



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 2020



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
- [Kids Helpline](#) on 1800 55 1800
- [Lifeline](#) on 13 11 14
- [MensLine](#) on 1300 789 978
- the [National Redress](#) Information Line on 1800 737 377.

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Annual Progress Report 2020:

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



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Ministerial foreword

This is the Australian Government's third *Annual Progress Report* to show how we have implemented the recommendations from the Royal Commission into Institutional Responses to Child Sexual Abuse (the Royal Commission).

The Royal Commission made 409 recommendations to better protect children from institutional child sexual abuse, with 206 of these directed wholly or partially at the Australian Government. Of these, the Australian Government has responded to the 84 recommendations about redress by establishing the National Redress Scheme. We continue to make progress on another 122 recommendations for the Australian Government, as well as playing a role in more than 50 recommendations for the states and territories. We are committed to implementing the Royal Commission's important work. We will continue to build on what we and the states and territories have already achieved.

Due to the coronavirus (COVID-19) pandemic, we had to put some national priority work on hold in 2020. This includes work:

- on the National Strategy to Prevent Child Sexual Abuse
- on the next National Framework for Protecting Australia's Children
- in groups that have members from different states and levels of government, such as the Interjurisdictional Working Group on Children with Harmful Sexual Behaviours.

This pause allowed governments to focus their time and effort on dealing with the pandemic. From November 2020 we have been able to restart some of this important work.

Though this year has presented challenges because of COVID-19, we have continued, where we can, to take positive steps towards implementing the Royal Commission's recommendations. We have collaborated with states and territories on recommendations which need us to work and make decisions together. This work has included developing the Child Abuse Royal Commission Evaluation Framework (the Evaluation Framework). A conceptual framework was completed for this in June 2020. The Evaluation Framework will continue to be developed and updated over the first 10 years of implementing the Royal Commission's recommendations. This will make sure that it supports current child protection evidence and practice as well as the changing priorities of Australian governments. The Evaluation Framework is being designed with the Australian Government and state and territory governments. We will use it in a 10-year review of our progress implementing the Royal Commission's recommendations. This will help us work out how much we have done to implement the work of the Royal Commission and will help us to keep on track.

We still have a lot of work to do. The Australian Government wants to better support our children. In 2021, we will continue our work on a range of initiatives to meet the Royal Commission's recommendations and build on the policies and programs we have already established. We will keep working towards an inclusive society that values safety, truth and justice. A society that all Australians have a role in building.

A blue ink signature of Scott Morrison, written in a cursive style.

The Hon. Scott Morrison MP

Prime Minister of Australia

A blue ink signature of Christian Porter, written in a cursive style.

The Hon. Christian Porter MP

Attorney-General

Introduction

The Royal Commission delivered its *Final Report* on 15 December 2017. The *Final Report* included 17 volumes and made 409 recommendations, 206 of which are directed wholly or partially at the Australian Government. The recommendations aim to better protect children by improving policies, practices and laws. The report included recommendations from previous reports:

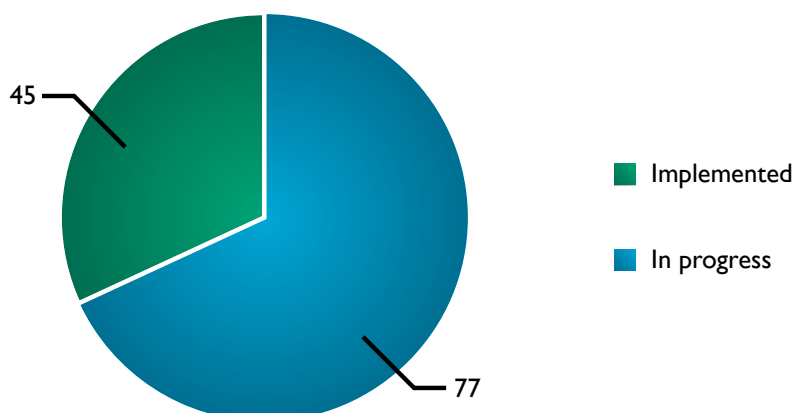
- the *Working with Children Checks Report* (36 recommendations, tabled in Parliament on 17 August 2015)
- the *Redress and Civil Litigation Report* (99 recommendations, tabled in Parliament on 14 September 2015)
- the *Criminal Justice Report* (85 recommendations, tabled in Parliament on 14 August 2017).

This is the Australian Government's third *Annual Progress Report*. It shows the Australian Government's progress over the last 12 months on implementing the Royal Commission's recommendations. This report is structured in the same way as the first and second *Annual Progress Reports*. It reports on:

- the 84 recommendations that deal with redress
- the other 122 recommendations the Australian Government has whole or partial responsibility for
- a number of other recommendations the Australian Government is working on with the states and territories. These include recommendations:
 - where the Australian Government is playing a national leadership role
 - directed at states and territories that the Australian Government also wants to implement.

State and territory governments and institutions will need to address the Royal Commission's other recommendations.

Implementation progress for the 122 recommendations that the Australian Government has whole or partial responsibility for



Australian Government progress

All Australian governments are working to implement the Royal Commission's recommendations to protect Australia's children.

In 2020, the Australian Government has taken action across a range of areas including:

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

Key achievements in 2020 include:

- The National Office for Child Safety (which sits within the Department of the Prime Minister and Cabinet) updated the Commonwealth Child Safe Framework, following a review of the implementation of the Framework across the Australian Government. From 2021, Australian Government organisations will need to publicly report on their child safety efforts every year. The National Office for Child Safety also supported Australian Government departments and organisations to implement the Commonwealth Child Safe Framework. This included supporting organisations to improve their child safe practices and policies, as well as developing new materials to help departments implement the Commonwealth Child Safe Framework.
- The Australian Government announced further investment in the Australian Child Maltreatment Study, the first national study of all five forms of child maltreatment in Australia. The forms are physical abuse, sexual abuse, emotional abuse, neglect and exposure to domestic and family violence. Throughout 2020, the survey and procedures have been developed and improved through testing and evaluation. This included a full pilot test with 100 participants. The extra questions funded in 2020 will look at how many Australians experienced child sexual abuse in institutions, families, online and other situations. The Australian Child Maltreatment Study fieldwork, which includes telephone interviews with 10,000 Australians, will run throughout 2021. The first results will be released from July 2023.

- The Child Abuse Royal Commission Implementation Taskforce, in the Attorney-General's Department, worked with the Social Research Centre to complete a conceptual framework, an important first step to inform the development of the Child Abuse Royal Commission Evaluation Framework (the Evaluation Framework), in June 2020. They did this in consultation with Australian Government agencies, states and territories. The Evaluation Framework will support the 10-year review of the progress implementing the Royal Commission's recommendations. This review will be held in 2027.
- New offences for failing to protect children from, and report, child sexual abuse came into effect for certain Australian Government officials in March 2020 under the *Combatting Child Sexual Exploitation Legislation Amendment Act 2019*.
- The *Crimes Legislation Amendment (Sexual Crimes Against Children and Community Protection Measures) Act 2020* came into effect in June 2020. The Act includes new offences, including third party grooming offences. It also increases maximum penalties and introduces mandatory minimum sentences for the most serious Commonwealth child sex offences as well as for repeat offenders. This will help to better protect the community from child sex offenders.

Throughout 2020, the Australian Government maintained its leadership role implementing the Royal Commission's recommendations and working with the states and territories. Australian Government agencies continue to make changes to their policies and programs in line with the Royal Commission's recommendations. They have been taking a broad approach to implementing the recommendations, including implementing recommendations not directed at them.

The Department of Defence (Defence) has been working to change cultures and processes, raise awareness and change policies to better protect children, including taking responsibility for child sexual abuse that had happened within Defence. Defence is a good example to all government agencies of how to successfully use the voices of children and the community to inform changes to policies and processes. They are also an example of how to look at areas that need improvement and follow the recommendations of the Royal Commission to protect children and youth in Defence's care.

The Department of Foreign Affairs and Trade has continued to lead the way in tackling child sexual abuse in Australia and Australia's activities overseas. During 2020, the Department of Foreign Affairs and Trade has continued its work on child protection. This includes ensuring compliance with the United Nations Convention on the Rights of the Child (to which Australia is a signatory) and engaging with the National Redress Scheme. It has also been working to strengthen child protection standards, such as child safe recruitment practices and background checks for all

staff. In 2017, the Department of Foreign Affairs and Trade implemented a central reporting system for child welfare incidents and policy non-compliance issues that occur in connection with official duties or business. It reports on these notifications to the senior executive.

The efforts and work of these Australian Government departments reminds us that child protection needs to be at the forefront of all child-related work, and that it is everyone's responsibility.

The Australian Government has continued working with, and supporting, the states and territories to implement the Royal Commission's recommendations. However, COVID-19 has affected this work, as it has the lives of all Australians. In 2020, the Australian Government put some national priority work on hold so governments could focus on tackling the effects of COVID-19. Collaboration with states and territories has continued, throughout the pandemic, in a number of areas including:

- information and data sharing
- the Evaluation Framework
- the Working with Children Checks National Reference System.

This is the Australian Government's third *Annual Progress Report*. It has committed to two more reports up until December 2022. The Australian Government will then carry out the 10-year review in 2027 to review the implementation of the Royal Commission's recommendations.

This report does not include information covered in the first two *Annual Progress Reports*, which were published in 2018 and 2019. The updates in this report are about the achievements of the Australian Government since the *Annual Progress Report 2019* was published and throughout 2020. It includes work all Australian governments have done on the national priority recommendations during this time. You can find more information about what all Australian governments and some non-government institutions are doing to respond to the Royal Commission's recommendations, on the Australian Government Response to the Royal Commission into Institutional Responses to Child Sexual Abuse website¹. You can also find information on the support services that are available.

¹ <http://www.childabuseroyalcommissionresponse.gov.au>

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



Structure of this report

This report groups the Royal Commission’s recommendations into five themes, which is the same structure as the 2018 and 2019 *Annual Progress Reports*. This should mean you can easily find the information you need. These themes are based on the volumes of the Royal Commission’s *Final Report*.

You can find:

- all the Royal Commission’s recommendations in the Appendix on page 147
- an index of all the Royal Commission’s recommendations that are addressed in this report on page 243.

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 7 – Improving institutional responding and reporting
- 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

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

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 9 – Advocacy, support and therapeutic treatment services
- 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 and make decisions together. This will make sure the recommendations are implemented in a consistent and coordinated way across Australia. To support this, the Australian Government is taking a leadership role where it is needed.

All Australian governments are committed to working together to achieve progress across Australia.

To make significant change in cultures and practices, you need long-term collaboration.

The national priorities

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

- supporting child safe institutions
- developing a National Strategy to Prevent Child Sexual Abuse and a successor plan to the *National Framework for Protecting Australia's Children 2009–2020*
- improving information sharing, data collection and recordkeeping
- 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 to improve child safety. Work on the national priority recommendations is also progressing through forums and groups working across different levels of government around Australia.

You can find updates on the national priority recommendations at the beginning of each theme in this report.

Other joint government actions

All Australian governments have also agreed to work together on a range of other recommendations that need joint action and decision-making to implement.

These recommendations cover:

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

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

To make sure there is a coordinated and consistent national approach, a number of Australian, state and territory government working groups are responsible for making progress in these areas. These groups include:

Groups of Australian, state and territory ministers

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

The Prime Minister, the Hon Scott Morrison MP, announced on 29 May 2020 that the Council of Australian Governments (COAG) would end. While waiting for the results of the review of the COAG Councils and Ministerial Forums, the above groups continued to meet and progress work on the joint recommendations and national priorities they are responsible for. On 23 October 2020, the National Cabinet accepted the review's recommendations, which included agreement to retain a regular, ongoing Education Ministers' Meeting, and time-limited continuation of meetings for Attorneys-General and Community Services Ministers. Relevant Ministers will continue to work together to progress joint recommendations and national priorities.

Groups of Australian, state and territory public servants

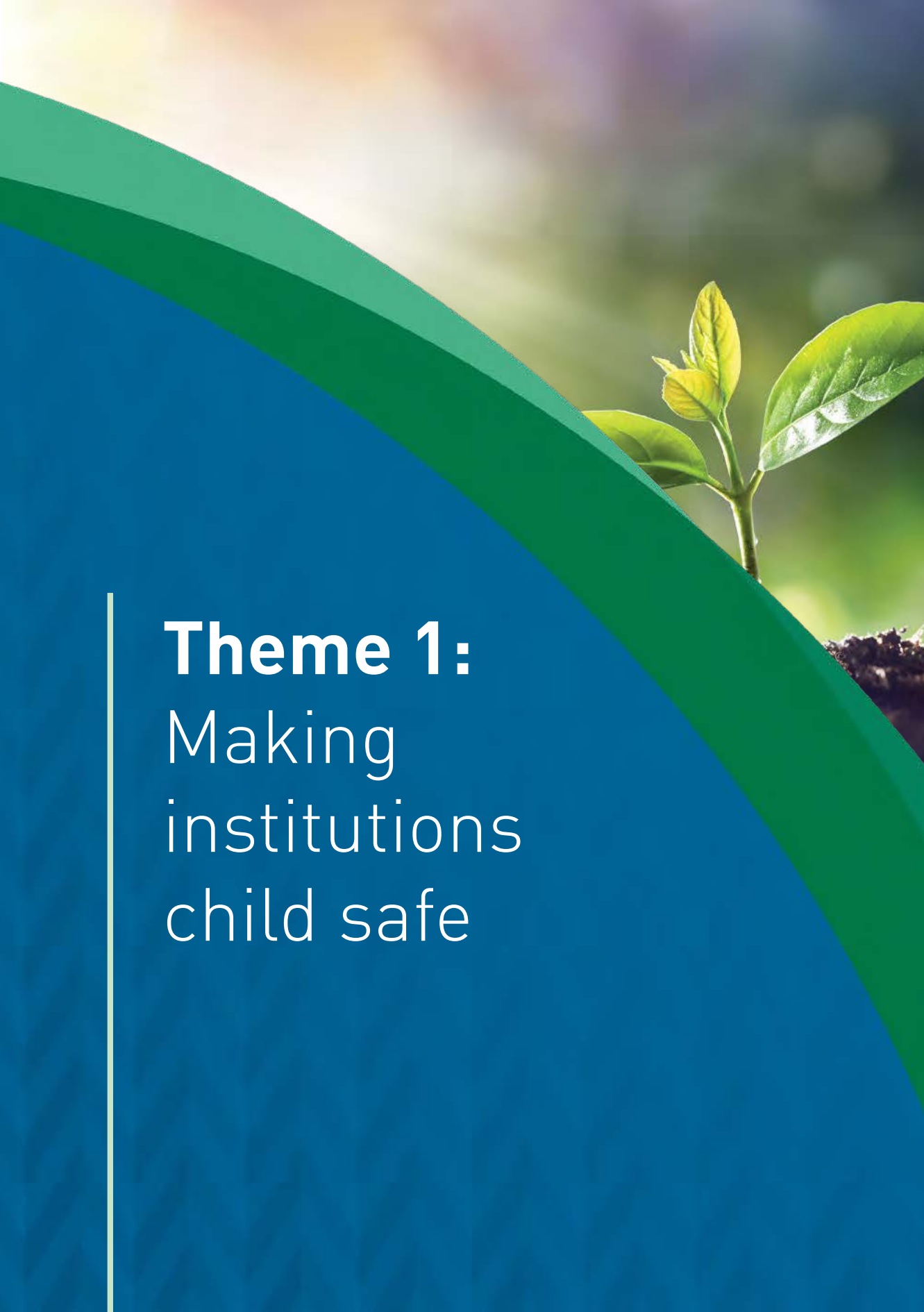
- Council of Australasian Archives and Records Authorities
- Working with Children Checks Interjurisdictional Working Group
- Child Abuse Royal Commission Interjurisdictional Working Group
- Interjurisdictional Working Group on Children with Harmful Sexual Behaviours
- Children and Families Secretaries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

You can find updates on the work of these groups under each theme in this report.

Reports from states, territories and institutions

All states and territories, and some institutions, will publish their own annual reports on their progress implementing the Royal Commission's recommendations. You can find links and copies of these reports on the Australian Government Response to the Royal Commission into Institutional Responses to Child Sexual Abuse website².

² <http://www.childabuseroyalcommissionresponse.gov.au/>



Theme 1: Making institutions child safe

Theme 1

Making institutions child safe

Theme 1 at a glance

The Royal Commission's *Final Report* made recommendations about improving child safety within institutions. These included recommendations to:

- make institutions child safe (*Final Report* Volume 6, Recommendations 6.1 to 6.24)
- improve institutional responses and reporting (*Final Report* Volume 7, Recommendations 7.1 to 7.12)
- improve records, recordkeeping and information sharing (*Final Report* Volume 8, Recommendations 8.1 to 8.23)
- make out-of-home care safer (*Final Report* Volume 12, Recommendations 12.1 to 12.22)
- make schools safer (*Final Report* Volume 13, Recommendations 13.1 to 13.8)
- make sport, recreation, arts, culture, community and hobby groups safer (*Final Report* Volume 14, Recommendations 14.1 to 14.4)
- make contemporary detention environments safer (*Final Report* Volume 15, Recommendations 15.1 to 15.15).

Australian governments have continued putting these recommendations into practice in 2020. We are working on the recommendations that:

- relate to us as governments responsible for policy and law
- apply to us as organisations that have responsibility for institutions with children in their care.

Key national achievements

Throughout 2019 and 2020

The National Office for Child Safety ran a consultation to refine what should be included in the National Strategy to Prevent Child Sexual Abuse. The National Office for Child Safety delivered two workshops with Australian and state and territory governments. It also ran a workshop with Aboriginal and Torres Strait Islander organisations, policy makers, front-line workers and researchers.

Throughout 2020

eSafety delivered 181 presentations and workshops to over 96,500 people from non-government organisations, corporate, parent and community groups. These aim to improve participants' online safety knowledge and skills to complement learning in schools.

February 2020

eSafety launched the eSafety Toolkit for Schools. The Toolkit supports schools to create safe online environments for their whole community. eSafety developed the Toolkit with government and non-government education representatives from each state and territory.

The Australian Centre to Counter Child Exploitation delivered Australia's first covert investigations Social Engineering Training across Australian jurisdictions, including to:

- members of the Australian Centre to Counter Child Exploitation
- New South Wales and Victoria Australian Federal Police Joint Anti Child Exploitation Team members
- Queensland, Victoria, South Australia and New South Wales police.

Australia and New Zealand signed the Protocol on Responding to and Managing Cybercrime 2019.

March 2020

Community Services Ministers provided support to develop a new 10-year National Framework for Protecting Australia's Children with two five-year plans.

Community Services Ministers supported the scope and approach for the National Strategy to Prevent Child Sexual Abuse.

April 2020

The Minister for Home Affairs launched the seven-day family online safety challenge and family bingo. This involved simple tasks for parents and carers to do to start their journey in helping protect their children online. Family bingo is a series of fun online and offline activities families can do together.

eSafety partnered with Universities Australia to develop an online safety Toolkit for Universities, based on the Toolkit for Schools.

May 2020

The Minister for Home Affairs and the Minister for Communications, Cyber Safety and the Arts launched Playing IT Safe. Playing IT Safe is a set of play-based learning experiences that help children learn and practice online safety skills.

July 2020

The Australian Society of Archivists published an Out-of-Home Care Records Toolkit to help people understand the needs of people who grew up in out-of-home care and provide access to records in a safe and empathetic way.

September 2020

The National Office for Child Safety launched its refreshed website¹.

October 2020

The Minister for Home Affairs officially opened the Australian Centre to Counter Child Exploitation facility in Brisbane.

These initiatives complement and build on the 2018–19 achievements, which you can read about in the Australian Government’s *Annual Progress Report 2018*² and *Annual Progress Report 2019*³.

1 <https://childsafety.pmc.gov.au>

2 <https://www.childabuseroyalcommissionresponse.gov.au/annual-progress-reporting/australian-government-reports/2018-annual-progress-report>

3 <https://www.childabuseroyalcommissionresponse.gov.au/annual-progress-reporting/australian-government-reports/2019-annual-progress-report>

National priority update – Work across all Australian governments

Throughout 2020, Australian governments have needed to focus on the COVID-19 pandemic. This has disrupted some national work on implementing the Royal Commission's recommendations. Despite this, some areas of work have still progressed.

For example, through the Child Safe Sectors Leadership Group, the National Office for Child Safety has continued to support non-government sectors that work with children and young people to apply the National Principles for Child Safe Organisations (National Principles). As COVID-19 has affected face-to-face meetings, the National Office for Child Safety has run the group online. Email updates and online seminars have meant members could share their challenges and successes in creating and maintaining child safe cultures and practices. They have been able to talk about the challenges they have faced in sharing child safety and wellbeing information, as well as their responses to crisis events such as bushfires and COVID-19. For example, they have been sharing information about online safety in light of COVID-19 (relevant to Principle 8 of the National Principles).

Supporting child safe institutions

The National Office for Child Safety has continued to lead work on national child safety policies and strategies, even during COVID-19. In May 2020, all Australian governments, through the Children and Families Secretaries group, agreed to focus national efforts and resources on responding to the COVID-19 pandemic. To support this, the group agreed that they would postpone national child protection policy work until a time all members agreed on. On 5 November 2020, the group agreed to resume national work including a review of all activities to identify future priorities.

Relevant recommendations:

Final Report: 6.1, 6.2, 6.3, 6.4, 6.5, 6.6, 6.7, 6.9, 6.13, 6.14, 6.16, 6.17, 7.7, 7.8, 8.6, 8.7, 8.8, 10.1 and 15.1

This means that until 4 November 2020, the National Office for Child Safety had not gone ahead with work that needed input from, or joint decisions with, state and territory governments. Instead, the National Office for Child Safety redirected its work to supporting organisations and state and territory governments by sharing information and resources. It also worked on policy programs within the Australian Government. Where they could, state and territory governments continued to work with the National Office for Child Safety in an informal way.

Key initiatives the National Office for Child Safety made progress on in 2020 include:

- ongoing coordination and support for implementing the National Principles
- developing the National Strategy to Prevent Child Sexual Abuse
- supporting and reviewing how the Commonwealth Child Safe Framework is being implemented
- working to develop a national child safety and wellbeing information sharing scheme
- working with non-government sectors through the Child Safe Sectors Leadership Group, including:
 - sharing information and resources for children and young people through the Child Safe Sectors Leadership Group with non-government sectors
 - asking the Child Safe Sectors Leadership Group for their feedback on child safety initiatives
 - adapting to the COVID-19 environment by holding online seminars instead of face-to-face meetings.

More information about these key initiatives is included throughout this report.

The National Office for Child Safety will keep working with state and territory governments and non-government organisations to progress the key initiatives listed above.

The National Principles for Child Safe Organisations

In 2020, the National Office for Child Safety continued to lead implementation of the National Principles with the states and territories and non-government organisations. The National Office for Child Safety has developed options for a national approach to child safety in organisations, based on the National Principles, for states and territories to consider.

Relevant recommendations:

Final Report: 6.4, 6.5, 6.6, 6.7, 6.9 and 6.14

Criminal Justice Report: 16, 17, 18, 19 and 32

The National Office for Child Safety has commissioned resources to support organisations to implement the National Principles.

In June 2020, the National Office for Child Safety engaged the Secretariat of National Aboriginal and Islander Child Care (SNAICC) to develop resources to support Aboriginal and Torres Strait Islander organisations and communities to apply the National Principles in a way that is culturally safe and relevant. SNAICC is working closely with the Victorian Aboriginal Child Care Agency on the project. It has also consulted with a wide range of communities and peak bodies, as well as with Aboriginal and Torres Strait Islander children and young people. The Australian Government is funding SNAICC \$229,875 for this project. The project is expected to be completed in early 2021.

In June 2020, the National Office for Child Safety also engaged the Commissioner for Children and Young People Western Australia to develop resources to help children and young people speak up when they feel unsafe, unhappy or unfairly treated. This project builds on the *Complaint Handling Guide: Upholding the Rights of Children and Young People*⁴, developed in 2019 by the New South Wales Ombudsman with the National Office for Child Safety. The Australian Government provided the Commissioner for Children and Young People Western Australia with funding of \$164,000 for this project. The resources should be available in December 2020.

4 <https://pmc.gov.au/resource-centre/domestic-policy/complaint-handling-guide-upholding-rights-children-and-young-people>

Australian Government departments and organisations have continued to implement the National Principles under the Commonwealth Child Safe Framework. The National Office for Child Safety has continued to support and guide Australian Government organisations to apply the Commonwealth Child Safe Framework. This included working with individual Australian Government organisations to review their child safe policies and give advice on approaches to child safety. The National Office for Child Safety also reviewed how Australian Government organisations have implemented the Commonwealth Child Safe Framework and identified areas where improvements were needed. As a result, the National Office for Child Safety has updated the Commonwealth Child Safe Framework and from 2021, Australian Government organisations will need to publicly report on their child safe efforts each year. The National Office for Child Safety also developed new materials to help organisations better understand and implement the Commonwealth Child Safe Framework.

In 2021, the National Office for Child Safety will work with the states and territories to agree on a national approach to implementing the National Principles.

The National Office for Child Safety also plans to support sectors that work directly with children and young people to build child safe practices and culture. The first sectors the National Office for Child Safety will focus on could include:

- sports
- allied health
- general practitioners
- law enforcement
- Commonwealth corporate entities (public institutions like national galleries and museums).

eSafety supporting the implementation of the National Principles for Child Safe Organisations

eSafety continued to work towards implementing the National Principles.

Relevant recommendations:

Final Report: 6.4 and 6.24

eSafety's Our Child Safety Policy is a key part of eSafety's efforts for National Principles 1, 5, 7 and 10. eSafety expects to finish the policy during 2020. The policy makes eSafety leaders and staff aware of, and meet, relevant laws, such as mandatory reporting requirements and failure to report offences. The policy makes sure that eSafety has a consistent approach to how it meets these obligations, which support the rights, safety and best interests of the children who seek help from eSafety for help with online harms.

To create a coordinated and good practice approach to responding to online child sexual abuse (in line with Recommendation 6.24), eSafety consulted with law enforcement when developing the policy. They consulted with:

- Australian Federal Police
- New South Wales Police
- Tasmania Police
- Victoria Police
- the New South Wales Department of Communities and Justice.

Along with eSafety's educational initiatives, which promote many of the Child Safe Standards (particularly National Principle 8), eSafety has also worked on other projects that support the National Principles:

- In line with National Principle 2 – eSafety started working on a Youth Engagement Strategy to make sure that young people play a role in shaping the development and delivery of eSafety's youth-focused programs and resources.
- In line with National Principle 4 – eSafety released a paper called Protecting Voices at Risk Online. The paper looks at a range of factors, such as age, that affect risk levels and experiences of online harm. It also explains that eSafety is committed to making sure its strategies, programs and resources meet the needs of diverse people and communities.

- To reinforce that child safety is everybody's responsibility, eSafety extended the National Principles to its new Online Safety Grants Program. Applicants had to provide evidence of their child safety policies or guidelines and show that these met the National Principles. Applicants who did not have these in place had to commit to develop these if their applications were successful. This was on top of the child safety clauses in the grant agreements.

eSafety continues to promote the online safety of children both nationally and internationally. Nationally, eSafety is leading a world-first process called Safety by Design. This process aims to make sure technology products are designed with safety central to their development. It also monitors and provides advice on emerging threats of online harm to children. Internationally, eSafety has leadership roles in WePROTECT Global Alliance and INHOPE. WePROTECT Global Alliance is an international group dedicated to national and global action to end the sexual abuse and exploitation of children online. INHOPE is a global network of member hotlines, leading the fight against child sexual abuse material online.

eSafety's Our Child Safety Policy will be part of eSafety's commitment to achieving child safe environments – online and offline.

Child Safety Working Group

The Priority Four Child Safety Working Group (the Working Group) was established under the Fourth Action Plan of the *National Framework for Protecting Australia's Children 2009–2020*. It was set up after agreement of the Fourth Action Plan in December 2018. The Working Group includes representatives from Australian and all state and territory governments. To date, the Working Group has met eight times. The first meeting was in June 2019.

Relevant recommendations:

Final Report: 6.1, 6.2, 6.3, 6.5, 6.6, 6.7, 7.3, 8.6, 8.7, 8.8, 8.17, 8.19, 8.20, 8.21, 8.22, 10.1 and 12.9

The Western Australian Department of Communities and the National Office for Child Safety co-chair the Working Group. The purpose of the Working Group is to improve organisations' and governments' ability to keep children and young people safe from abuse. It is focused on four areas:

1. Supporting child safe institutions
2. Improving information sharing, recordkeeping and data collection, including work on carer registers
3. Developing the National Strategy to Prevent Child Sexual Abuse
4. Improving incident reporting.

COVID-19 has significantly affected the Working Group. After a productive face-to-face meeting on 28 February 2020, from March 2020 members of the Working Group have focused their efforts on responding to the COVID-19 crisis.

On 7 May 2020, the Children and Families Secretaries group agreed to focus national efforts and resources on COVID-19. To support this, all national child protection policy-related work was paused. On 5 November 2020, the group agreed to resume national work including a review of all activities to identify future priorities.

Before the pause due to COVID-19, the Working Group was:

- working on options for a national approach to child safety in organisations based on the National Principles
- completing initial assessment work on a national scheme to share child safety and wellbeing information
- investigating technological ways to improve how carers' information is shared between jurisdictions
- working with the National Office for Child Safety to plan cross-government and cross-portfolio consultations in each jurisdiction to develop the National Strategy to Prevent Child Sexual Abuse
- developing a guide to support mandatory reporters to identify and respond to child sexual abuse and sharing training material for mandatory reporters.

On 29 July 2020, Community Services Ministers agreed to extend the Fourth Action Plan to 30 June 2021. The Working Group runs until the end of the Fourth Action Plan, so it has also been extended to 30 June 2021. The Working Group is now re-organising its work plan to deliver its key priorities by June 2021.



Examples from the states and territories

Australian Capital Territory

The Australian Capital Territory has worked on introducing an Australian Capital Territory group to manage child safe standards. In 2019, the Australian Capital Territory Human Rights Commission was selected to manage a child safe standards scheme for the Australian Capital Territory. The Human Rights Commission already works with most sectors that provide services to children. It collaborates and shares information with child safe regulators and has legal and compliance powers suitable to manage a child safe standards scheme. From November 2019 to February 2020, the Human Rights Commission consulted with the public about:

- which organisations should be included in the scheme
- how the Australian Capital Territory Human Rights Commission can support these organisations
- what monitoring the Human Rights Commission should do and how it would enforce the standards
- how much time different organisations would need to prepare for a new scheme.

You can find a discussion paper and listening report about the consultation on the Australian Capital Territory Government website⁵.

Northern Territory

The Northern Territory Government is working with the Australian Government and other jurisdictions to develop a national approach on child safety. The Northern Territory Government has a range of initiatives planned or underway. The initiatives, which follow the Royal Commission's recommendations, include:

- developing a single Act for children to replace the *Youth Justice Act* and *Care and Protection of Children Act*. This legislation will make sure the safety and wellbeing of children are central when making decisions and developing policy. The legislation will be in line with the National Principles
- increasing professional development and training for child protection and youth justice officers

⁵ <http://www.act.gov.au/childabuseroyalcommission>

- increasing the number of family support staff working in remote communities, along with improving how family support is provided in the Northern Territory by aligning the Northern Territory Government's Intensive Family and Parenting Support Services and the Australian Government's Intensive Family Support Service
- creating more collaborative relationships with Aboriginal and Torres Strait Islander community organisations and non-government organisations
- developing a new data brokerage service, which will help front-line workers to access up-to-date information from multiple sources, and upgrading and replacing systems for child protection workers to access information.

Queensland

In 2020, the Queensland Department of Education developed and released its *Aware. Protective. Safe. Strategy*⁶. The strategy strengthens its approach to keeping all children and young people safe from sexual abuse in Queensland schools and early childhood services. The *Aware. Protective. Safe. Strategy* reinforces Queensland's commitment to the safety and wellbeing of children and young people. It shows how Queensland is building on existing child safety by implementing the National Principles.

The actions in this strategy are the Queensland Department of Education's response to the recommendations of the Royal Commission. They also include initiatives to improve the Department of Education's culture of awareness, protection and safety for all Queensland children and young people.

Along with the application of the *Human Rights Act 2019* in Queensland, implementing the National Principles will guide Queensland to creating a state that respects, protects and promotes the rights of children in everything it does.

As part of the *Aware. Protective. Safe. Strategy*, the Queensland Department of Education will continue to monitor implementation, assess effectiveness and identify further strategies to strengthen Queensland's approach.

Victoria

The Victorian Government is working to achieve longer term change in institutions and the community to make sure children's rights are respected. Victoria's Child Safe Standards have been in place since 2017. Victoria's Child Safe Standards

⁶ <https://qed.qld.gov.au/programs-initiatives/det/aware-protective-safe-strategy>
The Queensland Child Safe Environment Map supports the *Aware. Protective. Safe. Strategy*, and was built to follow the National Principles.

require organisations to embed the protection of children in their everyday thinking and practice. The Victorian Government published the final report of its Review of Victoria's Child Safe Standards⁷ in December 2019. The review found that people who responded to the survey strongly support Victoria's Child Safe Standards. They also think that the Standards have improved the culture and safety for children in organisations. There was strong support to line up Victoria's Child Safe Standards with the National Principles. The review made 15 recommendations for changes to Victoria's Child Safe Standards and the regulatory scheme that supports them. The Victorian Government endorsed all of these recommendations including:

- replace Victoria's Child Safe Standards with standards and actions that meet the National Principles
- make sure the concept of 'child empowerment' is kept
- make sure cultural safety for Aboriginal and Torres Strait Islander children is included as a stand-alone focus.

Victoria is now working to line up Victoria's Child Safe Standards with the National Principles and the new standards should be completed in the first half of 2021.

Western Australia

The Western Australian Government has developed an on-line resource called Safer WA for Children and Young People. There are a lot of resources and information available about child sexual abuse. It can be difficult for parents, young people and professionals to know where to go, how to get there, and what they can do to get help when they need it.

The new resource is an all-purpose child safety hub. It brings together safety tips and key information about keeping children and young people safe in a single, accessible place. Safer WA includes a dedicated page for children and young people to find information about online safety. It also has details of support services and programs and information on how to report allegations of abuse and make complaints.

The website supports families and professionals and provides updates on Western Australia's progress to implement the Royal Commission's recommendations.

The Western Australian Government will keep developing and expanding Safer WA through ongoing consultation and feedback to make sure current and up-to-date information is provided to the community.

⁷ <https://www.dhhs.vic.gov.au/publications/review-victorian-child-safe-standards>



National Strategy to Prevent Child Sexual Abuse

The National Office for Child Safety is leading the development of the National Strategy to Prevent Child Sexual Abuse (the National Strategy) in partnership with Australian and state and territory governments. The National Strategy is a key recommendation from the Royal Commission for all levels of government and across all relevant portfolios. The National Strategy will drive a long-term, consistent and coordinated approach to preventing child sexual abuse in families, online and in institutions. Once in place, it will include government and non-government efforts to:

Relevant recommendations:

Final Report: 6.1, 6.2, 6.3 and 10.1

- drive positive cultural change
- support victims and survivors of child sexual abuse
- prevent abuse from happening
- tackle issues about children with harmful sexual behaviours.

During 2019 and 2020, the National Office for Child Safety consulted widely to refine what the National Strategy would cover. The National Office for Child Safety delivered two co-design workshops with Australian and state and territory government stakeholders. It also ran co-design workshops with Aboriginal and Torres Strait Islander organisations, policy makers, front-line workers and researchers. The National Office for Child Safety regularly consulted with a number of cross-government and cross-portfolio child safety working groups. These groups are responsible for continuing the development of the National Strategy.

They include the:

- Priority Four Child Safety Working Group
- Commonwealth National Strategy Policy Working Group
- Interjurisdictional Working Group on Children with Harmful Sexual Behaviours
- Commonwealth Child Safety Data and Research Network.

The National Office for Child Safety also worked with the lead researchers of the Australian Child Maltreatment Study to make new baseline evidence available for the National Strategy.

The National Office for Child Safety's collaborative process makes sure the scope and approach for the National Strategy reflects the intention of the Royal Commission, as well as the diverse needs and expectations of key stakeholders.

These stakeholders include:

- people with lived experience of child sexual abuse
- governments
- practitioners
- key population groups.

The collaborative process also helps to encourage evidence-based, best practice approaches to keeping children safe.

In March 2020, Australian Government and state and territory Community Services Ministers supported the scope and approach for the National Strategy. They also acknowledged the National Office for Child Safety for leading a collaborative consultation process.

Since March 2020, COVID-19 has significantly affected the development of the National Strategy. The National Office for Child Safety has kept progressing the National Strategy, collaborating with Australian Government agencies and refining the National Strategy documents throughout 2020.

The National Office for Child Safety will continue to work with key government and non-government stakeholders to refine and finalise the National Strategy ready for Australian governments to approve in 2021.

The successor plan to follow the National Framework for Protecting Australia's Children

The Department of Social Services has been working with Australian, state and territory governments and the non-government sector to develop a successor plan for when the *National Framework for Protecting Australia's Children 2009–2020* (the National Framework) ends.

Relevant recommendations:

Final Report: 6.15

The Department of Social Services commissioned Families Australia to lead national consultations throughout 2019 and early 2020 on what might follow the National Framework.

The Department of Social Services also engaged PricewaterhouseCoopers Consulting to evaluate the National Framework in 2019 and early 2020.

Community Services Ministers across Australian, state and territory governments discussed the scope and purpose of a successor plan across a number of meetings in 2020.

Community Services Ministers support the idea to develop a new 10-year framework with two five-year implementation plans. Community Services Ministers agreed that a new framework should build on the work already underway across a range of priority areas and focus on issues where having a national approach would have a clear benefit.

Community Services Ministers agreed some of the principles that should support the development of the successor plan include:

- making sure Aboriginal and Torres Strait Islander communities are involved in designing the successor plan
- making sure the voice of the child is included in decision-making.

Following Community Services Ministers meetings on 20 March 2020 and on 29 July 2020, the Department of Social Services has continued to work with Community Services Ministers and the Children and Families Secretaries group to develop the successor plan.

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

In its *Final Report*, the Royal Commission recommended ways to improve information sharing, recordkeeping and data collection between institutions to better identify and respond to risks and incidents of child sexual abuse. The Royal Commission also highlighted that the Australian Government needed to look at the broader issues of child safety and wellbeing outside of the scope of the Royal Commission's findings, particularly when dealing with recommendations about information sharing.

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

Throughout 2020, all Australian governments have worked on ways to:

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

Recordkeeping

In July 2019, the National Archives of Australia completed its review of the Administrative Functions Disposal Authority. This is the whole of Australian Government schedule for disposing of administrative records. In line with the Royal Commission's recommendations, the minimum time to keep administrative records relating to child sexual abuse incidents and allegations was increased to 45 years. These requirements are in line with what is included in the General Records Authority 41 for records relating to child sexual abuse incidents and allegations. The National Archives of Australia issued the General Records Authority 41 in October 2018 to make sure all Australian Government records relating to child sexual abuse incidents and allegations are kept for a minimum of 45 years. The General Records Authority 41 will be in place until all other records authorities can be reviewed and where necessary updated to meet the Royal Commission's recommendations.

Relevant recommendations:

Final Report: 8.1, 8.2, 8.3 and 8.4

The changes to the Administrative Functions Disposal Authority were explained to Australian Government agencies in late 2019 and 2020 through notices in the National Archives' Government Agencies Information Network e-bulletin newsletter. They were also included in presentations at National Archives' Government Agencies Information Network forums hosted by the National Archives of Australia.

The National Archives of Australia continues to work with Australian Government agencies to make sure agency records authorities are updated to show that the minimum time records relating to child sexual abuse incidents and allegations need to be kept is 45 years. An agency records authority covers the records an individual agency creates that relate to its particular business. Since the Australian Government's *Annual Progress Report 2019*, the National Archives has issued one new agency specific records authority that meets the requirements of General Records Authority 41. The new records authority covers the records of Department of Defence, Youth and Cadets. Additional agency specific records authorities are being developed.

In 2019, the National Archives of Australia and other state and territory archives developed a guide for the Council of Australasian Archives and Records Authorities. The guide helps identify records that may be relevant to an incident or alleged incident of child sexual abuse. The guide also includes how to keep and dispose of these records. The Council of Australasian Archives and Records Authorities developed the guide in response to Recommendation 8.3 of the *Final Report*. It is now published on the Council of Australasian Archives and Records Authorities' website. In 2020, the National Archives of Australia has promoted this guide to Australian Government agencies through presentations at its National Archives' Government Agencies Information Network forums.

The National Archives of Australia has also used the National Archives' Government Agencies Information Network forums to bring attention to appropriately creating and managing accurate records relating to child sexual abuse. The National Archives of Australia has mapped the principles recommended by the Royal Commission to the principles in its information management standard for the Australian Government.

The National Archives of Australia will keep working with Australian Government agencies to make sure their records authorities are updated to meet the minimum time that records relating to child sexual abuse incidents and allegations need to be kept (45 years). It will provide advice and guidance on how to best identify records that may be relevant. It will prioritise agencies that work with children. Once all individual agency records authorities have been updated it will be possible to discontinue General Records Authority 41. Individual records authorities for

agencies can include more customised recordkeeping needs to meet an agency's circumstances. This may mean that the time records need to be kept may change or there might be more targeted descriptions of records.

The National Archives of Australia will continue to promote the importance of records and good recordkeeping practices in preventing and identifying child sexual abuse in institutions. In 2021, it will again ask Australian Government agencies if they need further advice from the National Archives of Australia to support these recommendations.

The Council of Australasian Archives and Records Authorities Working Group

The Council of Australasian Archives and Records Authorities is made up of the heads of the government archives and records authorities of Australia, New Zealand and each of the Australian states and territories.

In 2014, the Council of Australasian Archives and Records Authorities set up a Working Group to make recommendations to it on archiving records the Royal Commission created. As noted in Volume 17 of the *Final Report*, the records the Royal Commission created will eventually be archived with the National Archives of Australia.

Relevant recommendations:

Final Report: 8.3

The Working Group worked together to respond to Recommendation 8.3 of the *Final Report*. In 2020, the Working Group presented their advice to the Child Safe Sectors Leadership Group, which is made up of key organisations in sectors that work with children and young people.

In 2020, the Australian Society of Archivists published an Out-of-Home Care Records Toolkit⁸ to help people understand the needs of people who grew up in out-of-home care and provide access to records in a safe and empathetic way. The Council of Australasian Archives and Records Authorities supported the development of this Toolkit and the Working Group contributed to a webinar presentation about the Toolkit.

Well managed records help victims and survivors of child sexual abuse by keeping evidence of what was said and done. The Council of Australasian Archives and Records Authorities is helping to keep children safe by addressing the recordkeeping problems the Royal Commission identified.

8 <https://www.archivists.org.au/events/event/out-of-home-care-records-toolkit>

Data improvements

Following on from work in 2019 to come up with agreed definitions of child sexual abuse and exploitation in care, and decide on the scope and data needed for national reporting on child abuse in care, the Australian Institute of Health and Welfare ran a field test of

a new Safety in Care file under the Child Protection National Minimum Data Set in early 2020. This new file will help provide a national picture of incidents of confirmed abuse of children and young people while they were in out-of-home care.

Relevant recommendations:

Final Report: 12.1, 12.2, 12.3 and 12.15

Five states and territories provided data and feedback on how they were able to apply national definitions as part of the field test. The results of the field test were used to support progress towards all Australian governments publicly reporting each year on abuse in care from 2021.

The new Safety in Care file was later included as part of the 2019–20 Child Protection National Minimum Data Set collection information for all states and territories to submit. Data was returned to the Australian Institute of Health and Welfare as part of this collection in September 2020. It will inform the first scheduled public release of data in 2021.

In 2019, the Strategic Information Group⁹, under the Children and Families Secretaries group, agreed on priorities for child protection data improvement under a new National Data Improvement Plan. Funding associated with this plan will help improve national data collection in 2020–21 and includes a focus on implementing Recommendation 12.2 of the *Final Report*. This includes looking for improvements to the Child Protection National Minimum Data Set data to guide work on:

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

9 Chaired by the Australian Institute of Health and Welfare.

States and territories are progressing Recommendation 12.3 as part of improving reporting in the *Report on Government Services*, with help from the Child Protection and Youth Justice Working Group (the Working Group). The Working Group provides technical expertise and advice on child protection policy, data and implementing programs (as well as on youth justice issues) to the Steering Committee for the Review of Government Service Provision. The permanent care and safe return home indicators under this recommendation are being addressed through the National Data Improvement Plan. The remaining 'Improved health and wellbeing' indicator needs to be further developed and a data source identified. This work is being progressed under the National Data Improvement Plan. The Working Group referred this indicator to the Strategic Information Group for their consideration in late August 2020. The Strategic Information Group will discuss the indicator in the coming months.

Under the work plan of the Strategic Information Group, the Children and Families Data Network will keep working towards improving the national data capabilities in 2021. The full implementation of Recommendation 12.2 will be ongoing until 2023. This work will include:

- improvements to data on the demographics of children in care and where they are placed
- new information about who perpetrated the abuse.

Improving information sharing

The National Office for Child Safety is working to better understand the barriers affecting the sharing of child safety and wellbeing information across sectors and jurisdictions. It is leading this work with the Victorian Government Department of Education and Training, for the Priority Four Child Safety Working Group.

Relevant recommendations:

Final Report: 8.6, 8.7 and 8.8

In 2020, this work has included:

- looking at related Australian Government information sharing projects
- undertaking broad consultation to look at non-government institutions' barriers and key issues in existing national information sharing arrangements
- developing research and discussion papers on possible ways national collaboration could be managed.

Examples from the states and territories

Northern Territory

The Northern Territory Government is developing and delivering a new client management system for child protection. The system will improve recordkeeping, information sharing, reporting and case management practices. It is expected to take four years to deliver the full system, including data sharing capabilities and integrating with other government data sources, such as police, justice, health and education.

The Northern Territory Government is also looking at how effective information sharing between agencies should be managed to make sure that those working with children and families have suitable and timely access to information.

Queensland

In March 2020, Queensland State Archives¹⁰ published the *Guideline on creating and keeping records for the proactive protection of vulnerable persons*¹¹ (the Guideline) and authorisations for the disposal of these records. The Guideline provides advice on issues that government organisations should consider when making decisions about which public records to make and keep for vulnerable people. The disposal authorisations set the minimum time those public records about vulnerable people need to be kept. Since the release of the Guideline and disposal authorisations, Queensland State Archives has been doing activities to raise awareness.

Victoria

The Victorian Government's Child Information Sharing Scheme started in 2018. The Child Information Sharing Scheme helps authorised professionals working in certain organisations (called 'information sharing entities') to share information with each other. This information promotes the wellbeing and safety of children in partnership with children and their families.

¹⁰ <https://www.forgov.qld.gov.au/specific-record-types-and-activities>

¹¹ <https://www.forgov.qld.gov.au/file/54611>

Currently, frontline services that can share information under the Child Information Sharing Scheme include:

- child protection
- integrated family services (such as CHILD First)
- maternal and child health services
- Victoria Police.

In 2020, the Victorian Government consulted on options to allow all health, education and justice services to take part in the Child Information Sharing Scheme. This included schools, early childhood services and public hospitals. This increase of the scheme in Phase 2 is estimated to include 7,500 organisations employing some 370,000 workers. It will improve early identification of risk, support children and their families and increase collaboration between services.

In 2020, the Victorian Government continued to support workforces to prepare for and implement the changes to sharing child information through training and resources.

A digital register called Child Link will also support information sharing to promote child wellbeing and safety. Child Link will bring together data from existing systems and services to provide key professionals access to a single source of factual data about children in their care. The Victorian Government delivered the proof of concept for Child Link in 2020. The pilot phase has started, which includes the development of the Child Link system and pilot testing with Child Link users in 2021. Child Link will become available for authorised key professionals from December 2021.

Western Australia

In Western Australia it is compulsory to record whether a child is Aboriginal or Torres Strait Islander if they are in completed investigations or out-of-home care. This makes sure high quality data is collected. The Western Australian Government has improved the data quality for children in care with disability by using reports from the National Disability Insurance Agency. Western Australia records a flag to show whether a client comes from a culturally and linguistically diverse background. However, the Child Protection National Minimum Data Set uses language spoken as the indicator. Both of these are not mandatory to record in Western Australia, so the numbers could be under reported.



Sharing information in the education sector

In responding to the Royal Commission's recommendation about information sharing across education systems, all Australian governments agreed to review the Interstate Student Data Transfer Note and Protocol. The project will aim to establish an information exchange platform for identifying and exchanging records for students moving between education systems.

Relevant recommendations:

Final Report: 8.13, 8.14, 8.15 and 8.16

The need to change priorities because of COVID-19 has delayed the proposal to review the Student Data Transfer Note and Protocol by the Australian Education Senior Officials Committee. However, it was approved at the August meeting and the first phase of work has started.

Strengthening teacher registration

Ongoing quality assurance of initial teacher education

State and territory teacher regulatory authorities are responsible for the accreditation of initial teacher education programs. This is in line with the national *Accreditation of initial teacher education programs in Australia: Standards and Procedures*.

Relevant recommendations:

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

This national approach makes sure that new teachers meet the graduate career stage of the Australian Professional Standards for Teachers. The graduate career stage includes that teachers must 'create and maintain supportive and safe learning environments' (Standard 4). Higher education providers must also meet state and territory legislative requirements for working with children and vulnerable people.

High quality professional learning for teachers is mainly a state and territory responsibility. A number of Australian Government agencies provide professional learning opportunities on topics of national significance, including online safety.

National Review of Teacher Registration

In September 2018, the final report of the National Review of Teacher Registration (the Review) *One Teaching Profession: Teacher Registration in Australia*¹², was released. The Education Council noted that five recommendations (9, 10, 11, 12 and 13) were about improving child safety and agreed with the Royal Commission's recommendations on strengthening teacher registration.

The Australian Institute for Teaching and School Leadership presented an approach to implementing all the Review's recommendations to Education Ministers in December 2019. The Education Council agreed that children's safety is a priority for all jurisdictions.

In September 2020, Education Ministers received an update from the Australian Institute for Teaching and School Leadership on what progress had been made on implementing the recommendations of the Review relating to:

- child safety
- English language proficiency
- registration and professional standards for early childhood teachers.

This included activities by:

- the Australian Institute for Teaching and School Leadership
- the Australian Children's Education and Care Quality Authority
- state and territory teacher regulatory authorities.

The Australian Government will work with the states and territories to make sure regulatory arrangements are in place in relation to children's safety. It will also make sure other jurisdictions report back to Ministers on relevant actions they have made.

Despite some delays due to COVID-19, the Australian Institute for Teaching and School Leadership has continued to work throughout 2020 with state and territory teacher regulatory authorities and teacher employers to consider recommendations from the Review and the Royal Commission. It has also continued to work with stakeholders on implementing the recommendations to make sure children are kept safe.

¹² <https://www.aitsl.edu.au/teach/national-review-of-teacher-registration>

Examples from the states and territories

Queensland

The Queensland Department of Education is working to make sure policies and safeguards are in place so that student information is exchanged when students move schools within Queensland.

The Queensland Department of Education has been collecting information on legislative frameworks and business processes around sharing information about child safety and the Interstate Student Data Transfer Note. It has also been working with other states and territories and schooling systems to implement a national Unique Student Identifier. This would be a national policy initiative under the National School Reform Agreement. Depending on Education Council decisions about the Unique Student Identifier, this work may also support the transfer of student information.

The next steps to implement these recommendations will depend on the findings and outcomes of this current work.

South Australia

In line with the new *Education and Children's Services Act 2019* (the Education Act), which started on 1 July 2020, the South Australian Government and non-government schooling sectors are working together to make sure principals exchange information. This information includes child safety concerns when a student moves between schools. The Education Act includes requirements about gathering and sharing information about children. The Education Act allows schools, preschools, children's services and other authorities to share information that could help manage any risk to children that may arise as an employer or provider of services. The Education Act also allows information sharing that would help official functions relating to a child's:

- education
- health
- safety
- welfare
- wellbeing.



Other national collaboration

Improving information sharing between the family law, family violence and child protection systems

The exchange of information between the federal family law and state and territory criminal justice and child protection systems is key. It will support the safety, welfare and wellbeing of children and families.

Relevant recommendations:

Criminal Justice Report: 8

The Council of Attorneys-General Family Violence Working Group has developed a high-level National Strategic Framework for Information Sharing to support this. It recognises how important sharing information is to help people making decisions to identify and respond to children and families at risk of violence or abuse early in investigations and court proceedings. The National Strategic Framework for Information Sharing follows the Council of Attorneys-General's direction and Recommendation 2 of the Australian Law Reform Commission's *Family Law for the Future: An Inquiry into the Family Law System*. It provides principles for sharing and using information and will support the two-way exchange of information between the family law courts and the state and territory courts, agencies and organisations responsible for managing family safety risk. The Council of Attorneys-General endorsed in principle the National Strategic Framework for Information Sharing in November 2019. The Family Violence Working Group operationalised the National Strategic Framework for Information Sharing over 2020 and will report back to Attorneys-General when they next meet in 2021.

Child safety in schools and early childhood education

Responding to the recommendations of the Royal Commission is the responsibility of all Australian governments and the education sector. Making sure the education sector has the opportunity and ability to work together to prevent child sexual abuse is a key priority of Education Ministers and education authorities.

Relevant recommendations:

Final Report: 6.19, 6.20, 6.21, 6.22, 6.23, 13.1 and 13.7

While the Australian Government plays an important role in developing national priorities for education, it is the responsibility of state and territory governments and non-government education authorities to make sure that students can learn in safe and supportive school environments.

The Education Council set up a short-term Senior Officials Working Group (the Working Group), which ended in November 2019. The Australian Government Department of Education, Skills and Employment chaired the Working Group which had members from all states, territories and non-government education authorities. The Working Group helped to make sure the 12 national education-related Royal Commission recommendations were implemented consistently and in a timely manner.

Work on two of the recommendations was completed in 2019 and two recommendations were completed in 2020. Two other recommendations will be completed in 2021 (with some possible delays due to COVID-19) and six recommendations will be ongoing. The Working Group delivered its final report to the Education Council in December 2019. As work on some of the recommendations is ongoing, the Department of Education, Skills and Employment will provide a progress update to the Education Ministers' Meeting in December 2020.

eSafety continued to drive and oversee national online safety education. Aimed at helping schools and the education community to better support children's safety online, this work included supporting schools to implement online safety education and create child safe online environments.

As part of a whole of community and whole of school approach, eSafety also engaged with parents, carers and the broader community. This work supports and strengthens online safety initiatives within the education sector.

Addressing online safety in the Australian Curriculum

The Australian Curriculum¹³ includes online safety. This curriculum is delivered through the Digital Technologies and Health and Physical Education content learning areas for Foundation to Year 10, as well as through the General Capabilities Information and Communications Technology (ICT) and Personal and Social.

Following discussion at the December 2018 Education Council meeting, the Australian Curriculum, Assessment and Reporting Authority (ACARA), in partnership with the eSafety Commissioner, developed a new Online Safety Curriculum Connection resource. This resource guides teachers to identify and use online safety content in the Australian Curriculum. It also connects teachers to a range of resources that have been developed to support the teaching and learning of online safety. You can find the Online Safety Curriculum Connection resource on the ACARA website¹⁴.

13 <http://www.australiancurriculum.edu.au>

14 <http://www.australiancurriculum.edu.au/resources/curriculum-connections/portfolios/online-safety>

In July and August 2020, ACARA invited eSafety to support changes to the Australian Curriculum. Taking part in a working group to refine elements of the ICT Capability, eSafety helped focus on the importance of teaching online safety and building online safety skills from Foundation to Year 10 levels in all subject areas.

School education: Supporting students, teachers and principals

Student Wellbeing Framework

Launched in October 2018, the Australian Student Wellbeing Framework explains how schools and education systems can work to create safe and supportive environments. The Australian Government developed it with state and territory government and non-government education authorities. The Australian Student Wellbeing Framework focuses on effective teaching practices, professional learning and ongoing evaluation for schools. National, state and territory policies, initiatives and legislation informed the Australian Student Wellbeing Framework and it is in line with the *National Framework for Protecting Australia's Children 2009–2020*.

Student Wellbeing Hub

The Student Wellbeing Hub¹⁵ was released in 2013. It is an online portal with over 500 free, evidence-based resources for teachers, parents and school students. The resources support and strengthen relationships between students' social and emotional development and their learning outcomes. It responds to important issues affecting schools, including violence, bullying and abuse in online and physical spaces. It also supports them as they strive to build and maintain the wellbeing of the whole school community.

Respectful relationships education resources

The 2015 Women's Safety Package addresses domestic, family and sexual violence. As part of this package, the Department of Education, Skills and Employment has organised the development of age-appropriate respectful relationships education resources for teachers, parents and students. These resources will support students to learn about safe and healthy relationships, resolve conflict and negotiate decisions. They should be released in 2020–21 and will be available free of charge.

eSafety Toolkit: School resources

On 20 February 2020, eSafety launched the eSafety Toolkit for Schools¹⁶. The Toolkit supports schools to create safe online environments for the whole community. It was developed with representatives from government and non-government education across each state and territory.

¹⁵ <http://www.studentwellbeinghub.edu.au>

¹⁶ <https://www.esafety.gov.au/educators/toolkit-schools>

The Toolkit was developed in response to the Royal Commission's recommendations and the Education Council's program to tackle bullying and cyberbullying. The Toolkit is 26 resources grouped into four elements: Prepare, Engage, Educate and Respond. The resources support a nationally consistent approach to preventing and responding to online safety issues. They show eSafety's role in providing educational leadership in online safety in Australia. Since launching, the Toolkit has had more than 30,000 page views and 12,000 downloads.

Nationally consistent guidance on the prevention of child sexual abuse for teachers and principals

The Department of Education, Skills and Employment has asked the Australian Institute of Family Studies to develop national guidance for teachers and principals to recognise and respond to child sexual abuse. The Australian Institute of Family Studies is developing the resources in consultation with subject matter experts, community representatives and end users. These resources should be released in 2020–21.

eSafety training for teachers and chaplains

Throughout 2019–20, eSafety delivered Teacher Professional Learning (Online Risks and Protective Behaviours) to over 6,500 educators. Over 2,600 chaplains received training as part of the National Schools Chaplaincy Program. The program is designed to help school chaplains to add online safety into their student wellbeing programs and interventions to support the wellbeing of school communities.

Early childhood and childcare

The National Quality Framework is the national approach to regulating and assessing the quality of all childcare services approved under the *Education and Child Care Services National Law Act 2010* (the National Law). State and territory governments are responsible for the National Law and regulatory authorities are responsible for the assessment and rating of all approved services.

In December 2018 the Education Council endorsed a review of the National Quality Framework. The National Quality Framework Review has commenced in line with the endorsed Terms of Reference. The National Quality Framework Review includes addressing Recommendations 8.1, 8.2, 8.3 and 8.4 from the Royal Commission's *Final Report*.

The Department of Education, Skills and Employment is discussing actions coming out of the Royal Commission's recommendations with all state and territory

authorities responsible for the National Quality Framework Review. It is also discussing these recommendations with those responsible for delivering early childhood education and care. COVID-19 delayed the National Quality Framework Review by six months, however it has now restarted.

Relevant recommendations:

Final Report: 6.2b, 6.2e, 6.20, 6.21, 6.22, 8.1, 8.2, 8.3 and 8.4

Educators in early childhood and childcare centres must base education programs on the Early Years Learning Framework. The Royal Commission recommended that ‘a national, integrated approach to prevention education in preschools should include embedding explicit education about child sexual abuse prevention into the Early Years Learning Framework’ (Recommendation 6.2b of the *Final Report*). The Australian Government has considered Recommendation 6.2b in the context of the National Quality Framework Review.

Online safety education for young children

In 2020, eSafety collaborated with early childhood experts on a suite of resources for children under five, and their families and educators as part of the eSafety Early Years program. The program aims to raise awareness about the use of digital technologies in young children’s lives. It provides parents, carers and educators with evidence-based resources to help children develop healthy online behaviours from an early age.

The resources include:

- the Family Tech Agreement, which has been downloaded over 4,000 times
- the Online safety for under five booklet, which has had more than 44,000 copies ordered and distributed across Australia
- eSafety’s collaboration with the ABC on a special online safety *Play School* episode called ‘Kiya’s Excellent e-Birthday!’, which was broadcast on 27 April 2020.

To support the online safety initiatives in schools and the education community, eSafety also provided online safety education to the broader community. Throughout 2019–20, eSafety delivered 181 presentations and workshops to over 96,500 participants for non-government organisations, corporate, parent and community groups. These aim to improve the online safety knowledge and skills of participants to complement learning in schools.

In May 2020, Playing IT Safe was launched by the Minister for Home Affairs, the Hon Peter Dutton MP, and the Minister for Communications, Cyber Safety

and the Arts, the Hon Paul Fletcher MP. Playing IT Safe is a joint initiative of the Australian Federal Police, the Australian Centre to Counter Child Exploitation, the Alannah & Madeline Foundation and the eSafety Commissioner.

Playing IT Safe introduces online safety education through preventative messaging, and a series of digital play-based and offline activities that children can do in early learning settings and at home. There are also resources for parents, carers and educators.

Throughout 2020, eSafety continued to consult on, and refine, the Best Practice Framework for Online Safety Education for Australian schools (Foundation to Year 12). This will provide a framework and national approach for online safety education.

Examples from the states and territories

Australian Capital Territory

The Australian Capital Territory Government has given all Australian Capital Territory public school students access to the Online Curriculum Connections online safety resources that the Australian Curriculum Assessment and Reporting Authority and eSafety developed.

Teachers are also improving their skills in online safety through live webinars hosted by eSafety. The Education Directorate coordinates these webinars with eSafety and notifies schools through a range of channels including weekly schools' bulletins, school improvement networks and principal forums.

eSafety learning content for teachers will be accessible through a new online service portal for teachers and school leaders. The resources available are informed by the work of eSafety. Teachers in the Australian Capital Territory will also have access to professional learning webinars through the eSafety Service Portal from August 2020.

New South Wales

The New South Wales Department of Education provides mandatory child protection training for all staff each year. In 2020 the training focused on recognising, responding to and reporting concerns about suspected sexual abuse of children and young people. So far 121,765 staff have completed this training. All corporate and school-based staff must do the training. Principals and directors will follow up with any staff that have not completed the training.

Child Protection Education resources have been developed for each stage of learning from early stage one to stage five. Each unit of work incorporates detailed teaching notes and support resources.

Additional support has been incorporated into the resources and the Child protection and respectful relationships education website¹⁷ to guide teachers in using teaching strategies which engage students in the learning and promote safe and supportive learning environments. The website contains professional learning courses and videos that demonstrate how to use these strategies.

Northern Territory

The Northern Territory Department of Education has promoted the eSafety Toolkit for Schools to Northern Territory parents and schools, with COVID-19 learning information published on Northern Territory Department of Education websites for parents.

The Northern Territory Department of Education promotes online safety through the eSafety Toolkit and:

- the Student Wellbeing and Behaviour Policy that was released in 2020. This means schools need to think about online safety when developing whole school policies
- promoting Internet Safety Day and the National Day of Action Against Bullying and Violence (noting this did not take place in 2020 due to COVID-19)
- promoting the Dolly's Dream program, including access to an online safety tool for students in Year 6, to help keep children smart, safe, and responsible online
- mandatory training in online safety for school chaplains through the Chaplaincy Program
- delivering the Keeping Safe: Child Protection Curriculum and the Northern Territory Social and Emotional Learning Supplementary Resources for students for all stages of learning.

Queensland

The Queensland Department of Education focuses on preventing harm through education and awareness to provide children and young people with the skills to be safe in online environments. It does this by building awareness within school communities and through partnerships with stakeholders, including parents and carers, and other government agencies. Through working together, they aim to keep children and young people safe from harm online. Queensland has a number

¹⁷ <https://education.nsw.gov.au/teaching-and-learning/curriculum/key-learning-areas/pdhp/child-protection-and-respectful-relationships-education>

of educational and training tools for students, teachers, staff, families and carers to support online safety. Queensland is developing existing policies and codes as well as an online course for students in Years 11 and 12 called 'Cybersafety – Making positive online choices'. This is due to be released in Term 4, 2020.

Victoria

The Victorian Government has created the Protect website¹⁸, which provides resources and guidance to support education staff to create child-safe online environments. In 2020, the Victorian Government also provided advice to government schools about how to maintain child-safe online environments during remote and flexible learning.

The Victorian Government is continuing to develop resources to improve online safety in schools through the Bully Stoppers online toolkit¹⁹. They developed the Bully Stoppers online toolkit in partnership with national and international experts. It provides evidence-based, practical advice and resources to empower school leaders, teachers, parents and students to understand what to do when they see bullying, or if they are being bullied.



Addressing child safety protection education in higher education

On 15 November 2019, the Minister for Education, the Hon Dan Tehan MP, wrote to all higher education providers, and the Australian Council of Professions, about Recommendations 6.2f and 6.2la of the *Final Report*.

Relevant recommendations:

Final Report: 6.2f, 6.2la and 6.22

The Minister asked that institutions carefully assess their child sexual abuse prevention education in all of their child-related courses. This included their child online protection content.

The response to the Minister's letter has been positive. Higher education providers have given the Department of Education, Skills and Employment information about what they have done to address the relevant recommendations.

Their actions have included reviewing the content of existing courses and embedding child protection training modules in a range of child-related higher education qualifications.

¹⁸ <https://www.education.vic.gov.au/about/programs/health/protect/Pages/default.aspx?Redirect=1>

¹⁹ <https://www.education.vic.gov.au/about/programs/bullystoppers/Pages/default.aspx>

Several higher education providers have also contacted eSafety looking for support to add child online protection content in their courses.

In April 2020, eSafety partnered with Universities Australia to develop an online safety Toolkit for Universities, modelled on the Toolkit for Schools. Resources are designed to support university students, teaching staff and non-academic staff to build their online safety knowledge and skills. Since May 2020, the Toolkit and resources have been downloaded more than 1,800 times and have been accessed from 15 different countries.

In December 2019, the eSafety Commissioner wrote to the Vice Chancellors and Deans of Education encouraging all universities to take up eSafety's programs for their students. During 2019–20, eSafety delivered webinar lectures to over 2,950 students studying teaching at 20 universities. The program covers trends in technologies and online behaviours, creating safe online environments in the classroom and responding to incidents and recognising and responding to warning signs of online abuse.

Examples from the states and territories

Queensland

In Queensland, nine out of 10 universities have included online safety and anti-bullying prevention education in their teacher education programs. To further strengthen pre-service teacher training, the Queensland Department of Education worked closely with the Queensland College of Teachers to introduce eSafety requirements for program accreditation in Queensland.

Vocational education and training: Bringing industry on board

Following Machinery of Government changes in February 2020, responsibility for vocational education and training moved to the Department of Education, Skills and Employment.

Relevant recommendations

Final Report: 6.2f, 6.21 and 6.22

The Royal Commission made a number of recommendations about the need for appropriate vocational education and training for people entering child-related professions (Recommendations 6.2f, 6.21, and 6.22 of the *Final Report*).

The Australian Industry and Skills Committee is leading the Australian Government's current plans for reviewing and updating training packages. These plans are helping to make sure the national vocational education and training system is responding to the Royal Commission's recommendations.

In 2020, while COVID-19 has interrupted industry engagement, work continues through three Industry Reference Committees. They are working to update nationally recognised qualifications in the CHC Community Services and HLT Health Training Packages. The updates will include competencies in child protection and safety for a range of job roles, workplaces and sectors across Australia.

Aboriginal and Torres Strait Islander Health Worker Industry Reference Committee

Throughout 2020, the Aboriginal and Torres Strait Islander Health Worker Industry Reference Committee continued to update seven qualifications for Aboriginal and Torres Strait Islander Health Workers. The changes will target knowledge and skill gaps in the areas of family and domestic violence and mandatory reporting. They will also help health workers to uphold the rights of the child by operating legally and ethically.

The Australian Industry Skills Committee is aiming to consider the revised qualifications for approval in early 2021.

Children's Education and Care Industry Reference Committees

During 2020, the Industry Reference Committee continued to revise six Certificate III to Diploma level qualifications. The changes will train people in the Children's Education and Care sector to:

- identify and respond to children and young people at risk
- support the rights and safety of children and young people
- work collaboratively to maintain a safe environment for children and young people.

The Australian Industry Skills Committee is aiming to consider the revised qualifications in December 2020.

Community Sector and Development Industry Reference Committee

During 2020, the Industry Reference Committee continued to update the Certificate IV to Diploma level qualifications for community sector workers.

The changes will add knowledge and skills covering:

- the National Principles
- the National Redress Scheme
- reportable conduct schemes
- child development
- trauma-informed care
- child safe standards
- family violence.

The Australian Industry Skills Committee is aiming to consider the revised qualifications in early 2021.

Law enforcement responses to online sexual exploitation and child abuse

The Australian Federal Police collaborates with eSafety, state and territory police and trusted partners from both government and industry to deliver a nationwide response to fight online child sexual exploitation

and abuse. They also provide activities focused on prevention to the Australian community. This work is delivered through Australian Federal Police Child Protection Operations, the Australian Centre to Counter Child Exploitation (ACCCE) and Operation GRIFFIN.

Relevant recommendations:

Final Report: 6.24

From 1 July 2019 to 30 June 2020, the ACCCE Child Protection Triage Unit received 21,668 reports of online child sexual exploitation and abuse. These reports are received from a range of sources including Australian, state and territory government agencies, state and territory law enforcement, members of the public and CyberTip Reports from the US National Center for Missing and Exploited Children.

Of these reports, the Child Protection Triage Unit referred 466 to law enforcement agencies. As a result, Joint Anti Child Exploitation Teams across Australia charged 161 people and laid 1,214 charges. Sixty-seven Australian victims were identified and removed from harm.

eSafety continued to consult and work with police commissioners from states and territories and the Australian Federal Police to make sure law enforcement agencies had coordinated, best practice responses to online child sexual exploitation and abuse.

eSafety's reporting teams work with police forces across all jurisdictions. For example, the Image Based Abuse Team regularly works with relevant state and territory police about reports of image-based abuse, where this has also been reported to police.

Australian Centre to Counter Child Exploitation

The ACCCE is led by the Australian Federal Police and is a centre of expertise and specialist skills. It provides a coordinated response to online child sexual exploitation and abuse in Australia. The ACCCE combines the resources and experience of government agencies, non-government organisations and private industry.

The ACCCE has finalised memorandums of understanding with Australian Government agencies and is working with a number of state and territory law enforcement agencies on memorandums of understanding. These memorandums of understanding are a framework for work between the ACCCE and a range of partner agencies, including non-government organisations and private industry.

Commonwealth agencies that are represented on the ACCCE Board of Management that provides strategic direction for the ACCCE are the eSafety Commissioner, the National Office for Child Safety, the Department of Home Affairs and Australian Border Force (Home Affairs), and the Australian Criminal Intelligence Commission.

eSafety has shared investigative and intelligence information with the ACCCE, which has been incorporated into their covert operations.

eSafety collaborated with the ACCCE on a resource for the Toolkit for Schools, 'The guide to responding to the sharing of explicit images'. Further information on this Toolkit is provided above.

Operation GRIFFIN

The Australian Federal Police, state and territory police, Australian Transaction Reports and Analysis Centre, Australian Border Force and the Australian Criminal Intelligence Commission are continuing to work together through Operation GRIFFIN. Operation GRIFFIN brings together heads of law enforcement and child protection units across Australia and New Zealand, to improve law enforcement's

coordinated response to child protection. It reports to the Serious and Organised Crime Coordination Centre. Operation GRIFFIN met in November 2019, January 2020, April 2020 and in October 2020. Due to COVID-19, teleconferences have happened once a month to continue the collaboration.

Enhanced cooperation with eSafety Commissioner

In September 2020, the Australian Federal Police Commissioner and eSafety Commissioner signed a memorandum of understanding on cooperation and exchanging information. The memorandum of understanding is a way for eSafety and the Australian Federal Police to enhance collaboration and coordination of their activities. This includes reports of information, as well as education and prevention programs relating to child protection. These reports will help achieve positive results for children who are vulnerable to online harms, including sexual exploitation and abuse.

Australian Federal Police Child Protection Operations

In May 2020, the Australian Federal Police published their Australian Federal Police Child Protection Plan 2020–22. This plan explains the Australian Federal Police Child Protection Operations' obligation to 'reduce the incidence and impact of crimes against children and hold those responsible for such crimes accountable'. Child Protection Operations focuses on identifying Australians who:

- have sexually abused children overseas
- are involved in producing child abuse material.

This happens through the Joint Anti Child Exploitation Teams across Australia. In September 2020, the Australian Federal Police and Queensland Police Service set up a Cairns Joint Anti Child Exploitation Team. This team will help fight the online sexual exploitation and abuse of children in Queensland. It will provide better coordinated investigations and responses.

Australian Federal Police Child Protection Operations ran a pilot Child Protection Investigators Workshop in Queensland in November 2020. This program provides Australian Federal Police investigators with common skills for child protection investigations. Following the pilot, Australian Federal Police Child Protection Operations will review the program before delivering it to Australian Federal Police Child Protection Operations investigators around the country.

The Australian Federal Police ordered an independent review into the Northern Territory Child Abuse Taskforce (the Taskforce) in mid-2020.

The review focused on:

- good practice
- current performance
- strategies for the future including what the Australian Federal Police can bring to the Taskforce.

The review recommended that the Australian Federal Police focus on contributing to the Taskforce through online investigations, intelligence support and the development of prevention and engagement initiatives in remote communities.

Collaboration on investigations

The ACCCE Operations Coordination Unit coordinates the law enforcement response to national operations. The Operations Coordination Unit improves collaboration between law enforcement agencies nationally and internationally. It also encourages partnerships to support the ACCCE's objectives. The Operations Coordination Unit decides on the order and urgency of investigations. It also provides advice, direction and coordinated support to Australian, state and territory agencies. You can find information about successful Operations Coordination Unit work in the case studies below.

Investigations training

The ACCCE has run a number of training programs this year. It worked together with the Australian Federal Police and Operation GRIFFIN to develop a national training program for online child sexual exploitation investigations.

In February 2020, the ACCCE delivered Australia's first covert investigations Social Engineering Training. The ACCCE, New South Wales and Victoria Joint Anti Child Exploitation Team members, as well as Queensland, Victoria, South Australia and New South Wales police took part in the training. The course covered online investigative techniques to identify and stop people who may be sharing or producing child sexual exploitation and abuse material or offending against children. The course also included information on resolving investigations. The course helped investigators to improve their abilities in these areas and is the first of three programs. Due to COVID-19, the ACCCE has not been able to deliver the final stages of the training. It plans to run the rest of the training before the end of 2020.

In March 2020, the ACCCE held a capability assessment workshop with the Australian Federal Police, Queensland, Western Australia and Victoria police. A recommendation from the workshop was to develop and trial a National Specialist Investigator: Digital Field Triage Investigators Course. The ACCCE is developing this program. The program will improve the technical knowledge of investigators and give them the ability to conduct initial digital assessment during search warrants. This will help them decide if they can seize electronic devices without using Digital Forensic resources.

Victim Identification Sub Working Group

The Operation GRIFFIN Victim Identification Sub Working Group (the Working Group) held a teleconference in April and June 2020. The key priorities they discussed included:

- coming up with learning outcomes to help develop victim identification training pathways
- developing an overview document to help investigators identify online child sexual exploitation and abuse material that has not been seen by law enforcement.

The ACCCE, with support of the Working Group, is also developing a National Victim Identification Framework. Operation GRIFFIN should have this approved by the end of 2020.

Intelligence Fusion Cell

The ACCCE Intelligence Fusion Cell provides valuable contributions to the Australian Federal Police Intelligence Operational Trends Analysis Team. In June 2020, the Intelligence Fusion Cell reported on encrypted messaging services that child sexual exploitation offenders were using. Offenders were using the services to organise sex offences against children and distribute child sexual abuse material.

The Intelligence Fusion Cell ran a meeting with representatives from the Australian Federal Police, Australian Transaction Reports and Analysis Centre, Australian Criminal Intelligence Commission, Home Affairs and the Australian Institute of Criminology. The aim of the meeting was to continue integrating staff from these agencies with the Intelligence Fusion Cell. The meeting also discussed opportunities for more collaboration to respond to online child sexual exploitation and abuse.

Research activities

The Research Working Group was held online in May 2020 and the terms of reference for the group are currently being updated to reflect the Working Group becoming more solution focused. The ACCCE and the Australian Institute of Criminology continue to support the Child Exploitation Material Reduction Research Program. The second Research Roundtable was going to be in July 2020 to discuss outcomes of the research and how the research can be used. However, this had to be postponed due to COVID-19.

The ACCCE is working in partnership with the University of Queensland to place two fourth-year honours students in the ACCCE Prevention and Engagement Team. The students are researching child sexual abuse material offenders. They are focusing on risk factors and the distorted thinking patterns of online child sexual exploitation and abuse offenders, as well as what the community thinks of child sex offender interventions. These interventions include treatment programs, research, education and awareness campaigns and disruption techniques.

Risk Assessment Tool

The ACCCE Child Protection Triage Unit and the University of Queensland have reviewed the Australian Federal Police Child Exploitation Material Risk Assessment Tool. As a result, the ACCCE-developed Assessment Tool was successfully trialled and fully integrated in August 2020. The new tool will mean:

- better risk assessments can be done to respond to reports of online child sexual exploitation and abuse
- these reports are assessed efficiently
- staff members' exposure to online child sexual exploitation and abuse material is reduced.

The ACCCE will evaluate the technology with the University of Queensland in the coming months.

Community perceptions

The ACCCE Prevention and Engagement Team finished two important pieces of research into online child sexual exploitation. This includes market research into:

- Online child sexual exploitation: Understanding community awareness, perceptions, attitudes and prevention behaviours
- Online child sexual exploitation and digital harm in Aboriginal and Torres Strait Islander communities.

The key findings from the market research into understanding community awareness, perceptions, attitudes and prevention behaviours included:

- 21 per cent of parents and carers think there is a likelihood that online child sexual exploitation can happen to their child
- 3 per cent of participants listed online grooming as a concern
- 52 per cent of participants talk to their children about online safety
- 21 per cent of participants felt online child sexual exploitation is too repulsive and sickening to think about
- 23 per cent of participants sit with their children while they use the internet
- 51 per cent of participants did not know what they could do to keep children safe from online child sexual exploitation.

The research also identified that current preventative measures are reactive and inconsistent and there needs to be effective education and awareness materials given to families.

The research carried out in Aboriginal and Torres Strait Islander communities had similar findings to the market research. However, it did identify extra risk factors for children in boarding schools, out-of-home care and children sharing devices with other family members. The researchers made a number of recommendations, including developing an education package that draws directly from the research findings.

Prevention and engagement

Following a review of the Prevention Awareness and Prevention Education Working Groups, the ACCCE held a stakeholder workshop during National Child Protection Week. The workshop included a range of external stakeholders and discussed opportunities to partner and collaborate on education and awareness of online child sexual exploitation and abuse initiatives.

The ACCCE is mapping current services and initiatives related to online child sexual exploitation and abuse. With input from external stakeholders, it is looking at strengths and gaps in prevention to make sure work is coordinated and collaborative.

ThinkUKnow online child safety program

The Australian Federal Police ThinkUKnow online child safety program was internally reviewed to take into account:

- the increase of online child sexual exploitation and abuse reports
- current issues and trends
- case studies
- the ACCCE market research.

The program developed in consultation with the ACCCE now focuses on educating and increasing awareness about online child sexual exploitation and abuse and gives parents, carers and students information on how to stay safe online. The program covers topics such as:

- privacy
- avoiding unwanted contact
- self-generated content (sexting)
- online grooming
- coercion and extortion
- how to take action if something goes wrong.

In February 2020, the annual training rollout started with an updated presentation in a number of states and territories. Due to COVID-19, the training rollout was not completed.

The Australian Federal Police Online Child Safety Team worked with eSafety and state and territory police to adapt resources to make sure appropriate parts of the new program were available for law enforcement and schools. These resources included the products below.

Media kit for state and territory police

The kit supports consistent advice in how to communicate about online child sexual exploitation and abuse. It includes prevention messages and links to resources.

Digital delivery of ThinkUKnow

The Australian Federal Police Online Child Safety Team developed a digital version of ThinkUKnow in a three-part series. The livestreamed sessions discussed:

- what children and young people see, say and do online
- challenges children and young people can face online
- the ThinkUKnow Taking Action Toolkit with practical things children and parents can do.

The series reached an estimated audience of 83,000 people.

Home learning activity packs

The Australian Federal Police Online Child Safety Team developed home learning packs to give parents and carers activities to undertake with their children to help them understand online child sexual exploitation and abuse. Topics include:

- learning about online supervision
- personal information and image sharing
- safer gaming
- smart usernames
- safer online interactions
- online grooming.

The pack's resources include factsheets, the SOS Guide to Online Safety and the Online Family Safety Contract.

ThinkUKnow Teachers Toolkit

The Australian Federal Police Online Child Safety Team developed the ThinkUKnow Teachers Toolkit to help teachers tackle issues of online child sexual exploitation and abuse. Teachers can use the Toolkit online, for remote learning and in the classroom. The Toolkit includes prevention messages, activities, videos and information on where students can go for help. The resources encourage open discussion and achieve specific learning goals for online child safety, linked to the Australian Curriculum.

Seven-day online safety family challenge and family bingo

The Minister for Home Affairs launched the family challenge in April 2020. It involved simple tasks for parents and carers to complete to help start their journey in helping protect their children. Family bingo is a series of fun online and offline activities that families can do together. The activities included watching a livestream of a zoo or aquarium, the ThinkUKnow Stay Safe Online Activity Book and home learning activities.

Operation SOUTIEN

Case study

Operation SOUTIEN was the ACCCE's first national operation, between November and December 2019. The operation followed specialist training from the United States Child Rescue Coalition to identify high-level targets in our communities that are sharing and providing online child sexual exploitation and abuse material. Operation SOUTIEN resulted in the arrest of 22 people on 56 charges.

Operation WALWA

Case study

Operation WALWA was an international investigation between Australian law enforcement and United States Homeland Security Investigations. It targeted an online marketplace where users from around the world paid to access online child sexual exploitation and abuse material. The ACCCE ran the Australian response, including work from the Australian Federal Police, state and territory police and Joint Anti Child Exploitation Teams. In April 2020, the ACCCE announced the Operation WALWA results, which included 27 completed investigations and 20 people arrested on 856 charges in Australia. Eight children were also rescued from further harm, including four children from the Philippines.

Operation ARKSTONE

Case study

Operation ARKSTONE was a joint investigation between Australian Federal Police, New South Wales, Queensland and Western Australia police. It followed information from the United States' National Center for Missing and Exploited Children. The investigation targeted an alleged online network of people producing and sharing some of the worst online child sexual exploitation and abuse material investigators have ever seen.

As at 19 October 2020, the investigation has charged 12 people in three states and investigations remain ongoing.

Response to COVID-19 risk factors

In response to COVID-19 and risk factors of children spending more time online, the Online Child Safety Team partnered with the ACCCE to develop a community engagement strategy. The strategy was to educate parents, carers and influencers of children about the risks, as well as to deter online offenders. The strategy included producing new online resources and digital education, as well as targeted social media campaigns and engaging with the media.

Key results included:

- three times the number of visitors to the ACCCE website from the same period in 2019
- a 122 per cent increase in public reports of online child sexual exploitation and abuse to the ACCCE from April – June 2020
- social media content viewed over 2,390,524 times and 130,259 comments, reactions and shares
- the ThinkUKnow education livestreamed session reached over 83,000 people, with over 800 shares, reactions and comments
- the Australian Federal Police published more than 36 media releases relating to child protection and the ACCCE. Operation WALWA and Operation ARKSTONE media stories resulted in an estimated audience of more than 15.6 million (including syndicates).

Examples from the states and territories

New South Wales

In 2020, the New South Wales Police Force continued to take part in a range of collaborations to combat online child sexual abuse. This collaboration included:

- working with the Australian Federal Police through the Joint Anti Child Exploitation Team programs
- taking part in Operation GRIFFIN, a national taskforce for child protection, including online child exploitation and abuse
- ongoing work with the ACCCE and taking part in national operations.

The New South Wales Police Force also continue to run education and awareness campaigns through School Liaison and Youth Liaison Officer programs.

Northern Territory

The Northern Territory Police, Fire and Emergency Services took part in national forums and taskforces about online child sexual abuse and protection. Northern Territory Police has online awareness packages that it delivers to metropolitan and regional areas through youth engagement officers and child abuse taskforce teams. In the past year, the Northern Territory Police, Fire and Emergency Services continued to take part in the Joint Anti Child Exploitation Team program, Operation GRIFFIN and Taskforce Helios. They also engaged with the ACCCE.

Queensland

The Queensland Police Service currently chairs the National Child Protection Working Group, known as Operation GRIFFIN. Operation GRIFFIN includes:

- police representatives from all jurisdictions
- the ACCCE
- Australian Border Force.

Operation GRIFFIN is progressing collaborative partnerships across law enforcement and other stakeholders to improve national responses to child sexual abuse.

Operation GRIFFIN meets four times a year and provides an annual report on progress to the Serious Organised Crime Coordinating Committee. In 2020, Operation GRIFFIN will focus on victim-based crime, investigating the exploitation and abuse of children nationally and internationally. It will work in partnership with the ACCCE.

The Queensland Police Service is also arranging the transfer of the Queensland Police Service Griffeye Victim Image database to the ACCCE. This will be the national child exploitation material image library.

Griffeye is a national database that holds child exploitation material so that seized material can be categorised and automatically processed. This process means that greater volumes of information can be processed, reduces officer exposure to child exploitation material and increases opportunities to identify children at risk.

South Australia

South Australia Police works with the Australian Federal Police to conduct online child exploitation investigations, known as the South Australia Joint Anti Child Exploitation Team. South Australia Police also conducts many online child abuse investigations independently. South Australia Police and the Australian Federal Police work together on online child abuse investigations to decide whether a joint or independent South Australian Police investigation is the best option in each particular case. South Australia Police has continued to invest in computer software to improve its capacity to detect crimes and keep pace with the technology that online child abusers use. South Australia Police has also developed and implemented a South Australia Police online covert child exploitation course, aimed at developing police skills in conducting covert online child sexual abuse operations. The course is available to all Australian police jurisdictions and most recently was delivered to members of Tasmania Police in May 2020 (online due to COVID-19 restrictions), to enhance their online covert capability.

The South Australia Joint Anti Child Exploitation Team was established in January 2015. Since then, (up to 31 August 2020) there have been the following outcomes:

- 680 online child abuse investigations – including both self-initiated and referrals from other agencies
- 394 warrants executed – includes South Australia Police General Search Warrants and Commonwealth Warrants
- 291 arrests – includes Joint Anti Child Exploitation Team and Special Crimes Investigation Section arrests (not including any arrests referred to interstate or international jurisdictions)
- 147 children have been saved – locally, nationally and internationally
- 172 national and international referrals.

Tasmania

Tasmania Police is committed to fighting online child sexual abuse and supports nationally coordinated work using best practice law enforcement responses.

Tasmania Police formed a Tasmanian jurisdiction Joint Anti Child Exploitation Team in November 2019. The Joint Anti Child Exploitation Team brings investigators from both Tasmania Police and the Australian Federal Police together to streamline child exploitation investigations. The major focus of Joint Anti Child Exploitation Team investigations is online child sexual abuse.

Western Australia

The Western Australia Police Force takes part in the ACCCE Covert Online Investigation Working Group (the Working Group). This meets four times a year to discuss a wide range of issues including:

- training
- covert grooming techniques
- standardising training across all jurisdictions
- trends
- trade craft and software solutions.

Each meeting records all the activity of the Working Group. The Working Group meets to make sure there is a consistent approach across Australia. It supports sharing knowledge and experiences to better target offenders committing sex offences against children.

The Western Australia Police Force responds through the Western Australian Joint Anti Child Exploitation Team and Technology Crime Services Covert Online Operations. After offenders are identified in online forums, the Joint Anti Child Exploitation Team will:

- covertly engage them
- identify any offences they may have committed
- commence a criminal investigation
- if appropriate, proceed to arrest and prosecution.

The Western Australia Police Force provides training to officers through Blackboard – Technology Crime First Responder Training. It also provides presentations to areas such as State Intelligence and Detective Training programs.

Example from overseas

New Zealand

In New Zealand, online child sexual abuse is a shared responsibility across three agencies:

- the New Zealand Police
- New Zealand Customs
- the Department of Internal Affairs.

There is an agreement between the three agencies. This means there is a coordinated response to online child sexual abuse, with each agency owning separate areas of responsibility.

New Zealand Police is a member of Operation GRIFFIN and works regularly with members of the ACCCE (and other partners) in Australia. These relationships mean there is a coordinated response to international operations.

The Protocol on Responding to and Managing Cybercrime 2019

In February 2020, through the Australia New Zealand Policing Advisory Association, Australia and New Zealand jointly signed the Protocol on Responding to and Managing Cybercrime 2019. The Protocol includes sharing between law enforcement agencies on all types of crime and investigations, including online child sexual abuse.

Australian Government progress

Improving the safety of children and young people in Australian sport

On 1 July 2020, the Australian Government established Sport Integrity Australia following the *Review of Australia's Sports Integrity Arrangements* (the Wood Review).

The Wood Review recommended establishing a national sports integrity commission to bring together existing sports integrity functions, knowledge and expertise as well as to nationally coordinate the response to threats to sports integrity. Threats to sports integrity include:

- the manipulation of sporting competitions
- the use of drugs or doping methods in sport
- the abuse of children and other persons in a sporting environment
- the failure to protect members of sporting organisations, and other persons in a sporting environment, from bullying, intimidation, discrimination or harassment.

Relevant recommendations:

Final Report: 14.1, 14.3 and 14.4

Sport Integrity Australia takes over responsibility from Sport Australia for improving the safety of children and young people in Australian sport. It now leads the work on implementing Recommendations 14.1 to 14.4 of the Royal Commission's *Final Report*, which deal with a range of areas to better protect children in Australian sport. Sport Integrity Australia also combines the work of the Australian Sports Anti-Doping Authority and the National Integrity of Sport Unit.

National Integrity Framework

The Wood Review identified protecting children and young people as a priority following the findings of the Royal Commission. The review stressed how important it was to maintain the confidence of the community that it was safe to take part in sport.

Sport Integrity Australia, in consultation with stakeholders, is in the final stages of developing a National Integrity Framework. This will aim for a proactive approach to mitigate the threats to sports integrity and provide a safe, fair and trustworthy environment for those taking part in all levels of sport.

The framework will include policies for:

- anti-doping
- match manipulation and sports gambling
- illicit drugs
- member protection
- child safeguarding.

It will also provide national sporting organisations with a streamlined approach to addressing threats to sport integrity and sets out expectations for the conduct of everyone who takes part in sport including procedures for managing, reporting, investigating and deciding on possible breaches of integrity policies.

Sport Integrity Australia will release the National Integrity Framework to national sporting organisations in early 2021. The framework will be supported with advice on how to implement it, resources and education.

Child Safeguarding Policy

The Child Safeguarding Policy seeks to create and maintain a child-safe culture in sport. The Australian Government has developed it in consultation with stakeholders including:

- state and territory departments of sport and recreation
- state sport federations
- national and state sporting organisations
- the National Office for Child Safety.

The policy is part of a proactive approach, focused on prevention, to uphold a commitment to the safety, wellbeing, participation and empowerment of all children who take part in sport.

The policy will outline prohibited conduct and impose obligations on sporting organisations to respond to allegations of prohibited conduct, as well as implementing child safe practices including recruitment, screening and induction guidelines.

‘Start to Talk’ – a national campaign

Progress on the development of ‘Start to Talk’ – a national campaign addressing child safety and child abuse in sport, has been delayed due to COVID-19. The ‘Start to Talk’ campaign is now expected to be released in March 2021.

In early 2020 a media concept test workshop was held in Melbourne to ‘road test’ five media concepts for the ‘Start to Talk’ campaign. The workshop, attended by 22 people from sport and child protection agencies, helped narrow the possible media approach for ‘Start to Talk’.

The Australian Human Rights Commission are developing a range of resources for the 'Start to Talk' Resource Hub. These resources, including 'how to' guides, posters and promotional material, will be available to people via Play by the Rules.

A review of the Play by the Rules online Child Protection training is in progress to better meet the Royal Commission's recommendations and the Child Safe Standards.

Children's Safety Survey

Sport Australia engaged the Institute for Child Protection Studies to provide insights into young people's perceptions of safety in sports clubs. The information will inform Sport Integrity Australia to better respond to safety concerns of young people. This project included a broad range of sports, but the pilot focused on young people in gymnastics and swimming clubs.

This project built on the work from the Royal Commission's Children's Safety Study and the Australian Safe Kids and Young People Survey. The Institute for Child Protection Studies used a child-centred approach and developed the examples for the survey with a focus group of young people aged 12–18.

The survey uses sport specific examples or scenarios of possible unsafe situations children and young people may face in their organisations and asks for their opinions. The scenarios the Institute for Child Protection Studies developed can be used by other sporting clubs in Australia and internationally.

From this pilot survey Sport Integrity Australia learned that most young people felt safe at their club. Participants said that adults value children and young people's views and opinions and adults mostly pay attention when children and young people raise a concern. Having a trusted adult was important, if they did face a situation that they were uncomfortable with. The survey results also found that a number of participants felt they wouldn't be believed, if they told an adult something had happened. To address this, Sport Integrity Australia will work with states and territories and national sports organisations to improve staff capabilities.

The Children's Safety Survey offers Australian sport a unique opportunity to use young people developed scenarios about safety risks to involve children and young people while also collecting data about safety concerns.

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. It sets minimum standards for Commonwealth entities to create behaviours and practices that are safe for children and young people. Under the Commonwealth Child Safe Framework, non-corporate Commonwealth entities, which includes all Australian Government departments, must:

Relevant recommendations:

Final Report: 6.4, 6.13, 7.7 and 7.8

Working with Children Checks Report: 3c

- undertake a yearly risk assessment of their activities that involve children and put in place ways to reduce those risks
- set up a training system to make sure staff know about, and follow, the Commonwealth Child Safe Framework and relevant laws. This includes Working with Children Checks and mandatory reporting
- ensure compliance with the National Principles
- publicly report on their compliance with the Commonwealth Child Safe Framework each year, starting in 2021.

The National Office for Child Safety is responsible for the Commonwealth Child Safe Framework. Throughout 2020, the National Office for Child Safety supported Commonwealth entities to:

- apply the Commonwealth Child Safe Framework
- find any areas where they could make improvements in their child safety policies and practices.

In early 2020, the National Office for Child Safety reviewed how the Commonwealth Child Safe Framework was being applied across Commonwealth entities. The review included a survey sent to 120 entities, to which 59 responses were received. This review showed there was a move towards improved child safe practices and culture across Commonwealth entities. The review also identified areas where entities needed more support when they implemented the Commonwealth Child Safe Framework, and opportunities to improve transparency and accountability.

In September 2020, in response to the review, the Commonwealth Chief Operating Officers Committee (the Committee) agreed that the Commonwealth Child Safe Framework should be updated. From October 2021, Commonwealth entities will need to make a public statement each year about their progress implementing the Commonwealth Child Safe Framework. The National Office for Child Safety has developed guidance to support Commonwealth entities to do this. The Committee

has agreed to the updated Commonwealth Child Safe Framework and guidance materials, which were published on the National Office for Child Safety’s website in December 2020.

The National Office for Child Safety will keep working with Commonwealth entities to implement the updated Commonwealth Child Safe Framework, share information and improve child safety.

Core requirements for Commonwealth entities under the Commonwealth Child Safe Framework

Requirement 1	Requirement 2
Undertake risk assessments annually in relation to activities of the entity, to identify the level of responsibility for, and contact with, children, evaluate risks to child safety, 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 Working with Children Checks or Working with Vulnerable People Checks and mandatory reporting requirements.
Requirement 3	Requirement 4
Adopt and implement the National Principles for Child Safe Organisations.	Publish an annual statement of compliance with the Framework including an overview of the entity’s child safety risk assessment (conducted under Requirement 1).

Improving safety of youth in Defence	Case study
There were no specific Royal Commission recommendations for the Department of Defence (Defence)²⁰. However, the Royal Commission found nine system wide issues with Defence’s youth safety system. Defence is tackling these issues with an improved youth safety system that follows the 10 National Principles.	
²⁰ Defence includes all members of the Australian Defence Force, including Army, Navy and Air Force personnel, as well as Australian Public Service staff from the Department of Defence.	

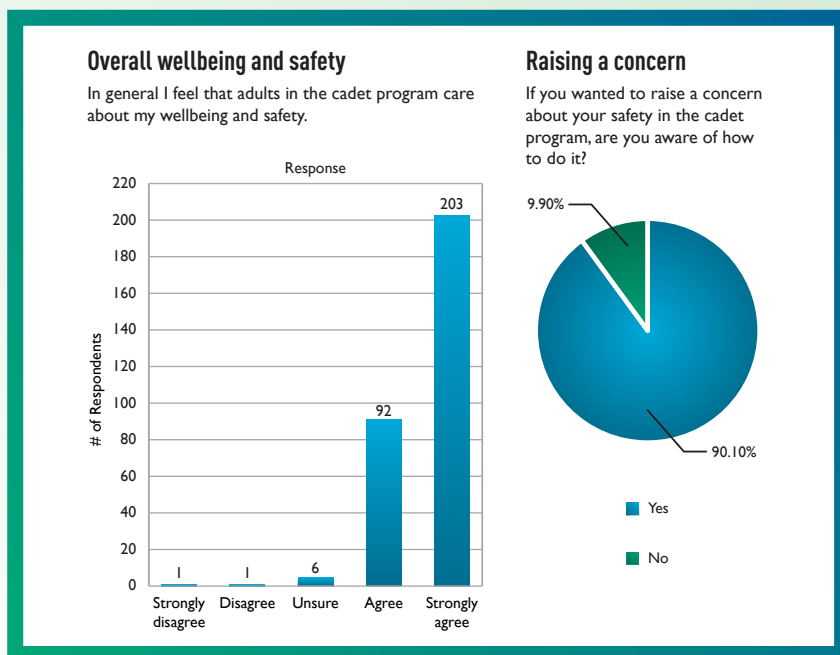
Initiative 1: Survey and focus groups

Over the last 12 months, Defence has completed two youth safety surveys. One survey was for Australian Defence Force Cadets who are under 18. The other survey was for adults that spend time with the Cadets. This includes parents of Cadets and Cadet Adult Volunteers. The surveys included a written questionnaire, focus groups and site visits. The surveys address a range of the National Principles including:

- National Principle 9: Implementation of the national child safe principles is regularly reviewed and improved
- National Principle 3: Families and communities are informed and involved in promoting child safety and wellbeing
- National Principle 2: Children and young people are informed about their rights, participate in decisions affecting them and are taken seriously.

The Cadet survey looked at what they thought about youth safety in the Cadets program. The survey was optional and was available to Cadets taking part in the national program (over 26,000). Cadets who took part in the survey were from all states and territories of Australia and from all three services. Results showed that Cadets feel safe and can access youth safe processes and behaviours. Results also showed that there were a number of ways Defence could improve how complaints or concerns are reported and how Cadets get support. Defence is now working on these improvements.

Cadet perceptions of youth safety in the Australian Defence Force Cadet program



Defence invited 19,548 parents and 4,114 adult volunteers to complete the adult youth safety survey. Of these, 12 per cent of parents and 27 per cent of volunteers completed the survey. Defence also ran leadership interviews with 18 leaders. Defence is now reviewing the results of the survey and running site visits to collect more information. Site visits were delayed due to COVID-19 and are now being run online.

Initiative 2: Release of updated Youth Policy

Defence continues to enhance its child safe environment. For example, Defence released an updated version of its Youth Policy Manual Part 1²¹ on 7 July 2020. The updated policy encourages a high standard of youth safety in Defence and follows the Commonwealth Child Safe Framework, including the National Principles. The updated policy covers the nine system wide issues the Royal Commission identified (in Case Study 40). Defence released an updated version of the Youth Policy Manual Part 2 (Australian Defence Force Cadets Program) on 30 September 2020 and is planning to release a new Youth Policy Manual Part 3 (Defence Work Experience Program) by March 2021. You can find Defence's youth policies on its youthHQ website²². Over the last 12 months, this site has had over 40,000 users and over 97,000 page views.

Initiative 3: Suitability screening and Working with Children Check policy

Defence published its Working with Children Checks policy and shared it at a high-level committee meeting on 27 November 2019. This was before a national policy was introduced. The Defence policy follows relevant laws and the National Standards for Working with Children Checks. It encourages consistent approaches to selecting staff and managing personnel across Defence.

Initiative 4: Updates to youth safety training

Defence has updated its youth safety training to reflect the changes to the Youth Policy Manual Part 1 and to make sure Defence personnel know about the Defence Youth Safety Framework requirements. This includes the updated Working with Children Checks policy.

Defence has planned a wider review of youth-related training to start in the first quarter of 2021. The project will look for gaps, look at whether the training meets its needs and improve content to make sure learners reach their goals. As part of the review, Defence will also develop face-to-face training on top of its existing online training packages. More than 83,000 Defence personnel (Navy, Army, Air Force and Australian Public Service staff) had completed the Level 1 – Awareness Youth Safety Training by 30 June 2020.

21 <https://defenceyouth.gov.au/youth-safety/youth-policy-manual-youthpolman>

22 <http://www.defenceyouth.gov.au>

COVID-19

Defence has made sure young people are safe during COVID-19. Due to COVID-19, Defence cancelled its non-essential youth programs to keep young people, their families and communities safe. Other, essential youth programs have continued in a COVID-safe way. Many have developed online options. For example, the Australian Defence Force Cadets organisations have run virtual parades that involve Cadets across Australia. Many Cadets also took part in the ANZAC Day driveway vigil, standing in their home driveways with candles to remember returned and current service women and men. For a number of Defence programs, there is already a structured return to face-to-face activities.

Defence Community Organisation continues to support the children of Australian Defence Force members during COVID-19. Support programs include:

- wellbeing support through TeenSMART and KidSMART programs
- education support through the Education Assistance Scheme and Defence School Mentor Program
- the Dependants with Special Needs program that provides assistance to Defence families who have family members with special needs.

Department of Foreign Affairs and Trade as a child safe organisation

Case study

The Department of Foreign Affairs and Trade's Child Protection Policy²³ explains a zero tolerance of child exploitation and abuse. It includes what the Department of Foreign Affairs and Trade expects of their staff and funded partners in managing child protection risks. It helps the Department of Foreign Affairs and Trade to meet community expectations, as well as follow the United Nations Convention on the Rights of the Child, which Australia has signed. Under the policy, all Department of Foreign Affairs and Trade staff and partners must report any suspected cases of child exploitation, abuse or non-compliance with the policy.

Relevant recommendations:

Final Report: 6.4 and 6.13

23 <http://www.dfat.gov.au/childprotection>

The Department of Foreign Affairs and Trade has had a long-standing child protection policy in place since 2008 and has shared its knowledge and experience. The Department of Foreign Affairs and Trade has collaborated with colleagues across the Australian Public Service on child protection issues and is working with its portfolio agencies to implement their child safe processes. Austrade and the Australian Centre for International Agricultural Research use the Department of Foreign Affairs and Trade Child Protection Framework. Tourism Australia and Export Finance Australia have used the Framework within their risk management systems with support.

The Department of Foreign Affairs and Trade has a child protection training program. It includes compulsory eLearning for all its staff posted overseas and extra face-to-face training for staff who will be managing programs with child protection risks. The Department of Foreign Affairs and Trade also provides ongoing training and support to its portfolio partners.

Austrade

Austrade has developed child safety procedures that follow the Department of Foreign Affairs and Trade Child Protection Framework. The procedures explain to staff what Austrade does and what it expects from all its employees about child safety.

Austrade released a CEO Statement of Commitment²⁴ and posted it on its external website. The statement shows Austrade's commitment to the Commonwealth Child Safe Framework.

Austrade will review its child protection procedures in 2021 to make sure that, combined with the Department of Foreign Affairs and Trade Child Protection Framework, they meet the requirements of the National Principles.

Tourism Australia

Tourism Australia has developed a Child Safety Policy that applies to all staff. Tourism Australia first published the policy in March 2020. The policy makes sure any Tourism Australia activity that involves children includes a child safety risk assessment. Depending on the level of risk, Tourism Australia will use the appropriate child safety standards from its Child Safety Policy to manage the risk.

Tourism Australia will review its Child Safety Policy every two years, or as laws change.

24 <http://www.austrade.gov.au/About/Corporate-information/Child-Protection-Policy>

Immigration detention

Child Safeguarding Assurance Program

The Department of Home Affairs and the Australian Border Force (Home Affairs) has a Child Safeguarding Framework, which explains Home Affairs' commitment to keeping children safe. The Home Affairs Child Safeguarding Framework, and child wellbeing policy documents, apply to all:

- Home Affairs' staff
- Australian Border Force officers
- contracted service providers who make decisions, develop policy or do things that can affect children and their families in immigration detention or other immigration programs.

Relevant recommendations:

Final Report: 15.1, 15.11, 15.12a and 15.12b

The Home Affairs Child Safeguarding Framework aligns with the Child Safe Standards and the Commonwealth Child Safe Framework's National Principles. It follows Australia's domestic legal framework and Australia's international obligations under treaties such as the United Nations Convention on the Rights of the Child.

The Child Safeguarding Assurance Program (Assurance Program) assesses how Home Affairs is applying the Child Safe Standards. It also makes sure that Home Affairs is following the National Principles.

Home Affairs finished the first round of the Assurance Program in 2019–20. Thirty-nine branches across the organisation took part in the program. Participants included both staff and officers who work directly with children and families from culturally and linguistically diverse backgrounds, as well as staff and officers who provide policy, program and support services that affect children and their families.

The Assurance Program meant Home Affairs could assess existing child safety processes and look for ways to improve regulations to keep children safe in the future. Business areas gave evidence of their child safety regulations. Home Affairs' child wellbeing experts then gave feedback and suggestions for ways that businesses could improve. The Assurance Program meant staff could improve their knowledge of child safety, as well as add the Child Safe Standards into their local plans, training, resources and communications.

This work also responds to the Child Protection Panel's recommendation that Home Affairs review the Home Affairs Child Safeguarding Framework with a focus on the role of its Child Wellbeing Branch. Home Affairs reports its progress on the recommendations of the Child Protection Panel on its website, as the Royal Commission recommended.

Home Affairs has also:

- appointed a Child Safe Champion
- included Child Safety requirements in its Accountable Authority Instructions, procurement templates and grants guidance (as the Commonwealth Child Safe Framework requires)
- updated its Child Safeguarding eLearning training modules to include the Child Safe Standards
- prioritised the child-related complaints it receives through the Home Affairs Compliments, complaints and suggestions webpage.

Home Affairs will run the Assurance Program each year. An additional 20 business areas will be asked to take part, and Home Affairs' child wellbeing experts will give extra support to those areas that are most involved with children.

The 2020–21 Assurance Program should show the effect of these new efforts and find further opportunities to become a child safe organisation.

Adding child safeguarding to grants and contracts

Case study

Home Affairs uses contractors to deliver services to children in immigration detention and immigration programs.

It also provides grant funding to community organisations to deliver programs and provide opportunities to improve the lives of children and families from culturally or linguistically diverse backgrounds.

In January 2020, the Home Affairs' Accountable Authority Instructions were changed to tell staff and officers that they needed to think about child safety when running procurement and grants processes. Staff and officers need to follow the Commonwealth Child Safe Framework, which includes thinking about any risks to children.

Home Affairs' procurement templates were updated to include child safety risks and to include the Department of Finance's Child Safety Clause from the Commonwealth Clausebank.

Home Affairs is also updating its Incorporating Child Safeguarding into Contract Management document to include the Department of Finance's Child Safety Clause from the Commonwealth Clausebank.

Home Affairs' grants are managed through the Community Grants Hub, which asks applicants to think about child safety and uses the Child Safety Clause from the Department of Finance's Commonwealth Clausebank.

Relevant recommendations:

Final Report: 15.12b

In May 2020, Home Affairs updated its Child Safeguarding training to include its obligations under the Commonwealth Child Safe Framework. It also made this training available to third parties who provide services to children for Home Affairs.

Child Safeguarding training

In August 2020, Home Affairs published information for staff and officers about their responsibilities to consider the needs of vulnerable children in immigration programs and environments.

Relevant recommendations:

Final Report: 15.6

Home Affairs has three state-based child wellbeing officers who provide advice to staff and officers about keeping children safe and deliver tailored training for different business areas based on their core business activities. In July 2020, Home Affairs launched two new eLearning packages that all staff and officers can access:

- Child Safeguarding Essentials
- Working in a Child-related Role.

These training packages align with the Child Safe Standards and include information about:

- the National Principles
- recognising child abuse and neglect
- responding to disclosures of child abuse and neglect
- reporting child abuse
- employment screening for working in a child-related role.

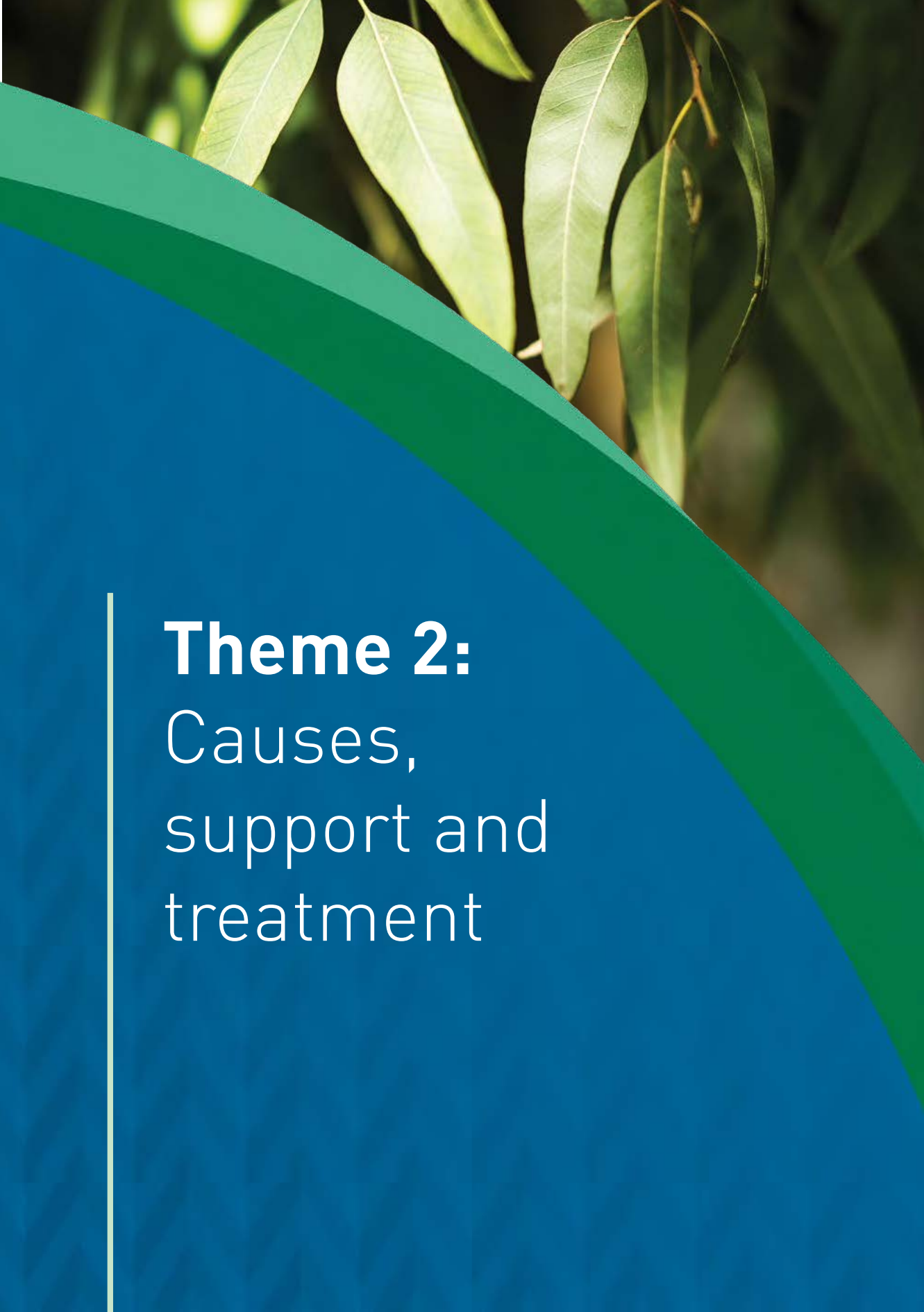
Since launching these packages, almost 2,000 Home Affairs staff and officers have completed the Child Safeguarding Essentials eLearning and more than 200 have completed the Working in a Child-related Role eLearning.

Since August 2020, Home Affairs has delivered two keeping children safe training sessions to new maritime officer recruits. The sessions were well received with further sessions planned in the coming months. Home Affairs also delivers regular information and awareness sessions to:

- officers who work with non-citizens to find and address barriers to their immigration status
- officers who manage service provider contracts for detention and community support programs
- community liaison officers
- officers at airports.

Home Affairs publishes a range of internal communications to raise the awareness of staff and officers about the Child Safe Standards and National Principles. Home Affairs is also developing a series of online courses, which will allow busy staff to complete short child-related eLearning modules they need for their role. This will include a module on barriers that children from diverse backgrounds experience when disclosing abuse or trying to provide feedback.

Home Affairs continues to promote internal training opportunities and new policy documents that build officer capability in line with the Child Safe Standards and National Principles.



Theme 2:

Causes,
support and
treatment

Theme 2

Causes, support and treatment

Theme 2 at a glance

The Royal Commission's *Final Report* looked at where, why and how child sexual abuse happens in institutions, as well as the effect of the abuse when it happens. It made key recommendations about the support victims and survivors of child sexual abuse need, and should have, to cope with trauma throughout their lives. It also made recommendations about children with harmful sexual behaviours and the best ways to support these children and respond to these behaviours. This included recommendations to:

- measure the extent of child maltreatment in Australia (*Final Report* Volume 2 Recommendation 2.1)
- improve responses to survivors, including improving service systems (*Final Report* Volume 9 Recommendations 9.1 to 9.9)
- come up with best practices for responding to children with harmful sexual behaviours (*Final Report* Volume 10 Recommendations 10.1 to 10.7).

Key national achievements

October 2019	The Australian Government provided \$11.7 million to support an increase in the number of decisions being made and to provide extra funding to services to support people who may face extra barriers when applying to the National Redress Scheme.
October 2019 to April 2020	The Department of Social Services consulted nationally on the design of the National Centre for the Prevention of Child Sexual Abuse.
Throughout 2020	The Department of Social Services is funding <i>knowmore</i> \$1,662,500 (GST exclusive) to support capacity building for Redress Support Services. This includes providing duty lawyers for services that support people applying for redress. The National Office for Child Safety and the Department of Social Services collaborated with lead researchers of the Australian Child Maltreatment Study from the Queensland University of Technology to develop expanded content in the study.
February 2020	The Interjurisdictional Working Group on Children with Harmful Sexual Behaviours formally approved its terms of reference.

August 2020

The Department of Social Services published its *Stakeholder Consultation Report* for its consultation on the design of the National Centre for the Prevention of Child Sexual Abuse.

The Department of Social Services commenced a procurement process to select a suitable supplier to deliver the National Centre for the Prevention of Child Sexual Abuse.

October 2020

The Prime Minister delivered a speech in Parliament to mark the second anniversary of the National Apology to Victims and Survivors of Institutional Child Sexual Abuse.

The Australian Government announced it will invest a further \$104.6 million in the National Redress Scheme over four years from 2020–21.

These initiatives complement and build on the 2018–19 achievements, which you can read about in the Australian Government's *Annual Progress Report 2018*¹ and *Annual Progress Report 2019*².

1 <https://www.childabuseroyalcommissionresponse.gov.au/annual-progress-reporting/australian-government-reports/2018-annual-progress-report>

2 <https://www.childabuseroyalcommissionresponse.gov.au/annual-progress-reporting/australian-government-reports/2019-annual-progress-report>



National priority update – Work across all Australian governments

Responses for children with harmful sexual behaviours

The National Office for Child Safety and the New South Wales Ministry of Health, co-chair the Interjurisdictional Working Group on Children with Harmful Sexual Behaviours (the Working Group).

The Working Group is managing governments' work to progress the Royal Commission's recommendations on therapeutic 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 Working Group officially met on 30 October 2019 and 24 February 2020. Working Group members have also met informally and as part of sub-working groups to progress work from the Working Group terms of reference. On 24 February 2020, the Working Group formally approved its terms of reference. These state that the group will:

- develop actions and programs that respond to recommendations from Volume 10 of the Royal Commission's *Final Report*
- develop actions and programs to include in the National Strategy to Prevent Child Sexual Abuse (the National Strategy)
- approve the National Strategy's content for support services for children with harmful sexual behaviours.

The Working Group has developed work plans to progress the priorities listed above. Key focus areas are:

- developing nationally consistent definitions and terminology
- sharing information about the service models and therapeutic approaches being developed in each jurisdiction for a coordinated and consistent national approach. This includes activities being undertaken in response to the Royal Commission
- developing nationally consistent principles and measures that are focused on outcomes to prevent and respond to children and young people with harmful sexual behaviours

- developing initiatives to include in the National Strategy and National Action Plan to:
 - respond to the recommendations of the Royal Commission
 - build on the existing evidence base
 - identify and address gaps within and across jurisdictions
 - support implementing nationally consistent principles and measures
 - create new or support existing processes for collaborating and planning
 - drive ongoing improvement
- identifying the skills, experience, training and qualifications that people who work with children with harmful sexual behaviours need to ensure that the workforce has the right capabilities and competencies to identify the right approaches
- identifying and recommending actions that could reduce duplication and improve the service system at an Australian and state and territory level.

Since February 2020, COVID-19 has delayed the work of the Working Group. This project will recommence when all Working Group members have the capacity to restart this work.

Examples from the states and territories

Australian Capital Territory

Australian Capital Territory Health Directorate and Canberra Health Services representatives have taken part, through the Interjurisdictional Working Group on Children with Harmful Sexual Behaviours (the Working Group), in progressing work to implement Volume 10 recommendations at the national level.

To support the delivery of the Working Group objectives, the Australian Capital Territory is supporting the Western Australian Government to develop a nationally agreed definition of children with harmful sexual behaviours. A nationally agreed definition will make sure consistent terminology is used within and across jurisdictions. It will also support strategies to reduce and treat incidents of children exhibiting harmful sexual behaviours. This approach will also affect the other work plans the Working Group are developing. The Australian Capital Territory will continue to support Western Australia in 2021 to deliver the definition as well as take part in Working Group meetings.

New South Wales

The New South Wales Government is investing \$37.7 million for a program to improve how the service system responds to children and young people (0–17 years) with problematic and harmful sexual behaviours. This includes:

- developing a New South Wales cross agency framework to improve the system's ability to prevent and respond to problematic and harmful sexual behaviours by children and young people
- expanding, state-wide, New Street Services – specialist therapeutic services for children and young people aged 10–17 with harmful sexual behaviours and their families
- establishing a state-wide program for children under the age of criminal responsibility (currently 10 years of age) with problematic and harmful sexual behaviours.

New South Wales Government schools have been provided with detailed guidelines to support staff to identify and respond to problematic or harmful sexual behaviour in children and young people. The guidelines are based on the principles that responses should be child focused, holistic, proportionate to the behaviour, prompt and ongoing. Schools should provide support in a respectful, culturally appropriate and sensitive way that builds on existing strategies to support the child or young person and their family.

New South Wales Government organisations are also working together to review existing practices and develop additional resources for a range of organisations including health services, schools, early childhood care providers, out-of-home care providers and non-government organisations providing support to families to identify and manage these complex situations.

Northern Territory

The Northern Territory Government funds and supports a range of Northern Territory programs that deliver therapeutic interventions, specialist services and professional training. The Northern Territory Government has developed and released the territory's first ever Sexual Violence Prevention and Response Framework. The Sexual Violence Prevention and Response Framework includes a priority to review responses for children and young people using harmful sexual behaviours. This includes working with providers to improve responses and make sure there is a connected, coordinated and collaborative response.

Queensland

As part of Queensland's \$12 million funding package to respond to youth sexual violence and abuse, the Queensland Government has provided funding for three trials. These trials will develop local responses to youth sexual violence and abuse, including children with harmful and sexually reactive behaviours. These trials started in December 2019 and include working with communities to create projects based on local priorities and needs. The trials are co-designed with young people and community stakeholders. They are focused on:

- prevention
- raising awareness
- what the sector can do and how it can improve
- improving ways people are referred.

COVID-19 has affected some of this work in 2020, however, community consultation and co-design work has restarted. The trials are happening in Toowoomba and the Fraser Coast and have been proposed for Yarrabah.

The Queensland Government will also give \$7.7 million over four years (2018–19 to 2021–22) for new sexual abuse and assault counselling services for children and young people in Toowoomba, Moreton Bay, Rockhampton, South Burnett and Gladstone. The funding includes early intervention youth counselling services for children and young people (10–17 years) with harmful sexual behaviours. The services started between May and August 2019.

Victoria

Victoria funds 11 organisations to provide free, state-wide Sexually Abusive Behaviours Treatment Services for children and young people aged 0–18 years. The services work with the child or young person as well as their family, school and community. The services provide a framework to assess and intervene and to address the broader needs of the child or young person.

Friends and family, Child Protection, Victoria Police, schools and other organisations can make referrals into the Sexually Abusive Behaviours Treatment Services program. Laws under the *Children, Youth and Families Act 2005* (Vic) also mean that therapeutic treatment must be given to children and young people aged from 10 up to 17 years where the Family Division of the Children's Court makes a Therapeutic Treatment Order. A Therapeutic Treatment Order is made after an application from Child Protection. The Criminal Division of the Children's Court will not

make a finding of guilt. The Court can order a child into therapeutic treatment and, if needed for that treatment, place the child in out-of-home care. Therapeutic Treatment Orders can be made for a period of 12 months and can be extended once, for an extra period of up to 12 months.

Second 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 for all victims and survivors of institutional child sexual abuse, their families, supporters and all those affected by institutional child sexual abuse. The National Apology:

- recognised where we have failed as a nation
- raised awareness of the devastating and lifelong effects of child sexual abuse
- promoted the need to protect children in all walks of life, and across all parts of society.

On 22 October 2020, the Prime Minister delivered a speech in the House of Representatives to mark the second anniversary of the National Apology. The anniversary speech reminded all Australians of the need to protect our children, to provide justice to those who have suffered abuse and to take action to prevent future harm to children. The anniversary speech also highlighted the progress made by the Australian Government during 2020 to address responses to child sexual abuse including:

- the ongoing implementation of the Commonwealth Child Safe Framework
- further investment in the Australian Child Maltreatment Study
- the coming launch of the National Centre for the Prevention of Child Sexual Abuse in 2021
- new criminal offences, higher penalties and mandatory minimum sentences for the most serious and repeat offenders
- progress under the National Redress Scheme
- the work of the eSafety Commissioner to keep children and young people safe online.



Australian Government progress

Improving understanding of the nature and causes of child sexual abuse

National Centre for the Prevention of Child Sexual Abuse

The Royal Commission recommended that all Australian governments work together to set up and fund a National Centre for the Prevention of Child Sexual Abuse

(the National Centre). The National Centre

would raise awareness and understanding of the effects of child sexual abuse and support people to ask for help. It would also:

- direct best practice in advocacy, support and treatment
- coordinate a national research program
- conduct high quality program evaluation.

Relevant recommendations:

Final Report: 9.9

The Australian Government also said the National Centre should improve the ability of services to respond to victims and survivors and help prevent child sexual abuse.

The Australian Government will give \$22.5 million over five years to set up and operate the National Centre. The Australian Government is also encouraging state and territory governments to match this funding to meet the Royal Commission's recommendation of \$45 million to set up the National Centre.

Between October 2019 and April 2020, the Department of Social Services consulted on the design of the National Centre. It asked a broad range of stakeholders to take part in 19 face-to-face workshops around Australia. Participants included:

- victims, survivors and advocates, including Forgotten Australians, Care Leavers and former child migrants
- people who work with victims and survivors
- child safety advocates
- academics and researchers
- national and local service providers, including diverse groups such as – Aboriginal and Torres Strait Islander peoples, people with disability, diverse sex, gender and sexuality, culturally and linguistically diverse people
- peak bodies
- government representatives.

In addition, more than 400 people completed an online survey, with 37 per cent of participants identifying as having lived experience of child sexual abuse. The Department of Social Services published the Stakeholder Consultation Report³ on its website on 25 August 2020.

Throughout 2020, the Department of Social Services has discussed the role of the National Centre, how to implement it and funding arrangements with state and territory governments.

On 25 August 2020, the Department of Social Services commenced stage one of a two-stage procurement process to choose a supplier to lead the work of the National Centre. The Department of Social Services will announce the successful supplier in early 2021.

The supplier will map existing initiatives and identify any gaps before developing a five-year work plan. Australian and state and territory governments will do this work together, including with victims and survivors, who are key stakeholders of the National Centre.

The supplier will also set up governance arrangements. These will include advisory groups that include victims and survivors, diversity groups, experts and government representatives.

Involving victims and survivors and other key stakeholders will be an ongoing requirement for the supplier leading the work of the National Centre.

Australian Child Maltreatment Study

The Royal Commission recommended that the Australian Government conduct a regular study of the extent of child maltreatment in Australia.

Relevant recommendations:

Final Report: 2.1

The Australian Child Maltreatment Study⁴ is the first national study of all five forms of child maltreatment in Australia, which are:

- physical abuse
- sexual abuse
- emotional abuse
- neglect
- exposure to domestic and family violence.

3 <https://www.dss.gov.au/families-and-children-programs-services/national-centre-for-the-prevention-of-child-sexual-abuse-stakeholder-consultation-report>

4 <https://www.australianchildmaltreatmentstudy.org>

The Australian Child Maltreatment Study will look at how many Australians experienced child maltreatment and other childhood hardships. It will assess the physical and mental impacts these childhood experiences have, including the estimated costs of managing the health conditions, disability and deaths caused by child maltreatment.

The National Office for Child Safety and the Department of Social Services worked closely with the lead researchers (Queensland University of Technology) to include extra questions and new definitions in the Australian Child Maltreatment Study.

The extra questions will cover how often child sexual abuse happens in institutions, families and online settings.

Throughout 2020, the Queensland University of Technology has made progress in creating the Australian Child Maltreatment Study. The researchers have developed and improved the survey and procedures through testing and evaluation. This included a full pilot test with 100 participants. Queensland University of Technology has met with a range of stakeholders to design the Australian Child Maltreatment Study, including young people, and victims and survivors of institutional child sexual abuse.

The Australian Child Maltreatment Study fieldwork, which includes telephone interviews with 10,000 Australians, will run throughout 2021. As the Australian Child Maltreatment Study will be completed over the telephone, instead of face-to-face, COVID-19 restrictions will not impact on the delivery of the study. The first results will be released from July 2023.

Supports for victims and survivors

Support for people accessing the National Redress Scheme

To support people to take part in the National Redress Scheme, the Australian Government funds community Redress Support Services around Australia.

In late 2019, the Australian Government gave \$11.7 million to support an increase in the number of decisions being made and to provide extra funding to services that support people who face extra barriers when they apply to the National Redress Scheme. These barriers include:

- people living 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.

Relevant recommendations:

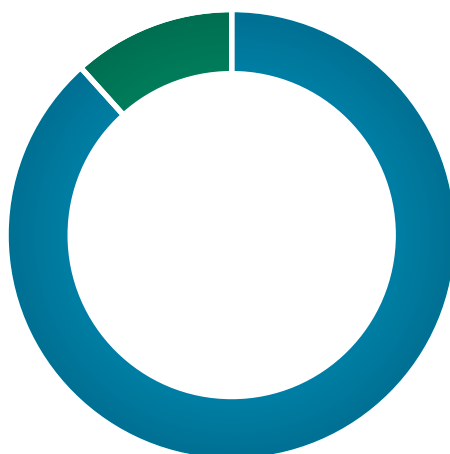
Final Report: 9.1, 9.2, 9.3 and 9.6

In October 2020, the Australian Government announced it will invest a further \$104.6 million in the National Redress Scheme over four years. This will improve and stabilise how the National Redress Scheme operates and improve survivor experience with the National Redress Scheme.

The extra funding will make sure the free and confidential Redress Support Services continue to be available to support survivors and victims to apply for the National Redress Scheme.

More than half of all people applying to the National Redress Scheme say they have received support with their application. Over the first two years of the National Redress Scheme, from 1 July 2018 to 30 June 2020, about 10,000 people met with Redress Support Services. About 17 per cent of people who used a support service identified as an Aboriginal or Torres Strait Islander person. About 13 per cent identified as a person with disability.

10,000 people met with Redress Support Services from July 2018 to June 2020



■ 13% of people identified as a person with disability

You can find detailed information about the National Redress Scheme in Theme 3 of this report.

knowmore

During 2020, *knowmore* provided free, trauma-informed and culturally sensitive independent legal advisory services. The service helps victims and survivors access the National Redress Scheme.

Relevant recommendations:

Final Report: 9.4

As at 30 June 2020, *knowmore* had offices in Sydney, Melbourne, Brisbane and Perth. *knowmore* services also travel to key locations around Australia, including remote communities.

knowmore ran a pilot at its Sydney office to help new clients more quickly by giving them initial legal advice when they first contacted the service. While this approach may not suit clients who need complex support before they can safely discuss detailed legal issues, the results of the pilot were positive. *knowmore* expects that it will use this approach more widely across its service.

knowmore continued to deliver services during COVID-19, but face-to-face consultations were limited to exceptional cases. Travel restrictions also affected travel to regional and remote areas.

knowmore is funded to provide legal advisory services under a grant from the Attorney-General's Department that goes until 30 June 2021.

The Attorney-General's Department is working with the Department of Social Services to work out a grants process for funding a legal advisory service from 1 July 2021.

Between 1 July 2018 and 30 September 2020, *knowmore* received 36,844 calls to its 1800 number, and helped 7,131 clients. You can find regular statistics about *knowmore*⁵ on its website.

Throughout 2020, the Department of Social Services provided extra funding of \$1,662,500 to *knowmore* to support capacity building for Redress Support Services including providing duty lawyer help.

5 <https://knowmore.org.au/resources/service-snapshot>

knowmore

National Redress Scheme

1 July 2018 – 30 September 2020

Total calls and clients



36,844

Total 1800 calls
nationally



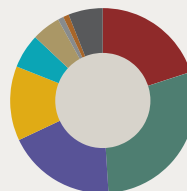
7,131

clients (intake
completed)

72%

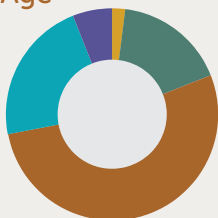
new clients
since the Royal
Commission

Clients came from



NSW	20%
QLD	29%
VIC	19%
WA	13%
SA	6%
TAS	5%
ACT	1%
NT	1%
International/Other	6%

Age



0-25	2%
26-45	17%
46-65	53%
66+	22%
unknown	6%

Our clients



23%
priority clients



28%
identify as
Aboriginal and/
or Torres Strait
Islander



39%
identified
as female



61%
identified
as male

Brisbane
Level 20, 144 Edward Street
Brisbane QLD 4000
t 07 3218 4500

Melbourne
Level 15, 607 Bourke Street
Melbourne VIC 3000
t 03 8663 7400

Sydney
Level 7, 26 College Street
Sydney NSW 2000
t 02 8267 7400

Perth
Level 5, 5 Mill Street
Perth WA 6000
t 08 6117 7244

knowmore free legal help
for survivors

1800 605 762 | knowmore.org.au

* Notes re Priority Clients

Clients are allocated priority where they are of advanced age, and/or have identified immediate and serious health concerns such as a diagnosis of terminal cancer or other life-threatening illnesses.

Image inspired by original artwork by Dean Bell depicting knowmore's connection to the towns, cities, missions and settlements within Australia.

knowmore Legal Service Limited | ABN 34 639 490 912 | ACN 639 490 912.
knowmore is funded by the Commonwealth Government, represented by the Attorney-General's Department and the Department of Social Services, and receives additional funding from the Financial Counselling Foundation.

knowmore acknowledges the Traditional Owners of the lands across Australia upon which we live and work. We pay our deep respects to Elders past, present and emerging.

Support for members of the Stolen Generations

Some Aboriginal and Torres Strait Islander peoples were members of the Stolen Generations and experienced child sexual abuse in an institution. They were placed into care after being removed from their families by force. The Royal Commission recommended that the Australian Government fund healing approaches for Aboriginal and Torres Strait Islander victims and survivors of child sexual abuse.

Relevant recommendations:

Final Report: 9.2

Through the Indigenous Advancement Strategy, the Australian Government funds a range of supports to members of the Stolen Generations and their families. This includes providing social and emotional wellbeing support services, such as counselling and Link Up family reunions.

Over **\$51 million** committed



to over **100 organisations**
for social and wellbeing services that help
Aboriginal and Torres Strait Islander peoples

In 2019–20, the Australian Government gave over \$51 million to more than 100 organisations that provide a range of support services that help improve Aboriginal and Torres Strait Islander peoples' social and emotional wellbeing, including members of the Stolen Generations and their families. The funding included \$6.6 million to the Healing Foundation in 2019–20, which is part of the Indigenous Advancement Strategy. These services help strengthen connections to family and community, and tackle grief and trauma through counselling and other healing activities.

The services the Australian Government is funding include:

- the Aboriginal and Torres Strait Islander Healing Foundation
- Link Up family tracing and reunion services
- 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.

As part of the Australian Government response to COVID-19, it gave extra funding to keep essential services going for Aboriginal and Torres Strait Islander peoples, communities and businesses. Through this funding package, the Aboriginal and Torres Strait Islander Healing Foundation received an extra \$290,000 during the first half of 2020. This was to provide practical resources and support to boost community resilience and help services to meet the needs of Stolen Generation members and their families during COVID-19. Under this package, around 50 providers funded by the Indigenous Advancement Strategy received extra funding for social and emotional wellbeing and alcohol and other drugs services. This meant they could keep delivering their services in different ways, such as tele-health, or to meet increased demand.

Many of the organisations that the National Indigenous Australian Agency funded had to limit, suspend or deliver their services in a different way during the lockdown periods of COVID-19. All responded to the needs of the Stolen Generation members and communities they serve, with many moving their services over the phone and online. As state and territory restrictions lifted, service delivery has returned with physical distancing and extra hygiene practices in place. Reunions are still challenging because of the travel needed. Reunions will be held where possible, within travel restrictions.

Helping sexual assault services to work together

The Department of Health is continuing to develop a proposal to fund Primary Health Networks to map regional sexual assault support services. This will set up ways to refer people and will improve the way services work together. However, this work has been delayed.

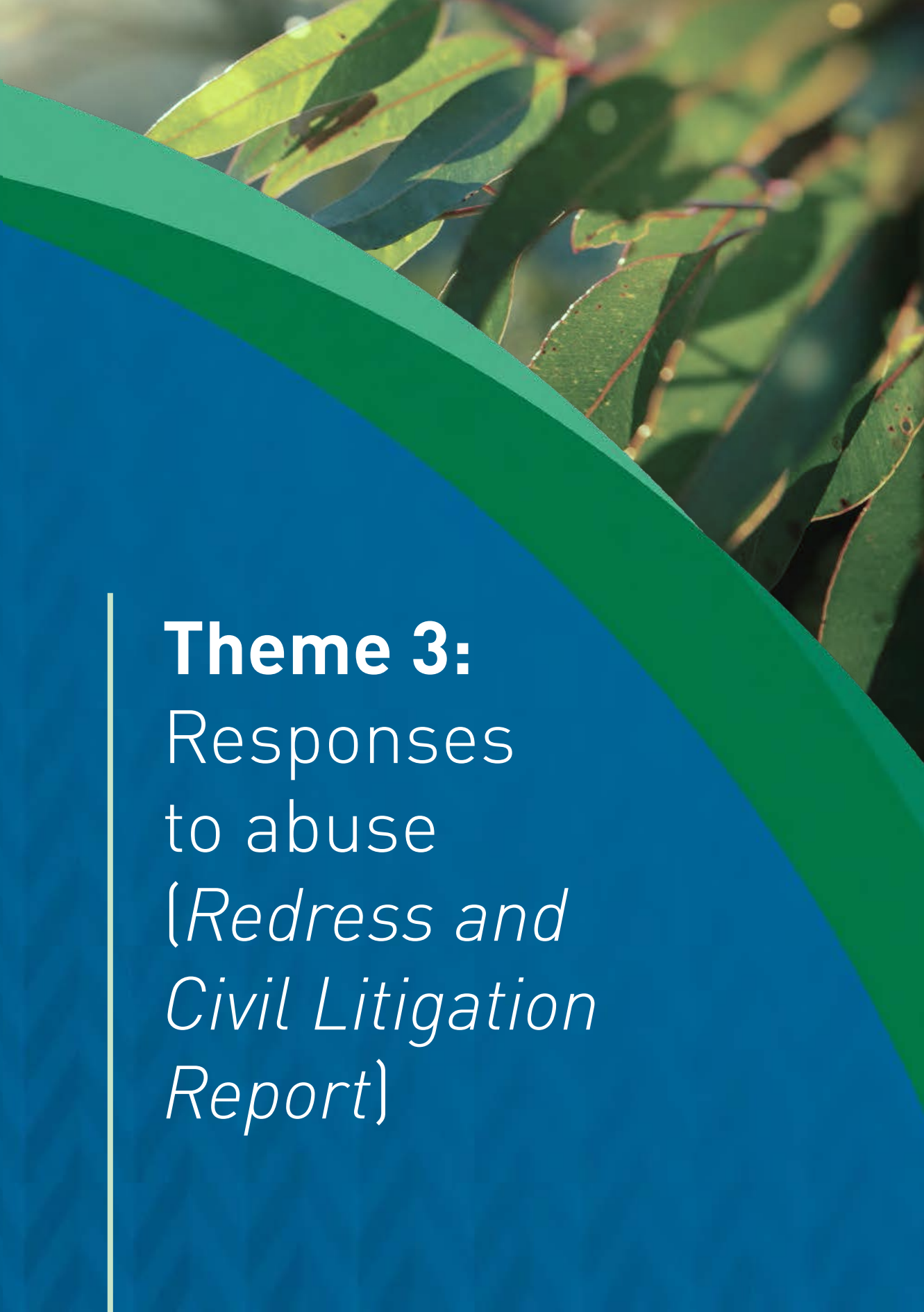
Relevant recommendations:

Final Report: 9.7

The Australian Government will continue to work closely with Primary Health Networks and the states and territories to work on programs that support coordinating services within communities. This includes thinking about whether this recommendation could form part of this work.

The Australian Government will keep engaging with key stakeholders, including state and territory governments, on this recommendation.





Theme 3:

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

Theme 3

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

Theme 3 at a glance

The *Redress and Civil Litigation Report* included 84 recommendations for the Australian Government about setting up a National Redress Scheme. The Australian Government started the National Redress Scheme for Institutional Child Sexual Abuse (the National Redress Scheme) on 1 July 2018. The National Redress Scheme will run for 10 years.

The *Redress and Civil Litigation Report* also included 15 recommendations about civil litigation (court proceedings that are not about criminal matters).

Key national achievements

September 2019	The Joint Select Committee on Implementation of the National Redress Scheme was set up on 11 September 2019. It assesses and reports on the Department of Social Services' implementation of the National Redress Scheme.
February 2020	The Australian Government responded to the Joint Select Committee on oversight of the implementation of redress related recommendations of the Royal Commission into Institutional Responses to Child Sexual Abuse's report, <i>Getting the National Redress Scheme right: An overdue step towards justice</i> . The report looked at how the Australian Government was meeting the Royal Commission's recommendations about redress for victims and survivors.
July 2020	The second anniversary review of the National Redress Scheme started. The Australian Government appointed Ms Robyn Kruk AO as the independent reviewer.
October 2020	There were 303 non-government institutions, or groups of institutions, confirmed as taking part in the National Redress Scheme. Combined with all Australian governments, this means more than 54,000 sites, including churches, schools, homes, charities and community groups across Australia had joined the National Redress Scheme by October 2020.

These initiatives complement and build on the 2018–19 achievements, which you can read about in the Australian Government's *Annual Progress Report 2018*¹ and *Annual Progress Report 2019*².

1 <https://www.childabuseroyalcommissionresponse.gov.au/annual-progress-reporting/australian-government-reports/2018-annual-progress-report>

2 <https://www.childabuseroyalcommissionresponse.gov.au/annual-progress-reporting/australian-government-reports/2019-annual-progress-report>

Australian Government progress

The National Redress Scheme for Institutional Child Sexual Abuse

The Australian Government set up the National Redress Scheme³ in response to the Royal Commission's 84 recommendations in the *Redress and Civil Litigation Report*. The National Redress Scheme is for victims and survivors of institutional child sexual abuse. It recognises that many children were sexually abused in Australian institutions. The National Redress Scheme holds these institutions accountable and helps people who have experienced abuse to access redress.

Relevant recommendations:

Redress and Civil Litigation Report:
1 to 84

The National Redress Scheme started on 1 July 2018 and will run for 10 years. People can apply any time before 30 June 2027.

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:

- a payment of money
- access to counselling and psychological services
- a direct personal response from each institution responsible for the abuse – for people who want it.

The redress 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 considers not only the child sexual abuse that happened, but also the effects of any related non-sexual abuse. It also looks at how vulnerable the person was at the time of the abuse. The maximum redress payment a person can receive is \$150,000.

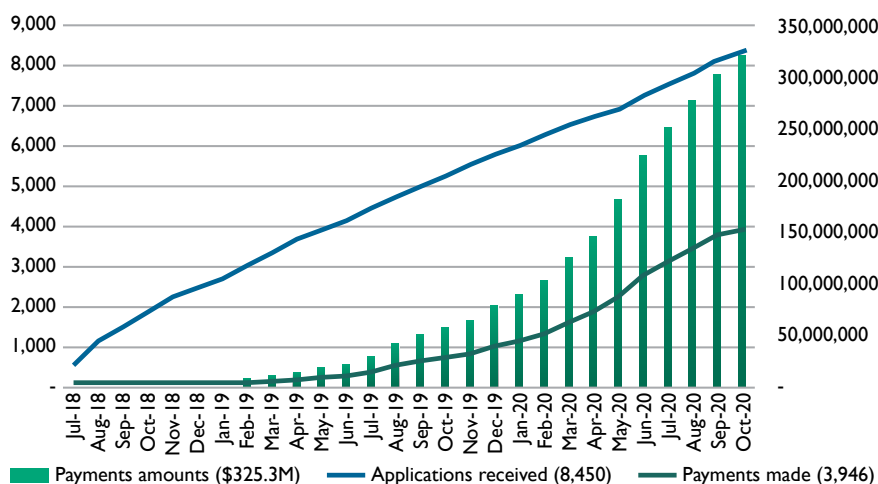
3 <https://www.nationalredress.gov.au>

The counselling and psychological services the National Redress Scheme offers 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. People in South Australia, Western Australia or overseas are offered a direct payment to access services where they live.

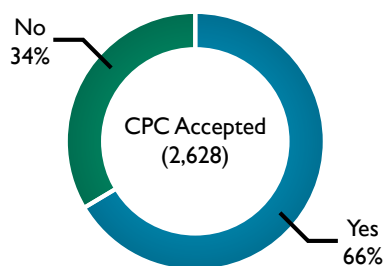
A direct personal response is a chance for people to have their experience of abuse and its effects recognised by the responsible institutions in a way that is meaningful to them. The person who has experienced abuse decides if, how and when a direct personal response will happen. A direct personal response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

In 2019–20, 1,345 people said that they wanted to take part in a direct personal response with the institution responsible for their abuse. There were 101 direct personal responses completed. However, this figure does not include direct personal responses that are being organised or have been requested. Survivors contact the responsible institution only if and when they are ready.

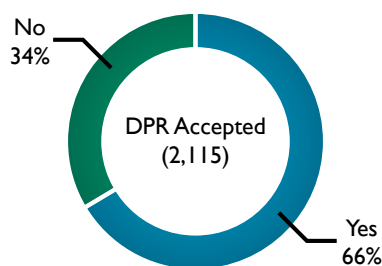
Applications received and payments made



Counselling and Psychological Care (CPC)



Direct Personal Response (DPR)



Results and achievements

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

There are 303 non-government institutions, or groups of institutions, now also taking part in the National Redress Scheme. Combined with all Australian governments, this means more than 54,000 sites, including churches, schools, homes, charities and community groups across Australia are now taking part.

The high number of institutions now taking part in the National Redress Scheme has reduced the number of applications on hold from 53 per cent in November 2018 to 13.2 per cent in October 2020.

The Minister for Families and Social Services, the Hon Anne Ruston MP, has extended the deadline for institutions to join the National Redress Scheme until 31 December 2020. This will mean a higher number of institutions will be able to take part. In July 2020, the Minister also publicly named institutions that had failed to say that they were going to take part in the National Redress Scheme. This was part of a strategy to encourage institutions to join more quickly. The Minister will publicly name more institutions if they do not join by the deadline. The Ministers' Redress Scheme Governance Board also agreed that institutions that failed to meet their moral obligation to join the National Redress Scheme may face financial consequences. The Australian Government has announced that these institutions will not be eligible for future grant funding. It is also looking into revoking special tax treatment for these institutions, including removing their charitable status.

The National Redress Scheme continues to focus on institutions named in applications, or by the Royal Commission, encouraging them to join the National Redress Scheme. Institutions that made a commitment to join the National Redress Scheme before 30 June 2020 have until 31 December 2020 to fully join up. Institutions that have been named in applications after 30 June 2020, have six months from the date the Department of Social Services formally contacts them to join the National Redress Scheme.

The Australian Government has improved the National Redress Scheme's application process by:

- increasing the number of Independent Decision Makers to 61 to go through the backlog of applications
- improving processes
- improving quality assurance practices.

The increase in Independent Decision Makers meant there were 3,195 decisions made in 2019–20, compared with 346 decisions made in 2018–19. A further 1,263 decisions have been made in 2020–21 to 23 October 2020.

The Australian Government is working on offering extra support services, including to people in remote areas, to help them apply for the National Redress Scheme.

Further work being done

The second anniversary review of the National Redress Scheme started in July 2020. The Australian Government appointed Ms Robyn Kruk AO as the independent reviewer. The review's terms of reference are included in Section 192 of the *National Redress Scheme for Institutional Child Sexual Abuse Act 2018* (Cth). The Minister's Board has provided recommendations from both Joint Select Committees to the second anniversary review. The review's final report will go to the Minister for Families and Social Services in February 2021.

The Department of Social Services published the *National Redress Scheme Annual Report 2019–20* as part of its Annual Report in October 2020. It is available to the public on the Department of Social Services website.

The Australian Government released its response to the Joint Select Committee on oversight of the implementation of redress related recommendations of the Royal Commission into Institutional Responses to Child Sexual Abuse's report, *Getting the National Redress Scheme right: An overdue step towards justice*, on 18 February 2020. The report looked at the Australian Government's implementation of the redress related recommendations of the Royal Commission. Of the report's 29 recommendations the Australian Government agreed to 11, supported three in principle and noted a further 15. It did not reject any recommendations.

The Joint Select Committee on Implementation of the National Redress Scheme (the Committee) was set up on 11 September 2019. The Committee released its report, *First Interim Report of the Joint Select Committee on Implementation of the National Redress Scheme*⁴ on 1 May 2020. The report made 14 recommendations across a range of issues. The Australian Government response to the report is expected to be tabled in Parliament soon and will be available on the Department of Social Services website.

4 https://www.aph.gov.au/Parliamentary_Business/Committees/Joint/National_Redress_Scheme

Statistics on the National Redress Scheme

As of 23 October 2020:

3,984 applications were finalised, including **3,946** payments totalling around **\$325.3 million**. **2,980** of these payments have been made since 1 January 2020.

In the first year, a total of **239** payments were made at a value of over **\$19.7 million**.

4,330 offers have been made, compared to 311 offers in 2018–19.

4,804 decisions have been made, compared to 346 decisions in 2018–19.

Limitation periods

In its *Final Report*, the Royal Commission made recommendations to state and territory governments about removing statutory limitation periods.

Relevant recommendations:

Redress and Civil Litigation Report:
85, 86, 87 and 88

On 4 May 2016, while states and territories were acting on these recommendations, the then Attorney-General, the Hon George Brandis QC, issued the *Legal Services Direction – Time-barred child abuse claims* (the Direction).

In claims for past child sexual abuse in an institution, the Direction gave Australian Government agencies approval not to rely on a limitation period defence and not to oppose an application for an extension of time. It also directed agencies not to do so.

States and territories have now changed their laws on limitations to respond to the Royal Commission's recommendations. As a result, the Direction is no longer needed and expired in April 2019.

Improving redress processes for survivors who experienced child sexual abuse in the Australian Defence Force

Case study

The Department of Defence (Defence) is committed to providing trauma-informed restorative justice and redress in a way that focuses on the needs of survivors. (We explain what restorative justice means below.) Defence redress for those who have experienced abuse, including sexual abuse, by members of the Australian Defence Force, include supported conversations (known as direct personal responses), counselling and financial payments.

From September 2019 to September 2020, Defence has received 293 Requests for Information from the National Redress Scheme and provided responses to 274 requests to assist the National Redress Scheme in making decisions. Of the 124 Defence redress payment offers, 109 have been accepted and finalised under the National Redress Scheme. This amounts to \$7.566 million in payments. During this period, Defence has completed another five direct personal responses under the National Redress Scheme Direct Personal Response framework. Defence, through the Defence Response Unit, is ready for contact from another 65 survivors who have indicated that they want a direct personal response.

The box below explains the legal meaning of restorative justice:

Restorative justice is a process by which an individual who has experienced abuse within an organisation or institution is able to engage with that organisation or institution to outline their personal account of the harm, its impact, and the ongoing effects.

Defence progress in response to the National Redress Scheme

Defence supports survivors of historical abuse by members of the Australian Defence Force through the National Redress Scheme, the Defence Reparation Scheme, and through specialised legal dispute resolution. Through the different supported conversations with survivors and victims, these schemes add to awareness about the real-life impacts of abuse and support positive cultural change. Importantly, the direct personal responses through the National Redress Scheme enable senior Defence leaders to recognise and take responsibility for the pain and suffering survivors have experienced.

The Defence systems supporting the National Redress Scheme aim to be best-practice and are constantly improving the way reports are received, researched and responded to, as well as how they engage with survivors. The staff in the Defence Response Unit, in the Australian Defence Force Headquarters, are experienced military and civilian staff who have been specifically trained for this role. The senior Defence leaders who take part in direct personal responses are also carefully selected and trained to support the National Redress Scheme.

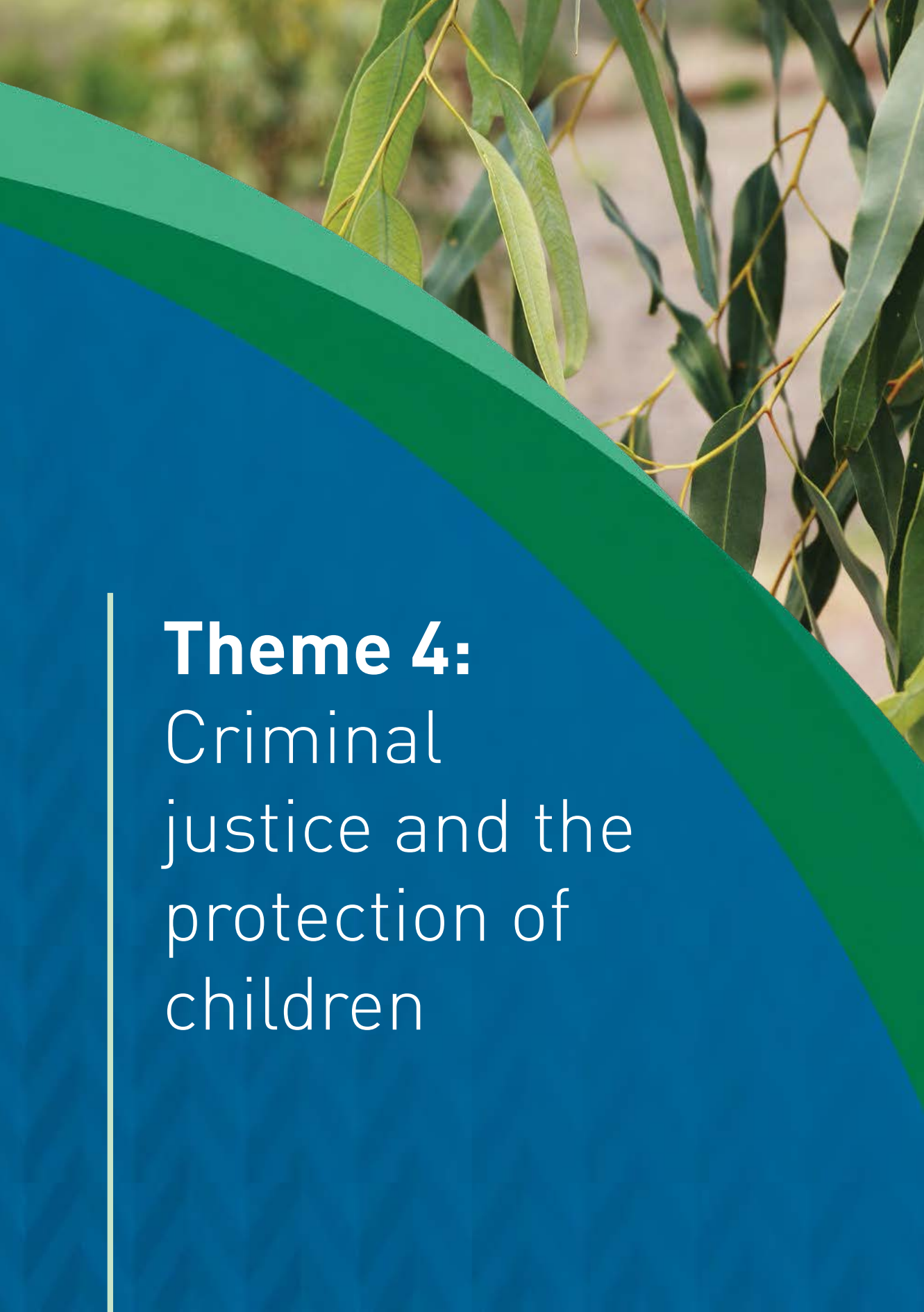
The Defence Direct Personal Response process focuses on the survivor, which helps the case manager to develop a rapport with the survivor. This process is collaborative and tries to support a positive outcome for the survivor. The goal is that by the end of the process the survivor has reached a point where they can move their lives forward.

Improving information sharing and data transfer gaps within Defence

The Defence Response Unit information management and sharing processes have evolved since the National Redress Scheme was implemented in 2018. Health records, military police records and personnel records are available through data-sharing arrangements with relevant privacy and confidentiality guidelines in place. Business rules and liaison officers have also improved case management processing timelines.

Improving awareness and introduction of tailored briefing programs

Defence continues to update and add new programs and strategies to tackle issues the Royal Commission identified. Defence is developing 'lessons learned' packages on past serious abuse to provide briefings to Australian Defence Force leadership courses and training programs. This supports cultural change within Defence and makes sure the stories of survivors make a difference for the future.



Theme 4:

Criminal justice and the protection of children

Theme 4

Criminal justice and the protection of children

Theme 4 at a glance

The Royal Commission made recommendations to better protect children from child sexual abuse. These included recommendations to:

- strengthen protections under state and territory Working with Children Checks (*Working with Children Checks Report*)
- improve police responses and introduce laws to change particular child sexual abuse offences to make them more effective (*Criminal Justice Report*).

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

November 2019	Tasmania successfully integrated their local Working with Children Checks systems with the National Reference System joining Western Australia and helping to strengthen Working with Children Checks processes.
December 2019	The Minister for Home Affairs publicly announced the release of the completed National Standards for Working with Children Checks (the National Standards). The National Standards respond to 28 of the Royal Commission's recommendations in the <i>Working with Children Checks Report</i> .
Throughout 2020	A number of states and territories continued to introduce law reforms to: • change mandatory reporting laws • change reportable conduct schemes • create new failure to report and protect offences • make tendency and coincidence evidence reforms.
March 2020	New offences for failing to protect children from, and failing to report, child sexual abuse came into effect for certain Commonwealth officers under the <i>Combating Child Sexual Exploitation Legislation Amendment Act 2019</i> (Cth).
June 2020	Both Houses of the Australian Parliament passed the <i>Crimes Legislation Amendment (Sexual Crimes Against Children and Community Protection Measures) Act 2020</i> (Cth) (the Act) on 16 June 2020, which received Royal Assent on 22 June 2020. The Act introduced new offences, including third party grooming offences and increased maximum penalties. It also introduced mandatory minimum sentences for the most serious Commonwealth child sex offences and repeat offenders. This better protects the community from child sex offenders.

These initiatives complement and build on the 2018–19 achievements, which you can read about in the Australian Government's *Annual Progress Report 2018*¹ and *Annual Progress Report 2019*².

1 <https://www.childabuseroyalcommissionresponse.gov.au/annual-progress-reporting/australian-government-reports/2018-annual-progress-report>

2 <https://www.childabuseroyalcommissionresponse.gov.au/annual-progress-reporting/australian-government-reports/2019-annual-progress-report>

National collaboration

Working with Children Checks

The National Reference System

In December 2017, the Australian Government agreed to fund the development of a centralised database for Working with Children Checks. The Working with Children Checks National Reference System

(the National Reference System) sits within the Australian Criminal Intelligence Commission. The National Reference System will make sure that the national criminal history records of people who are refused a Working with Children Check are continuously monitored. It also means that information can be shared across Australia. The system will allow the states and territories to record, maintain and share key negative decisions. The National Reference System will tell the state and territory screening agencies if applicants are refused Working with Children Checks in another state or territory. This means their Working with Children Checks processes will be stronger.

Relevant recommendations:

*Working with Children Checks
Report: 3a*

The Australian Criminal Intelligence Commission developed the National Reference System and made it available to the states and territories from July 2019. The National Reference System project is currently in its final phase, Phase 4. This phase is focused on integrating the National Reference System with all states and territories. Western Australia and Tasmania have successfully integrated their local systems with the National Reference System so far.

The National Reference System project will continue to work with the remaining states and territories to integrate their local systems. This work will depend on the remaining states and territories' timeframes for their changes to be made to their laws to support the integration. The National Reference System should be fully operational, with all the final states and territories integrated into the system, by the end of September 2021.

The National Standards

Relevant recommendations:

Working with Children Checks
Report: 1, 5 to 29, 32, 33 and 34

On 13 December 2019, the Minister for Home Affairs publicly announced the release of the completed National Standards for Working with Children Checks (the National Standards). The National Standards respond to 28 of the Royal Commission's

recommendations in the *Working with Children Checks Report*. They represent work by all jurisdictions between 2017–19 to set nationally consistent benchmarks for screening people who want to work with children.

Each state and territory is responsible for assessing and, if needed, changing their legal frameworks, to be consistent with the National Standards. They have been progressing work on this in 2020 with support as needed from the Australian Government.

All states and territories continue to meet through the Department of Home Affairs-led Interjurisdictional Working with Children Checks Working Group on implementing the National Standards. The Working Group's priorities in 2021 will include delivering on National Standard 17 which states that jurisdictions will identify specific criminal offences that disqualify a person from holding, or being issued, a Working with Children Check in any state or territory. This includes offences such as murder, child sex offences and the serious assault of a child. Relevant offences will form an addendum to the National Standards. This work, as well as engaging on relevant policy and legislation, will go ahead throughout 2021 following delays due to COVID-19.

Department of Foreign Affairs and Trade's Child Protection Policy

Case study

The Department of Foreign Affairs and Trade and its portfolio partners have completed risk assessments to check their level of responsibility for children and young people. They have also evaluated the level of risk of potential harm or abuse. The Department of Foreign Affairs and Trade has assessed positions in Australia and at overseas posts for contact with children. If the role involves contact with children, the Department of Foreign Affairs and Trade applies extra child safe measures including Working with Vulnerable People Checks.

For Department of Foreign Affairs and Trade funded partners who have contact with, or who work with children, the Department of Foreign Affairs and Trade Child Protection Policy states that they and their staff must meet strict child protection standards. This includes child safe recruitment practices and background checks for staff.

As part of a regular review process, the Department of Foreign Affairs and Trade is doing an independent review of its Child Protection Policy in 2020 and will ensure Working with Children Check conditions are clearly explained in the updated policy.

Examples from the states and territories

Australian Capital Territory

The Australian Capital Territory completed all joint recommendations for the *Working with Children Checks Report* following legislative changes passed in the Australian Capital Territory Legislative Assembly in July 2020, making note of the ongoing national work to implement the National Standards.

In late 2019, the Australian Capital Territory with all other states and territories agreed to the National Standards, which set nationally consistent standards for screening people who want to take part in child-related work. The *Working with Vulnerable People (Background Checking) Act 2011* (the Act) aims to reduce the risk of harm or neglect to vulnerable people in the Australian Capital Territory and puts the National Standards in practice.

In 2019, changes were made to the Act that:

- enabled the background screening of workers for National Disability Insurance Scheme (NDIS) purposes
- introduced disqualifying offences for NDIS workers
- supported information sharing across jurisdictions.

In 2020, further changes were made to the Act that:

- built on the changes made in 2019 by extending the application of disqualifying offences for NDIS workers to people planning to engage in regulated activities involving children
- refined how offences are classified to meet with the NDIS worker screening framework and be consistent nationally
- established a process for assessing kinship carers so that they are not automatically excluded from working with children or an NDIS activity
- resolved any unintended consequences of related provisions
- put into practice the National Standards and implement outstanding recommendations related to working with children.

The Australian Capital Territory will continue to work with all jurisdictions as part of the Interjurisdictional Working with Children Checks Working Group to progress work. This includes developing and implementing the National Reference System to support continuous monitoring and sharing information across jurisdictions.

Queensland

Queensland's current system mostly meets the agreed National Standards. Queensland has recently launched a new streamlined online application service and is now processing most applications electronically (Standards 24 and 25). Of the applications processed electronically, they are processing most of those well within the agreed standard of five working days for applications where no risk assessment is needed (Standard 26).

In August 2020, Queensland commenced laws to restrict applicants from working with children before the outcome of their application is reached, which exceeds National Standard 8.

Queensland takes part in the Interjurisdictional Working with Children Checks Working Group and continues to work to integrate with the National Reference System.



Law reforms

Developing reforms to evidence law

In December 2017, the Council of Attorneys-General agreed to create a New South Wales-led Working Group to develop proposals in response to the Royal Commission's recommendations to reform the test for admissibility of tendency and coincidence evidence in child sexual offence criminal proceedings under the Uniform Evidence Law. We explain what these terms mean on page 121.

Relevant recommendations:

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

Both Uniform Evidence Law jurisdictions (Commonwealth, Australian Capital Territory, New South Wales, Northern Territory, Tasmania and Victoria) and non-Uniform Evidence Law jurisdictions participated in the development of reforms, in consultation with legal and academic stakeholders.

Comprehensive reform proposals were developed by the Working Group and were agreed by Uniform Evidence Law Council of Attorneys-General members in June 2019. In November 2019, a model bill drafted by the Australian Parliamentary Counsel's Committee was agreed to by the Council of Attorneys-General. The model bill set out amendments to the Uniform Evidence Law, proposing to:

- introduce a rebuttable presumption provision that certain tendency evidence relating to child sexual abuse is presumed to have significant probative value in relevant criminal proceedings (the first part of the test requires evidence to have significant probative value)
- introduce legislative guidance about the probative value of that type of tendency evidence
- amend the second part of the test to provide that tendency or coincidence evidence is inadmissible unless its probative value outweighs the danger of unfair prejudice to the defendant (noting that the current test requires the evidence to 'substantially outweigh' any prejudicial effect it may have on the defendant).

The model bill also includes the following supplementary amendments to:

- exclude consideration of the possibility that evidence has been made up or that there has been collusion or contamination when applying either part of the admissibility test for tendency or coincidence evidence

- ensure that coincidence evidence can cover circumstances where there are similarities in the accounts of multiple witnesses that make it improbable that they are lying – ‘improbability of similar lies’ evidence
- exclude applying any principle or rule of the common law or equity that stops or restricts evidence about propensity or similar fact evidence being admitted on the basis of its inherent unfairness or unreliability when considering the admissibility of tendency and coincidence evidence about a defendant in criminal proceedings.

The Attorney-General’s Department has started working on these reforms in line with the *Evidence Act 1995* (Cth). These amendments should be introduced to Parliament in the Spring 2020 or Autumn 2021 sitting.

The Attorney-General’s Department will continue to progress changes to laws where needed to make sure the tendency and coincidence evidence reforms are effective.

The box below explains the legal meaning of tendency and coincidence evidence and of the terms model bill and rebuttable presumption:

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.

A rebuttable presumption is an assumption the court makes that is taken to be true unless evidence is provided that proves otherwise.

Examples from the states and territories

New South Wales

New South Wales was the first jurisdiction to implement the model bill agreed to by the Council of Attorneys-General for Uniform Evidence Law jurisdictions. The Evidence Amendment (Tendency and Coincidence) Bill 2020 (the Bill), which amended the *Evidence Act 1995* (NSW) in line with the model bill, was introduced in New South Wales Parliament on 25 February 2020. The Bill was passed on 3 June 2020, with the *Evidence Amendment (Tendency and Coincidence) Act 2020* commencing on 1 July 2020.

Part 6 of Schedule 2 of the *Evidence Act 1995* (NSW) states that the Attorney-General will review the new tendency and coincidence provisions as soon as possible after 1 June 2022. This review will look at how these provisions work, as well as whether they should be expanded to apply to sexual offences more broadly.

Amendments to the *Criminal Procedure Act 1986* (NSW) have been made to authorise two extra supplementary reforms that the Council of Attorneys-General agreed to:

- introducing a presumption in favour of joint trials where a defendant has been accused of multiple offences, and where the prosecution is seeking to lead tendency or coincidence evidence
- clarifying that a jury should not be directed as to the standard of proof required for tendency and coincidence evidence.

These amendments were included in the *Stronger Communities Legislation Amendment (Miscellaneous) Act 2020*, which passed New South Wales Parliament on 20 October 2020.

The reforms that the Council of Attorneys-General Working Group developed will mean more evidence about an accused person's previous sexual conduct towards children, or their sexual interest in children, can be considered by a jury in child sexual assault proceedings. The amendments have removed a substantial barrier that the Royal Commission identified, which was stopping child sex offenders from being held to account for their criminal actions.

Queensland

Queensland is not a Uniform Evidence Law jurisdiction. However, between 22 August 2019 and 20 September 2019 the Queensland Government consulted publicly on draft legislation which included amendments in relation to the admissibility of propensity and similar fact evidence.

Consultation on these provisions showed very different views and highlighted the significant and complex nature of these reforms and the need for further consultation with key stakeholders on options for implementing the intention of the Royal Commission's recommendations in Queensland. As such, amendments to propensity and similar fact evidence in Queensland have not yet been progressed.



Confessional privilege and reporting of child abuse

In June 2019, the Council of Attorneys-General set up a Working Group, led by New South Wales. The Working Group looked at the Royal Commission's recommendations to stop people who are required to report child abuse relying on confessional privilege, to inform a nationally consistent approach.

Relevant recommendations:

Final Report: 7.3, 7.4 and 7.12

Criminal Justice Report: 33, 35 and 36

In September 2019, the Working Group reported back to the Council of Attorneys-General. All participants agreed to consider applying these principles in their laws:

- Principle A – Jurisdictions should, where required, change their child protection laws and criminal laws to make clear that a person who must report beliefs, suspicions or knowledge of risks to child safety, or of child abuse, cannot rely on confessional privilege as a way to refuse to make, or to avoid making, a report.

- Principle B – Jurisdictions should, where required, change their evidence laws to place beyond doubt that confessional privilege cannot be used by a person:
 - o as a way to refuse or fail to comply with an obligation under child protection laws or avoid criminal prosecution for failing to report child abuse or failing to protect a child from child abuse or a substantial risk of child abuse
 - o in any proceedings (civil or criminal) for failing to follow any reporting obligation laws.
- Principle C – Jurisdictions should, where required, change their evidence laws to place beyond doubt that confessional privilege cannot be used by a person in any civil or criminal proceedings against a third party about risk to child safety or for child abuse, if the person had a legal obligation to report a belief, suspicion or knowledge of the risk posed by or abuse committed by the third party.

The Department of Home Affairs has policy responsibility, at the Federal level, for criminal laws relating to child sexual abuse. The *Combatting Child Sexual Exploitation Legislation Amendment Act 2019* (Cth) introduced new failure to report and failure to protect from child sexual abuse offences under the *Criminal Code Act 1995* (Cth), which apply to certain Commonwealth officers.

The Attorney-General's Department is continuing to work with Home Affairs and state and territory agencies to decide if any further amendments need to be made to the *Evidence Act 1995* (Cth) to implement Principles B and C.

Jurisdictions will continue to consider the confessional privilege and child abuse reporting principles agreed to at the Council of Attorneys-General.



Australian Government progress

Making child abuse protections stronger

Criminal Justice laws and reforms

The Australian Government has implemented important reforms to safeguard children from sexual abuse in Australia, online and overseas. It has done this through the *Combatting Child Sexual Exploitation Legislation Amendment Act 2019* and the *Crimes Legislation Amendment (Sexual Crimes Against Children and Community*

Protection Measures) Act 2020. Measures in these Acts respond to recommendations in the Royal Commission's *Criminal Justice Report*.

Relevant recommendations:

Final Report: 7.5

Criminal Justice Report: 1, 21, 22, 23, 24, 25, 26, 27, 28, 29, 33, 34b, 35, 36, 74, 75, 76 and 85

The Acts work alongside a range of other reforms the Australian Government has introduced in recent years. These other reforms criminalise new types of child sexual abuse and further protect the community, including:

- the *Passports Legislation Amendment (Overseas Travel by Child Sex Offenders) Act 2017* (Cth), which stops registered child sex offenders from travelling overseas to abuse children
- Carly's Law in the *Criminal Code Amendment (Protecting Minors Online) Act 2017* (Cth), which targets online offenders who use the internet to prepare or plan to sexually abuse children.

Combatting Child Sexual Exploitation Legislation Amendment Act 2019

The *Combatting Child Sexual Exploitation Legislation Amendment Act 2019* (Cth) (Combatting Child Sexual Exploitation Act) came into force on 21 September 2019. It strengthens the Commonwealth's offences for child sexual abuse.

The Combatting Child Sexual Exploitation Act created new offences that apply to Australian Government officials with responsibilities for children who fail to report a child sexual abuse offence or fail to protect a child at risk of such abuse.

These new child protection offences commenced on 20 March 2020. Home Affairs has developed guidance to help Australian officers understand their obligations under the new provisions, as well as protections for meeting those obligations. Home Affairs is also developing guidance for overseas-based Home Affairs' officials on how the failure to report and failure to protect offences would apply.

The Combatting Child Sexual Exploitation Act also introduced new offences for possessing a child-like sex doll and for possessing or controlling ‘child abuse material’ in the form of data held in a computer or on a data storage device. It also strengthened existing offences for the persistent sexual abuse of a child overseas.

The Crimes Legislation Amendment (Sexual Crimes Against Children and Community Protection Measures) Act 2020

On 16 June 2020, the *Crimes Legislation Amendment (Sexual Crimes Against Children and Community Protection Measures) Act 2020* (the Act) passed both Houses of Parliament. The Act targets all parts of the criminal justice cycle for child sex offenders – from bail and sentencing through to supervision after prison time. This includes:

- a preference against bail for offenders who commit the most serious child sex offences and repeat offenders
- increased maximum penalties, including up to life imprisonment, to better show the seriousness of the offending and the harm inflicted on victims of child sexual abuse
- a preference for cumulative sentences to make sure that the overall sentence given to a child sex offender reflects the seriousness of each offence against a child, especially where there have been multiple victims and/or many offences over a period of time
- mandatory minimum sentences, which will apply to the most serious offences and repeat child sex offenders over 18 years of age, as well as a preference for imprisonment
- a requirement that the court consider whether an offender’s standing in the community was used to help them offend and if so, to consider this as a reason for increasing the seriousness of the criminal behaviour
- new offences to more comprehensively criminalise child sexual abuse, including to target the changing uses of technology by offenders and the online grooming of a third party, such as a parent or carer, to make it easier to procure a child for sexual activity
- supervision requirements to make sure child sex offenders go through treatment and rehabilitation programs in prison and are supervised when released in the community.

There are also two measures in the Act aimed at reducing the impact on survivors and victims of child sexual abuse during the criminal justice process. Specifically, the vulnerable witness protection measures in the *Crimes Act 1914* (Cth) have been amended to:

- remove the need for the court to grant leave to use pre-recorded interviews in proceedings started on or after 23 June 2020
- prevent children and other vulnerable witnesses from being cross-examined at a committal proceeding started on or after 19 July 2020. This is in order to spare vulnerable witnesses an extra risk of re-traumatisation.

The Act has already helped to improve community protection and safety. For example, when a federal offender who is on parole has broken a condition of their parole, the Attorney-General may now cancel the offender's parole without notice. They can do this if it is necessary to make sure the community or another person is safe and protected. This means that, instead of having to give the offender written notice of their alleged breach of parole and 14 days to respond to that before anything is done, the offender will be taken into custody. Once in custody they can respond to the notice, without the risk of harm to the community or any person. This requirement has already been used in several cases.

The Attorney-General will set up a review of Australian sentencing practices for child sex offences based on the first three years the Act has been operating. The review will analyse sentencing outcomes for child sex offences over the three-year period. The report of the review will inform any further changes needed to laws to protect the community and make sure that convicted child sex offenders serve time in prison in line with how serious their offending is.

An overview of the changes to the *Crimes Act 1914* and the *Criminal Code Act 1995* made by the Act is available on the Attorney-General's Department website³.

Providing support to victims, survivors and witnesses of crime

Training and practice for prosecutors of the Commonwealth Director of Public Prosecutions

In June 2020, the National Witness Assistance Service Manager delivered a training session to over 100 prosecutors of the Commonwealth Director of Public Prosecutions about victim impact

statements and reparation orders for victims of crime. This followed training in late 2019 to 124 prosecutors on plea negotiations and victims of crime. In November 2019, the Witness Assistance Service delivered a presentation on policy obligations to victims of crime at the induction program organised for new prosecutors of the Commonwealth Director of Public Prosecutions. Training in relation to victims of crime has now been integrated into the Commonwealth Director of Public Prosecutions new lawyer induction program.

Relevant recommendations:

Criminal Justice Report: 37a

3 <http://www.ag.gov.au/crime/publications/new-federal-offender-laws-july-2020>

During 2020, the Witness Assistance Service delivered numerous training sessions to Commonwealth Director of Public Prosecutions administration staff that aimed to:

- raise awareness and knowledge about the Commonwealth Director of Public Prosecutions' obligations towards victims of crime
- promote a high quality, nationally consistent approach to the Commonwealth Director of Public Prosecutions' work with victims of crime
- promote effective working relationships.

Independent audit

In late 2019, the Commonwealth Director of Public Prosecutions appointed KPMG to run an independent audit. The audit looked at the Commonwealth Director of Public Prosecutions' response to the recommendations from the Royal Commission and worked out the status of each recommendation. The audit also assessed the Commonwealth Director of Public Prosecutions' compliance with the Victims of Crime Policy in line with recommendations that the Royal Commission made. It also assessed how effective Commonwealth Director of Public Prosecutions policies and procedures are as they relate to the Victims of Crime Policy.

Relevant recommendations:

Criminal Justice Report: 42

KPMG finished the audit in 2020. Overall, the audit did not find any areas of non-compliance with the Victims of Crime Policy. It made a number of business improvement recommendations and has been accepted by the Commonwealth Director of Public Prosecutions. The Commonwealth Director of Public Prosecutions will finish implementing these improvements by the end of 2020.

Recommendation 42 from the *Criminal Justice Report* states:

"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."

The Commonwealth Director of Public Prosecutions has accepted there is a requirement to regularly review policies and procedures and will be conducting annual reviews.

Supporting survivors, witnesses and carers throughout the prosecution process

A link to the Feedback and Complaints page on the Commonwealth Director of Public Prosecutions external website has now been added to the Commonwealth Director of Public Prosecutions victims and

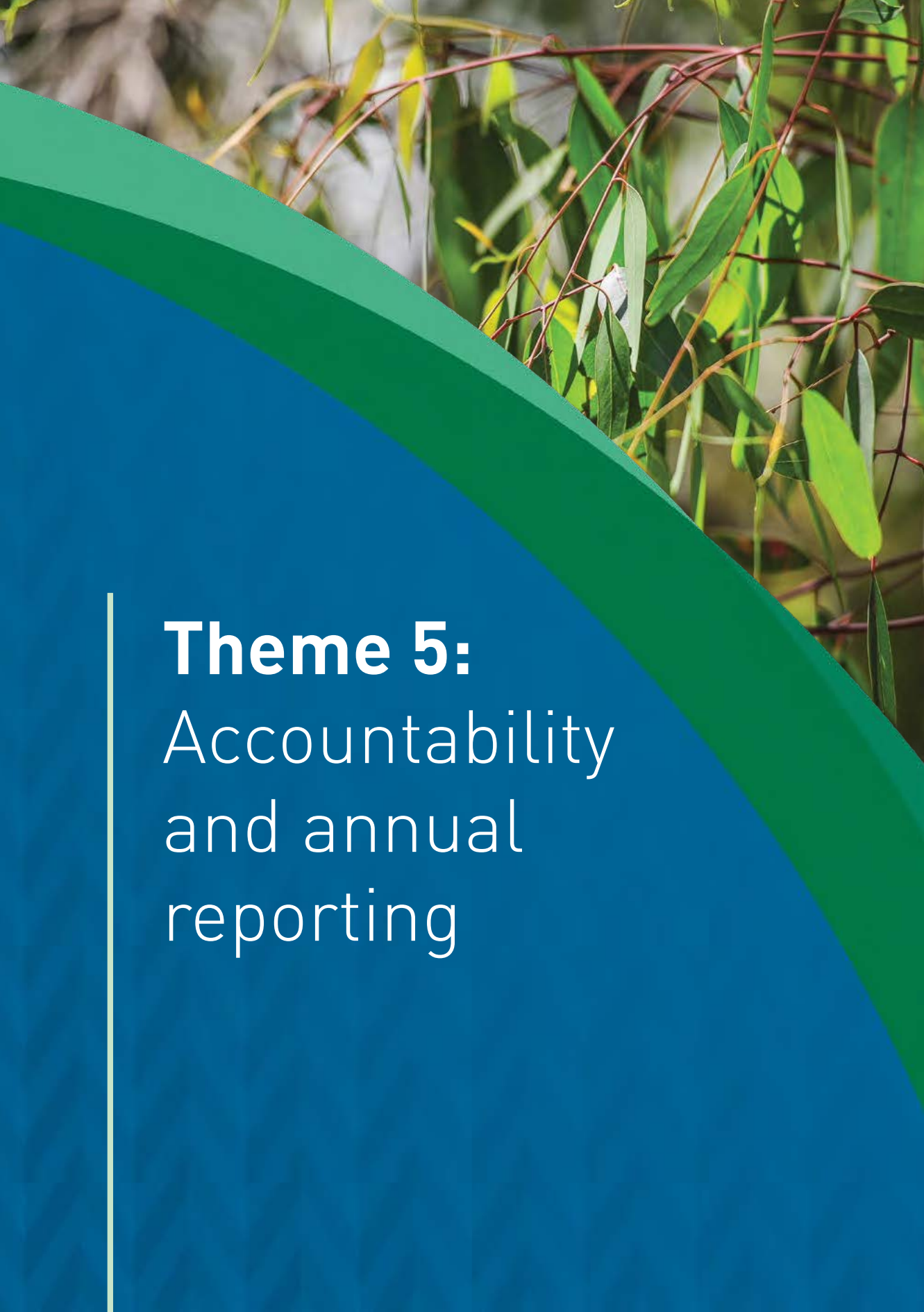
witnesses website page. This link makes sure that victims of crime can easily access the procedure for making a complaint. In 2018, the Commonwealth Director of Public Prosecutions issued a National Legal Direction setting out their complaints handling procedure. The Commonwealth Director of Public Prosecutions published data about complaints in the *Commonwealth Director of Public Prosecutions 2019–20 Annual Report*.

Relevant recommendations:

Criminal Justice Report: 43

The Commonwealth Director of Public Prosecutions has also implemented a quick exit button to all pages of the victims of crime website⁴ for greater protection for children and vulnerable victims of crime. This button is highly visible, is static when scrolling pages and immediately takes a user back to a blank Google search screen.

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



Theme 5: Accountability and annual reporting

Theme 5

Accountability and annual reporting

Theme 5 at a glance

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

These include Recommendation 9.5 in Volume 9 and Recommendations 17.1 to 17.6 in Volume 17 of the *Final Report*.

Key national achievements

December 2019 to October 2020	The Australian Government published state and territory 2019 annual progress reports on the Australian Government Response to the Royal Commission website ¹ as they were tabled in their parliaments.
December 2019 to February 2020	Nineteen non-government institutions 2019 annual reports were published on the Australian Government Response to the Royal Commission website. This included reports from institutions that appeared before the Royal Commission. Some of the reports – for example the Catholic Church Report – included input from multiple non-government organisations.
June 2020	The Child Abuse Royal Commission Implementation Taskforce within the Attorney-General's Department worked with the Social Research Centre to finalise the conceptual framework, an important first step to inform the development of the Child Abuse Royal Commission Evaluation Framework, in consultation with states and territories. This will support the 10-year review of progress on the Royal Commission's recommendations.
September 2020	The National Office for Child Safety invited 69 non-government institutions to provide an annual report about their progress implementing the Royal Commission's recommendations and broader child safety initiatives.
December 2020	The Australian Government tabled its third of five annual progress reports in response to the Royal Commission. This report is published on the Australian Government Response to the Royal Commission website.

These initiatives complement and build on the 2018–19 achievements, which you can read about in the Australian Government's *Annual Progress Report 2018*² and *Annual Progress Report 2019*³.

1 <https://www.childabuseroyalcommissionresponse.gov.au>

2 <https://www.childabuseroyalcommissionresponse.gov.au/annual-progress-reporting/australian-government-reports/2018-annual-progress-report>

3 <https://www.childabuseroyalcommissionresponse.gov.au/annual-progress-reporting/australian-government-reports/2019-annual-progress-report>

National priority update – Work across all Australian governments

Reporting publicly on progress

To make sure the work of the Royal Commission is applied with long-lasting effects, monitoring, reporting and evaluation of progress is vital. This will:

- hold governments and institutions to account for their actions and be transparent
- make sure Australian governments work together to promote consistency in initiatives, policy, service delivery and legislation across Australia to support child safety and wellbeing
- build an evidence base to guide policy, research, service delivery and best practice
- make sure the voices of victims, survivors and those with lived experience are taken into account in actions taken to protect children
- promote involvement of key stakeholders and the community
- make sure victims and survivors can get justice and redress and can access treatment and support
- support governments and institutions to improve responses to child sexual abuse and make real progress to prevent child sexual abuse in institutions.

Relevant recommendations:

Final Report: 17.1, 17.2 and 17.4

**June
2018**

Australian Government Response
to the Royal Commission

2018 to 2022

Australian Government's
Annual Progress Reports
on implementation for five
consecutive years

**December
2027**

Australian Government
10-year review of implementation

The Australian Government will report each year from December 2018 to December 2022 on its implementation of the Royal Commission's recommendations. State and territory governments will also report each year for five years, from 2018 to 2022, on their progress. All Australian governments' annual progress reports will be tabled before their parliaments and shared with the public. You can access these reports on the Australian Government Response to the Royal Commission website⁴.

The Australian Government's *Annual Progress Reports* include information about recommendations that are a national priority or need joint action and coordination with states and territories to implement.

The fourth Australian Government *Annual Progress Report* will be published in December 2021.

4 <http://www.childabuseroyalcommissionresponse.gov.au>

Australian Government progress

Ten-year review

In its June 2018 response to the Royal Commission's recommendations, the Australian Government accepted Recommendation 17.4 to do a 10-year review of progress implementing the Royal Commission's recommendations.

Relevant recommendations:

Final Report: 17.4

In June 2020, the Social Research Centre and the Attorney-General's Department, in consultation with Australian Government agencies, states and territories, finalised the conceptual framework, an important step to inform the development of the Child Abuse Royal Commission Evaluation Framework (the Evaluation Framework). This Evaluation Framework will inform a thorough 10-year review of the implementation of the Royal Commission's recommendations in 2027, as the Royal Commission recommended.

In June 2019, the Attorney-General's Department appointed the Social Research Centre to commence work on the Evaluation Framework. The conceptual framework is flexible in nature to make sure it meets new child protection policies, research, evidence, and best practice. It was designed with the states and territories and Australian Government agencies. The conceptual framework is intended to be adaptable to each jurisdiction's circumstances. This means that the framework can adapt to differences in policies, initiatives, laws and measures across jurisdictions in response to the Royal Commission's recommendations. An adaptable framework means it can measure different approaches taken to implement recommendations in each jurisdiction but still inform a central evaluation of all recommendations. It is intended that the Evaluation Framework will enable a consistent approach to monitoring and reporting of progress across Australia. It will also support best practice models and approaches being shared between the Australian Government, states and territories.

The Evaluation Framework is intended to be used to determine:

- what progress has been made in implementing the Royal Commission's recommendations
- how effective steps taken in response to the Royal Commission have been in:
 - preventing child sexual abuse
 - improving institutional responses to child sexual abuse
 - making sure victims and survivors of child sexual abuse receive justice, support and treatment
- if further steps need to be taken by governments and institutions to keep improving policy and services related to child sexual abuse in institutions.

To inform the development of the conceptual framework, the Social Research Centre held nine consultation workshops. These engaged with a total of 146 participants, representing 60 government departments and organisations. Between October and December 2019:

- seven state and territory workshops were held in capital cities of each jurisdiction except Tasmania
- two workshops were held in Canberra, with 34 participants representing 16 Australian Government agencies
- workshops averaged 17 participants, ranging between six and 29 participants at each workshop, and were attended by policy, program, evaluation and data specialists in relevant government departments and portfolio agencies.

Final consultations with Australian Government agencies and state and territory governments happened in early March 2020.

The next steps for progressing the development of the Evaluation Framework are under consideration by the Australian Government.

Non-government institutions reporting

In its *Final Report*, 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. Although the Australian Government accepted Recommendation 17.3, it is not able to compel non-government institutions to report.

Relevant recommendations:

Final Report: 17.3

The National Office for Child Safety continues to work closely with institutions on public reporting.

In September 2020, the National Office for Child Safety invited 69 institutions to provide an annual progress report about their implementation of the Royal Commission's recommendations and broader child safety initiatives. These institutions include the 11 institutions that were the subject of relevant Royal Commission hearings, the 42 institutions approached in 2019 and another 16 organisations identified in 2020 as having high profile child safety concerns or particularly good child safety practices. Reports will be published on the Australian Government Response to the Royal Commission website⁵ as they are received.

Annual progress reporting provides institutions with the opportunity to show leadership and commitment to creating and maintaining child safe culture and practices. It also provides symbolic reparation and public recognition to victims and survivors that may contribute to healing.

⁵ <https://www.childabuseroyalcommissionresponse.gov.au>

Online resources

The Australian Government Response to the Royal Commission website⁶ was set up in December 2018. This website is a central resource for:

Relevant recommendations:

Final Report: 9.5 and 17.5

- victims and survivors of institutional child sexual abuse
- families and supporters
- governments
- institutions
- members of the public.

The website provides:

- access to key information about what the Australian Government is doing to respond to the recommendations of the Royal Commission
- information about work being done nationally, including by states and territories and some non-government institutions
- access to helpful information, such as support services.

Copies of the Response to the Royal Commission, and the 2018 and 2019 *Annual Progress Reports* of the Australian Government can be downloaded from this website. Links to state and territory responses and annual progress reports are provided on this website. The annual progress reports of non-government institutions, where provided, can also be downloaded from this website.

The National Redress Scheme website⁷ was created in 2018. This website provides access to information, advice and support to help people access justice.

The Australian Government has maintained the Royal Commission's website⁸ throughout 2020, including its comprehensive document, images and video libraries. It has also facilitated the publication of unredacted or previously unreleased reports of the Royal Commission on this website as they have been publicly released. These reports are: Report of Case Study No. 28, Report of Case Study No. 35, Report of Case Study No. 42, Report of Case Study No. 43 and Books 1 and 2 of Volume 16 of the Royal Commission's *Final Report*.

6 <https://www.childabuseroyalcommissionresponse.gov.au>

7 <https://www.nationalredress.gov.au>

8 <https://www.childabuseroyalcommission.gov.au>

National Memorial

The Department of Social Services has consulted with members of the National Apology Reference Group about a national memorial in Canberra.

It has engaged the National Capital Authority to support establishing the memorial. A national online survey was conducted during November 2020 to seek input from people with lived experience, their families and advocates, and other interested stakeholders on the purpose and key attributes of the National Memorial.

Relevant recommendations:

Final Report: 17.6

A National Memorial Advisory Group (Advisory Group) has been set up to champion the memorial and decide on its purpose. The Advisory Group will work with the Department of Social Services and the National Capital Authority to inform and oversee key stages of the memorial's development and make sure the views of victims and survivors are considered at all stages of the project.

Consideration is being given to the form of an educative component, to complement the memorial and raise awareness of the impacts of child sexual abuse.

Possible sites in Canberra for the memorial will be identified and a competition will be held to choose a design. Construction should start in 2021 and a dedication event to unveil the memorial will be planned once it is completed in 2022.

Closing

This third Australian Government *Annual Progress Report* looks at the Australian Government's work since the *Annual Progress Report 2019* and throughout 2020, including with state and territory governments, to implement the recommendations of the Royal Commission. Further work by the Australian Government, states and territories will continue in 2021 to make sure progress continues on the Royal Commission's recommendations.

Work that was put on hold in early 2020 so governments could respond to COVID-19 is restarting. As we refocus our efforts on implementing the Royal Commission's recommendations, we welcome new programs, initiatives, and developments in 2021. These can build on the work finished in 2018, 2019 and 2020 and work alongside programs already underway to protect our children from sexual abuse.

Although there is more work to do, implementing the recommendations of the Royal Commission remains a top priority to make sure we keep working towards a safer, inclusive society that protects our children.



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

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

For access to a range of resources and publications including the Australian Government's response to the Royal Commission's *Final Report*, the Australian Government's 2018 and 2019 *Annual Progress Reports*, state and territory governments' annual progress reports, and institutions' annual progress reports.

www.childabuseroyalcommissionresponse.gov.au

National Redress Scheme for Institutional Child Sexual Abuse

For information about the National Redress Scheme, the application process and a list of institutions that are taking part.

www.nationalredress.gov.au

T: 1800 737 377

knowmore

knowmore is an independent service giving free legal advice to 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

Australian Psychological Society

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

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

National Office for Child Safety

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

<https://childsafety.pmc.gov.au>

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’s 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.

victimsandwitnesses.cdpp.gov.au

Relevant frameworks and policies

There are references to different national level initiatives that are part of the Australian Government's overarching child safety framework referenced throughout this report.

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

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.

National Principles for Child Safe Organisations

The National Principles for Child Safe Organisations (the National Principles) are 10 high-level principles that give effect to the Royal Commission's recommended Child Safe Standards. The National Principles expand on the Child Safe Standards to include broad child safety and wellbeing issues.

The National Principles were developed in response to early findings of the Royal Commission, directly address Recommendations 6.4, 6.5, 6.6 and 6.7, and contribute to all recommendations which reference the Child Safe Standards. The Council of Australian Governments endorsed the National Principles in 2019. The National Principles are incorporated into other national initiatives, such as the Commonwealth Child Safe Framework and the National Strategy to Prevent Child Sexual Abuse.

Further information can be found on pages 24–25 and 27–28.

National Strategy to Prevent Child Sexual Abuse

The National Office for Child Safety is currently developing a National Strategy to Prevent Child Sexual Abuse, which will aim to address child sexual abuse in all settings (including institutional and non-institutional settings) (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, developing initiatives targeted at adult offenders and addressing children with harmful sexual behaviours.

Further information can be found on pages 32–33.

Commonwealth Child Safe Framework

The Commonwealth Child Safe Framework sets minimum child safety requirements for Commonwealth entities to follow to make sure that staff working with children and young people meet relevant child safety requirements and all staff support the safety and wellbeing of children and young people. The Commonwealth Child Safe Framework requires Commonwealth entities to adopt the National Principles for Child Safe Organisations, which include the Child Safe Standards recommended by the Royal Commission (Recommendations 6.4 and 6.13 of the *Final Report* and Recommendation 3c of the *Working with Children Checks Report*).

Further information can be found on pages 73–74.

National Standards for Working with Children Checks

The National Standards for Working with Children Checks (the National Standards) will set up minimum benchmarks for screening people who want to take part in child-related work that are consistent across all states and territories. The National Standards will help make sure that children are appropriately protected, wherever they are in Australia. The National Standards implement several of the Royal Commission's recommendations in the *Working with Children Checks Report*.

Further information can be found on page 117.

National Framework for Protecting Australia's Children 2009–2020

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. 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 34.



Appendix:
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)

1. State and territory governments should:
 - a. within 12 months of the publication of this report, amend their WWCC laws to implement the standards identified in this report
 - b. once the standards are implemented, obtain agreement from the Council of Australian Governments (COAG), or a relevant ministerial council, before deviating from or altering the standards in this report, adopting changes across all jurisdictions
 - c. within 18 months from the publication of this report, amend their WWCC laws to enable clearances from other jurisdictions to be recognised and accepted.
2. The South Australian Government should, within 12 months of the publication of this report, replace its criminal history assessments with a WWCC scheme that incorporates the standards set out in this report.
3. The Commonwealth Government should, within 12 months of the publication of this report:
 - a. facilitate a national model for WWCCs by:
 - i. establishing a centralised database, operated by CrimTrac, that is readily accessible to all jurisdictions to record WWCC decisions
 - ii. together with state and territory governments, identifying consistent terminology to capture key WWCC decisions (for example, refusal, cancellation, suspension and grant) for recording into the centralised database
 - iii. enhancing CrimTrac's capacity to continuously monitor WWCC cardholders' national criminal history records
 - b. explore avenues to make international records more accessible for the purposes of WWCCs
 - c. identify and require all Commonwealth Government personnel, including contractors, undertaking child-related work, as defined by the child-related work standards set out in this report, to obtain WWCCs.
4. The Commonwealth, state and territory governments should, within 12 months of the publication of this report:
 - a. agree on a set of standards or guidelines to enhance the accurate and timely recording of information by state and territory police into CrimTrac's system
 - b. review the information they have agreed to exchange under the National Exchange of Criminal History Information for People Working with Children (ECHIPWC), and establish a set of definitions for the key terms used to describe the different types of criminal history records so they are consistent across the jurisdictions (these key terms include pending charges, non-conviction charges and information about the circumstances of an offence)

- c. take immediate action to record into CrimTrac's system historical criminal records that are in paper form or on microfilm and which are not currently identified by CrimTrac's initial database search
 - d. once these historical criminal history records are entered into CrimTrac's 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 appeal
 for all offences, irrespective of whether or not they concern the person's history as an adult or a child and/or relate to offences outside Australia.
18. State and territory governments should amend their WWCC laws to require police services to provide screening agencies with records that meet the definition of criminal history records for WWCC purposes and any other available information relating to the circumstances of such offences.

19. State and territory governments should amend their WWCC laws to:
 - a. require that relevant disciplinary and/or misconduct information is checked for all WWCC applicants
 - b. include a standard definition of disciplinary and/or misconduct information that encompasses disciplinary action and/or findings of misconduct where the conduct was against, or involved, a child, irrespective of whether this information arises from reportable conduct schemes or other systems or bodies responsible for disciplinary or misconduct proceedings
 - c. require the bodies responsible for the relevant disciplinary and/or misconduct information to notify their respective screening agencies of relevant disciplinary and/or misconduct information that meets the definition.
20. State and territory governments should amend their WWCC laws to respond to records in the same way, specifically that:
 - a. the absence of any relevant criminal history, disciplinary or misconduct information in an applicant's history leads to an automatic grant of a WWCC
 - b. any conviction and/or pending charge in an applicant's criminal history for the following categories of offence leads to an automatic WWCC refusal, provided the applicant was at least 18 years old at the time of the offence:
 - i. murder of a child
 - ii. manslaughter of a child
 - iii. indecent or sexual assault of a child
 - iv. child pornography-related offences
 - v. incest where the victim was a child
 - vi. abduction or kidnapping of a child
 - vii. animal-related sexual offences.
 - c. all other relevant criminal, disciplinary or misconduct information should trigger an assessment of the person's suitability for a WWCC (consistent with the risk assessment factors set out below).
21. State and territory governments should amend their WWCC laws to specify that relevant criminal records for the purposes of recommendation 20(c) include but are not limited to the following:
 - a. juvenile records and/or non-conviction charges for the offence categories specified in recommendation 20(b)
 - b. sexual offences, regardless of whether the victim was a child and including offences not already covered in recommendation 20(b)
 - c. violent offences, including assaults, arson and other fire-related offences, regardless of whether the victim was a child and including offences not already covered in recommendation 20(b)
 - d. child welfare offences
 - e. offences involving cruelty to animals
 - f. drug offences.

22. The Commonwealth Government, through COAG, or a relevant ministerial council, should take a lead role in identifying the specific criminal offences that fall within the categories specified in recommendations 20(b) and 21.
23. State and territory governments should amend their WWCC laws to specify that the criteria for assessing risks to children include:
 - a. the nature, gravity and circumstances of the offence and/or misconduct, and how this is relevant to children or child-related work
 - b. the length of time that has passed since the offence and/or misconduct occurred
 - c. the age of the child
 - d. the age difference between the person and the child
 - e. the person's criminal and/or disciplinary history, including whether there is a pattern of concerning conduct
 - f. all other relevant circumstances in respect of their history and the impact on their suitability to be engaged in child-related work.
24. State and territory governments should amend their WWCC laws to expressly provide that, in weighing up the risk assessment criteria, the paramount consideration must always be the best interests of children, having regard to their safety and protection.
25. State and territory governments should amend their WWCC laws to permit WWCC applicants to begin child-related work before the outcome of their application is determined, provided the safeguards listed below are introduced.

Applicants

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

Other safeguards

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

28. All state and territory governments should amend their WWCC laws to specify that:
 - a. WWCC decisions are based on the circumstances of the individual and are detached from the employer the person is seeking to work for, or the role or organisation the person is seeking to work in
 - b. the outcome of a WWCC is either that a clearance is issued or it is not; there should be no conditional or different types of clearances
 - c. volunteers and employees are issued with the same type of clearance.
29. All state and territory governments should ensure that any person the subject of an adverse WWCC decision can appeal to a body independent of the WWCC screening agency, but within the same jurisdiction, for a review of the decision, except persons who have been convicted of one of the following categories of offences:
 - murder of a child
 - indecent or sexual assault of a child
 - child pornography-related offences
 - incest where the victim was a child

and

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

or

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

Notwithstanding the above any person may bring an appeal in which they allege that offences have been mistakenly recorded as applying to that person.
30. Subject to the implementation of the standards set out in this report, all state and territory governments should amend their WWCC laws to enable WWCCs from other jurisdictions to be recognised and accepted.
31. Subject to the commencement of continuous monitoring of national criminal history records, state and territory governments should amend their WWCC laws to specify that:
 - a. WWCCs are valid for five years
 - b. employers and WWCC cardholders engaged in child-related work must inform the screening agency when a person commences or ceases being engaged in specific child-related work
 - c. screening agencies are required to notify a person's employer of any change in the person's WWCC status.

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

Redress and Civil Litigation Report recommendations (2015)

1. A process for redress must provide equal access and equal treatment for survivors – regardless of the location, operator, type, continued existence or assets of the institution in which they were abused – if it is to be regarded by survivors as being capable of delivering justice.
2. Appropriate redress for survivors should include the elements of:
 - a. direct personal response
 - b. counselling and psychological care
 - c. monetary payments.
3. Funders or providers of existing support services should maintain their current resourcing for existing support services, without reducing or diverting resources in response to the Royal Commission's recommendations on redress and civil litigation.
4. Any institution or redress scheme that offers or provides any element of redress should do so in accordance with the following principles:
 - a. Redress should be survivor focused.
 - b. There should be a 'no wrong door' approach for survivors in gaining access to redress.
 - c. All redress should be offered, assessed and provided with appropriate regard to what is known about the nature and impact of child sexual abuse – and institutional child sexual abuse in particular – and to the cultural needs of survivors.
 - d. All redress should be offered, assessed and provided with appropriate regard to the needs of particularly vulnerable survivors.
5. Institutions should offer and provide a direct personal response to survivors in accordance with the following principles:
 - a. Re-engagement between a survivor and an institution should only occur if, and to the extent that, a survivor desires it.
 - b. Institutions should make clear what they are willing to offer and provide by way of direct personal response to survivors of institutional child sexual abuse. Institutions should ensure that they are able to provide the direct personal response they offer to survivors.
 - c. At a minimum, all institutions should offer and provide on request by a survivor:
 - i. an apology from the institution
 - ii. the opportunity to meet with a senior institutional representative and receive an acknowledgement of the abuse and its impact on them
 - iii. an assurance or undertaking from the institution that it has taken, or will take, steps to protect against further abuse of children in that institution.

- d. In offering direct personal responses, institutions should try to be responsive to survivors' needs.
 - e. Institutions that already offer a broader range of direct personal responses to survivors and others should consider continuing to offer those forms of direct personal response.
 - f. Direct personal responses should be delivered by people who have received some training about the nature and impact of child sexual abuse and the needs of survivors, including cultural awareness and sensitivity training where relevant.
 - g. Institutions should welcome feedback from survivors about the direct personal response they offer and provide.
6. Those who operate a redress scheme should offer to facilitate the provision of a written apology, a written acknowledgement and/or a written assurance of steps taken to protect against further abuse for survivors who seek these forms of direct personal response but who do not wish to have any further contact with the institution.
 7. Those who operate a redress scheme should facilitate the provision of these forms of direct personal response by conveying survivors' requests for these forms of direct personal response to the relevant institution.
 8. Institutions should accept a survivor's choice of intermediary or representative to engage with the institution on behalf of the survivor, or with the survivor as a support person, in seeking or obtaining a direct personal response.
 9. Counselling and psychological care should be supported through redress in accordance with the following principles:
 - a. Counselling and psychological care should be available throughout a survivor's life.
 - b. Counselling and psychological care should be available on an episodic basis.
 - c. Survivors should be allowed flexibility and choice in relation to counselling and psychological care.
 - d. There should be no fixed limits on the counselling and psychological care provided to a survivor.
 - e. Without limiting survivor choice, counselling and psychological care should be provided by practitioners with appropriate capabilities to work with clients with complex trauma.

- f. Treating practitioners should be required to conduct ongoing assessment and review to ensure treatment is necessary and effective. If those who fund counselling and psychological care through redress have concerns about services provided by a particular practitioner, they should negotiate a process of external review with that practitioner and the survivor. Any process of assessment and review should be designed to ensure it causes no harm to the survivor.
 - g. Counselling and psychological care should be provided to a survivor's family members if necessary for the survivor's treatment.
10. To facilitate the provision of counselling and psychological care by practitioners with appropriate capabilities to work with clients with complex trauma:
- a. the Australian Psychological Society should lead work to design and implement a public register to enable identification of practitioners with appropriate capabilities to work with clients with complex trauma
 - b. the public register and the process to identify practitioners with appropriate capabilities to work with clients with complex trauma should be designed and implemented by a group that includes representatives of the Australian Psychological Society, the Australian Association of Social Workers, the Royal Australian and New Zealand College of Psychiatrists, Adults Surviving Child Abuse, a specialist sexual assault service, and a non-government organisation with a suitable understanding of the counselling and psychological care needs of Aboriginal and Torres Strait Islander survivors
 - c. the funding for counselling and psychological care under redress should be used to provide financial support for the public register if required
 - d. those who operate a redress scheme should ensure that information about the public register is made available to survivors who seek counselling and psychological care through the redress scheme.
11. Those who administer support for counselling and psychological care through redress should ensure that counselling and psychological care are supported through redress in accordance with the following principles:
- a. Counselling and psychological care provided through redress should supplement, and not compete with, existing services.
 - b. Redress should provide funding for counselling and psychological care services and should not itself provide counselling and psychological care services.
 - c. Redress should fund counselling and psychological care as needed by survivors rather than providing a lump sum payment to survivors for their future counselling and psychological care needs.
12. The Australian Government should remove any restrictions on the number of sessions of counselling and psychological care, whether in a particular period of time or generally, for which Medicare funding is available for survivors who are assessed as eligible for redress under a redress scheme.

13. The Australian Government should expand the range of counselling and psychological care services for which Medicare funding is available for survivors who are assessed as eligible for redress under a redress scheme to include longer-term interventions that are suitable for treating complex trauma, including through non-cognitive approaches.
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:
- 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
 - whether the applicant experienced other forms of abuse in conjunction with the sexual abuse – including physical, emotional or cultural abuse or neglect
 - whether the applicant was in a 'closed' institution or without the support of family or friends at the time of the abuse
 - 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:
- in accordance with our discussion of the factors
 - taking into account expert advice in relation to institutional child sexual abuse, including child development, medical, psychological, social and legal perspectives
 - 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 minimum payment of \$10,000
 - a maximum payment of \$200,000 for the most severe case
 - 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 institutionin 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)

1. 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.







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