



# THE ACT GOVERNMENT **FIFTH ANNUAL PROGRESS REPORT**

RESPONDING TO THE  
RECOMMENDATIONS OF THE ROYAL  
COMMISSION INTO INSTITUTIONAL  
RESPONSES TO CHILD SEXUAL ABUSE

Final Report (December 2017)

Working with Children Checks (August 2015)

Redress and Civil Litigation (September 2015)

Criminal Justice (August 2017)

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# OVERVIEW

The Royal Commission into Institutional Responses to Child Sexual Abuse (the Royal Commission) was established in 2013, in response to allegations of sexual abuse of children in institutions in Australia over many years.

The Royal Commission handed down its Final Report on 15 December 2017.

The Royal Commission has previously released:

- The Working with Children Checks Report in August 2015, containing 36 recommendations: 35 are applicable to the ACT;
- The Redress and Civil Litigation Report in September 2015, containing 99 recommendations: 84 are applicable to the ACT;
- The Criminal Justice Report in August 2017, containing 85 recommendations: 83 are applicable to the ACT.

The ACT formally responded to the Royal Commission's Final Report on 15 June 2018. Of the 307 recommendations for the ACT Government, we accepted or accepted in principle 290 of these, and noted or took under further consideration the remaining 17.

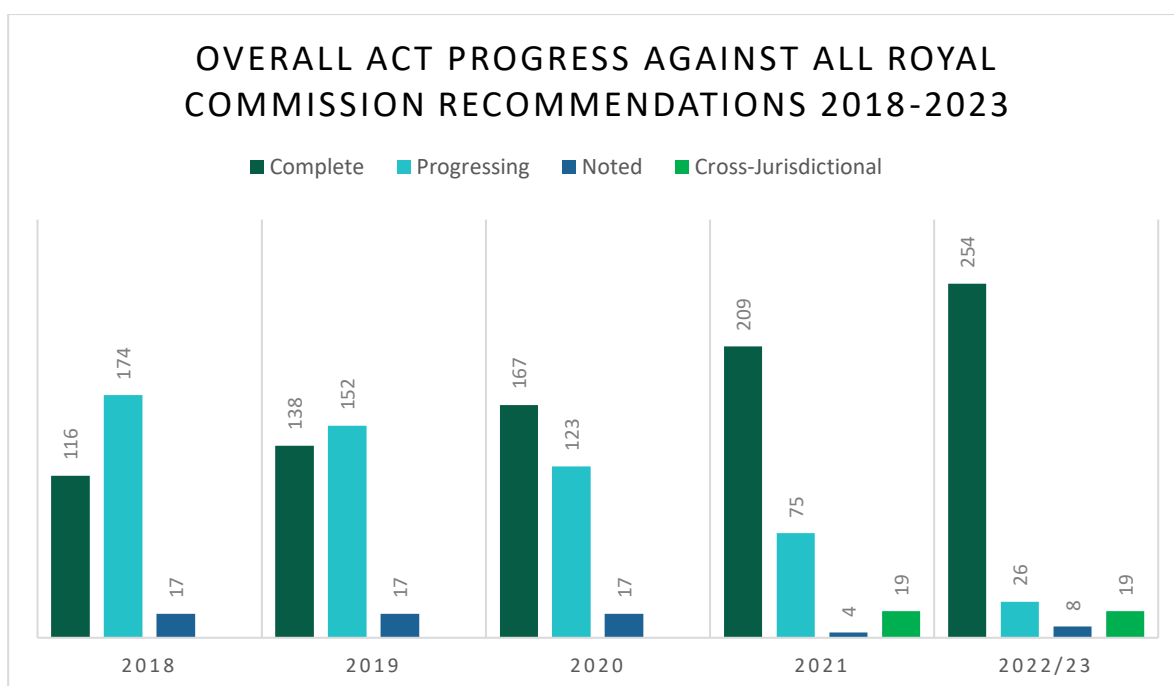
Progress continues towards implementing these recommendations, including some of those which were previously noted or identified as requiring further consideration. Some recommendations which were accepted or accepted-in-principle are being progressed by the ACT Government in cooperation with the Commonwealth and other states and territories. The ACT Government will continue to actively participate in this cross-jurisdictional work.

Since the last Report, progress was made in the ACT across several key areas:

- In June 2022, the ACT Government released its new strategy to strengthen families and keep children and young people safe: *Next Steps for Our Kids 2022–2030: ACT Strategy to Strengthen Families and Keep Children and Young People Safe* (Next Steps). Next Steps is an ambitious plan to reform out of home care and child protection in the ACT over the next 8 years. This strategy aims to strengthen families and improve the wellbeing of children and young people. Next Steps reflects the agreement of all Australian Community Services Ministers under *Safe and Supported: The National Framework for Protecting Australia's Children 2021–2031*.
- The 2023-24 ACT Budget delivers new funding of \$3.3 million over four years to establish a Child Safe Standards Scheme for the ACT. The Scheme will support organisations working with children and young people to develop holistic and child-friendly approaches to safety and wellbeing. It will be implemented through a staged approach by the ACT Human Rights Commission, with an initial focus on building knowledge and awareness of the Child Safe Standards within organisations.

- The Education Directorate and ACT Teacher Quality Institute (TQI) in partnership with the Office of the eSafety Commissioner (national), have developed resources and professional learning to minimise the opportunities for online abuse to occur and staff and by responding effectively when incidents do occur.
- Building on the ACT Government's previous reforms in response to the Royal Commission into Institutional Responses to Child Sexual Abuse, in November 2022, the Justice and Community Safety Legislation Amendment Bill 2022 was passed by the ACT Legislative Assembly. This Bill gave the courts the power to set aside past unjust child abuse settlements so that child abuse survivors can seek the compensation to which they are rightly entitled. As part of this suite of reforms, amendments were also made to the definition of child abuse in the *Limitation Act 1985* (ACT) to now include physical abuse, which will mean there is now no limitation period for child physical abuse. This will mean that survivors who experienced historical physical abuse as children will no longer be statute barred because of the existence of a limitation period from bringing a claim for compensation.

As of August 2023, 254 recommendations are complete, 26 are progressing and 8 are noted. 19 recommendations require cross-jurisdictional action to complete.



As per recommendation 17.2, the ACT Government committed to provide an Annual Report for five years following publication of the Final Report in December 2017. In December 2018, we publicly released our first Annual Progress Report responding to the recommendations of the Royal Commission. This is the ACT's fifth and final Annual Progress Report. Work continues to finalise delivery on recommendations, incorporate others into ongoing business-as-usual processes and engage with other jurisdictions and national processes to deliver ongoing improvements in child safety.

# PROGRESS ON FINAL REPORT

The ACT Government's response to the Royal Commission identified four key themes in the Final Report.

1. Making Institutions Child Safe.
2. An Oversight System that Responds to Child Safety.
3. Services for Children and Young People.
4. Tailored Support through Specialist Services.

Implementation continues across all of these domains.

As of August 2023, the ACT has completed 68 of the 105 Final Report recommendations applicable to the ACT. Work on 16 remain in progress, 3 recommendations are noted, and 18 recommendations require cross-jurisdictional action to complete.

## THEME 1: MAKING INSTITUTIONS CHILD SAFE

### eSafety

The Royal Commission recommended the need for training and information at all levels of teaching on creating safe online environments and awareness of online safety concerns (recommendation 6.21). The Education Directorate and ACT Teacher Quality Institute (TQI) in partnership with the national Office of the eSafety Commissioner, have developed resources and professional learning to minimise the opportunities for online abuse to occur through the education of children and staff and by responding effectively when incidents do occur, which aligns closely with National Child Safe Principle 8.

The ACT TQI updated the accreditation of Initial Teacher Education programs policy to require Universities to include explicit instruction to raise awareness of safe learning environments for children using the education resources developed by the Office of the eSafety Commissioner. The ACT TQI has promoted the Office of the e-Safety Commissioner resources to all ACT registered teachers through social media and the ACT Teacher Portal.

The Education Directorate has developed professional learning sessions designed to support school leaders, classroom teachers, and other school staff and volunteers in understanding where eSafety fits into their teaching and learning programs. The professional learning sessions identify resources available to support schools and staff, their rights and responsibilities in eSafety, and correct procedure when it comes to an online incident involving students or themselves. The sessions also cover topics such as, how to respond to an online incident, procedures to gather evidence and report the incident, how to escalate a report to the Office of the eSafety Commissioner, and information on current trends to be aware of in the eSafety space. These professional learning sessions are appropriate for early childhood through to senior secondary schools. The Education Directorate also promotes additional resources and training opportunities available to teachers, staff, and volunteers

via the Office of the eSafety Commissioner. These resources are regularly shared and promoted to schools through the Education Directorate's school's communications channels, targeted emails following online safety incidents, and professional learning opportunities.

The Education Directorate's eSafety team has worked to develop several resources and professional learning to support ACT public schools to create safe online environments and support safe student engagement in online environments. The Education Directorate has developed year-group specific, curriculum aligned class content packs, with embedded activities from the eSafety Commissioner, designed around four core eSafety concepts: Being Safe, Being Secure, Being Curious, and Being Kind online. These flexible, interactive packs are available for classroom teachers to deliver in class with coaching support available if needed. These eSafety curriculum packages are designed to empower educators around eSafety and strengthen eSafety education in schools.

A specific focus has been placed on supporting years 6 and 7 students to enhance their knowledge and skills to safely navigate the online world in preparation for receiving their Education Directorate Chromebook and any Personal Electronic Devices that families provide as part of their transition to secondary school. In supporting this student cohort, the Education Directorate has developed a series of three eSafety modules for year 6 students and three modules for year 7 students. The modules include extensive teaching notes and resources and are designed to be delivered by teachers in class.

The Education Directorate also regularly shares and promotes resources and in-school presentations from the Australian Federal Police's online safety program Think U Know, as well as the NSW Government Cyber Marvel program to continue building students online safety skills.

The Education Directorate has developed a response approach when a notification of an online safety incident occurs involving ACT public school students and/or staff. A targeted and comprehensive response resource includes step-by-step information on the correct response procedure, resources to support this response, resources and information on a teaching and learning response, and promotion of relevant eSafety materials, professional learning and parent/carer resources. This approach empowers schools to develop their knowledge and understanding of incident response management, developing whole school eSafety.

## Preparing ACT public schools for the Child Safe Standard Scheme

To support ACT public schools to implement Child Safe Standards, the Education Directorate has taken a proactive approach and have developed the Child Safe Principles: Guide for ACT Public Schools (Guide). The Guide will assist ACT public schools from pre-school to Year 12, to align with the Child Safe Standards and supports the existing culture of keeping children and young people safe every day.

The Guide is an online resource that will be regularly reviewed and updated that focuses on each Child Safe Principle and provides ACT public schools guidance and support on how each principle can be strengthened in school settings. Each principle has an identified Child Safe Principles value that supports decision making, highlights the existing work that occurs in schools to keep children and young people safe, and suggestions to strengthen implementation of the Child Safe Principle.

To ensure ACT public schools are best supported to meet the Child Safe Standards, the Education Directorate has recruited a Child Safety Engagement Officer. This position will be an additional service to schools to discuss and improve child safety and to support schools with resources such as the Guide. The role will focus on capacity building, sharing best practice examples and providing advice on child safety in the context of the Child Safe Standards. The role will also assist in further resource development and reference tools for schools to improve use of the Guide and engaging with the ACT Human Rights Commissioner as regulator.

## Contemporary Out of Home Care - Next Steps for our Kids

The ACT Government continues to progress work towards an updated strategy for whole-of-system reform for the out of home care system. Building on the successes of *A Step Up for Our Kids 2015-2020* (A Step Up), the next stage of the reform is known as the *Next Steps for Our Kids Strategy* (Next Steps). Next Steps is being progressed in partnership with stakeholders to strengthen service delivery and improve outcomes for children, young people and their families.

### **Carer Authorisation (recommendation 12.8)**

A Step Up significantly changed the way the ACT Government procured out of home care services, with a single consortium providing a 'continuum of care' for a flat fee per child or young person in care (implementing the intent of recommendation 12.8). Under this arrangement ACT Together (led by Barnardos Australia), provides short- and long-term foster care, long-term kinship care, case management of children and young people on long-term orders and foster and kinship carer assessments. It also provides restoration support, long-term planning, contact services, permanency assessments, residential care, the Community Adolescent Program (CAP) and post-care support. This change aimed to embed therapeutic care and provide greater continuity of support, by ensuring responsibility for the child or young person's experience of care resides with one service provider.



## **Preventing and responding to child sexual exploitation (recommendation 12.14)**

Domain Six of Next Steps looks at the continuum of support. Many children and young people in care are highly vulnerable due to the impact of abuse and neglect on their development and sense of self-worth. The priority initiatives include establishing a multi-disciplinary intensive case management service for young people who are putting themselves and others at risk (implementing the intent of recommendation 12.14). There is work continuing to strengthen therapeutic residential care and models of support for young people with significant trauma behaviours. A planned initiative under the continuum of support domain is to extend the provision of care for young people up to 21 years of age. The Therapeutic Assessment Team offers therapeutic consultations for kinship carers, as a one-off or time-limited consultation to assist kinship carers with a specific issue relating to the care of a child while they wait for a full therapeutic assessment to be conducted.

## **Increasing stability of placements (recommendation 12.16)**

Domain Three focuses on strengthening families. Initiatives under this domain include:

- increased access to therapeutic intervention and support for young children at risk of coming into care, or in out of home care, who are at risk of or experiencing developmental delay; and
- sustaining families via intensive family support, preservation and restoration support models, including targeted supports for families with older children and young people.

Domain Three of Next Steps helps increase the stability of placements (recommendation 12.16).

## **Children with disability (recommendation 12.21)**

Every child and young person in care receives a therapeutic assessment. These assessments inform development of therapeutic plans for every child or young person and inform the child or young person's care plan. Plans are developed with the child and young person so they have a voice and in consultation with their carer and significant others. The plans focus on supporting their development, building self-regulation of emotions, establishing healthy relationships, identifying appropriate cultural responses to trauma, addressing any trauma-related behaviours and developing social skills.

The Community Services Directorate developed a comprehensive guide in 2020 for Child and Youth Protection Services to support good practice, Working with Families with Disability. This guide includes a range of requirements for case managing children with disability in care, including support to identify and respond to their needs through specialist services and considerations for keeping children with disability safe. The Community Services Directorate has also developed an Easy English guide for children and young people to help them stay in touch with family, friends and important people in their lives.

The Community Services Directorate has engaged a Disability Liaison Officer to support case workers through training and education, as well as to liaise with other services such as the National Disability Insurance Scheme. Work is underway to further enhance disability screening of children entering out of home care.

## **Child Safe Organisations in Youth Detention (recommendation 15.1)**

Recommendation 15.1 outlines the importance of institutions engaged in child-related work, including detention institutions, to implement the Child Safe Standards identified by the Royal Commission.

The National Principles for Child Safe Organisations are embedded in practice, policies, procedures, and training for Bimberi Youth Justice Centre (Bimberi). Numerous mechanisms are available to uphold the principles, and a quality assurance process regularly reviews policy, procedures, and training to ensure these remain contemporary and meet the needs of young people.

Bimberi operates under substantial oversight mechanisms. This oversight is provided by the ACT Human Rights Commission, the Public Advocate, the ACT Official Visitor Scheme, and the Inspector of Correctional Services. These oversight bodies have various legislative powers of oversight for the young people held in custody at Bimberi.

## **Support and training for staff (recommendation 15.8)**

The ACT Government has implemented recommendation 15.8 to ensure 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. All staff providing services to young people in Bimberi are provided training about the effects of childhood trauma on young people and must apply these principles appropriately. Staff training and ongoing professional development is outlined in the Bimberi Professional Development Framework. Relevant staff training includes:

- Responding to Child Abuse and Neglect;
- Applied Suicide Intervention Skills Training (ASIST);
- Youth Mental Health First Aid;
- Reflecting and Developing Dyadic Aware Relationships; and
- Young People who have experienced Trauma.

Bimberi has a comprehensive behaviour management framework that guides the provision of a safe environment for young people to develop socially and emotionally, and promote prosocial behaviours, while still responding to negative and challenging behaviour.

A comprehensive review of the behaviour management framework has been completed. This explored key theoretical frameworks that underpin youth justice practice and behavioural management in custodial settings, including better practice for trauma-informed behaviour management systems, and supports that are culturally responsive and supportive for Aboriginal and Torres Strait Islander young people.

Bimberi uses Positive Behaviour for Learning (PBL), an evidence-based positive and proactive intervention to support positive changes in young people's behaviour.

## Vulnerable children (recommendation 15.6)

Recommendation 15.6 highlights the importance of staff receiving appropriate training on the needs and experiences of vulnerable children, including children with disability, mental health problems, and alcohol and other drug problems and children from culturally and linguistically diverse backgrounds. It recognises this is essential to highlight the barriers these children may face in disclosing sexual abuse.

Regular training provided to Bimberi Staff includes skills maintenance sessions, training in specialist areas (for example, supporting a young person with a disability), and the delivery of updated skills development. Bimberi has a Training Officer responsible for the design, development and delivery of relevant and contemporary training and development programs for staff. A Principal Practitioner provides trauma-informed advice and consultation regarding young people in Bimberi.

Bimberi continues to work with the Community Services Directorate's Office for Disability in developing and improving responses to young people with a disability. Work to date includes converting documents to 'easy English' and delivering staff training. Bimberi is currently piloting a Tool for Identifying Reasonable Adjustments (TIRA) with young people on induction to Bimberi and has implemented the TIRA as part of the induction process for all young people.

Staff are supported by several Practice Guidelines on diverse issues such as mental ill-health, co-morbidity, and dual disability. In addition, notifiable instruments under the *Children and Young People Act 2008* (ACT) provide an outline of policies and procedures related to issues such as Behaviour Management, Admission and Classification, and Search and Seizure, which include considerations around diversity and trauma.

Primary and forensic mental health services are provided to young people in Bimberi by trained specialists from Justice Health Services, part of Canberra Health Services.

## Trauma-Informed health and community services

The needs of victims and survivors and the importance of trauma-informed approaches are reflected in ACT Government strategies and frameworks. Trauma-informed approaches are embedded into human services and policy frameworks and strategies in the ACT.

The Community Services Directorate continues to provide intensive therapeutic services to children aged from birth to 12 years old in Out of Home Care (OOHC) who have experienced significant trauma from abuse. These services are provided through Melaluca Place. Services and supports have been provided to 134 children and their families since the service began in 2014.

The 2022-23 Budget allocated funding to work with Aboriginal and Torres Strait Islander communities to scope, design and implement culturally appropriate and relevant responses to domestic and family violence.

## Community support services for victims and survivors with disability (recommendation 9.3)

As part of the Community Services Directorate's Disability COVID-19 Strategy, the Better Safety Project was co-designed by a range of people with disability and disability support organisations. The Better Safety Project aims to support front line responders to become confident in supporting people with disability and for disability supporters to become more confident in identifying violence and abuse. The first phase of the Better Safety Project was delivered in 2021-22 with the establishment of a working group which developed a range of initiatives to provide enhanced safety to people with disability.

The ACT Disability Justice Strategy 2019-2029 is a ten-year plan which aims to ensure people with disability in the ACT have equal access to justice and support for their right to equality before the law. The Disability Justice Strategy recognises that people with disability experience a greater need for legal support than many other people and also face a range of disadvantages that make them more likely to come into contact with the justice system. The Disability Justice Strategy aims to ensure people with disability understand their rights and more importantly ensure their rights are respected. The Disability Justice Strategy is supported by a series of action plans and review points.

The First Action Plan 2019-2023 supports the Disability Justice Strategy's five focus areas:

- Information and communication
- Education and guidance
- Identification, screening and assessment
- Better service delivery
- Data, research and review

The Disability Justice Strategy has a direct link to the aims of Recommendation 9.3. Disability Liaison Officers (DLOs) have been placed at ACT Policing, Victim Support ACT, Legal Aid ACT, Children Youth and Families, the Office of the Director of Public Prosecutions, ACT Courts and Tribunal, Canberra Community Law and ACT Corrective Services at Community Corrections and the Alexander Maconochie Centre. In addition, a Disability Inclusion Advocate (DIA) role has been established at Domestic Violence Crisis Service to ensure that people with disability who have been victims and survivors of family and domestic violence have accessible support. The DLOs and DIA meet regularly as a Community of Practice to discuss and address systemic issues to improve access to justice for people with disability, which includes people with disability who have experienced sexual abuse in childhood. The Community of Practice is a critical foundational action under the Disability Justice Strategy's First Action Plan. DLOs and the DIA provide both warm referrals and cultural confidence to respond to the needs of people with disability, supporting individuals to navigate the justice system. Development of the Second Action Plan is progressing and will build on the foundations made by the First Action Plan.

The ACT Government is developing a new ten-year ACT Disability Strategy (2023-33) to create a more welcoming and accessible community. An open consultation on the ACT Disability Strategy took place from April to August 2022. This consultation was co-designed and led by the ACT Disability Reference

Group. The voices of people with disability were at the forefront of planning and activities. Through the consultation to develop the new ACT Disability Strategy, being safe from abuse and violence was identified as a high priority issue for people with disability. Evidence shows that people with disability are between 2 and 10 times more likely to experience violence and abuse compared to people without disability. Lack of choice, control and autonomy, coupled with exclusion from social, economic and cultural life, places people with disability at increased risk of violence and harm.

The community's feedback and ideas will inform the creation of the ACT Disability Strategy. In December 2022, the ACT Government released a summarised Consultation Snapshot. In April 2023, the ACT Government released *Towards a 10-year ACT Disability Strategy – a Listening Report*, explaining what we have heard, what we have learned through research, and what we are thinking about to create change.

## **Safe and Supported: the National Framework for Protecting Australia's Children 2021-2031**

In 2021, the ACT Government agreed to *Safe and Supported: The National Framework for Protecting Australia's Children 2021–2031* (Safe and Supported), delivering on recommendation 6.15 of the Royal Commission. The goal for Safe and Supported is to make significant and sustained progress towards reducing the rate of child abuse and neglect and its intergenerational impacts.

Safe and Supported will be delivered through two set of Action Plans. The Action Plans were launched on 31 January 2023, and will be delivered between 2023 and 2026. The First Action Plan addresses the needs of all Australian children. It focuses on children and families who are experiencing disadvantage and/or are vulnerable. The Aboriginal and Torres Strait Islander First Action Plan will focus on achieving safety and wellbeing outcomes for Aboriginal and Torres Strait Islander children. It sets out actions and activities to address the over-representation of Aboriginal and Torres Strait Islander children in child protection systems.

The ACT Government will help deliver the Safe and Supported Action Plans alongside both the Federal Government and other state and territory governments, and contribute to decision-making through the Leadership Group.

## **THEME 2: AN OVERSIGHT SYSTEM THAT RESPONDS TO CHILD SAFETY**

### **An ACT Oversight Body for Child Safe Standards**

As noted in the Fourth Annual Progress Report, the ACT Government has progressed work to introduce an ACT oversight body for Child Safe Standards. In 2019, the ACT Human Rights Commission (HRC) was selected to oversee a Child Safe Standards Scheme for the ACT. The 2023-24 ACT Budget delivered \$3.3 million over four years to establish a Child Safe Standards Scheme for the ACT. The Scheme will support organisations working with children and young people to develop holistic and child-friendly approaches to safety and wellbeing. It will be implemented through a staged approach by the ACT Human Rights Commission, with an initial focus on building knowledge and awareness of the Child Safe Standards within organisations. This will include:

- raising awareness of the Child Safe Standards;
- developing resources;
- delivering training; and
- direct and targeted engagement with organisations where relevant.

### **Supporting independent review of child protection decisions**

The ACT Government is working to establish an external merits review mechanism for child protection decisions. This is part of a broader commitment to improve transparency and to empower children, young people, families, and carers. In 2022, the ACT Government engaged Monash University, in partnership with local Aboriginal consultancy Curiyo and the Centre for Evidence and Implementation, to conduct research, consult with stakeholders, and deliver advice on a unified model of external merits review best suited to the ACT context. The project considers how the right to seek review will be exercised and will examine the way an external merits review mechanism will work with internal review processes and the courts.

### **Creating a culture that supports disclosure and identification of child sexual abuse (recommendation 12.10)**

Recommendation 12.10 outlines the importance of developing resources to assist service providers of out-of-home care to provide appropriate support and mechanisms for children to communicate their views, concerns and complaints, and ensure they are heard and responded to by carers and caseworkers. It also outlines that children should be regularly consulted as part of continuous improvement processes.

The Community Services Directorate released Improved Decision-Making guidance and e-learning December 2022 which enables more consistent, collaborative and accountable child protection decision making. This training steps staff through processes to ensure children are involved in decisions about their lives.

The ACT has a Charter of Rights for Kids in Care, which outlines for children what they can do if they are unhappy about their care or think their rights are not being respected. Information for children includes internal government channels for raising concerns, as well as independent government bodies, such as the ACT Human Rights Commission, Official Visitors and the Ombudsman, and non-government options such as the CREATE Foundation. The Community Services Directorate has created resources to deliver accessible information, such as separate fact sheets for children under 12 and for those aged 13 and over, as well as easy English information sheets on different Community Services Directorate processes.

The Community Services Directorate has developed a Charter for Parents and Families involved with ACT child protection services, which was publicly released in May 2023. The ACT's Charter for Parents and Families reflects the 2014 foundational paper published by the Australian National University's Regulatory Institutions Network: A Charter of Rights and Responsibilities for Parents and Family Members with Children in the Care of Child Protection Services in Australia (Hamilton and Braithwaite).

## **THEME 3: SERVICES FOR CHILDREN AND YOUNG PEOPLE**

### **Supporting children with harmful sexual behaviours**

The ACT Government announced funding in the 2022-23 Budget for treatment for children and adolescents with harmful sexual behaviours through the Child at Risk Health Unit (CARHU) as an expanded service. In December 2022 Canberra Health Services commenced staff training with a professional from the Australian Childhood Foundation with expertise in the field of harmful sexual behaviours in children aged 10-18 years (recommendation 10.6) and developed a Community of Practice to support that work.

Domain Four of Next Steps focuses on trauma responsive and restorative practice (recommendations 12.11 and 12.12). This domain has the following priority initiatives:

- Embed family led decision making, including Family Group Conferencing, for all families where this is desired and appropriate;
- Invest in training in restorative and trauma responsive approaches for child and youth protection workers and community partners, and
- Establish an intensive trauma recovery service for adolescents and young adults.

Next Steps recognises that trauma continues to pervade the child and youth protection system. The implementation of therapeutic assessments, plans and supports for children and young people and training for carers and workers represent significant progress towards a trauma informed system. However, this is ongoing work and will require long term commitment to continue to weave in and embed restorative and trauma informed practice.



## Restorative and therapeutic approaches

To support Child and Youth Protection Services staff, the Community Services Directorate provides a comprehensive training program to assist staff in managing the challenges of their work (recommendation 12.12). Next Steps will build on this existing program, with a focus on restorative and trauma responsive approaches. This training will benefit frontline workers, while also ensuring the intent of a therapeutic, restorative and trauma informed system is realised in their practice. The Therapeutic Assessment Team offer therapeutic consults for kinship carers. These can be a one-off or time-limited consultation, to assist kinship carers with a specific issue relating to the care of a child while they wait for a full therapeutic assessment to be conducted.

In line with recommendation 12.18, the ACT Government recognises the importance of therapeutic model of care frameworks in residential care to meet the complex needs of children with histories of abuse and trauma. An initiative under Next Steps is the commissioning of evidence-based models of care, including therapeutic residential care. Next Steps aims to strengthen therapeutic residential care and models of support for young people with significant trauma behaviours.

The ACT Government has engaged MacKillop Family Services to deliver therapeutic residential care services in the ACT. The Sanctuary model employed by MacKillop reflects evidence-based best practice in the delivery of therapeutic residential care. The commencement of the new service delivers on the ACT Government's commitment to strengthen therapeutic residential care and models of support for young people with significant trauma behaviours.

## THEME 4: TAILORED SUPPORT THROUGH SPECIALIST SERVICES

### National Strategy to Prevent and Respond to Child Sexual Abuse

In 2021, the ACT Government agreed to the *National Strategy to Prevent and Respond to Child Sexual Abuse* (the National Strategy). The National Strategy is the first of its kind in Australia, and provides a nationally coordinated, strategic framework for preventing and responding to child sexual abuse. It seeks to reduce the risk, extent and impact of child sexual abuse and related harms in Australia. The National Strategy was launched in October 2021, addressing several recommendations of the Royal Commission, including 6.1, 6.2, and 8.7. The First National Action Plan will run from 2021 to 2024 and includes large-scale, national programs the Australian and state and territory governments will deliver together.



## Children and young people in detention

Recommendation 15.7 outlines the importance of improving access to therapeutic treatment for survivors of child sexual abuse who are in youth detention. Bimberi's Principal Practitioner is leading work on strengthening the therapeutic services and programs available to young people.

The small population of Bimberi provides for the opportunity to respond to the individual skills, interests and needs of the young people. This enables Bimber to provide a program that is responsive to these individual needs, including sessions with community services, such as Legal Aid, Winnunga Nimmityjah or Ted Noffs.

The ACT offers a single case management model for young people who are referred to Child and Youth Protection Services due to their involvement in the youth justice system. The primary principle that underpins the single case management model is young person-centred practice. This ensures young people are actively involved in decision-making and considers the effect that decisions and actions will have on a young person, their development, wellbeing, and safety.

The single case management model also provides for continuous and effective case planning, coordination and communication between stakeholders that upholds the best interests and youth justice principles and meets legislative and other requirements. It also supports a service model, tailored to ensure seamless service delivery to young people during periods of transition between community and detention, remand and sentenced orders.

Recommendation 15.5 calls on governments to consider further strategies that provide for the cultural safety of Aboriginal and Torres Strait Islander children in youth detention. Bimberi has well-established links with the Child and Youth Protection Services Cultural Services team and Aboriginal and Torres Strait Islander services in the community. Bimberi receives regular visits from Gudan Gulwan Youth Centre, Winnunga Nimmityjah Aboriginal Health Centre, Relationships Australia's Yarning Circles program, and Aboriginal Legal Services. Official Visitors also visit Bimberi at least monthly to meet with all young people and hear their complaints. At least one of the appointed Official Visitors is required to be an Aboriginal or Torres Strait Islander person.

Bimberi employs a designated Aboriginal and Torres Strait Islander Family Engagement Officer, who supports the engagement between families and young people and promotes an Aboriginal and Torres Strait Islander perspective into the daily functions and management of Bimberi. This includes arranging cultural activities for Reconciliation Day and NAIDOC week, such as workshops, smoking ceremonies, cultural presentations, art activities and community lunches.

The Director-General of the Community Services Directorate must arrange for the assistance of an interpreter to provide information to young people in Bimberi around entitlements and obligations if they believe on reasonable grounds that the young detainee is unable to communicate effectively in English due to disability or inadequate fluency in the English language.

The Children and Young People (Aboriginal and Torres Strait Islander Young People) Policy and Procedures 2018 (No.1) ensures all staff working at Bimberi receive cultural awareness training.

## Aboriginal and Torres Strait Islander children

### Aboriginal and Torres Strait Islander child placement principle (recommendation 12.8)

The ACT Government has made a firm commitment to fully embed the Aboriginal and Torres Strait Islander Child Placement Principle (ATSICPP) into legislation, policy and practice, recognising its importance and its role in reducing the disproportionate representation of Aboriginal and Torres Strait Islander children in the child protection and out of home care systems (recommendation 12.20). The existing review system includes interviews with children in the absence of a carer. Every year, children and young people undertake a viewpoint survey in the absence of a carer, through the Annual Review process (recommendation 12.7).

In December 2021, the ACT Government engaged the Secretariat of National Aboriginal and Islander Child Care (SNAICC) to conduct consultation with Aboriginal and Torres Strait Islander community members and Child and Youth Protection Services staff to establish a view on the best ways to fully embed the Aboriginal and Torres Strait Islander Child Placement Principle (CPP) into the *Children and Young People Act 2008*, policy and practice. This work will deliver on the Our Booris, Our Way recommendation to ensure the full intent of the Aboriginal and Torres Strait Islander CPP is reflected in the *Children and Young People Act 2008*, aligning with broader legislative reform work underway in the ACT. SNAICC completed community consultation and delivered a Final Report in October 2022, which included recommended legislative amendments for the ACT Government to consider to fully embed the Aboriginal and Torres Strait Islander CPP.

Amendments to the *Children and Young People Act 2008* will be incorporated as part of the legislative reform program currently underway. To support this work, the ACT Government has commissioned a further report from SNAICC, to develop culturally appropriate guidelines for the treatment of adoption and enduring parental responsibility for Aboriginal and Torres Strait Islander children and young people in care.

# PROGRESS ON WORKING WITH CHILDREN CHECKS REPORT

Legislative amendments passed in 2020 completed the ACT's work on recommendations from the Working with Children Checks Report. While the ACT has completed implementation of all Royal Commission recommendations relating to the Working with Children Checks Report, the ACT continues to participate in national work to ensure consistency and ongoing improvement in Working with Children Check/Working with Vulnerable People Schemes in all jurisdictions.

Amendments to the Working with Vulnerable People (Background Checking) Act 2011 were introduced in March 2023. Amendments include modifying risk-assessment processes within Working with Vulnerable People background checks.

Authorisations for carers included in the carers register in the ACT include:

- National police checks;
- WWVP registration; and
- Referee checks.

In line with the amendments to the WWVP Act, Child and Youth Protection Services have developed Risk Assessment Guidelines for any Exemption for Carers to hold a WWVP registration.

In the ACT, carers are authorised for a period of no longer than 5 years. At a minimum, carers are reviewed every 5 years in line with their WWVP registration expiry.

# PROGRESS ON REDRESS AND CIVIL LITIGATION REPORT

As of 2023, the ACT has completed 77 of the 84 Redress and Civil Litigation Report recommendations applicable to the ACT. Work on 6 remains in progress, and 1 is noted.

The ACT joined the ten-year National Redress Scheme on 1 July 2018. The Scheme is an important step to acknowledging the long lasting and severe injuries that can affect survivors for the rest of their lives.

A Hub has been established in the Justice and Community Safety Directorate to coordinate and monitor the provision of ACT responses to requests for information from the Commonwealth Department of Social Services to help it to assess applications for redress. The Scheme offers survivors access to psychological counselling, a direct personal response from the responsible institution and a monetary payment of up to \$150,000.

## Offers of redress under the scheme

In 2021-2022, the ACT Government received 23 requests for information (RFI) from the Scheme Operator, the Department of Social Services, in response to applications to the Scheme. The ACT Government provided responses to all 23 RFIs. 11 of these related to applications naming the ACT Government as the responsible institution or where the Scheme Operator believed the ACT Government may have relevant information, with the other 12 related to applications naming pre-self-government institutions. These RFIs require the ACT Government to provide the Scheme Operator with information to assist in the assessment of an application to the scheme.

In 2021-22, six offers of redress were made by the Scheme Operator in response to applications relating to ACT Government institutions, and all six were accepted.

## Implementation of institutional redress processes

The ACT remains committed to supporting the delivery of Direct Personal Responses (DPRs) to meet the needs of survivors. The ACT Government received two requests for DPRs in 2021-22.

As of July 2023, the ACT Government has received 127 referrals for counselling. Of these, 29 referrals were received in 2021-22. 42 clients have accessed or are accessing counselling through Victims Support ACT. Of these, 22 clients accessed Counselling and Psychological Care (CPC) in 2021-22.

The ACT will continue to work with the Commonwealth and states and territories to improve the Scheme, and to ensure the needs of survivors are met.

# PROGRESS ON CRIMINAL JUSTICE REPORT

As of 2023, the ACT has completed 75 of the 84 Criminal Justice Report recommendations applicable to the ACT. Work on 4 remains in progress, 1 is cross-jurisdictional and 4 are noted.

## Intermediaries and Interpreters

The ACT's Intermediary Program is fully established, meeting recommendations 59 and 60 of the Criminal Justice Report. Intermediaries have been engaged in criminal matters before the court since March 2020. In 2021, funding was allocated for the continuation of the intermediary scheme for a further two years. This ensures people with communication difficulties can continue to be supported by an intermediary, an independent communication specialist, to communicate their best evidence to police and to the courts.

As of 30 June 2023, the ACT Intermediary Program has received 804 referrals from ACT Policing, 137 referrals from ACT Courts and 14 referrals from legal professionals, primarily ACT Legal Aid. The ACT Program is the only scheme that operates 24 hours a day, seven days a week in Australia and has been able to allocate an intermediary to all referrals received it has received. The Program currently has eight in-house intermediaries as well as a panel of 15 intermediaries it can call upon for matters that are received both within and outside standard business hours.

The ACT Intermediary Program has received 137 requests from ACT Courts. This includes 37 Supreme Court and 62 Magistrates Court matters. In that time, 84 ground rules hearings have been completed, in which intermediary recommendations were considered by judicial officers regarding the communication needs of the referred individuals. Each recommendation made by an intermediary is tailored to the communication needs of the individual which has ensured questioning at court is conducted in a way that meets the communication needs of the individual involved.

## Legislative reform of judicial directions

Recommendation 65 proposes jurisdictions consider introducing or amending legislation necessary to ensure that several provisions in relation to judicial directions and warnings address common misconceptions about child sexual abuse. The *Evidence (Miscellaneous Provisions) Act 1991* (ACT) and the *Evidence Act 2011* (ACT) have codified these proposals, except for recommendation 65 (a)(iii). The ACT Government will consider including an amendment to give effect to this recommendation through a suitable legislative vehicle.

Recommendation 66 calls on jurisdictions in which Markuleski directions are required to consider abolishing any requirements for such directions. During consultation undertaken by ACT Government, stakeholders raised concerns about this proposal, including to note the use of Markuleski directions in a range of criminal trials. The ACT Government will continue to monitor and undertake further consultation to develop an amendment which can give effect to this recommendation without creating unintended consequences.

Recommendation 67 highlights the importance of improving information for judges and legal professionals to understand child sexual abuse and current social science research in relation to child sexual abuse.

The Sexual Assault Prevention and Response Steering Committee was established to provide formal recommendations on how to improve sexual assault prevention and responses to victims in the ACT. In December 2021, the Steering Committee handed down their recommendations in their report, “Listen. Take action to prevent, believe and heal” (SAPR Report).

The SAPR Report included a recommendation that ACT Courts develop a sexual assault bench book, on the basis that a comprehensive bench book would support greater consistency in the interpretation of sexual violence offences and promote best practice among judicial officers and legal professionals. Bench books can be updated and may include model judicial directions.

This recommendation has been raised with Heads of Jurisdiction. The ACT Government will continue conversations with ACT Courts and Tribunal about the most appropriate way to improve information for, and promote best practice among, judicial officers and legal professionals in the Territory.

# LOOKING FORWARD

The ACT Government will continue to implement the remaining in progress recommendations from the Royal Commission including to:

- Continue work on the remaining part of the Criminal Justice Report recommendation 65 (a)(iii) in relation to judicial directions;
- Continue work on improving assessment and therapeutic intervention for children with problematic and harmful sexual behaviours (Final Report, recommendations 10.2 and 10.3);
- Further consider the abolishment of Markuleski directions in consultation with stakeholders (Criminal Justice Report, recommendation 66);
- Enact Child Safe Standards legislation and support implementation (Final Report, recommendations 6.4-6.6, 6.8-6.12, 13.1 and 14.1);
- Progress development of legislation to give effect to the intent of the Royal Commission's recommendation for reforms in relation to the duty of institutions (Redress and Civil Litigation Report, recommendations 89-93);
- Continue consultation on the proposal for ACT Courts to improve information for, and promote best practice among judicial officers and legal professionals (Criminal Justice Report, recommendation 67); and
- Further consider whether unincorporated bodies funded directly or indirectly provide children's services and consider requiring them to maintain insurance covering liability in respect of institutional child sexual abuse claims (Redress and Civil Litigation Report, recommendation 95).

The ACT Government will also continue to integrate ongoing Royal Commission recommendations into business-as-usual, best practice, and continual improvement.

The work of the Royal Commission and the ACT Government's response may bring up strong feelings and questions. Be assured you are not alone, and that there are many services and support groups available to assist.

Some options for advice and support:

**1800 RESPECT**

Telephone **1800 737 732** or chat online (both 24 hours/7 days) for support

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

**Lifeline Crisis Support**

Speak to a crisis support worker by telephone on **13 11 14** (24 hours/7 days) or chat online (7 pm – midnight/7 nights).

For information:

[www.lifeline.org.au/get-help/get-help-home](http://www.lifeline.org.au/get-help/get-help-home)

**National Redress Scheme**

Telephone the National Redress Information Line on **1800 146 713**

**Blue Knot Foundation**

Telephone the Blue Knot Helpline and Redress Support Service on **1300 657 380** (9am-5pm 7 days a week)

For information: [www.blueknot.org.au](http://www.blueknot.org.au)

**Full Stop Australia**

Access 24/7 telephone and online counselling.

Telephone 1800 385 578

For information : [www.fullstop.org.au](http://www.fullstop.org.au)



**Acknowledgement of Country**

We acknowledge the Ngunnawal people as traditional custodians of the ACT and recognise any other people or families with connection to the lands of the ACT and region. We acknowledge and respect their continuing culture and the contribution they make to the life of this city and this region.