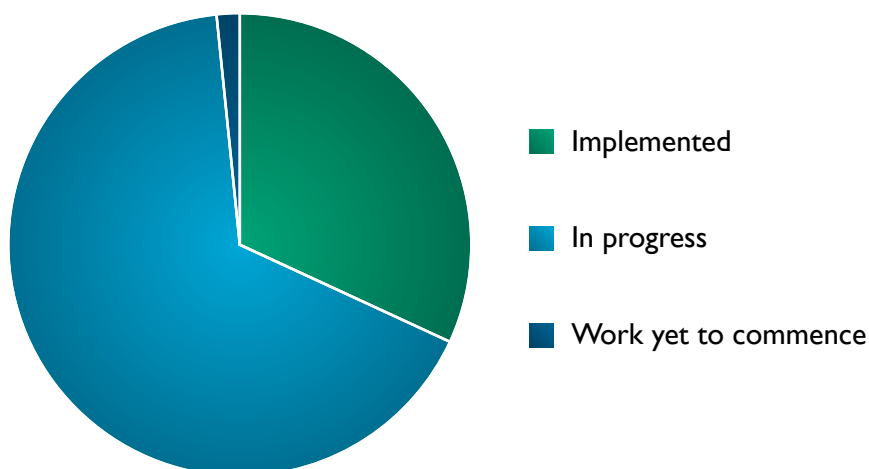
- 17 volumes covering a range of issues (189 recommendations)
- the *Working with Children Checks Report* (36 recommendations)
- the *Criminal Justice Report* (85 recommendations)
- the *Redress and Civil Litigation Report* (99 recommendations).

This is the Australian Government's second *Annual Progress Report*. It shows the progress that the Australian Government has made over the last 12 months. It also highlights some of the ongoing work that will continue in 2020 and beyond. This *Annual Progress Report* is structured in the same way as the first *Annual Progress Report* so that you can easily find the information you need.

Of the 409 recommendations in the Royal Commission's *Final Report*, 84 recommendations deal with redress. The Australian Government is responding to these recommendations through the National Redress Scheme, which was created for people who have experienced institutional child sexual abuse. This is explained in more detail on pages 66–69.

Of the other 325 recommendations, 122 also needed some involvement from the Australian Government. The Australian Government is making significant progress on these recommendations and will report annually on its progress. The other recommendations need to be addressed by state and territory governments and institutions.

## Implementation progress for the 122 recommendations that need some involvement from the Australian Government



## Australian Government progress

The Australian Government has taken action in a wide range of areas including:

- child protection
- early intervention and prevention
- service delivery
- data collection and research
- education
- health
- community safety
- law reform
- access to justice.

Progress is well advanced to develop a new National Strategy to Prevent Child Sexual Abuse (the National Strategy). The National Office for Child Safety has consulted with more than 350 individuals and groups about the National Strategy. This makes sure the people who understand these issues best inform the strategy and that it meets their needs. These people have included:

- people who have experienced child sexual abuse and their advocates
- Aboriginal and Torres Strait Islander peoples
- clinical practitioners
- child protection experts
- academics with subject matter expertise.

The National Strategy will guide how governments make decisions and how they invest their efforts and resources. It will focus on cultural change, supporting victims and survivors of child sexual abuse and developing initiatives aimed at adult offenders.

The Australian Government has started work on a National Evaluation Framework. This framework will help all governments to support a 10-year review, which will look at the progress of implementing the recommendations and how effective the changes have been. This will help make sure the work of the Royal Commission results in lasting change.

The Australian Government has also taken on a national leadership role for more than 30 other recommendations, on top of the 122 that it is responsible for. These recommendations are mainly for state and territory governments. For example, the Australian Government helped develop the National Standards for Working with Children Checks. To do this, it set up a working group of representatives from all Australian governments. The National Standards mean there will be greater consistency in the way that states and territories screen people who want to work with children. As of 12 November 2019, every state and territory has approved the National Standards.

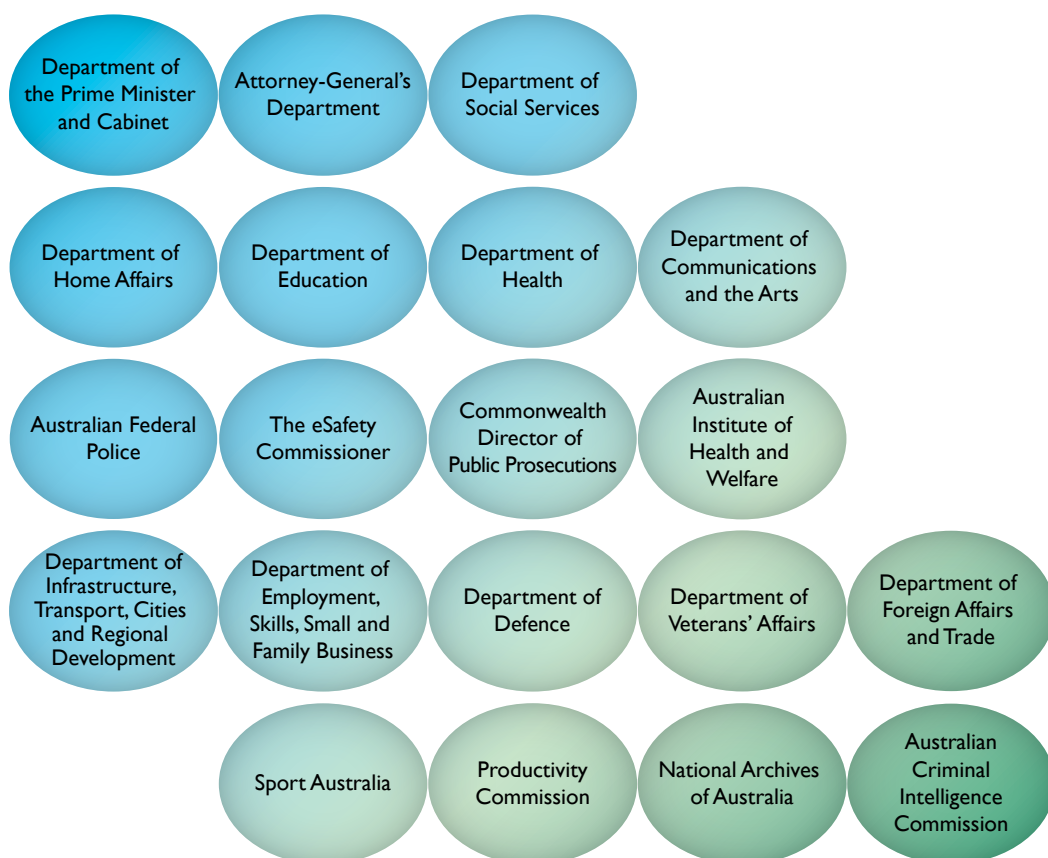
All areas of the Australian Government are working together to:

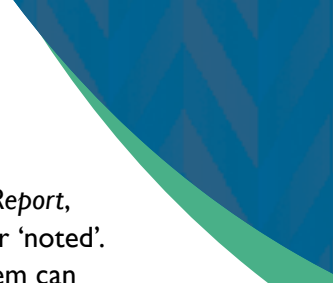
- prevent child sexual abuse
- improve how institutions respond to child sexual abuse
- make sure that victims and survivors get justice, treatment and support.

Other key achievements in 2019 include:

- the *Combatting Child Sexual Exploitation Legislation Amendment Act 2019*, which came into effect in September 2019
- endorsing the National Principles for Child Safe Organisations
- starting a five-year study on child maltreatment in Australia
- reaching national agreement on improvements to how data is collected about child protection and child sexual abuse.

The Australian Government agencies that contributed to this *Annual Progress Report* are listed in the diagram below.





In the Australian Government's response to the Royal Commission's *Final Report*, there were several recommendations listed as 'for further consideration' or 'noted'. Work has now progressed on almost all of these and information about them can be found throughout this report. For example, you can find information about the National Centre for the Prevention of Child Sexual Abuse and about therapeutic responses for children with harmful sexual behaviours under Theme 2 of this report. You can find information about how the Australian Government is involved in a working group looking at issues of confessional privilege under Theme 4 of this report.

## **Reports from states, territories and institutions**

This *Annual Progress Report* is focused on the Australian Government's progress in implementing the Royal Commission's recommendations. In many cases, this has involved working closely with state and territory governments and other non-government institutions. All states and territories, and some institutions, will publish their own 2019 annual reports on their progress. These will also be published on the Australian Government Response to the Royal Commission into Institutional Responses to Child Sexual Abuse website.<sup>1</sup>

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<sup>1</sup> [www.childabuseroyalcommissionresponse.gov.au](http://www.childabuseroyalcommissionresponse.gov.au)

# Structure of this report

This report groups the Royal Commission's recommendations together into five key themes. These are based on the volumes of the Royal Commission's *Final Report*. They are the same as those in the first *Annual Progress Report*.

You can find a full list of the Royal Commission's recommendations in Appendix A of this report.

This year's *Annual Progress Report* also includes an index of all the recommendations that have been addressed in this year's report, so you can easily find information on particular recommendations. This starts on page 106.

## 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 Royal Commission's *Final Report*

- Volume 7 – Improving institutional responding and reporting

#### 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

Many of the recommendations in the *Final Report* need all Australian governments to work together.

The Australian Government is working closely with states and territories and is also taking a national leadership role where appropriate. This is helping to make sure reforms in child safety are made in a coordinated and consistent way across the nation.

All levels of government are committed to working together to achieve progress Australia-wide.

## The national priorities

All Australian governments have agreed to work together to prioritise a set of recommendations that focus on:

- supporting child safe institutions
- developing a National Strategy to Prevent Child Sexual Abuse
- improving information sharing, recordkeeping and data collection
- reporting publicly on progress each year.

### Relevant recommendations:

*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, 8.9, 8.12, 8.13, 8.14, 8.15, 8.16, 10.1, 10.2, 10.3, 10.6, 10.7, 12.1, 12.2, 12.3, 12.15, 17.1 and 17.2

Working on these national priority recommendations together is vital for improving child safety. Strong progress has been made in these areas in 2019. This includes all Australian governments deciding to work together on up to 10 extra national priority recommendations. This is why there are more recommendations listed in the box above than in last year's *Annual Progress Report*. You can find updates on the national priorities at the beginning of each theme in this report. Annual reports from each state and territory will also include updates on progress.

## Other joint government actions

### Relevant recommendations:

*Final Report:* 6.19, 6.21, 6.22, 6.24, 8.10, 8.11, 13.4, 13.8 and 15.2

*Working with Children Checks Report:* 3a, 3b, 4a, 4b, 4c, 4d, 22, 34, 35 and 36

*Criminal Justice Report:* 2, 44, 45, 46, 47, 48, 49, 50, 51 and 68

As well as the national priorities, all Australian governments have agreed to work together on a range of other recommendations that need joint action.

These cover areas including:

- online safety
- education
- Working with Children Checks
- places of detention
- support for victims and survivors.

A number of Australian, state and territory government working groups are making progress in these areas. This makes sure there is national leadership and coordinated action. These groups include:

#### Groups of Australian, state and territory ministers

- Community Services Ministers
- Council of Attorneys-General
- Council of Australian Governments Education Council
- Ministerial Council for Police and Emergency Management.

#### Groups of Australian, state and territory public servants

- Child Abuse Royal Commission Interjurisdictional Working Group
- Council of Australasian Archives and Records Authorities
- Steering Committee for the Review of Government Service Provision
- Working with Children Checks Interjurisdictional Working Group
- Children with Harmful Sexual Behaviours Working Group.

You can find updates on the work that governments are doing together under each of the themes in this report.



## Theme 1

---

Making  
institutions  
child safe

## Theme 1

# Making institutions child safe


### Theme 1 at a glance

The Royal Commission's *Final Report* made several recommendations about 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).

All Australian governments have started putting these recommendations into practice. We are working on the recommendations that relate to us as governments responsible for policy and law. We are also working on the recommendations that apply to us as organisations that have responsibility for institutions with children in their care.

# Key national achievements in 2019

- 
- February 2019** The Council of Australian Governments endorsed the National Principles for Child Safe Organisations.
- April 2019** The Office of the Commonwealth Ombudsman took on the roles and functions of the National Preventive Mechanism Coordinator under the *Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment*.
- June 2019** The National Office for Child Safety completed consultations with more than 350 individuals and groups on the design of a new National Strategy to Prevent Child Sexual Abuse. Those consulted included:
- people who have experienced child sexual abuse and their advocates
  - Aboriginal and Torres Strait Islander peoples
  - clinical practitioners
  - child protection experts
  - academics with subject matter expertise.
- August 2019** The National Office for Child Safety released the *Complaint Handling Guide: Upholding the rights of children and young people*. The Guide has practical advice for organisations on how to develop, put in place and maintain a complaint-handling system that supports the rights of children and young people.
- September 2019** The Commonwealth Ombudsman released its first report as National Preventive Mechanism Coordinator. The report detailed the willingness of the Australian Government to implement the *Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment*.

These initiatives complement and build on the 2018 achievements, which you can read about in the Australian Government's *2018 Annual Progress Report*.

## National priority update – Work across all Australian governments

In 2019, all Australian governments have continued to work together to prioritise recommendations that:

- support child safe institutions by making sure that the National Principles for Child Safe Organisations and the Child Safe Standards are used
- support the development of a National Strategy to Prevent Child Sexual Abuse
- improve how information is shared, records are kept and data is collected about child sexual abuse.

### Supporting child safe institutions

#### *The National Principles for Child Safe Organisations*

##### **Relevant recommendations:**

*Final Report:* 6.4, 6.5, 6.6, 6.7, 6.12, 6.14, 7.7 and 7.8

*Criminal Justice Report:* 16, 17, 18 and 19

The Council of Australian Governments endorsed the National Principles for Child Safe Organisations (the National Principles) in February 2019. The 10 National Principles put into practice the Royal Commission's recommended Child Safe Standards. The National Principles create cultures and practices in organisations that support child safety and wellbeing across all sectors in Australia. You can find the National Principles on the next page of this report.

The National Office for Child Safety is leading work to implement the National Principles. It is working with state and territory governments and non-government sectors to reach a nationally consistent approach to child safety in all organisations. This work is expected to keep going over several years.

The Australian Government also asked the Australian Local Government Association to let local governments know of their responsibilities in implementing the National Principles. To support this, the Australian Local Government Association has promoted the National Principles to its 537 local government council members.

# National Principles for Child Safe Organisations



**1** Child safety and wellbeing is embedded in organisational **leadership, governance and culture**.



**2** Children and young people are informed about their **rights, participate** in decisions affecting them and are taken seriously.



**3** Families and communities are **informed and involved** in promoting child safety and wellbeing.



**4** **Equity** is upheld and **diverse needs** respected in policy and practice.



**5** People working with children and young people are suitable and **supported** to reflect child safety and wellbeing values in practice.



**6** Processes to respond to **complaints and concerns** are child focused.



**7** **Staff and volunteers** are equipped with the knowledge, skills and awareness to keep children and young people safe through **ongoing education and training**.



**8** **Physical and online environments** promote safety and wellbeing while minimising the opportunity for children and young people to be harmed.



**9** Implementation of the national child safe principles is **regularly reviewed and improved**.



**10** **Policies and procedures** document how the organisation is safe for children and young people.



Australian Government

## Engaging with other sectors

In 2019, the National Office for Child Safety set up a Child Safe Sectors Leadership Group. The group will give advice on how to approach national initiatives, including putting the National Principles in place. The group is made up of 43 representatives from peak bodies and large national organisations from 15 sectors that work closely with children and young people. The sectors the group represents include Aboriginal and Torres Strait Islander peoples, disability, out-of-home care, education, religious, sport and recreation, youth development and community services.

The group is responsible for promoting and sharing information about child safety practices and requirements throughout their sectors and membership groups. The aim is to have nationally consistent and evidence based approaches to child safety. The reach of the group will support the National Office for Child Safety to put in place the National Principles in rural and remote organisations.

The Australian Government has developed the following resources for promoting the National Principles:

- Introductory Self-Assessment Tool for Organisations
- Guide for Parents and Carers
- Example Code of Conduct
- Charter of Commitment
- Child Safety and Wellbeing Policy template
- Checklist for Online Safety (developed in partnership with the eSafety Commissioner)
- 11 free online professional learning modules that include an introductory module and one on each of the 10 principles.

These resources are available through the Department of the Prime Minister and Cabinet website<sup>1</sup> and the Australian Human Rights Commission's Child Safe Organisations website.<sup>2</sup> Links to these webpages are also on the on the Australian Government Response to the Royal Commission into Institutional Responses to Child Sexual Abuse website.<sup>3</sup>

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1 [www.pmc.gov.au/domestic-policy/national-office-child-safety/national-principles-child-safe-organisations](http://www.pmc.gov.au/domestic-policy/national-office-child-safety/national-principles-child-safe-organisations)

2 <https://chilsafe.humanrights.gov.au>

3 [www.childabuseroyalcommissionresponse.gov.au](http://www.childabuseroyalcommissionresponse.gov.au)

The National Office for Child Safety is developing extra resources to help organisations and communities implement the National Principles. This includes culturally tailored resources for Aboriginal and Torres Strait Islander peoples. Research by the Royal Commission and the Australian Human Rights Commission highlighted that these communities and organisations are culturally diverse and often have needs and challenges that are unique. The research also highlighted how important it is to develop resources that are sensitive to their cultural needs.

### *Child-focused complaint handling*

In August 2019, the National Office for Child Safety produced a *Complaint Handling Guide: Upholding the rights of children and young people* (the Guide). The Guide has practical advice for organisations on how to develop, put in place and maintain a complaint-handling system that supports the rights of children and young people.

It includes advice about how organisations should manage privacy and information sharing when meeting their reporting requirements so that they are upholding the rights of children. The Office of the New South Wales Ombudsman led the development of the Guide with support from children's guardians and commissioners, and ombudsman offices across Australia. You can find the Guide on the Department of the Prime Minister and Cabinet website.<sup>4</sup>

#### **Relevant recommendations:**

*Final Report: 7.7*

*Criminal Justice Report: 16, 17, 18 and 19*

<sup>4</sup> [www.pmc.gov.au/node/126915](http://www.pmc.gov.au/node/126915)

## Child Safety Working Group

The National Office for Child Safety is working with state and territory governments to agree on a consistent national approach to child safety through the Children and Families Secretaries Priority Four Child Safety Working Group (the Working Group).

The Working Group is co-chaired by the Western Australian Department of Communities and the National Office for Child Safety. It includes representatives from all state and territory governments. The Working Group meets four times a year and talks to Australian, state and territory government departments, including child safety, health, education and justice.

The Working Group is responsible for promoting consistent national approaches to keeping children and young people safe from harm. The Working Group is focused on four areas:

1. Supporting child safe institutions
2. Improving information sharing, recordkeeping and data collection, including work on carer registers
3. The National Strategy to Prevent Child Sexual Abuse, including strategies to address the issue of children with harmful sexual behaviours
4. Improving incident reporting.



## Examples from the states and territories

### New South Wales

New South Wales invested \$3.8 million for the New South Wales Office of the Children's Guardian to:

- speak with organisations in different sectors about implementing the Child Safe Standards
- develop a scheme to regulate the Child Safe Standards in different organisations.

Public consultation on the regulation of the Child Safe Standards happened in the first half of 2019. More than 200 responses were received, including 58 written submissions and 162 survey responses. In July 2019, the New South Wales Office of the Children's Guardian released its report, *Making Organisations Safer for Children*.

The report explained:

- the results of the consultation
- the support for mandatory standards
- the planned next steps to set up a regulatory model to implement the Child Safe Standards in New South Wales.

### Western Australia

The Western Australian Department of Communities is collaborating with the Western Australian Council of Social Services to engage with community service organisations and other sectors that work with children, about implementing the National Principles.

In 2019, the Department of Local Government, Sport and Cultural Industries began including the National Principles in all funding contracts and grants.

The Western Australian Government has a number of existing child safe resources that the Commissioner for Children and Young People, the Department of Communities and the Department of Local Government, Sport and Cultural Industries have updated to align with the National Principles. These also align with other resources the National Office for Child Safety has developed. These Western Australian resources are expected to be launched by the end of 2019.

# National Strategy to Prevent Child Sexual Abuse

## Relevant recommendations:

*Final Report: 6.1, 6.2, 6.3 and 10.1*

The National Office for Child Safety is working on a National Strategy to Prevent Child Sexual Abuse (the National Strategy). The National Strategy will help guide government decisions and funding opportunities.

In line with the recommendations from the Royal Commission, the National Strategy will focus on:

- cultural change, including through education and raising awareness about child sexual abuse
- giving people who have been affected by child sexual abuse access to the right supports at the right time
- initiatives aimed at adult offenders
- better treatment and support for children and young people with harmful sexual behaviours.

Between July 2018 and June 2019, the National Office for Child Safety spoke to more than 350 individuals and groups. This included:

- people who have experienced child sexual abuse and their advocates
- Aboriginal and Torres Strait Islander peoples
- clinical practitioners
- child protection experts
- academics with subject matter expertise.

You can find a Public Consultation Report summarising the views of these stakeholders on the Department of the Prime Minister and Cabinet website.<sup>5</sup>

Stakeholder feedback said that the National Strategy should:

- **increase awareness and education about preventing** child sexual abuse from happening and promoting online safety for children, families, the community and professionals
- support a **system** that is trauma-informed, nationally consistent, responsive and properly resourced
- support **cultural change** and **build awareness** and understanding of child sexual abuse, including reducing stigma and supporting people to get help
- include initiatives for **offender prevention**

<sup>5</sup> [www.pmc.gov.au/child-safety](http://www.pmc.gov.au/child-safety)

- improve responses, treatment and support for **children with harmful sexual behaviours**
- set a strong **research** agenda.

In 2020, the National Office for Child Safety will continue to work with Australian Government agencies; state and territory governments; and the non-government sector to develop the National Strategy.

## A new national children's framework

The *National Framework for Protecting Australia's Children 2009–2020* (the National Framework) sets out a long-term approach to reducing child abuse and neglect in Australia. The Australian Government is developing options for when the National Framework ends.

**Relevant recommendation:**  
*Final Report: 6.15*

Developing frameworks that work well together is important. The Department of Social Services is working with a range of non-government organisations and all Australian governments, to develop these options. The Department of Social Services is also working with the National Office for Child Safety to make sure this work complements the National Strategy to Prevent Child Sexual Abuse.

Through consultations, stakeholders have also asked for:

- a new **national agenda** for children and families that includes wellbeing and safety
- a focus on **improving lifetime outcomes** for all children, particularly those that are at risk of disadvantage, abuse or neglect
- a strategy focused on outcomes with **targets that can be measured** and achieved
- a clear **research agenda** and better ways to collect data to **build an evidence base**
- a focus on **early intervention** and preventing the abuse.

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

### Relevant recommendations:

*Final Report: 8.1, 8.2, 8.3, 8.4, 8.6, 8.7, 8.8, 12.1, 12.2, 12.3 and 12.15*

The Royal Commission highlighted that better recordkeeping, improved data, and sharing information between institutions is essential to identify, prevent and respond to child sexual abuse. It also emphasised the need for Australian governments to consider wider issues of child safety and child wellbeing, beyond the

scope of the Royal Commission's focus on institutional abuse, when implementing recommendations relating to information sharing.

In 2019, all governments have continued to focus on actions that:

- remove barriers to sharing information across borders
- improve recordkeeping practices of institutions and make it easier for people to access their records
- improve how data is collected so that policies can be improved.

### *Recordkeeping*

### Relevant recommendations:

*Final Report: 8.1, 8.2, 8.3 and 8.4*

It is important that institutions working with children create and keep relevant records for the right period of time. This means institutions are better able to find information and respond to risks and incidents of child sexual abuse. It also helps survivors to access records about themselves and their lives.

In October 2018, the National Archives of Australia made it a requirement for Australian Government agencies to keep records about child sexual abuse that happened, or is alleged to have happened, for at least 45 years. It also introduced minimum times for keeping administrative records about child sexual abuse incidents and allegations. These changes are in line with the Royal Commission's recommendations.

The National Archives has been working with states and territories through a working group of the Council of Australasian Archives and Records Authorities to implement the Royal Commission's recommended recordkeeping principles. In 2019, the working group developed a guide for government and non-government institutions on identifying records that may become relevant to an actual or alleged incident of child sexual abuse. In September 2019, this advice was published on the Council of

Australasian Archives and Records Authorities website.<sup>6</sup> The guide will help victims and survivors of child sexual abuse by supporting institutions to identify, create, manage and keep records relevant to incidents of child sexual abuse.

## Data collection

All Australian governments are working to improve the Child Protection National Minimum Data Set (the Data Set). The Data Set is an annual collection of information on child protection in Australia. The Australian Institute of Health and Welfare publishes the data each year. The Productivity Commission also uses the data in its annual *Report on Government Services*.

### Relevant recommendations:

*Final Report: 12.1, 12.2, 12.3 and 12.15*

In 2019, all Australian governments agreed on:

- key terms and definitions relating to child sexual abuse and child sexual exploitation in care
- the scope for national reporting on child abuse in care
- new data items, so that the number of children who were abused while in care and the demographics of these children can be reported.

From 2021, agreed data will be collected and publicly reported each year in the existing *Child protection Australia* report. The agreed definitions will allow for the reporting of national statistics of abuse in care and help to keep track of trends. This will mean governments and organisations will be able to make more informed decisions about policies and programs.

From 2020, further work will commence to improve the Data Set. This will include making sure it:

- better identifies children with disability and children from culturally and linguistically diverse backgrounds
- identifies the type of care where the abuse happened
- provides information about when the abuse happened
- provides information about who perpetrated the abuse, including their age and their relationship to the victim, if known.

<sup>6</sup> [www.caara.org.au/index.php/working-groups/royal-commission-working-group](http://www.caara.org.au/index.php/working-groups/royal-commission-working-group)

## *Improving information sharing*

Sharing information quickly between systems is key to promoting the safety, welfare and wellbeing of children and families. Australian governments are working to improve information sharing in a number of ways.

### **Relevant recommendations:**

*Final Report: 8.6, 8.7 and 8.8*

The Children and Families Secretaries Priority Four Child Safety Working Group is assessing the best way that child data, information and records can be shared in a nationally consistent way. This includes work on a nationally consistent approach to carer registers.

## **The National Child Protection Information Sharing Solution**

To improve the sharing of child protection information across states and territories, the Australian Government Department of Social Services and the New South Wales Department of Family and Community Services partnered together to develop a challenge under the Business Research and Innovation Initiative. The *Sharing information nationally to ensure child safety* challenge asked organisations to develop an innovative technical solution that supports state and territory child protection agencies to share information across borders. This information would then help to better identify and understand potential risks to children in ‘real time’.

Thirty-eight organisations applied to the challenge. In early 2019, two concepts were chosen to be developed further, in consultation with state and territory child protection agencies. In July 2019, through the Children and Families Secretaries group, states and territories agreed on the preferred supplier to deliver this solution. The solution is called the National Child Protection Information Sharing Solution.

The Australian Government has provided \$3.9 million to help states and territories with the start-up costs of the National Child Protection Information Sharing Solution. All Australian governments are now working together to consider the security, audit and governance arrangements of the solution to make sure states and territories can adopt it.

## Information sharing between the family law, family violence and child protection systems

The Council of Attorneys-General Family Violence Working Group is also working on an information-sharing framework. This framework will document how court orders, judgements, transcripts and other documents will be shared between the family law, family violence and child protection systems. It will recognise the importance of sharing information to help decision-makers to identify and respond to children and families at risk of violence or abuse at an early stage of investigations and court proceedings. The Australian Government is also funding a study to look at how technology might be used to support information sharing between these systems.

## New data sharing and release laws

The Australian Government is developing new data sharing and release laws. These are expected to be introduced to the Parliament in mid-2020. This will improve data safeguards and update Australia's public sector data framework. While this initiative is broader than implementing the Royal Commission recommendations, it will help governments improve how they share data to deliver better services to individuals, including children. It will also support data, research and evaluation activities under the National Strategy to Prevent Child Sexual Abuse. The Office of the National Data Commissioner is leading this work.

## *Sharing information in the education sector*

To improve information sharing across education systems about children at risk, the Royal Commission recommended that the Council of Australian Governments (COAG) Education Council reviews the Interstate Data Transfer Note and Protocol.

The review is addressing the safety and wellbeing of children, including information relevant to child sexual abuse in institutional contexts. All Australian governments are working together to review the Interstate Data Transfer Note and Protocol. They are also working together to map data transfer gaps and set up a pilot study for ways to improve information sharing.

### Relevant recommendation:

*Final Report: 8.16*

## Strengthening teacher registration

### Relevant recommendations:

*Final Report:* 8.9, 8.10, 8.11, 8.12 and 13.8

A National Review of Teacher Registration was undertaken in 2018. The review made a number of recommendations aimed at improving child safety, including amending legislation and developing automated systems to support sharing of information between teacher regulatory authorities. It also recommended developing a national policy on suitability to teach children. The Australian Institute for Teaching and School Leadership is implementing the recommendations from the National Review of Teacher Registration. This will include measures that improve children's safety. The COAG Education Council is scheduled to consider this work in December 2019.



## Examples from the states and territories

### Victoria

The Victorian Government's Child Information Sharing Scheme (the Scheme) started on 27 September 2018. The Scheme allows specific organisations in Victoria (known as 'information sharing entities') that work with or hold information about children, young people and their families, to share information with each other. Organisations can only share this information to promote the wellbeing or safety of a child or group of children. The Scheme aims to improve coordination and collaboration between services that support a child and their family. This helps to support prevention and early intervention. The Scheme also includes a range of recordkeeping requirements for when information is shared.

### Northern Territory

The Northern Territory Government is developing a new client management system to improve recordkeeping, information sharing, reporting and case management. The new system will make it easier to access, analyse and generate reports to produce a full picture of a child and their family. This will increase the ability to provide early intervention and diversion programs. It is expected to take four years to deliver the full system. The system will include a data exchange capability and will be able to integrate with other government sources, including police, justice, health and education.

### New South Wales

In February 2019, New South Wales changed the *Children and Young Persons (Care and Protection) Regulation 2012* to allow specific organisations in New South Wales to share information with government child protection departments in other states and territories. The information that can be shared would relate to the safety, welfare or wellbeing of a child. The organisations in New South Wales allowed to share this information with child protection departments in other states and territories include the police, schools, day care centres, health services and out-of-home care providers.

### South Australia

South Australia recently passed its new *Education and Children's Services Act 2019*. The Act allows schools, preschools, children's services and other relevant authorities to share certain information relating to the education, health, safety, welfare or wellbeing of a child. Where a child is transferring between schools, the legislation allows the principal of the new school to ask for a report from the principal of the child's previous school.

# Other national collaboration

## Child safety in schools and early childhood education

### Relevant recommendations:

*Final Report: 6.19, 6.21, 6.22, 13.1, 13.4 and 13.7*

All Australian governments realise the education sector is significant in responding to the Royal Commission's recommendations. Making sure the education sector has the opportunity and ability to work together to prevent child sexual abuse is a priority of education ministers and education authorities. The Council of

Australian Governments (COAG) Education Council set up a Senior Officials Working Group (the Working Group) to progress the Royal Commission's recommendations about education. The Working Group has developed actions so that these recommendations can be implemented consistently across the country.

### *Supporting students*

In 2019, the Australian Government gave an extra \$2.8 million over three years to support the Respect Matters program. The Australian Government's Department of Education developed the program for teachers to educate students about safety, consent and wellbeing. It will give teachers the resources they need to help students learn about:

- safe and healthy relationships
- how to solve conflicts and negotiate decisions
- developing bystander behaviours that protect others.

The Council of Australian Governments has endorsed the National Principles for Child Safe Organisations. This will encourage a nationally consistent approach to developing cultures in organisations that support child safety and wellbeing in all schools throughout Australia.

### *Supporting schools to create child safe environments*

At the December 2018 COAG Education Council meeting, the Australian Curriculum, Assessment and Reporting Authority (ACARA) was asked to report back on how child sexual abuse prevention and online safety education are covered in the Australian Curriculum. To respond to this, ACARA has created a new Curriculum Connections resource to support teachers to identify content in the Australian Curriculum on preventing child sexual abuse. ACARA is working with the eSafety Commissioner to develop a further Curriculum Connections resource on online safety. The Curriculum Connections resource will be available in 2020.

To support schools to create child safe online environments, the eSafety Commissioner is also developing an *Online Safety Guide for Schools* that provides resources and advice on:

- developing effective procedures that support online safety
- engaging the whole school community in online safety
- online safety education for students and professional learning for educators
- supporting safety and wellbeing when responding to incidents.

Research the eSafety Commissioner commissioned to identify best practice in online safety education is informing this work.

## *Early childhood and childcare*

The National Quality Framework is how all approved childcare services are regulated and assessed for quality around Australia. You can find the National Quality Framework on the Australian Children's Education and Care Quality Authority website.<sup>7</sup>

The COAG Education Council is reviewing the National Quality Framework. As part of this, all states and territories will review their Early Years Learning Framework and the My Time Our Place learning frameworks in 2020. These frameworks aim to help make sure children receive a high standard of education and care.

The Australian Government is also working with those responsible in each state and territory for early childhood education and care. This work will make sure early childhood providers follow rules about recordkeeping and Working with Children Checks.

## *Online safety education for young children*

The eSafety Commissioner is continuing work on providing online safety education to parents.

A focus of the eSafety Commissioner in 2019 has been developing an early years program to support parents, carers and educators to build a strong foundation for online safety for children from birth to five years of age.

The Early Years program aims to:

- build an understanding of online safety
- set good habits early
- give educators the skills and confidence to support online safety

### **Relevant recommendations:**

*Final Report: 6.20 and 6.21*

<sup>7</sup> [www.acecqa.gov.au](http://www.acecqa.gov.au)

- give parents and carers easy access to advice and practical tips
- encourage parents, carers and educators to communicate and work together to support young children in online safety.

The Early Years program will deliver resources in stages during 2020. The resources will include:

- professional learning modules for early childhood educators and service managers that will look at online safety risks and practices
- hard copy information packs for parents and carers with advice on key online safety issues for their child
- an online safety project developed with ABC Children and the makers of Play School.

## **Examples from the states and territories**

### **Western Australia**

Western Australia introduced the Western Australia Respectful Relationships Teaching Support Program in early 2019. A growing body of research, policy and practice in primary prevention in school settings has informed the program and it has been adapted to the Western Australian context. The Respectful Relationships Teaching Support Program recognises that school communities play a part in promoting healthy and respectful relationships and the message that violence is never okay. Using a whole-of-school approach, the program supports school staff to teach students about healthy and positive relationships to prevent family and domestic violence.

### **Tasmania**

The Tasmanian Department of Education has partnered with peak organisations to develop professional guidance for teachers and learning professionals on what to do when they become aware of online child abuse material. This guidance is in the final stage of development. It was developed in partnership with Tasmania Police, the Tasmanian Department of Communities, the Australian Federal Police and the eSafety Commissioner.

## Law enforcement responses to online child abuse

The Australian Federal Police is working with the eSafety Commissioner, state and territory police services and representatives from government and industry. This collaboration creates a nationwide law enforcement response to combat online child sexual abuse. The Australian Federal Police is also producing activities for the community focused on prevention.

### Relevant recommendation:

*Final Report: 6.24*

This work is mostly being delivered through the Australian Centre to Counter Child Exploitation, through Operation GRIFFIN (which used to be called the National Child Protection Working Group) and through the ThinkUKnow online safety education program.

### *The Australian Centre to Counter Child Exploitation*

The Australian Government created the Australian Centre to Counter Child Exploitation (the ACCCE) in 2018. It is a centre of expertise and specialist skills that provides a coordinated response to the online exploitation of children both in Australia and overseas. The ACCCE combines the resources and experience of all Australian governments, as well as non-government organisations and private industry.

### Research activities

The ACCCE, with the Australian Institute of Criminology, is supporting the Child Exploitation Material Reduction Research Program. This program brings together research teams from different areas to look at new ways to reduce child exploitation. The program focuses on both crime prevention and crime detection.

In 2019, the ACCCE also completed research on:

- Australians' awareness of online child sexual exploitation
- online child exploitation and digital harm in Aboriginal and Torres Strait Islander communities.

The ACCCE is using this research to carry out community consultation activities and develop new ways to increase awareness and prevent abuse.

## **Investigations capabilities**

The ACCCE has been supporting law enforcement agencies across the country to improve their investigation capabilities. It has sent new digital forensic evidence investigator kits to all state and territory Joint Anti Child Exploitation Teams. The ACCCE has also helped train Australian Federal Police detection dogs and handlers in new techniques, so that detection dogs can help find electronic evidence.

With the support of the Australian Federal Police, the ACCCE is also working on victim identification capabilities that are consistent for all law enforcement agencies. This will improve the ability of police to identify child victims of sexual abuse and remove them from harm.

The eSafety Commissioner investigates complaints the Australian public make about online child sexual abuse material. It takes direct action to remove online child sexual abuse material that is hosted in Australia and overseas. If illegal content is hosted in Australia, the eSafety Commissioner contacts the relevant Australian police force. Once certain that a police investigation will not be compromised, the eSafety Commissioner directs the hosting provider to remove the content. The eSafety Commissioner is also the Australian member of INHOPE, a global network actively working to remove child sexual abuse material from the internet as quickly as possible.

## **International child exploitation threats**

In 2019, the ACCCE has been working to better understand the international child exploitation threat. It is developing better national responses to online sexual exploitation of children. This exploitation includes organised child exploitation networks working online. The ACCCE is also undertaking an intelligence environmental scan of the Asia region. It held a number of workshops with overseas law enforcement agencies and non-government organisations. As a result, it has developed new programs to prevent abuse.

## ***Operation GRIFFIN***

All state and territory police and the Australian Federal Police have been working together to respond to online child sexual abuse through Operation GRIFFIN. Operation GRIFFIN, which used to be called the National Child Protection Working Group, brings together heads of law enforcement child protection units across Australia and New Zealand. Its aim is to improve the coordination of law enforcement responses to online child sexual exploitation. Operation GRIFFIN's role includes:

- improving cooperation among different agencies across states and countries
- identifying support processes for police working in child protection roles
- encouraging more community and industry involvement.

## *ThinkUKnow*

The ThinkUKnow program is an Australia-wide program delivering online safety information in schools and organisations to parents, carers and children. Law enforcement agencies lead the program. The program gives parents, carers and children information on how to stay safe online. This information helps reduce the likelihood of children becoming victims of online child sexual abuse.

Volunteers from a number of organisations, including the Commonwealth Bank, Datacom, Microsoft Australia and Neighbourhood Watch, as well as from law enforcement, run the ThinkUKnow sessions for parents and carers. State and territory police run ThinkUKnow sessions for students from Kindergarten to Year 12.

The Australian Federal Police has also developed a ThinkUKnow online safety presentation for parents and carers from culturally and linguistically diverse backgrounds. This includes factsheets translated into different languages and Easy English.

Between February and April 2019, the Australian Federal Police trained more than 500 law enforcement and volunteer presenters across the country in the ThinkUKnow online safety presentations.

## Examples from the states and territories

### Queensland

The Queensland Police Service online child exploitation unit hosted the Youth, Technology and Virtual Communities conference on the Gold Coast in September 2019. More than 450 national and international specialists and delegates from law enforcement, government and non-government agencies, child advocacy and protective services attended the conference. The conference focused on key themes of paraphilic disorders, crimes against children using technology, prosecuting child sex offenders, impacts of social media on victims and offenders and cyberbullying.

### South Australia

The South Australian Parliament passed new laws under the *Statutes Amendment (Child Exploitation and Encrypted Material) Act 2019* in July 2019. These laws allow prosecution of people who host or administer websites featuring child exploitation material, or who encourage others to use such websites even if they are not in possession of the material. The new laws also provide additional powers to magistrates to authorise police to access encrypted or password protected material. In urgent circumstances, police may hold suspects for up to four hours, and restrict their use of technology during that time to prevent possible loss or destruction of data that may afford evidence of a child exploitation offence.

### Western Australia

The Western Australia Police Force is running a project to research and identify best practice in investigating online child sex offenders and managing seized electronic devices thought to include child exploitation material. The project will also look at how the material is then categorised and investigated. The Western Australian Police Force is working with the Australian Government, non-government agencies and international research partners on this project.

### Northern Territory

The Northern Territory Police has delivered Child Forensic Interviewing courses for investigators, front line police and child protection employees over the past 12 months. The next step is working with university partners to identify how to further improve the skills of investigators who have already completed Child Forensic Interviewing training. Northern Territory Police has also received grant funding from the Australian Centre to Counter Child Exploitation. The funding will support a research project to develop best practice forensic interview guidelines to use when interviewing Aboriginal and Torres Strait Islander children.



## Making detention environments safer

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

Australia ratified the *Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment* (the Optional Protocol) on 21 December 2017. The Optional Protocol sets up a system of visits by independent international and national bodies to places where people are detained.

This is to make sure these people are not being tortured and/or facing other cruel, inhuman or degrading treatment or punishment, which could include child sexual abuse.

#### Relevant recommendation:

*Final Report: 15.2*

Australia's key obligations under the Optional Protocol are to:

- set up or maintain a National Preventive Mechanism – this is a national body that will inspect places of detention under Australia's authority and control
- support visits to Australia, including places of detention under Australia's authority and control, by the United Nations Subcommittee on Prevention of Torture.

The Australian Government will establish Australia's National Preventive Mechanism as a cooperative network of Commonwealth, state and territory oversight bodies that the National Preventive Mechanism Coordinator (the Office of the Commonwealth Ombudsman) will facilitate.

The *Ombudsman Amendment (National Preventive Mechanism) Regulations 2019* started on 10 April 2019. This gave the Office of the Commonwealth Ombudsman the roles and responsibilities of the National Preventive Mechanism Coordinator and the National Preventive Mechanism Body for places of detention under the control of the Australian Government.

On 24 September 2019, the Commonwealth Ombudsman released its first report as National Preventive Mechanism Coordinator. It is called *Implementation of the Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (OPCAT): Baseline assessment of Australia's OPCAT readiness*. The report detailed the readiness of Australia to put in place the core parts of the Optional Protocol.

All Australian governments will discuss the scope and functions of both the National Preventive Mechanism Body in each state and territory and the overall National Preventive Mechanism Network. Child sexual abuse issues may be considered as part of that process.

# Australian Government progress

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## Child safe sport

### Relevant recommendations:

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

Sport Australia<sup>8</sup> is Australia's main national sports administration and advisory agency. Sport Australia is improving the safety of children and young people in Australian sport by:

- raising awareness and educating people about child abuse and child protection
- providing an understanding of the obligations and expected behaviours towards children
- developing people's confidence to take action when they are concerned for the safety of a child.

### *'Start to Talk' campaign*

Play by the Rules is a collaboration between Sport Australia, the Australian Human Rights Commission; all state and territory departments of sport and recreation; all state and territory anti-discrimination and human rights agencies; the Office of the Children's Guardian (NSW) and the Anti-Discrimination Board of NSW. Play by the Rules has started planning the Australian version of the Council of Europe's 'Start to Talk' campaign. This will be hosted on the Play by the Rules website.<sup>9</sup> This campaign will cover issues of child safety and provide community sport with education and resources to help keep children and young people safe. The goals of the campaign are:

- to raise awareness and understanding of child abuse in community sport and recreation
- for adults to take action that addresses child abuse in community sport and recreation.

Play by the Rules has set up a working group with representatives from the sports sector. The working group has developed a plan for the 'Start to Talk' campaign.

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<sup>8</sup> Sport Australia is a brand name of the Australian Sports Commission, a Commonwealth entity within the Australian Government's Department of Health Portfolio

<sup>9</sup> [www.playbytherules.net.au](http://www.playbytherules.net.au)

## Case Study

**Child Safety in the Australian Sports Commission**

The Australian Sports Commission (the Commission) has set up an Athlete and Child Safe Committee. This includes senior managers and represents all parts of the organisation, including the Australian Institute of Sport. The Commission Board has approved and published a Board Commitment Statement that explains the Commission's commitment to child safety. After a child safe review in 2018, the Commission is implementing a three-year child safety plan to follow the recommendations in the review. The Commission Finance Audit and Risk Committee receives a quarterly report about the plan.

The Commission has also created a Responding to Sexual Misconduct Policy.

The Commission has a confidential helpline for past and current athletes, staff, and the sporting community to talk about sexual misconduct issues. The helpline is free.

The number is **1800 272 4357**.

***Embedding the National Principles in sporting organisations***

In 2019, Sport Australia asked the Australian Childhood Foundation to review 50 national sporting organisations. They looked at their progress in using and putting the National Principles for Child Safe Organisations (the National Principles) in place. Studies in 2017 and 2019 highlighted what support national sporting organisations need to create and maintain a child safe culture. Based on these studies, in 2020, Sport Australia will focus on helping national sporting organisations to make sure they include the opinions of children and young people when they develop child safe policies and procedures.

## *Education for national sporting organisations*

In 2019, Sport Australia provided learning sessions for staff of national sporting organisations. These sessions focused on supporting national sporting organisations to implement the National Principles for Child Safe Organisations. Sessions included topics such as:

- putting in place a code of conduct
- culture and leadership in organisations
- staff recruitment and screening
- responding to serious or critical incidents
- talking to parents, children and young people about child safety
- having difficult conversations with staff.

## *Improving skills in child protection and child safety*

### **Relevant recommendation:**

*Final Report: 6.2f*

The Department of Employment, Skills, Family and Small Business, with the Australian Industry and Skills Committee, is working to improve how people develop skills in child protection and child safety. The Australian Industry and Skills Committee, through its network of Industry Reference Committees, is reviewing and updating several of its nationally recognised vocational education and training qualifications. They include:

- Six qualifications and units of competency in the Children's Education and Care Training Package. This update will help people working with children to understand their roles and responsibilities in keeping the children in their care safe and protected.
- Eight qualifications in the Community Services Training Package to take into consideration the Royal Commission's recommendations.
- Seven qualifications in the Health Training Package. This update will help Aboriginal and Torres Strait Islander health workers to understand their roles and responsibilities for reporting family violence and child sex abuse.

These updates are expected to be ready in 2020.

## Strengthening child safety in Australian Government institutions

### *The Commonwealth Child Safe Framework*

The Commonwealth Child Safe Framework is the Australian Government's child safety policy. The Commonwealth Child Safe Framework sets standards for creating and putting in place child safe cultures and practices in all non-corporate Commonwealth entities.

Under the Commonwealth Child Safe Framework, Commonwealth entities must put procedures in place to promote the protection of children in the services and activities they fund.

Commonwealth entities must:

- Do an annual risk assessment to work out the level of responsibility they have for children. They then use this to decide if there is any risk of harm or abuse and put strategies in place to minimise any risks.
- Make sure staff know about, and follow, the Commonwealth Child Safe Framework and the relevant laws. This includes *Working with Children Checks* and mandatory reporting.
- Put the National Principles for Child Safe Organisations in place by February 2020.

#### Relevant recommendations:

*Final Report: 6.13*

*Working with Children Checks Report: 3c*

#### Core requirements under the Framework for Commonwealth entities

Requirement 1	Requirement 2	Requirement 3
Undertake risk assessments annually in relation to activities of each entity, to: identify the level of responsibility for, and contact with, children and young people; evaluate the risk of harm or abuse; and put in place appropriate strategies to manage identified risks.	Establish and maintain a system of training and compliance, to make staff aware of, and compliant with, the Framework and relevant legislation, including <i>Working with Children Checks</i> and mandatory reporting requirements.	Adopt and implement the National Principles for Child Safe Organisations within 12 months of the Council of Australian Governments endorsement.

On 14 August 2019, the final version of the Commonwealth Child Safe Framework was published on the Department of the Prime Minister and Cabinet's website.<sup>10</sup>

The National Office for Child Safety is creating resources to help Commonwealth entities implement the Commonwealth Child Safe Framework.

### **Funding to organisations that are committed to child safety**

The Australian Government gives significant funding to organisations to deliver services and activities to children. The Commonwealth Child Safe Framework recommends that Commonwealth entities take steps to make sure that Australian Government funding goes to organisations that are committed to child safety. The Australian Government has developed legal clauses to include in funding agreements. These are the minimum conditions that organisations must meet. For example, staff from funded organisations in contact with children must have a Working with Children Check.

## Case Study

### **Improving youth safety in Defence**

Defence<sup>11</sup> is committed to maintaining a safe environment, including for children. It does this through:

- reviewing and improving policies
- safety training for youth and adults
- well-established reporting processes
- sharing learnings for continuous improvement.

In 2019, Defence started reviewing and assessing how effective its youth safety policies, training and governance are.

<sup>10</sup> [www.pmc.gov.au/domestic-policy/national-office-child-safety/commonwealth-child-safe-framework](http://www.pmc.gov.au/domestic-policy/national-office-child-safety/commonwealth-child-safe-framework)

<sup>11</sup> Defence includes all members of the Australian Defence Force, including Army, Navy and Air Force personnel, as well as Australia Public Service staff from the Department of Defence.

### ***Initiative 1: Updates to the Defence Youth Safety Framework***

The Defence Youth Safety Framework was developed in 2015. The Defence Youth Safety Framework makes sure there is a high standard of youth safety across the Department of Defence. Defence will review and update the Defence Youth Safety Framework including its policies by February 2020. Revised Defence Youth Safety Training packages and guides will be developed from March 2020 to make sure Defence personnel are aware of the Defence Youth Safety Framework.

To improve awareness within Defence of the importance of children and young people's safety, the Department of Defence produced a 'Youth Safety Matters' video in late 2018. Links to this video were posted on the internal Defence Protected Network. Externally, this video reached 13,305 people on LinkedIn, 6,936 on Facebook, and 2,291 on Twitter.

### ***Initiative 2: Creation of a Youth Safety Domain in Defence Management Systems***

Defence wants to make sure threats to child safety are consistently reported and managed. Defence senior leadership has supported the creation of a Youth Safety Domain, which will be included in the Defence Work, Health and Safety Management System. This encourages people to talk and think about child safety issues as part of Defence's ongoing risk management planning.

### ***Initiative 3: Survey and focus groups involving Australian Defence Force Cadets***

In line with the National Principles for Child Safe Organisations, Defence started a youth safety survey in 2019. This survey is open to all 27,000 Australian Defence Force Cadets around Australia. It asks how participants in the cadet program understand safety for children and young people. On-site focus group sessions with 10–20 Cadets also started in September 2019. Defence's ongoing consultation with children and young people will give them an opportunity to express their views and increase engagement between Defence and young cadets.

### ***Initiative 4: Evaluation of Defence Youth Safety Framework Training Curriculum***

In 2019, Defence assessed the Defence Youth Safety Framework Training Curriculum available to their Australian Public Service staff and Australian Defence Force personnel. Currently, five Youth Safety Training packages

are available to Defence personnel. More than 62,000 Defence personnel, which includes Navy, Army, Air Force and Australian Public Service staff, completed the Level 1 – General Awareness Youth Safety Training by 30 June 2019. Defence will use these findings to review and improve its Youth Safety Training packages from March 2020.



***Photo: Defence Youth Safety Forum, 2019***

The Defence Youth Safety Forum, themed ‘Transforming Defence Youth Safety’, was held in Canberra on 6 September 2019. The forum allowed Defence members, youth program practitioners and representatives from Defence corporate entities with an interest in Defence youth safety to collaborate with specialists from youth safety organisations such as the Australian Human Rights Commission, Child Wise and the National Office of Child Safety.

Photographer: CPL Julia Whitwell

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Case  
Study**Department of Foreign Affairs and Trade as a child safe organisation**

The Department of Foreign Affairs and Trade has had a Child Protection Policy in place since 2008. The Department of Foreign Affairs and Trade's Child Protection Policy and guidance material is available on the Department of Foreign Affairs and Trade website.<sup>12</sup>

The Department of Foreign Affairs and Trade will start an independent review of its Child Protection Policy in late 2019 to make sure the National Principles for Child Safe Organisations are included.

Both the Australian Trade and Investment Commission (Austrade) and the Australian Centre for International Agricultural Research have chosen to adopt the Department of Foreign Affairs and Trade's Child Protection Framework. The Department of Foreign Affairs and Trade continues to work with Tourism Australia and Export Finance Australia to help them put in place their own child protection policies.

On 4 April 2019, the Department of Foreign Affairs and Trade released its Preventing Sexual Exploitation, Abuse and Harassment Policy, for all its staff and partners. The policy sets out expectations for how staff and partners in Australia and overseas are required to manage any risks or incidents of sexual exploitation, abuse or harassment. This includes child sexual abuse. The policy is available on the Department of Foreign Affairs and Trade website.<sup>13</sup>

***Child Safe Volunteering Hub***

Through Australian Volunteers International, the Department of Foreign Affairs and Trade is setting up a Child Safe Volunteering Hub (the Volunteering Hub) in Asia and the Pacific. The Volunteering Hub will promote responsible volunteering practices and improve child safeguarding practices. This will also help to discourage volunteering in ways that make the exploitation of children worse or negatively impact children as a result of short-term and unskilled volunteering placements.

The Volunteering Hub will promote children living in families and communities, recognising orphanages are an option of last resort.

<sup>12</sup> [www.dfat.gov.au/childprotection](http://www.dfat.gov.au/childprotection)

<sup>13</sup> [www.dfat.gov.au/pseah](http://www.dfat.gov.au/pseah)

Specifically, the Volunteering Hub will:

- provide **specialised technical expertise** in child safeguarding
- provide resources to help **build the capacity of relevant organisations in the Indo-Pacific** to engage in responsible child safe volunteering
- **build public awareness** of child safeguarding and promote key messages on responsible volunteering and tourism
- **inform people** about the harmful impacts of orphanage tourism and methods of prevention and awareness.

## Case Study

### The Department of Employment, Skills, Family and Small Business Commonwealth Child Safe Framework eLearning module

The Department of Employment, Skills, Family and Small Business developed an eLearning module in line with the Commonwealth Child Safe Framework. The module uses ideas and information from the Department of Foreign Affairs and Trade's Child Protection Policy.

The module is child-focused and in line with the training requirements under the Commonwealth Child Safe Framework. It meets relevant laws and mandatory reporting. It is also a key part of the Department of Employment, Skills, Family and Small Business implementation of the National Principles for Child Safe Organisations. The eLearning module is available to all its staff and portfolio agencies and is also available to all Commonwealth entities through GovTeams.

In May 2019, the Department of Employment, Skills, Family and Small Business developed a Commonwealth Child Safe Framework obligations for providers training module. This module focuses on the guidelines and responsibilities of third parties who provide services for the Department of Employment, Skills, Family and Small Business.

#### Relevant recommendation:

*Final Report: 6.13*

## Immigration detention

### *Child Safe Standards*

The Department of Home Affairs' Child Safeguarding Framework (the Child Safeguarding Framework) includes the 10 Child Safe Standards that the Royal Commission recommended. The Child Safeguarding Framework is available on the Department of Home Affairs website.<sup>14</sup>

#### **Relevant recommendations:**

*Final Report: 15.1, 15.12a and 15.12b*

The Child Safeguarding Framework and standards apply to all Department of Home Affairs (Home Affairs) staff, Australian Border Force officers and contracted service providers involved in the support, care and welfare of children and their families, including those in immigration detention.

The Child Safeguarding Framework explains:

- the Home Affairs' strategies to keep children safe, including requiring Working with Children or Vulnerable People Checks
- how Home Affairs manages alleged incidents
- how Home Affairs works with states and territories on child protection issues.

Home Affairs is promoting the Child Safe Standards to staff and contractors through short videos, news bulletins, digital campaigns and hard copy resources.

Home Affairs and its service providers have a case review process to identify, implement and keep track of any emerging needs related to child protection and keeping children safe.

Home Affairs is designing an internal program that will assess how the Child Safe Standards have been implemented across the agency. Public reporting will start in 2020.

### *Qualified child wellbeing officers*

In 2018, Home Affairs set up the child wellbeing officer network to support staff and service providers. The network has continued to build their capability to understand, identify and address child-related concerns in the Home Affairs immigration programs. Three qualified officers in Melbourne, Sydney and Brisbane provide training, quality assurance and advice to staff. They promote knowledge of how to keep children safe and an understanding of the National Principles for Child Safe Organisations.

#### **Relevant recommendation:**

*Final Report: 15.14*

<sup>14</sup> [www.homeaffairs.gov.au/access-and-accountability/our-commitments/plans-and-charters/our-strategies/child-safeguarding](http://www.homeaffairs.gov.au/access-and-accountability/our-commitments/plans-and-charters/our-strategies/child-safeguarding)

Child wellbeing officers engage with state and territory child welfare authorities to build positive relationships and secure key contacts for future enquiries or requests for assistance.

### *Training for immigration detention staff*

#### **Relevant recommendation:**

*Final Report: 15.6*

Home Affairs is working to improve staff understanding about the barriers that may prevent children from diverse backgrounds from reporting sexual abuse.

Home Affairs is improving its online training to include a new focus on the National Principles for Child Safe Organisations, as well as information on how children can experience extra barriers to reporting sexual abuse, such as disability or mental health problems.

Home Affairs is also reviewing its policies and procedures about how children in immigration programs can report sexual abuse. Information about possible barriers these children may be facing if reporting sexual abuse, and other forms of abuse and neglect, will be included in documents and training where applicable.

The child wellbeing officer network promotes an understanding of barriers that children may experience in reporting sexual abuse.

### *Health care and support services in immigration detention*

#### **Relevant recommendation:**

*Final Report: 15.13*

The Royal Commission recommended that the Australian Government make sure that therapy and other specialist support services are available for people in immigration detention who have experienced child sexual abuse. It is also recommended the Australian

Government make sure that these people are connected with ongoing treatment when they leave detention.

The Home Affairs immigration detention health policy states that contracted health service providers must:

- Organise health screenings and identify detainees who need specialist care while in immigration detention. This includes making clinical referrals to counsellors with specialist skills.
- Do regular case reviews for a person in immigration detention. When a person is assessed as needing specialist support services, providers must refer them to the appropriate service.
- Organise follow-up treatment when a person is moving into community detention.

Parts of the immigration detention health policy were improved in 2019, including:

- Mental health and cognitive impairment screening processes have been improved to make sure detainees have appropriate care and health services while they are in detention.
- Processes for dealing with mental health trauma, self-harm and suicide monitoring and information about community treatment orders have been improved.
- Improvements have been made to the records that detainees are given about their health when moving out of detention. This includes a summary of the detainee's health from their time in detention, as well as information for the individual's next health service provider in the community. This makes sure they have continuity of care for ongoing treatment when they leave detention.

### *Independent visitors' programs for children in immigration detention*

Home Affairs has external inspection arrangements that allow independent organisations to visit children held in immigration detention. The Commonwealth Ombudsman has powers under the *Ombudsman Act 1976*, similar to those of a Royal Commission, to look at detention processes and practices. Home Affairs also allows regular visits from authorities, such as the Australian Red Cross and the Victorian Commission for Children and Young People.

#### **Relevant recommendation:**

*Final Report: 15.15*

Home Affairs responds to and reports all child protection and wellbeing incidents, allegations and complaints. These processes are in line with state and territory laws and internal department reporting requirements. Its policy requires staff and service providers to report any allegations of abuse, neglect or exploitation of children to the relevant state or territory authority and to the relevant business areas within Home Affairs.

Home Affairs is considering extending these arrangements outside of immigration detention to children living in community-based institutions. Consultations with stakeholders, including independent inspection groups, will be part of this process.



## Theme 2

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Causes,  
support and  
treatment

## Theme 2

# Causes, support and treatment

### This theme at a glance


The Royal Commission's *Final Report* looked at why and how child sexual abuse happens in institutions. It also looked at how to support and respond to children with harmful sexual behaviours. The Royal Commission made recommendations to support and help victims and survivors of child sexual abuse to cope with trauma and respond to their needs throughout their lives. 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).

All Australian governments are working on the recommendations that need government involvement. This includes developing ways to improve our understanding of what causes child sexual abuse in institutions. Governments are also funding a range of support programs for victims and survivors.



## Key national achievements in 2019

- 
- December 2018** The Australian Government, through the National Health and Medical Research Council, announced \$2.3 million of funding for the first Australian-wide study of the health impacts of child maltreatment and how widespread it is. The study will include people from all groups and areas around Australia and is expected to run from 2019 to 2023.
  - March 2019** The Australian Government announced it would provide \$22.5 million over five years to set up the National Centre for Prevention of Child Sexual Abuse.
  - October 2019** The National Office for Child Safety and the New South Wales Ministry of Health co-chaired the first meeting of the working group on therapeutic responses for children with harmful sexual behaviours.

These initiatives complement and build on the 2018 achievements, which you can read about in the Australian Government's *2018 Annual Progress Report*.

## National priority update – Work across all Australian governments

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### Responses for children with harmful sexual behaviours

#### Relevant recommendations:

*Final Report: 10.1, 10.2, 10.3, 10.4, 10.5, 10.6 and 10.7*

The Royal Commission recommended that specific responses for children with harmful sexual behaviours are needed. Responses are different from adult perpetrators of child sexual abuse because of developmental stages and different approaches to rehabilitation. Also, if children with harmful sexual

behaviours are provided with access to early intervention, appropriate assessment and therapeutic treatments tailored to their needs and circumstances, the behaviours are more likely to stop. The Royal Commission also found that children with harmful sexual behaviours may also have been victims of sexual abuse themselves.

The National Office for Child Safety and the New South Wales Ministry of Health are co-chairing a working group on therapeutic responses for children with harmful sexual behaviours. All states and territories have been invited to take part in the working group. This working group aims to support governments' efforts to progress the Royal Commission's recommendations to improve therapeutic treatment and responses for children with harmful sexual behaviours. The first meeting of the working group was held in October 2019.

The working group will meet throughout 2019–20 to progress actions from a work plan that all members agree on. The work plan will look at gaps in services and barriers that may prevent families and carers from accessing therapeutic supports for children with harmful sexual behaviours. The working group's activities will help the development of the National Strategy to Prevent Child Sexual Abuse.

## Examples from the states and territories

### Western Australia

In Western Australia, therapeutic interventions and responses for children with harmful sexual behaviours are delivered across a range of government agencies. The Department of Communities, in partnership with the community services sector, delivers 13 Child Sexual Abuse Therapeutic Services and two Indigenous Healing Services across Western Australia. These provide counselling and treatment services for young people and their families affected by child sexual abuse; adults who have experienced child sexual abuse; and children with harmful sexual behaviours. The Departments of Health and Justice also provide therapeutic responses through the Child Protection Unit at Perth Children's Hospital and youth justice psychological services for young people convicted of sexual offences.

The Department of Communities has partnered with the Department of Health to lead work on the Royal Commission recommendations to strengthen the services system and responses for children with harmful sexual behaviours. This will help families receive the right services at the right time.

### Queensland

The Queensland Government has committed \$12 million over four years for priority actions to respond to youth sexual violence and abuse. As part of this, the Queensland Government is providing \$7.7 million for extra trauma-informed counselling and support for young people who have experienced sexual violence or child sexual abuse. The funding will also provide early intervention responses to support young people exhibiting harmful sexual behaviours. Under the model being trialled, sexual assault services, child sexual abuse counselling services and new youth counselling services are working together to provide responses that are more joined-up. These services are receiving specialist training and mentoring in how to respond to children and young people with harmful sexual behaviours.

In October 2019, the Queensland Government released *Prevent. Support. Believe. Queensland's Framework to address Sexual Violence*. The Framework includes a focus on expanding access to early intervention programs for children and young people displaying harmful sexual behaviours or who are at risk of experiencing sexual violence.

# Australian Government progress

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## Improving understanding of the nature and causes of child sexual abuse

### *National Centre for the Prevention of Child Sexual Abuse*



#### Relevant recommendation:

*Final Report: 9.9*

The Royal Commission recommended that all Australian governments work together to set up an independent National Centre for the Prevention of Child Sexual Abuse (the National Centre). In 2019, the Australian Government committed \$22.5 million over five years to set up the National Centre.

The National Centre aims to:

- prevent child sexual abuse
- reduce the stigma of sexual abuse
- raise awareness and understanding of the impacts of child sexual abuse.

It will provide a national focus for research and improve the ability of services to respond to victims and survivors, reduce reoffending and help prevent child sexual abuse from happening.

The National Centre will improve outcomes for victims and survivors by:

- raising the awareness of practitioners, parents, organisations and communities of child sexual abuse
- promoting messages that help remove the stigma around child sexual abuse
- increasing practitioners' knowledge and expertise in how to respond to child and adult survivors by identifying best practice and building evidence on what works
- supporting the development of better primary prevention, secondary support and tertiary intervention service models through research and evaluation
- improving practitioner, parent, organisation and community knowledge and ability to prevent and respond to child sexual abuse
- building the ability of organisations to treat offenders, including children, who show inappropriate or harmful sexual behaviours.

The National Centre will be independent of the Australian Government. It will work with victims and survivors and value their knowledge and experience.

The state and territory governments have been asked to work together with the Australian Government on this important project.

## Australian Child Maltreatment Study

In December 2018, the Australian Government, through the National Health and Medical Research Council, announced \$2.3 million funding for the first Australian-wide study of the health impacts of child maltreatment and how widespread it is. The study will address important evidence gaps that exist when trying to understand the prevalence of child maltreatment in Australia. This National Health and Medical Research Council Project Grant funding was given to an international group of researchers, led by Professor Ben Mathews at the Queensland University of Technology.

### Relevant recommendation:

*Final Report: 2.1*

The Australian Child Maltreatment Study will survey 10,000 people aged 16 years and over to collect evidence on:

- how widespread all five forms of child maltreatment are – including sexual abuse, physical abuse, emotional abuse, neglect, and exposure to domestic violence
- the mental and physical health impacts related to child maltreatment across the person's life, including mental health and chronic physical health conditions
- the physical and psychological trauma, disability and premature deaths that child maltreatment has caused in Australia.

The Australian Child Maltreatment Study research team has set up an advisory board to support the design and implementation of the study. This includes ways to get young people, people with disability and Aboriginal and Torres Strait Islander peoples involved. The board includes representatives from the National Office for Child Safety, all state and territory governments, peak service provider groups, professional groups and key sector agencies.

The Australian Child Maltreatment Study will run from 2019 to 2023. The first data from the study should be available in late 2021.

The National Office for Child Safety continues to work with researchers and data agencies to improve the evidence on the extent of child sexual abuse in institutions and other settings. The work will help inform the National Strategy to Prevent Child Sexual Abuse.

## Supports for victims and survivors

### *Support for people accessing the National Redress Scheme*

The National Redress Scheme is a way of supporting people who have experienced child sexual abuse in an institution.

#### **Relevant recommendations:**

*Final Report: 9.1, 9.2, 9.3 and 9.6*

To support people to take part in the National Redress Scheme, the Australian Government funds community redress support services in every state and territory. Over the first year of the National Redress Scheme, from July 2018 to June 2019, 6,260 people met with a redress support service. About 13 per cent of people who used a support service identified as an Aboriginal or Torres Strait Islander person, and about 13 per cent identified as a person with disability.

In early 2019, the Australian Government gave extra funding to redress support services to improve support for people who may face extra barriers when applying to the National Redress Scheme. This includes:

- people in remote and regional areas
- male victims and survivors of child sexual abuse in an institution
- victims and survivors with disability
- Aboriginal and Torres Strait Islander peoples.

You can find detailed information about the National Redress Scheme in Theme 3 of this report, starting on page 66.

### *knowmore*

knowmore provides free legal advice and was launched in 2013 to support people involved with the Royal Commission.

#### **Relevant recommendation:**

*Final Report: 9.4*

On 1 July 2018, the Australian Government committed \$37.9 million in funding over three years for knowmore to continue to support victims and survivors of institutional child sexual abuse after the Royal Commission ended. In response to the recommendations of the Royal Commission, knowmore was continued and expanded to help people asking for redress.

knowmore gives trauma-informed and culturally sensitive advice to victims and survivors on all their justice and redress options, including the National Redress Scheme.

## *Support for members of the Stolen Generations*

Some Aboriginal and Torres Strait Islander people were members of the Stolen Generation and experienced child sexual abuse in an institution. They were placed into care after being removed from their families by force.

In 2019 to 2020, the Australian Government committed \$51 million for 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 2019 to 2020. This is part of the Indigenous Advancement Strategy.

### **Relevant recommendation:**

*Final Report: 9.2*

The services the Australian Government is funding include:

- the Aboriginal and Torres Strait Islander Healing Foundation
- the national Link-Up network
- social and emotional wellbeing support services
- social and emotional wellbeing and alcohol and other drugs workforce development and support units
- 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 services to work together*

The Australian Government has been working with Primary Health Networks in relation to support services for people who have experienced sexual assault. Improving the way care services work together will help meet the needs of victims and survivors of child sexual abuse.

### **Relevant recommendation:**

*Final Report: 9.7*

A proposal is being developed to fund Primary Health Networks to map sexual assault support services and other services in regions. This will help to create pathways for referrals and improve how services work together.

The Australian Government will work with Primary Health Networks and the states and territories to progress projects to improve how services work together within communities.





## Theme 3

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Responses  
to abuse  
(*Redress and  
Civil Litigation  
Report*)

## 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 looking at the recommendations in the *Redress and Civil Litigation Report* about civil litigation (court proceedings that are not about criminal matters).

## Key national achievements in 2019

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- February 2019** All state and territory governments joined the National Redress Scheme.
  - September 2019** By September 2019, 61 non-government institutions, or groups of institutions, had joined the National Redress Scheme. This means more than 41,200 sites including churches, schools, homes, charities and community groups across Australia have now joined.
  - October 2019**

The First Anniversary of the National Apology to Victims and Survivors of Institutional Child Sexual Abuse. The Prime Minister, the Hon. Scott Morrison MP, delivered a first anniversary speech in the House of Representatives. The parchment of the National Apology was gifted to Parliament House and is on display in the Members' Hall.

The Australian Government announced an extra \$11.7 million for the National Redress Scheme to improve its operation and better support people who have experienced institutional child sexual abuse.

These initiatives complement and build on the 2018 achievements, which you can read about in the Australian Government's *2018 Annual Progress Report*.

# Australian Government progress

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## The National Redress Scheme for Institutional Child Sexual Abuse

### Relevant recommendations:

*Redress and Civil Litigation Report:*  
1 to 84

The National Redress Scheme was set up in response to the recommendations of the Royal Commission. It started on 1 July 2018 and will run for 10 years. People can apply any time before 30 June 2027. You can find information about applying on the National Redress website.<sup>1</sup>

The National Redress Scheme recognises that many children were sexually abused in Australian institutions. It seeks to hold those institutions to account and to help people who have experienced abuse access redress.

In October 2019 the Australian Government announced an extra \$11.7 million for the National Redress Scheme to improve its operation and better support people who have experienced child sexual abuse. The funding will support case management of applications to reduce the number of different people that a person who is applying to the National Redress Scheme needs to deal with while their application is being processed. It will also allow the Australian Government to hire more independent decision makers to finalise applications as quickly as possible.

The National Redress Scheme was established by the *National Redress Scheme for Institutional Child Sexual Abuse Act 2018* that Parliament passed in June 2018. Under this law, the National Redress Scheme operator provides a report on the National Redress Scheme after the end of each financial year. The first report was tabled in Parliament in October 2019, as part of the Department of Social Services' *Annual Report 2018–19*. It included information following the requirements in Section 75 of the *National Redress Scheme for Institutional Child Sexual Abuse Rules 2018*. A copy of the report is available on the Department of Social Services website.<sup>2</sup>

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1 [www.nationalredress.gov.au](http://www.nationalredress.gov.au)

2 [www.dss.gov.au/publications-articles-corporate-publications-annual-reports/departments-of-social-services-annual-report-2018-19](http://www.dss.gov.au/publications-articles-corporate-publications-annual-reports/departments-of-social-services-annual-report-2018-19)

## *Who can access redress through the National Redress Scheme?*

A person can access redress through the National Redress Scheme if they:

experienced child sexual abuse in an institution before 1 July 2018 and at least one responsible institution is taking part in the National Redress Scheme

- are over 18 years old or will turn 18 before 30 June 2028
- are an Australian citizen or permanent resident.

Under the National Redress Scheme, an offer of redress includes options of:

- counselling and psychological services
- a redress payment
- if wanted, a direct personal response from each institution responsible for the abuse.

The redress monetary payment is calculated in line with the *National Redress Scheme for Institutional Child Sexual Abuse Assessment Framework 2018* (the Assessment Framework) and the *National Redress Scheme for Institutional Child Sexual Abuse Rules 2018*. The Assessment Framework includes factors that reflect not only the child sexual abuse that happened, but also the impacts of any related non-sexual abuse and how vulnerable the person was at the time of the abuse. The maximum redress payment a person can receive is \$150,000.

The counselling and psychological services offered depend on where the person lives when they apply for redress. In most states and territories, they are offered state-based counselling and psychological services. Those in South Australia, Western Australia or overseas are offered a direct payment to access services where they live.

A direct personal response is a chance for people to have their experience of abuse and its impacts recognised by the responsible institutions in a way that is meaningful to them. The person who has experienced abuse decides if, how and when a direct personal response will happen. A direct personal response involves a senior official or representative from the responsible institutions listening, acknowledging and apologising for the harm they caused. The representative may also explain what steps the institution has taken to prevent abuse in future.

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*Many survivors have told us how valuable it was to them and their sense of getting justice, that a senior figure in the institution made a genuine apology to them, that they acknowledged the abuse and its impacts on them and gave a clear account of the steps they have taken to prevent such abuse from ever happening again.*

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## ***National coverage achieved***

In February 2019, the National Redress Scheme achieved national coverage with all state and territory governments joining it.

Sixty-one non-government institutions, or groups of institutions, are also now taking part in the National Redress Scheme. Combined with all Australian governments, this means more than 41,200 sites including churches, schools, homes, charities and community groups across Australia are now taking part in the National Redress Scheme.

The increased number of institutions taking part in the National Redress Scheme has reduced the number of applications on hold from 53 per cent in November 2018 to 14.6 per cent in September 2019.

The Australian Government is working to provide extra support services to people in remote areas to help them apply to the National Redress Scheme.

The Australian Government keeps track of how the National Redress Scheme meets the needs of people who have experienced child sexual abuse in institutions across the country. It will review the National Redress Scheme after the second anniversary of the day it started. This review is required under law in line with section 192 of the *National Redress Scheme for Institutional Child Sexual Abuse Act 2018*.

The National Redress Scheme will continue to work with non-government institutions to encourage them to join. The cut-off date for institutions to join is 30 June 2020.

## The National Redress Scheme's first 15 months of operation

The National Redress Scheme provides detailed information in its report tabled in Parliament each year. As at 4 October 2019:

- 5,046 people had applied for redress through the National Redress Scheme
- 642 applications for redress had been finalised
- 638 payments had been made, with a value of more than \$51.3 million
- 292 people asked for counselling and psychological care as part of their redress
- 338 people asked for a direct personal response from an institution found responsible for the abuse.

## **First anniversary of the National Apology to Victims and Survivors of Institutional Child Sexual Abuse**

On 22 October 2018, the Prime Minister, the Hon. Scott Morrison MP, delivered the National Apology to Victims and Survivors of Institutional Child Sexual Abuse (the National Apology) in Parliament House. The National Apology was developed in consultation with the National Apology Reference Group. It took into consideration the advice of the National Apology Reference Group after extensive consultation with people across the country. The National Apology was offered to all victims and survivors of child sexual abuse in institutions, their families, supporters and all those affected by abuse. It aimed to raise awareness in the community of the lifelong impacts of child sexual abuse and the need to help and protect children across all sectors, both government and non-government.

Almost 1,000 people attended the National Apology in Canberra, with even more people taking part at events held in local communities.

One year later, on 22 October 2019, the Prime Minister, the Hon. Scott Morrison MP, delivered a first anniversary speech for the National Apology in the House of Representatives. The Prime Minister's speech honoured the strength and endurance of survivors, victims and those with lived experience of abuse. The speech reminded us all that child safety is everyone's responsibility.

The Minister for Social Services and Families, Senator the Hon. Anne Ruston, hosted an event attended by the National Apology Reference Group and former Royal Commissioners. During this event, the signed parchment of the National Apology was presented to Parliament House. The parchment will be on display for visitors to Parliament House.

The first anniversary of the National Apology was an important step in reminding us what we have achieved, what we are yet to achieve and the long road ahead in keeping the futures of all Australian children safe. A safer Australia is a responsibility that we all share and must be accountable for.





# NATIONAL APOLOGY TO VICTIMS AND SURVIVORS OF INSTITUTIONAL CHILD SEXUAL ABUSE

**T**oday the Australian Government and this Parliament on behalf of all Australians, unreservedly apologise 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.

**T**oday, 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.

**T**oday we say we are sorry. Sorry that you were not protected, sorry that you were not listened to. We are sorry for refusing to trust the words of children, for not believing you. As we say sorry, we also say we believe you. We say what happened was not your fault. We are sorry that perpetrators of abuse were relocated and shielded rather than held to account, that records have been withheld and destroyed, and accountability avoided.

**W**e are sorry that the justice and child welfare systems that should have protected you, were at times used to perpetrate yet more injustices against you. We apologise for the life-long impacts this abuse has had on your health, your relationships and your ability to live life to its full potential. We also extend this apology to your children, your parents, siblings, families, friends and supporters; all those who have helped carry the burden of your experiences and helped advocate for accountability. We regret that your children's lives have been changed and relationships have been broken by the enduring effects of abuse.

**W**e hear the rage, despair and hurt of parents whose trust was betrayed along with your own. We admit that we failed to protect the most vulnerable people in our society from those who abused their power. Our community believed people and institutions who did not deserve our trust, instead of believing the children who did. Because of our inaction, too many victims are no longer with us to hear this apology. They did not live to see the justice they deserved. But today we remember them, and we extend this apology along with our sincere sympathies to their families, friends and supporters.

**A**s we say sorry, we honour the courage of survivors and advocates who spoke out to expose sexual abuse in our institutions, often at great personal cost. Your voices saved lives. Your bravery has allowed us to uncover this dark chapter of our national life and understand what we must now do to protect children. We also acknowledge the many victims and survivors who have not spoken of their abuse. Your suffering is no less anguished for your silence.

**T**ogether as a Government, a Parliament and a community we must all play a role in the protection of children from abuse. We must accept our responsibility to keep our eyes and ears open and speak out to keep our children safe. We must listen to children and believe what they tell us. Child sexual abuse is a serious criminal act, and a violation of Australian law. Perpetrators must and will be held to account.

**T**oday, we commit to take action, to build awareness in our community and strengthen our systems to promote children's safety across Australia. We commit to ensuring that all of our institutions are child safe. We know that we must and will do better to protect all children in Australia from abuse and that our actions will give true and practical meaning to this apology. Our children deserve nothing less.

The Hon Scott Morrison MP (Prime Minister)  
Canberra 22 October 2018



## Signed parchment of the National Apology to Victims and Survivors of Institutional Child Sexual Abuse, 2019

The Hon. Scott Morrison MP (author and signatory)

Gemma Black (1956–) (calligrapher)

Official Gifts Collection, Parliament House Art Collection, Canberra ACT

ink and gold leaf on vellum

## **Redress, reparation and compensation for people who have experienced child sexual abuse in the Australian Defence Force**

The Department of Defence has taken significant steps to reform and develop a culture that does not tolerate abuse. This culture also aids and encourages reporting incidents and supports those who report. As part of these reforms, redress is provided to people who have experienced abuse in the Australian Defence Force, including child sexual abuse. The redress offered includes supported conversations, counselling and payments. There are three main ways to report abuse to the Department of Defence:

- the National Redress Scheme
- the Defence Reparation Scheme
- through common law claims.

The Department of Veterans' Affairs also provides services, support and compensation.

### ***National Redress Scheme***

From November 2018 to September 2019, the Department of Defence made payments to 32 people who have experienced child sexual abuse, totalling \$1.9 million. In this time the Department of Defence also organised four supported conversations, known as direct personal responses.

### **The Department of Defence Best Practice Model**

The Department of Defence has a dedicated team that manages cases of abuse that are reported through the National Redress Scheme or the Defence Reparation Scheme. The team receives training and ongoing support from Rape and Domestic Violence Services Australia to help manage vicarious trauma. Defence makes sure that staff use trauma-informed principles and are collaborative in how they support survivors of child sexual abuse.

### ***Defence Reparation Scheme***

The Defence Force Ombudsman's Regulations were changed on 16 December 2017 to include the framework for the Defence Reparation Scheme. The Defence Force Ombudsman may recommend that the Department of Defence makes reparation payments in some situations for people who have experienced abuse, including child sexual abuse. From January 2018 and September 2019, the Department of Defence made reparation payments to 151 people who had experienced child sexual abuse, totalling \$6.6 million. In this time the Department of Defence also carried out 15 supported conversations. Under this scheme, they are known as restorative engagements.

## *Office of Defence Special Counsel*

The Office of Defence Special Counsel manages civil claims made against the Department of Defence for compensation relating to injuries and losses from alleged physical and sexual abuse. These include claims made by people who have experienced child sexual abuse.

Where possible, the Department of Defence engages with people making claims and their legal representatives to solve these claims through dispute resolution processes other than formal court hearings. The Department of Defence focuses on managing claims in a way that is non-confrontational and compassionate. Since mid-2013, the Office of Defence Special Counsel has resolved 181 claims involving people who have experienced child sexual abuse, totalling \$45.9 million.

## **Services, support and compensation through the Department of Veterans' Affairs**

### *Supporting people to claim for compensation*

In the *Annual Progress Report 2018*, the Department of Veterans' Affairs stated that they had made changes to their policy to make it easier for people who have experienced abuse in the Australian Defence Force to claim for compensation.

#### **Relevant recommendations:**

*Final Report: 9.3 and 9.8*

The Department of Veterans' Affairs has updated its policy to say that a statutory declaration will be accepted as evidence that abuse took place, regardless of how old the person was when the abuse happened. This is as long as there is no evidence that contradicts the person's statement.

For compensation to be paid, a medical condition must have been caused by the abuse and the abuse must be connected to an Australian Defence Force service.

### *Change to the liability handbook*

The Department of Veterans' Affairs *Safety, Rehabilitation and Compensation (Defence Related Claims) Act 1988* liability handbook guides claims assessors on how to use this law when assessing liability claims. The Royal Commission criticised the handbook for being too restrictive. The Royal Commission felt that it went beyond what the law asked for and put an unreasonably heavy burden for evidence on people making a claim.

The handbook has been changed to fix this issue. The change removes the incorrect idea that more evidence is needed than the law asks for. It makes it clear that extra evidence of abuse from the time it happened is not necessarily needed for a claim to be successful, as long as the claims assessor is satisfied. The statement in the handbook that ‘a statutory declaration is never enough on its own’ has been taken out.

### *Off-duty and off-base abuse policy clarification*

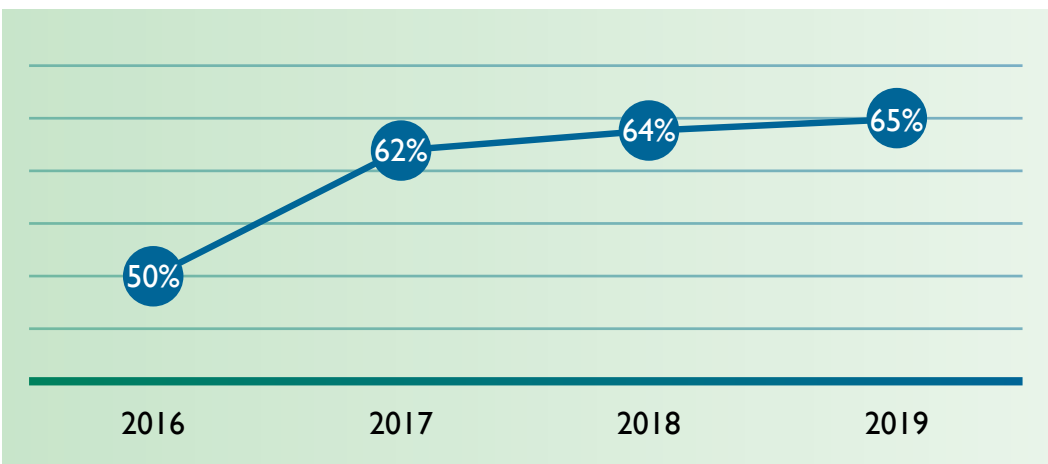
For a compensation claim to be successful under laws that the Department of Veterans’ Affairs administers, a medical condition relating to abuse must be connected to military service. In the past, there have been difficulties in working out whether claims from incidents of abuse that happened off-duty or off-base could be linked to service. This may have meant that some compensation claims were rejected. The policy clarification says that there are some situations where abuse that happens off-duty or off-base can be linked to military service. It also provides further clarity on these situations for claims assessors.

### *Outcomes of abuse claims*

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 changes that have been made since late 2016 have seen a constant increase in the number of successful claims related to abuse.

The percentage of successful claims related to abuse has risen from 50 per cent to 65 per cent since these policies were introduced. There was a significant increase in the percentage of accepted claims immediately after introducing the policy about statutory declarations that is explained above.

#### **Acceptance rate of abuse claims since changes to evidentiary policy**



Claims may still be denied for a number of reasons such as:

- there is evidence that contradicts the claims being made
- claims are being made under a law that does not apply to the period of service (it may be accepted under another law)
- there is no connection between the abuse and the person's service
- the abuse did not result in an ongoing medical condition.

Veterans can also get support from the Open Arms Veterans and Families Counselling Service on 1800 011 046, 24 hours a day, seven days a week.

To apply for compensation and to find out more, eligible veterans and their families can call 1800 555 254, or fill out an online claim form on the Department of Veterans' Affairs website.<sup>3</sup>

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<sup>3</sup> [www.dva.gov.au](http://www.dva.gov.au)





## Theme 4

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# Criminal justice and the protection of children

## Theme 4

# Criminal justice and the protection of children

### This theme at a glance

The Royal Commission's *Working with Children Checks* and *Criminal Justice Reports* made a number of recommendations about better protecting children from child sexual abuse, including:

- strengthening protections under state and territory Working with Children Checks
- reforming criminal justice systems in Australia.

Volume 7 of the Royal Commission's *Final Report* also recommended several changes to strengthen laws around:

- mandatory reporting
- reportable conduct schemes
- failure to report offences
- failure to protect offences.

All Australian governments have worked on implementing recommendations from the reports that apply to them as governments and as institutions.



## Key national achievements in 2019

- 
- A vertical timeline with a light blue line and circular markers. The dates are listed on the left, and the corresponding achievements are listed on the right.
- 2019** States and territories continued to introduce law reforms to change mandatory reporting laws, reportable conduct schemes and create new failure to report and protect offences.
  - February 2019** The Commonwealth Attorney-General launched the Commonwealth Director of Public Prosecutions' new online resource for victims and witnesses.<sup>1</sup>
  - June 2019** The Council of Attorneys-General agreed to draft a model bill, which governments will use to implement reforms in their own jurisdictions, to test whether tendency and coincidence evidence can be used in criminal proceedings under the Uniform Evidence Law. This is explained in more detail on page 83.  
  
The Council of Attorneys-General established a working group to consider the Royal Commission's recommendations to exclude people who must report child abuse relying on confessional privilege.
  - September 2019** The *Combatting Child Sexual Exploitation Legislation Amendment Act 2019* became law, strengthening the Commonwealth Criminal Code.  
  
The Crimes Legislation Amendment (Sexual Crimes Against Children and Community Protection Measures) Bill 2019 was introduced to Parliament.  
  
Western Australia was the first state to join the centralised Working with Children Checks National Reference System.
  - November 2019** The National Standards for Working with Children Checks received final endorsement from all states and territories.

These initiatives complement and build on the 2018 achievements, which you can read about in the Australian Government's *2018 Annual Progress Report*.

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<sup>1</sup> <https://victimsandwitnesses.cdpp.gov.au>

# National collaboration

## Working with Children Checks

### *The National Reference System*

#### **Relevant recommendation:**

*Working with Children Checks  
Report: 3a*

In December 2017, the Australian Government agreed to fund the development of a centralised database for Working with Children Checks. The Working with Children Check National Reference System (the National Reference System) sits within the Australian Criminal Intelligence Commission. This system will

improve information sharing so that the national criminal history records of people who are refused a Working with Children Check are continuously monitored and that information can be shared across Australia. This means all states and territories can record, maintain and share key decisions about the checks. The National Reference System will ensure all state and territory screening agencies that issue Working with Children Checks know whether a person has been refused a Working with Children Check in another state or territory.

The Australian Government is paying for the National Reference System to be built. The states and territories will need to fund their own yearly sustainment costs when they join the National Reference System. The sustainment costs will be reviewed each year.

The National Reference System project is currently in its final phase, Phase 4. This phase is focused on integrating the National Reference System in all states and territories. The first state or territory to connect to the National Reference System was Western Australia. They successfully integrated their state system with the National Reference System in September 2019. Other states and territories are expected to be connected to it during 2020. Once this happens, the system is expected to be fully operational.

### *The National Standards*

On 12 November 2019, the National Standards for Working with Children Checks (the National Standards) received final endorsement from all states and territories. Following this, they were published on the Australian Government Response to the Royal Commission into Institutional Responses to Child Sexual Abuse website.<sup>1</sup>

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<sup>1</sup> [www.childabuseroyalcommissionresponse.gov.au/](http://www.childabuseroyalcommissionresponse.gov.au/)

The National Standards, which deliver 28 Royal Commission recommendations, were developed by the Australian Government and the state and territory governments between 2017 and 2019 to establish nationally consistent parameters for screening people who want to take part in child-related work. Importantly, the National Standards will help make sure that children have an appropriate level of protection wherever they are in Australia.

The National Standards were developed by a working group – formed in 2017 and chaired by the Australian Government – to review and respond to the recommendations of the Royal Commission’s *Working with Children Checks Report*. Through this working group, the Australian Government and the states and territories have collaborated to develop the National Standards with reference to the Royal Commission’s recommendations, existing best practice and the expertise of officials from the Australian, state and territory governments.

#### Relevant recommendations:

*Working with Children Checks Report: 1, 3b, 5 to 29, 30, 32, 33, 34, 35 and 36*

The National Standards were completed and endorsed by the states and territories through the Council of Attorneys-General and Community Service Ministers.

Each state and territory is responsible for assessing and, where appropriate, changing their legal frameworks, to be more consistent with the benchmarks in the National Standards (with support from the Australian Government as needed). The National Standards recognise that it is open to any state or territory to exceed the standards where existing frameworks provide stronger protections.

To implement the National Standards, all states and territories will identify specific criminal offences that will disqualify a person from being issued a Working with Children Check clearance. This work will continue into 2020 and, once completed, form an addendum to the National Standards.

The Australian Government also continues work on other Working with Children Checks recommendations of the Royal Commission. This includes the recommendations about improving the sharing of international criminal history information to support Working with Children Checks screening. The Australian Government continues to explore options for making international records more accessible for assessing Working with Children Checks. However, the sharing of international criminal history with other countries involves complex issues.

## Department of Home Affairs' Child Safeguarding Framework

The Department of Home Affairs (Home Affairs) implemented its Child Safeguarding Framework in 2016. The Child Safeguarding Framework means that all Home Affairs employees, Australian Border Force

officers and contracted service providers in child-related work must have a Working with Children Check.

Positions that are child-related are recorded in Home Affairs' internal systems. Individuals in child-related positions have been told that they must have the relevant state or territory Working with Children Check or Working with Vulnerable People Check. The Home Affairs policy requires that all recruitment for child-related positions must include a Working with Children Check.

Home Affairs contracts also state that all service provider staff in child-related work must have a current Working with Children Check before starting work. Contracted service providers keep records of their employees' Working with Children Checks and give these records to Home Affairs each year, or when they are asked for it.

Home Affairs is running a process to confirm that all child-related positions are correctly identified and its staff in child-related positions have a current Working with Children Check. Its supervisors and managers will do a yearly check of their team members' Working with Children Checks to make sure they are up to date.

### Relevant recommendations:

*Working with Children Checks  
Report: 3c*

## Law reforms

### *Developing reforms to evidence law*

In its August 2017 *Criminal Justice Report*, the Royal Commission made eight recommendations for reform to the test for admissibility of tendency and coincidence evidence in criminal proceedings under the Uniform Evidence Law. The recommendations were to make it easier to present tendency and coincidence evidence in criminal proceedings about sexual offences against children.

#### Relevant recommendations:

*Criminal Justice Report*: 44, 45, 46, 47, 48, 49, 50 and 51

At its 1 December 2017 meeting, the Council of Attorneys-General agreed to create a working group to develop a proposal for reforming the test for admissibility of tendency and coincidence evidence in criminal proceedings under the Uniform Evidence Law to enable greater admissibility of that evidence. This working group, led by New South Wales, was set up in early 2018.

At its June 2019 meeting, the Council of Attorneys-General noted the proposed reform developed by the working group and agreed that the Australasian Parliamentary Counsel's Committee should draft a model bill that would implement the reform proposals. The working group was asked to present the model bill to the Council of Attorneys-General for final approval in late 2019, after consultation with key stakeholders. If the Council of Attorneys-General members representing Uniform Evidence Law jurisdictions approve the model bill, they will introduce that legislation in their jurisdiction to implement the proposed reforms to their Evidence Acts.

The box below provides a legal explanation of tendency and coincidence evidence and of term 'model bill':

**Tendency evidence** is evidence of a person's character, reputation, or conduct that is used to prove that someone has, or had, a tendency to act or think in a particular way. 'Tendency evidence' is the term used in the Uniform Evidence Law.

**Coincidence evidence** is evidence that relies on the improbability or implausibility of two or more events occurring coincidentally to prove that a person did a particular act or had a particular state of mind. If it is proven that two or more events occurred, the similarities in the events or the circumstances in which they occurred, may be used to reason that it is improbable that the events occurred coincidentally. 'Coincidence evidence' is the term used in the Uniform Evidence Law.

**The model bill** is a draft law that, if approved by the Attorneys-General, the governments of the Uniform Evidence Law jurisdictions will adopt. This will make sure the Uniform Evidence Laws as they apply in jurisdictions in Australia are consistent.

## Data developments

### Relevant recommendation:

*Criminal Justice Report: 2*

Each year, the Steering Committee for the Review of Government Service Provision (the Steering Committee) prepares the *Report on Government Services*.

The police services chapter in the *Report on Government Services 2019* includes data on sexual assaults that is drawn from:

- the Australian Bureau of Statistics Crime Victimization Survey (a population survey including data on people's self-reported experience of sexual assault), which is used to report on the statistic 'Crime victimisation'
- the Australian Bureau of Statistics Recorded Crime Victims collection (crimes that police recorded), which is used to report on the statistic 'Outcome of investigations' and background data on victims that police recorded.

In July 2019, the Australian Bureau of Statistics began analysing Recorded Crime Victims sexual assault data to find out if there had been an increase in delayed sexual assault reports, such as sexual assaults that were not reported until the following year or later. The Australian Bureau of Statistics is also developing and testing other data items for ongoing analysis, to add to the Recorded Crime Victims dataset. These items include data like the age of the victim at the time of an incident. This work will help build a better understanding of sexual assault, including sexual abuse of children, and responses to it. This project will aim to add extra analysis into the next version of Recorded Crime Victims statistics, which is due for release in June 2020.





# Australian Government progress

## Making child abuse protections stronger

To make sure responses to child sexual abuse in institutions are effective and consistent, the Royal Commission recommended a number of changes to laws to better protect children.

### *Combatting child sexual exploitation*

#### **Relevant recommendations:**

*Criminal Justice Report: 1, 21, 22, 23, 24, 25, 26, 27, 28, 29, 33, 34b, 35, 36 and 85*

On 20 September 2019, the Australian Government's *Combatting Child Sexual Exploitation Legislation Amendment Act 2019* (the Act) became law. It strengthens the Commonwealth's framework of offences for child sexual abuse in Australia, online and overseas. The Act implements key recommendations from the Royal Commission, including by introducing new

offences for certain Commonwealth officers who fail to report child sexual abuse or fail to protect children at risk of abuse. The Act also addresses difficulties the Australian Federal Police, Australian Border Force and Commonwealth Director of Public Prosecutions were facing in investigating and prosecuting new trends in child sexual abuse. It does this by introducing a new offence for possessing child abuse material obtained or accessed using a carriage service and by explicitly criminalising certain dealings with child-like sex dolls, including possession.

Reforms have also been introduced to Parliament in the Crimes Legislation Amendment (Sexual Crimes Against Children and Community Protection Measures) Bill 2019 (the Bill). The Bill would create new Commonwealth offences for grooming a third party, including via a postal, telecommunications or internet service or overseas, to make it easier to get a child to take part in sexual activities.

### **Failure to protect a child at risk of a child sexual abuse offence**

#### **Relevant recommendation:**

*Criminal Justice Report: 36*

The *Combatting Child Sexual Exploitation Legislation Amendment Act 2019* adds a new offence into the Commonwealth Criminal Code for failing to protect a child at risk of child sexual abuse. It is important that Commonwealth officers who have care, supervision or authority over children take all reasonable steps to

protect those children from sexual abuse. Under the new offence, a Commonwealth officer may be liable if they negligently fail to reduce or remove the risk of sexual abuse to a child under their care, supervision or authority.



## Failure to report child sexual abuse

The *Combatting Child Sexual Exploitation Legislation Amendment Act 2019* (the Act) also adds new offences to the Commonwealth Criminal Code for failing to report child sexual abuse. Under these offences, a Commonwealth officer who has care or supervision over children may commit an offence if they reasonably believe or suspect that another person has or will engage in a child sexual abuse offence, and they fail to report that information as soon as possible to the police.

### Relevant recommendations:

*Criminal Justice Report: 33, 34b and 35*

## Making overseas persistent child sexual abuse laws stronger

The Australian Government has increased the strength of the Commonwealth Criminal Code offences for persistent child sexual abuse offences committed overseas. The *Combatting Child Sexual Exploitation Legislation Amendment Act 2019* lowered the minimum number of occasions of abuse needed to prove persistent child sexual abuse overseas from three to two. This is more compatible with the way victims or survivors remember details about the offending against them and will improve the ability to prosecute repeated and regular child sexual abuse overseas.

### Relevant recommendations:

*Criminal Justice Report: 21 and 22*

## Preventing grooming

The Commonwealth Criminal Code has existing grooming offences. The offences cover communication or conduct with a child with the intention of grooming the child for sexual activities. These offences apply where the communication or conduct happens using a postal, telecommunications, internet or similar service, or happens overseas.

### Relevant recommendations:

*Criminal Justice Report: 25 and 26*

Reforms have also been introduced to Parliament, in the *Crimes Legislation Amendment (Sexual Crimes Against Children and Community Protection Measures) Bill 2019*, that propose to create new offences to criminalise grooming a carer, parent or other third party, including online and overseas, to make it easier to engage in sexual activity with a child. Most importantly, the new offences will allow law enforcement officers to investigate offenders before they are able to offend against a child.

## Position of authority offences

### Relevant recommendations:

*Criminal Justice Report: 27, 28 and 29*

There are existing laws that apply to people who are in positions of authority. The Australian Government has position of authority offences that meet the Royal Commission's *Criminal Justice Report* recommendations 27–29. For example, sexual intercourse and sexual activity with a young person (16 or 17 years of age)

outside Australia by a person who is in a position of trust or authority is criminalised under the Commonwealth Criminal Code. These offences set out clear categories of people who are in a position of trust or authority. The existence of a relationship of trust or authority between the offender and the victim is enough for actions to be considered an offence.

## Criminal justice reforms

### Relevant recommendations:

*Criminal Justice Report: 1 and 85*

Many safeguards and procedures are in place to make sure victims and survivors can access and use the criminal justice system. Australian Government law is always being reviewed to find opportunities to make improvements to protecting children from exploitation. Now the *Combating Child Sexual*

*Exploitation Legislation Amendment Act 2019* has been made law, the Australian Government will support it, including by developing advice for Commonwealth officers on new obligations created by the failure to report and failure to protect offences.

## Confessional privilege and reporting of child abuse

### Relevant recommendations:

*Final Report: 7.3, 7.4 and 7.12*

*Criminal Justice Report: 33, 35 and 36*

The Royal Commission made several recommendations about excluding the religious confessions privilege (confessional privilege) as it applies to the laws requiring the reporting of child abuse, both in civil and criminal situations. All Australian governments have taken varying steps to implement those recommendations.

In June 2019, the Council of Attorneys-General set up a working group, led by New South Wales, to consider the Royal Commission's recommendations to exclude people who are required to report child abuse relying on confessional privilege.

The working group has closely considered the Royal Commission's recommendations and the evidence on which the recommendations were based. It provided a report back to the Council of Attorneys-General out-of-session in late September 2019 for it to consider.

The box below provides a legal explanation of the term ‘confessional privilege’:

**Confessional privilege** is a rule of Uniform Evidence Law that allows a religious leader, who has received information as part of a religious confession, to decline to reveal that a confession was made or any of its content in legal proceedings.

## Providing support to victims, survivors and witnesses of crime

### *Training and practice guides for investigations*

The Australian Federal Police has strong guidance for Victim-Based Crime investigators. The policies and procedures explain the framework for the police response to victims of crime. This includes victims of child sexual abuse. They provide a consistent standard of service from the time a referral is received, during the investigation and throughout the court process.

#### **Relevant recommendations:**

*Criminal Justice Report: 3, 4, 7, 9, 12, 13 and 20*

The Australian Federal Police’s Better Practice Guide on Managing Victims of Crime provides advice for managing and treating victims of crime. The Australian Federal Police Better Practice Guide on Interviewing Young People or Vulnerable Witnesses provides advice for its staff for managing evidence during interviews with young people or vulnerable witnesses. This advice aims to reduce victims and survivors’ stress in giving evidence and prevent re-traumatising them.

The Australian Federal Police also delivers a range of training that includes victim management principles. The training programs include:

- the ACT Policing Sexual Offences Investigation Program
- the Investigative Interviewing Program
- the National Interviewing Vulnerable Witnesses Program.

These training sessions and workshops include best practice approaches for interacting with and responding to victims. This includes child protection and victim support, and wellbeing support.

The Australian Federal Police is currently developing a Crimes Against Children Investigation Workshop to provide members with the knowledge and skills they need to investigate offences related to child sexual abuse, particularly online child sexual exploitation. The program is currently being designed and due to be delivered in 2020–21.

## *Supporting survivors, witnesses and carers throughout the prosecution process*

### **Relevant recommendations:**

*Criminal Justice Report: 38 and 77*

In February 2019, the Attorney-General launched the Commonwealth Director of Public Prosecutions' new website<sup>2</sup> for victims and witnesses of crime. Materials for the website were developed by the Commonwealth Director of Public Prosecutions.

The Commonwealth Director of Public Prosecutions did extensive research to find out what victims and survivors of abuse need, as well as how they wanted to access information. The website has information and resources made to support and guide victims, survivors, witnesses and carers through the prosecution process. The website is in plain English, features videos and fact sheets and explains the steps in the prosecution process. The website is detailed and user-friendly and has the right information at the right time for victims, survivors, witnesses, carers and support people. The website is fully responsive and accessible across different devices and has language translation. The Commonwealth Director of Public Prosecutions took into account the views of victims and survivors of abuse, prosecutors and staff from the Witness Assistance Service when developing the website.

In 2019, the Commonwealth Director of Public Prosecutions also received extra funding to increase its Witness Assistance Service. It has now employed an extra five Witness Assistance Service officers, which has significantly increased its ability to provide appropriate support to victims of crime.

## *Registered intermediary schemes*

### **Relevant recommendations:**

*Criminal Justice Report: 59 and 60*

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

prosecution cases. The Australian Government will continue to look at the operation of registered intermediary schemes in Australia and abroad.

The New South Wales Child Sexual Offence Evidence Pilot (the Pilot) finishes in 2019. The Pilot makes sure pre-recording and other special measures are available to accusers in child sexual abuse prosecutions and other witnesses who might need it.

2 <https://victimsandwitnesses.cdpp.gov.au>

The Australian Government will consider the final evaluation of the Pilot, particularly concerns about the impact of the Pilot on child accusers and witnesses, on resources and on the defendant's right to a fair trial.

A number of other Australian states and territories are also considering registered intermediary schemes. The Australian Government will continue to watch these schemes to work out if and how an Australian Government scheme could stand alongside these schemes without complicating processes or overloading court resources.

The Australian Government will work with state and territory governments to consider the benefits of an Australian Government scheme. It will also talk with the states and territories about any implementation issues that raise cross-state issues.

### *Training for judges and magistrates*

The Australian Government provides funding to the Australasian Institute of Judicial Administration and the National Judicial College of Australia for training and educating judicial personnel including judges and magistrates. The Australian Government supports and encourages regular training and education programs on understanding child sexual abuse and its impacts. This helps to better protect and deliver justice for victims and survivors of child sexual abuse.

#### **Relevant recommendations:**

*Criminal Justice Report: 68*



## Theme 5

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# Accountability and annual reporting

## Theme 5

# Accountability and annual reporting

### This theme at a glance

The Royal Commission made recommendations about monitoring, evaluation and reporting.

These include recommendations 9.5 and 17.1, 17.2, 17.3, 17.4, 17.5 and 17.6 in Volume 17 of the *Final Report*.



## Key national achievements in 2019

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- December 2018** The Australian Government launched a new website for publishing annual progress reports – the Australian Government Response to the Royal Commission into Institutional Responses to Child Sexual Abuse website.<sup>1</sup>
- Eleven non-government institutions published their first annual progress reports on implementing the recommendations. These are available on the Australian Government Response to the Royal Commission website.
- December 2018 to April 2019** The Australian Government made all state and territory 2018 annual progress reports available on the Australian Government Response to the Royal Commission website as they were tabled in each of their parliaments.
- June 2019** The Australian Government engaged the Social Research Centre to develop a National Evaluation Framework to track how the recommendations are being implemented and how effective the changes have been. This is explained in more detail on pages 98–99.
- September 2019** The National Office for Child Safety encouraged 42 extra non-government institutions that appeared before the Royal Commission to report publicly on their progress.
- December 2019** The Australian Government tabled its second of five annual progress reports in response to the Royal Commission. It published the report on the Australian Government Response to the Royal Commission website.

These initiatives complement and build on the 2018 achievements, which you can read about in the Australian Government's *2018 Annual Progress Report*.

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<sup>1</sup> [www.childabuseroyalcommissionresponse.gov.au](http://www.childabuseroyalcommissionresponse.gov.au)

# National priority update – Work across all Australian governments

## Reporting publicly on progress



### Relevant recommendation:

*Final Report: 17.2*

The lasting impact of the Royal Commission depends on how successfully its recommendations are implemented. Monitoring, evaluation and reporting of implementation is vital to:

- make sure that governments and institutions are transparent and publicly accountable
- build an evidence base to guide policy, research, service delivery and best practice models
- promote involvement of key stakeholders and the community
- support governments and institutions to make real progress towards preventing child sexual abuse in institutions and improve responses when it does happen
- make sure victims and survivors can receive justice and redress and can access support and treatment.

All Australian governments will report each year, from 2018 until 2022, on their progress with implementing the Royal Commission's recommendations. All Australian governments' annual progress reports will be tabled before their parliaments and will be shared with the public.

A focus in publishing the reports is to make sure the information contained in them is trauma-informed and accessible to victims, survivors, families, children and institutions. The reports are available on the Australian Government Response to the Royal Commission into Institutional Response to Child Sexual Abuse website.<sup>1</sup>

The Australian Government's *Annual Progress Report* includes information about implementing recommendations that have needed joint action and coordination with states and territories.

The Australian Government will publish its next *Annual Progress Report* in December 2020.

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<sup>1</sup> [www.childabuseroyalcommissionresponse.gov.au](http://www.childabuseroyalcommissionresponse.gov.au)

# Australian Government progress

## Ten-year review

### Relevant recommendation:

*Final Report: 17.4*

The Australian Government is working with the Social Research Centre to design a National Evaluation Framework. In 2027, the National Evaluation Framework will be used to inform a comprehensive 10-year review of implementation of the Royal Commission's recommendations. The Australian

Government is designing the National Evaluation Framework in consultation with the states and territories so that it can be adapted and used by the Australian Government and each state and territory. This will help make sure monitoring and reporting progress is consistent across Australia. The National Evaluation Framework will be used to determine:

- the progress made in implementing the Royal Commission's recommendations
- how effective the actions 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 victims and survivors of child sexual abuse receive justice, treatment and support
- further steps that governments and institutions should take to keep improving policy and services related to child sexual abuse in institutions.

The 10-year review will make sure governments and institutions are held accountable for putting in place effective policies and strategies to respond to the Royal Commission's recommendations. The National Evaluation Framework will guide the types of information that governments should collect to examine the impacts of their own laws, policies, programs and practices. The National Evaluation Framework will help governments and institutions to look at cultural changes across organisations involved in child-related work. It will look at the development and use of best practice methods to prevent and respond to child sexual abuse now and into the future.

To make sure monitoring and implementation of the recommendations is consistent across Australia, the Social Research Centre is encouraging Australian Government agencies, and all states and territories, to take part in designing, developing and using the National Evaluation Framework.

Content experts from a variety of backgrounds and other key stakeholders are also being consulted on the design of the National Evaluation Framework. This process will make sure the latest research and advice from relevant experts inform the National Evaluation Framework. This will also make sure the design takes into account the many and complex factors which will influence the development and use of the National Evaluation Framework when the time comes to do the 10-year review.

The National Evaluation Framework will take into account research initiatives such as the work of the National Office for Child Safety and the Australian Institute of Health and Welfare. This research will help to build an evidence base to advise governments and institutions on further actions they can take to continue to improve policies, strategies and services promoting the safety and wellbeing of Australia's children.

## Non-government institutions reporting

The Royal Commission recommended that the institutions that appeared before it should report each year on the actions they are taking to keep children safe. The Australian Government accepted recommendation 17.3 in principle; however, it is not able to force non-government institutions to report.

### Relevant recommendation:

*Final Report: 17.3*

Annual progress reporting allows non-government institutions to show that they are acting upon the findings of the Royal Commission and that they have processes in place to support children's safety into the future. It also provides some level of confidence to the community, including victims and survivors, that institutions that appeared before the Royal Commission are publicly accountable for implementing the recommendations of the Royal Commission.

In 2018, the National Office for Child Safety supported the delivery of 11 reports covering the nine institutions that were the subject of the Royal Commission hearings. These institutions published their reports in December 2018. Their reports are published on the Australian Government Response to the Royal Commission into Institutional Responses to Child Sexual Abuse website.<sup>2</sup> The National Office for Child Safety will continue to support the publication of non-government institution's annual reports each December from 2018 to 2022.

In 2019, the National Office contacted 42 other non-government institutions that appeared before the Royal Commission, encouraging them to report publicly on their implementation progress. It also offered to support the publication of this reporting.

<sup>2</sup> [www.childabuseroyalcommissionresponse.gov.au](http://www.childabuseroyalcommissionresponse.gov.au)

## Online resources

### Relevant recommendations:

*Final Report: 9.5 and 17.5*

In December 2018, the Australian Government set up the Australian Government Response to the Royal Commission into Institutional Responses to Child Sexual Abuse website.<sup>1</sup> This is the central resource for victims and survivors of child sexual abuse in institutions, their families and supporters, governments, institutions and

members of the public. It provides access to key information about what the Australian Government is doing to respond to the Royal Commission's recommendations. It provides information about the progress being made nationally, including by states and territories and some non-government institutions. This website also provides access to helpful information, such as support services. Copies of the response to the Royal Commission and the annual progress reports of the Australian Government, all state and territories and non-government institutions can also be downloaded from this site.

The Australian Government's National Redress Scheme website has information, advice and support to help people to access redress.<sup>2</sup>

Throughout 2019, the Australian Government has continued to host the Royal Commission's website, including its comprehensive document, images and video libraries.<sup>3</sup>

## National memorial and museum

### Relevant recommendation:

*Final Report: 17.6*

Further work to plan and design a national memorial for victims and survivors of child sexual abuse took place in 2019.

Details about the national memorial, including engaging with the public about its design, will be available on the Australian Government Response to the Royal Commission into Institutional Responses to Child Sexual Abuse website.<sup>4</sup>

On 22 October 2018, when delivering the National Apology to Victims and Survivors of Institutional Child Sexual Abuse, the Prime Minister, the Hon. Scott Morrison MP, 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.

Members of the public can subscribe to the website to get updates about further work on the museum.

1 [www.childabuseroyalcommissionresponse.gov.au](http://www.childabuseroyalcommissionresponse.gov.au)

2 [www.nationalredress.gov.au](http://www.nationalredress.gov.au)

3 [www.childabuseroyalcommission.gov.au](http://www.childabuseroyalcommission.gov.au)

4 [www.childabuseroyalcommissionresponse.gov.au](http://www.childabuseroyalcommissionresponse.gov.au)

# Closing

In his first anniversary speech for the National Apology to Victims and Survivors of Institutional Child Sexual Abuse, on 22 October 2019, the Prime Minister, the Hon. Scott Morrison MP, confirmed the Australian Government's commitment to report on the progress being made to implement the recommendations of the Royal Commission. The Prime Minister said, "Public accountability across governments and non-government institutions is crucial and vital. Because it's only actions now that can prove the worth of our sentiments".

This report outlines the Australian Government's work in 2019, including with state and territory governments, to implement the Royal Commission's recommendations. While there is more to do, this essential and ongoing work makes sure the safety of our children remains a top priority.

# 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](http://www.childabuseroyalcommission.gov.au)

## **Australian Government Response to the Royal Commission into Institutional Responses to Child Sexual Abuse**

For information on how the Australian Government is responding to the Royal Commission's recommendations, including the Australian Government's Response to the Royal Commission's *Final Report* and all annual progress reports. Also includes links to state and territory government and non-government institutions' annual progress reports.

[www.childabuseroyalcommissionresponse.gov.au](http://www.childabuseroyalcommissionresponse.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](http://www.nationalredress.gov.au)

**T: 1800 737 377**

## **knowmore**

knowmore is an independent service giving free legal advice to victims and survivors of abuse by providing them with information about the justice and redress options that may be available to them.

<https://knowmore.org.au>

**T: 1800 605 762**



## **1800 Respect**

A confidential information, counselling and support service for people impacted by sexual assault, domestic or family violence and abuse.

[www.1800respect.org.au](http://www.1800respect.org.au)

**T: 1800 737 732**

## **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](http://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 for Child Safety, including the National Strategy to Prevent Child Sexual Abuse, the National Principles for Child Safe Organisations and the Commonwealth Child Safe Framework.

[www.pmc.gov.au/domestic-policy/national-office-child-safety](http://www.pmc.gov.au/domestic-policy/national-office-child-safety)

## **Australian Human Rights Commission – Child Safe Organisations**

For tools and resources to help organisations implement the National Principles for Child Safe Organisations, and to help parents and carers learn about child safe organisations.

<https://childsafe.humanrights.gov.au>

## **Commonwealth Director of Public Prosecutions' website for victims and witnesses**

For information, guidance and support to help victims of crime, witnesses, carers and support people understand the prosecution process.

<https://victimsandwitnesses.cdpp.gov.au>

# 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 help readers 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.

## 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.

Further information can be found on pages 18–23.

## National Principles for Child Safe Organisations

The National Principles for Child Safe Organisations are 10 high-level principles that put into practice the Royal Commission's recommended Child Safe Standards. The Council of Australian Governments endorsed the National Principles in 2019. The National Principles will mean all Australian governments are taking a consistent approach to making organisations safe for children across Australia (recommendations 6.4, 6.5, 6.6 and 6.7).

Further information can be found on pages 18–23.

## Commonwealth Child Safe Framework

The Commonwealth Child Safe Framework is the Australian Government's child safety policy. Under the Commonwealth Child Safe Framework, all non-corporate Commonwealth entities must put procedures in place to promote the protection of children in the services and activities they fund (recommendation 6.13 of the *Final Report* and recommendation 3c of the *Working with Children Checks Report*).

Further information can be found on pages 43–44.

## **National Strategy to Prevent Child Sexual Abuse**

The National Office for Child Safety is developing a National Strategy to Prevent Child Sexual Abuse (recommendations 6.1, 6.2 and 6.3). The National Strategy to Prevent Child Sexual Abuse will focus on encouraging cultural change; supporting victims and survivors of child sexual abuse; and developing initiatives aimed at adult offenders.

Further information can be found on pages 24–25.

## **National Framework for Protecting Australia's Children 2009–2020**

The National Framework for Protecting Australia's Children sets out a long-term approach to reducing child abuse and neglect in Australia. This current framework will end in 2020. The Australian Government is working with a range of non-government organisations and all Australian governments to develop options for when the National Framework ends (recommendation 6.15).

Further information can be found on page 25.

## **National Standards for Working with Children Checks**

The National Standards for Working with Children Checks establish minimum benchmarks for screening people in all states and territories who want to take part in child-related work. The National Standards help make sure that children have an appropriate level of protection, wherever they are in Australia. The National Standards for Working with Children Checks implement a number of the Royal Commission's recommendations in the *Working with Children Checks Report* (recommendations 1, 3b, 5 to 29, 30, 32, 33, 34, 35 and 36 from that report).

Further information can be found on pages 80–81.

# Index

This index gives page number references for the Royal Commission's recommendations that are addressed in this *Annual Progress Report 2019*.

## Recommendations from the Final Report

### Volume 2

Recommendation 2.1 p.59

### Volume 6

Recommendation 6.1 p.13, p.24

Recommendation 6.2 p.13, p.24

Recommendation 6.2f p.42

Recommendation 6.3 p.13, p.24

Recommendation 6.4 p.18

Recommendation 6.5 p.13, p.18

Recommendation 6.6 p.13, p.18

Recommendation 6.7 p.13, p.18

Recommendation 6.12 p.18

Recommendation 6.13 p.43, p.48

Recommendation 6.14 p.18

Recommendation 6.15 p.13, p.25

Recommendation 6.19 p.14, p.32

Recommendation 6.20 p.33

Recommendation 6.21 p.14, p.32, p.33

Recommendation 6.22 p.14, p.32

Recommendation 6.24 p.14, p.35

### Volume 7

Recommendation 7.3 p.88

Recommendation 7.4 p.88

Recommendation 7.7 p.18, p.21

Recommendation 7.8 p.18

Recommendation 7.12 p.88

**Volume 8**

Recommendation 8.1	p.13, p.26
Recommendation 8.2	p.26
Recommendation 8.3	p.26
Recommendation 8.4	p.13, p.26
Recommendation 8.6	p.13, p.26, p.28
Recommendation 8.7	p.13, p.26, p.28
Recommendation 8.8	p.13, p.26, p.28
Recommendation 8.9	p.13, p.30
Recommendation 8.10	p.14, p.30
Recommendation 8.11	p.14, p.30
Recommendation 8.12	p.13, p.30
Recommendation 8.13	p.13
Recommendation 8.14	p.13
Recommendation 8.15	p.13
Recommendation 8.16	p.13, p.29

**Volume 9**

Recommendation 9.1	p.60
Recommendation 9.2	p.60, p.61
Recommendation 9.3	p.60, p.73
Recommendation 9.4	p.60
Recommendation 9.5	p.100
Recommendation 9.6	p.60
Recommendation 9.7	p.61
Recommendation 9.8	p.73
Recommendation 9.9	p.58

## **Volume 10**

Recommendation 10.1	p.13, p.24, p.56
Recommendation 10.2	p.13, p.56
Recommendation 10.3	p.13, p.56
Recommendation 10.4	p.56
Recommendation 10.5	p.56
Recommendation 10.6	p.13, p.56
Recommendation 10.7	p.13, p.56

## **Volume 12**

Recommendation 12.1	p.13, p.26, p.27
Recommendation 12.2	p.13, p.26, p.27
Recommendation 12.3	p.13, p.26, p.27
Recommendation 12.15	p.13, p.26, p.27

## **Volume 13**

Recommendation 13.1	p.32
Recommendation 13.4	p.14, p.32
Recommendation 13.7	p.32
Recommendation 13.8	p.14, p.30

## **Volume 14**

Recommendation 14.1	p.40
Recommendation 14.2	p.40
Recommendation 14.3	p.40
Recommendation 14.4	p.40

## **Volume 15**

Recommendation 15.1	p.49
Recommendation 15.2	p.14, p.39
Recommendation 15.6	p.50
Recommendation 15.12a	p.49
Recommendation 15.12b	p.49
Recommendation 15.13	p.50
Recommendation 15.14	p.49
Recommendation 15.15	p.51

# **Volume 17**

Recommendation 17.1	p.13
Recommendation 17.2	p.13, p.96
Recommendation 17.3	p.99
Recommendation 17.4	p.98
Recommendation 17.5	p.100
Recommendation 17.6	p.100

## **Recommendations from the Working with Children Checks Report**

Recommendation 1	p.81
Recommendation 3a	p.14, p.80
Recommendation 3b	p.14, p.81
Recommendation 3c	p.43, p.82
Recommendation 4a	p.14
Recommendation 4b	p.14
Recommendation 4c	p.14
Recommendation 4d	p.14
Recommendation 5	p.81
Recommendation 6	p.81
Recommendation 7	p.81
Recommendation 8	p.81
Recommendation 9	p.81
Recommendation 10	p.81
Recommendation 11	p.81
Recommendation 12	p.81
Recommendation 13	p.81
Recommendation 14	p.81
Recommendation 15	p.81
Recommendation 16	p.81
Recommendation 17	p.81
Recommendation 18	p.81
Recommendation 19	p.81

Recommendation 20	p.81
Recommendation 21	p.81
Recommendation 22	p.14, p.81
Recommendation 23	p.81
Recommendation 24	p.81
Recommendation 25	p.81
Recommendation 26	p.81
Recommendation 27	p.81
Recommendation 28	p.81
Recommendation 29	p.81
Recommendation 30	p.81
Recommendation 32	p.81
Recommendation 33	p.81
Recommendation 34	p.14, p.81
Recommendation 35	p.14, p.81
Recommendation 36	p.14, p.81

## **Recommendations from the Redress and Civil Litigation Report**

Recommendation 1 to 84	p.66
------------------------	------

## **Recommendations from the Criminal Justice Report**

Recommendation 1	p.86, p.88
Recommendation 2	p.14, p.84
Recommendation 3	p.89
Recommendation 4	p.89
Recommendation 7	p.89
Recommendation 9	p.89
Recommendation 12	p.89
Recommendation 13	p.89
Recommendation 16	p.18, p.21
Recommendation 17	p.18, p.21
Recommendation 18	p.18, p.21
Recommendation 19	p.18, p.21
Recommendation 20	p.89



Recommendation 21	p.86, p.87
Recommendation 22	p.86, p.87
Recommendation 23	p.86
Recommendation 24	p.86
Recommendation 25	p.86, p.87
Recommendation 26	p.86, p.87
Recommendation 27	p.86, p.88
Recommendation 28	p.86, p.88
Recommendation 29	p.86, p.88
Recommendation 33	p.86, p.87, p.88
Recommendation 34b	p.86, p.87
Recommendation 35	p.86, p.87, p.88
Recommendation 36	p.86, p.88
Recommendation 38	p.90
Recommendation 44	p.14, p.83
Recommendation 45	p.14, p.83
Recommendation 46	p.14, p.83
Recommendation 47	p.14, p.83
Recommendation 48	p.14, p.83
Recommendation 49	p.14, p.83
Recommendation 50	p.14, p.83
Recommendation 51	p.14, p.83
Recommendation 59	p.90
Recommendation 60	p.90
Recommendation 68	p.14, p.91
Recommendation 77	p.90
Recommendation 85	p.86, p.88



## Appendix

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# Recommendations from the Royal Commission's *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)

- 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.
- 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 child-minding 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)***

- I. 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 em 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 appealfor 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.
  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 20-1 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.
  - 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.
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 institution
    - iii. but 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:
  - a. 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
  - b. 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
  - c. 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
  - d. clearing the public gallery of a courtroom during the witness's evidence
  - e. 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:
  - a. 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.
  - b. 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:
  - a. **Delay and credibility:** Legislation should provide that:
    - i. there is no requirement for a direction or warning that delay affects the complainant's credibility
    - 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
  - e. 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
  - c. 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.





