



THE ACT GOVERNMENT **THIRD 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)

CONTENTS

OVERVIEW	1
FINAL REPORT – PROGRESS	3
Theme 1: Making Institutions Child Safe.....	3
eSafety	3
Improving knowledge in school communities	4
Teacher Registration	4
Protection for boarders	4
ACT Education reviews Safe and Supportive Schools policy	4
Managing complaints of child sexual abuse in schools	5
A trauma-informed health system	5
Interjurisdictional Committees	5
Theme 2: An Oversight System that Responds to Child Safety	6
An ACT Oversight Body for Child Safe Standards	6
Records institutions delivering long-term accountability	6
Records keeping in schools	7
Theme 3: Services for Children and Young People	8
Supporting children with Harmful Sexual Behaviours	8
Intermediaries.....	8
Theme 4: Tailored Support through Specialist Services	10
Trauma informed schools	10
Aboriginal and Torres Strait Islander children	10
Alignment with other reforms	11
PROGRESS REPORT ON WORKING WITH CHILDREN CHECKS	12

PROGRESS REPORT ON REDRESS AND CIVIL LITIGATION13

PROGRESS REPORT ON CRIMINAL JUSTICE14

- Reporting Child Sexual Abuse 14
- Crime data..... 14
- Interviews and Evidence 14
- Intermediaries and Interpreters 15
- Principled interactions 15
- Community education 15

NEXT STEPS FOR THE ACT.....17

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 across Australia over many years.

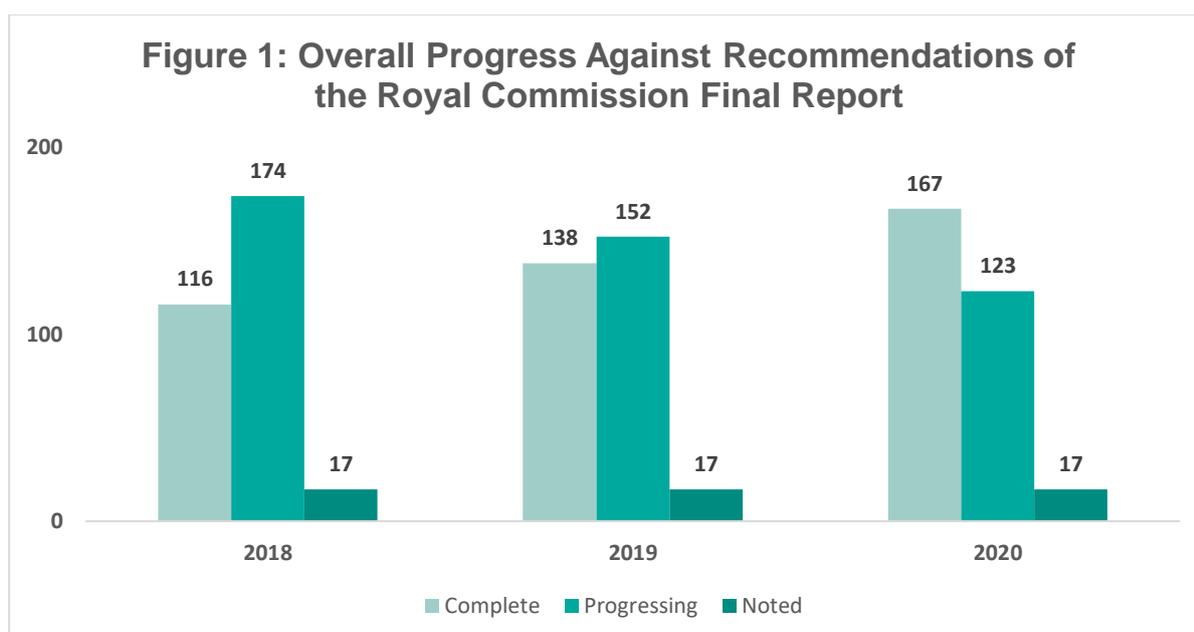
The Royal Commission handed down its Final Report on 15 December 2017. The Final Report contained 189 recommendations, of which 105 affect state and territory governments.

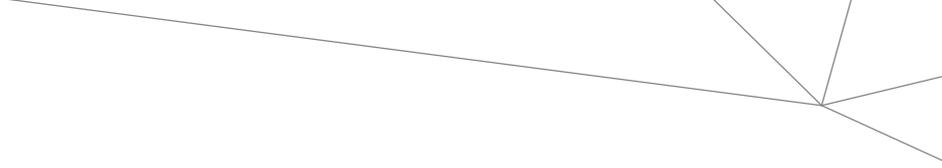
The Royal Commission has previously released:

- The Working with Children Checks Report in August 2015, containing 36 recommendations: 35 are relevant to the ACT.
- The Redress and Civil Litigation Report in September 2015, containing 99 recommendations: 84 are relevant to the ACT.
- The Criminal Justice Report in August 2017, containing 85 recommendations: 83 are relevant 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 the recommendations. Currently, of the 307 recommendations from the Final Report, 167 are complete, 123 are in progress and 17 are noted.





As per recommendation 17.2 of the Final Report, the ACT will continue to provide an Annual Progress Report for five years, from 2018 to 2023, responding to the recommendations of the Royal Commission.

This is the third Annual Progress Report and represents the transition into the second half of the implementation phase for the Final Report recommendations.

The COVID-19 public health emergency has changed some planned approaches to implementing the recommendations of the Final Report. Certain pieces of work have been delayed while other projects have been rearranged to allow work to continue in a socially distanced manner. Despite these challenges, significant progress has been achieved in 2020.

The work of this Royal Commission is incredibly important, and the ACT is committed to learning from the experiences of the brave survivors who came forward and from the Royal Commission's final recommendations.

FINAL REPORT – PROGRESS

The ACT continues to make progress across the four themed domains.

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.

At the end of 2020, progress has continued to be made across each of the four themed domains. The ACT has completed 163 of the 307 relevant recommendations. Work on an additional 127 recommendations is in progress and 17 recommendations have been noted.

THEME 1: MAKING INSTITUTIONS CHILD SAFE

eSafety

The Royal Commission recommended a nationally consistent curriculum for online safety education in schools (recommendation 6.19). The Education Directorate has developed a new online service portal to give all ACT public school students access to the online safety resources developed by the Australian Curriculum Assessment and Reporting Authority and the Office of the eSafety Commissioner.

The ACT Teacher Quality Institute (TQI) is the registration body for ACT teachers. TQI has promoted the online safety resources to all registered teachers in the ACT through social media and its Teacher Portal.

TQI has also introduced online safety training for pre-service and in-service teacher education programs, meeting recommendation 6.21. From December 2019, teacher education programs must include explicit guidance to raise awareness of safe learning environments for children before they can be accredited by TQI. These programs must use the education resources from the Office of the eSafety Commissioner.

The ACT has also made significant progress on implementing Recommendation 6.23, which relates to online incident reporting. The Education Directorate is collaborating with the Queensland Government Cyber Safety and Reputation Management Unit to inform its responses to online safety incidents. The Education Directorate is also improving the process of investigating online incidents by refining relevant protocols.

Improving knowledge in school communities

Online resources are being developed for schools and parents of students in the ACT, based on the PROTECT materials used in Victoria. In addition to providing guidance on the prevention and response to child sexual abuse, these materials will provide practical suggestions on the implementation of the National Principles for Child Safe Organisations ('Child Safe principles') in schools.

Teacher Registration

Nationally, the Australian Institute for Teachers and School Leaders (AITSL) engaged Russell Kennedy Lawyers to draft a Best Practice Framework for Teacher Registration to strengthen child safety and wellbeing. The framework will provide a baseline reference for the ACT to use and customise according to its specific circumstances, priorities and broader regulatory environments. The ACT has been actively involved in the development of the Framework and will decide how to use it once it has been approved by Education Council.

Protection for boarders

In August 2020, the ACT Government introduced amendments to the *Education Act 2004* to strengthen the regulation of boarding schools. This legislation, which commenced in January 2021, allows the Minister for Education to make regulations specifying that all ACT schools with boarding facilities must adhere to the boarding standards to obtain and maintain registration (AS 5725:2015 of the Australian Standard). These standards set minimum requirements which include Working with Children checks for all staff, record-keeping procedures, and child protection professional development. Schools with boarding facilities will need to demonstrate appropriate policies and procedures, compliance with the Child Safe principles, and articulate responses to the Royal Commission's Final Report recommendations.

Review of the Safe and Supportive Schools policy framework

The Education Directorate has reviewed the Safe and Supportive Schools policy framework to bring policies in line with the Child Safe principles. This work embeds the Child Safe principles into ACT schools and has led to the development of a coherent policy base to support teachers, school staff, and Directorate staff in delivering a safe schooling environment for all ACT children. As part of this project, policies were updated with consistent definitions and language. Over the next few years, the Education Directorate will continue to develop associated resources for staff and build links between Safe and Supportive Schools and the Child Safe principles.

Managing complaints of child sexual abuse in schools

To implement recommendation 7.7, institutions should have a clear, accessible, and child-focused complaint handling policy and a procedure that sets out how complaints of child sexual abuse will be responded to. The Education Directorate has fully implemented this recommendation, which also supports the sixth Child Safe principle.

Last year, an independent review was conducted of complaints management in the Education Directorate. The outcomes of the review have informed the Education Directorate's new complaints management policy and procedure. The complaints management policy and procedure are now being implemented across ACT government schools.

Since 2019, non-government schools applying for registration renewal have been asked to provide evidence that their complaints policies and practices reflect the recommendations of the Royal Commission.

A trauma-informed health system

The ACT Health Directorate has completed work addressing recommendation 9.8. A new team dedicated to the Child Abuse Royal Commission has developed policy guidance material to promote the integration of trauma-informed care into health policies, frameworks, and strategies. The ACT Health Directorate has supported Canberra Health Services to develop similar guidance. These amendments aim for the needs of victims and survivors to be recognised in all interactions with the ACT public health system.

Interjurisdictional Committees

Representatives from all ACT Government directorates have a role in implementing consistent responses to the Final Report recommendations. Representatives have participated in the:

- Consultations for the National Centre for the Prevention of Child Sexual Abuse;
- Child Abuse Royal Commission Interjurisdictional Committee;
- Interjurisdictional working group on therapeutic responses for children with problematic and harmful sexual behaviours;
- Consultations for National Child Safe Standards and implementation of Child Safe Standards within the ACT with The National Office for Child Safety; and
- Interjurisdictional working group for a nationally consistent approach to Working with Children checks.

THEME 2: AN OVERSIGHT SYSTEM THAT RESPONDS TO CHILD SAFETY

Oversight of the Child Safe Standards

The ACT Government has progressed work to introduce a Child Safe Standards scheme, which will adopt the existing National Principles for Child Safe Organisations and be overseen by the ACT Human Rights Commission (HRC). The HRC already engages with most sectors providing services to children, actively collaborates with and shares information with the full range of regulators relevant to child safe standards and has existing legislative and compliance powers appropriate for the oversight of a child safe standards scheme.

From November 2019 to February 2020, the Chief Minister, Treasury and Economic Development Directorate consulted with varied stakeholders. Community sentiment was that:

- Protecting and empowering children and young people through Child Safe Standards is important
- People either supported Child Safe Standards or recognised that we need the standards
- Many people see Child Safe Standards as an opportunity to improve the way they do things
- There are different levels of awareness of Child Safe Standards
- Organisations need support to follow Child Safe Standards
- The relevant regulatory bodies must work together

The ACT delayed legislation to introduce to a Child Safe Standards scheme while organisations providing services to children are responding to the COVID-19 public health emergency. The Bill is tentatively scheduled for introduction in the second half of 2021.

Records institutions delivering long-term accountability

The ACT's Territory Records office is working closely with other records institutions in the Council of Australian Archives and Records Authorities (CAARA). Archival and records institutions represented by CAARA require government agencies to keep records relating to child sexual abuse that has occurred, or is alleged to have occurred, for at least 45 years. The ACT retains most of these records for 99 years.

Our Territory Records Office contributed to developing advice for government agencies. The advice was published late last year and outlines responsibilities for recordkeeping; the characteristics of a complete and accurate record; and which records are likely to be relevant to an actual or alleged incident of child sexual abuse. The advice directly addresses Australian government institutions and can be voluntarily adopted by private sector institutions.

This year, CAARA members have completed work on the Royal Commission's record-keeping recommendations. With representatives from the Australian Society of Archivists they have jointly developed recordkeeping resources for non-government records relating to out-of-home care. The

Out of Home Care Records Toolkit includes information about the recordkeeping-related findings and Royal Commission recommendations and encourages users to recognise what these recommendations mean for their organisations.

Records keeping in schools

The Education Directorate is undertaking an internal review of records and records keeping processes relating to child safety and wellbeing. The review will determine if existing record-keeping processes align with the Royal Commission's five record-keeping principles. The outcome of this review will inform future efforts to meet recommendations.

THEME 3: SERVICES FOR CHILDREN AND YOUNG PEOPLE

Supporting children with harmful sexual behaviours

The Health Directorate and Canberra Health Services have contributed to inter-jurisdictional work on implementing the recommendations contained in Volume 10 of the Final Report, through the national Children with Harmful Sexual Behaviours Working Group. While the frequency of Working Group meetings was reduced to allow jurisdictions to focus on the COVID-19 pandemic, the ACT continues to assist Western Australia to develop and deliver a work plan agreeing to a national definition of 'children with harmful sexual behaviours'. Developing common terminology within and across jurisdictions will underpin efforts to build nationally consistent supports for these children.

The Education Directorate began developing a new protocol for responding to children with harmful sexual behaviours in June 2020. The protocol will be guided by best practice identified in Victoria and South Australia.

Intermediaries

The ACT Intermediary Program is fully established after work began in June 2019. The program provides intermediaries to support children and vulnerable witnesses to communicate evidence to police. Intermediaries have been engaged in criminal matters before the court from March 2020.

Successes of the Intermediary Program include:

- establishment of an active program oversight body, the 'Implementation Monitoring Group', comprised of senior representatives of ACT law and justice organisations, the Justice and Community Safety Directorate, and Child and Youth Protection Services
- recruitment, training, and accreditation of an in-house team and an external panel of allied health professionals, producing a first cohort of 13 intermediaries
- training and information sessions for criminal justice system stakeholders and civil society organisations
- finalisation of co-designed processes, procedures and referral pathways to ensure early confidence in the program by criminal justice stakeholders and beneficiaries
- development of an internal ACT Human Rights Commission database to monitor, evaluate and provide quality assurance indicators
- release of public education materials explaining the Intermediary Program in the ACT - available at <https://hrc.act.gov.au/act-intermediary-program/>
- engagement of intermediaries in police interviews and Supreme Court proceedings in sexual abuse and violence-related matters, with beneficiaries ranging between four and 92 years of age and demonstrating a range of communication difficulties
- maintenance of an intermediary service 7 days a week, including out of standard business hours throughout the COVID-19 public health response

- provision of intermediary services at locations other than police stations and courts as required by police and witnesses
- 100% success rate of providing appropriately skilled intermediaries to the satisfaction of those who requested intermediary assistance

THEME 4: TAILORED SUPPORT THROUGH SPECIALIST SERVICES

Trauma-informed schools

Implementation of recommendation 9.8 is now complete. Building on previous progress, all ACT public schools have implemented trauma-informed approaches to student welfare.

Trauma-informed strategies and educational resources help to prevent abuse, increase help seeking behaviours and make school environments safe and supportive for students.

Examples of trauma-informed practice are:

- Positive Behaviours for Learning (PBL) - an evidence based, whole school approach for creating safe, supportive school environments
- Respectful Relationships Education - a curriculum area which prevents gender-based violence by specifically addressing gender inequality, respectful and non-violent relationships
- Trauma Understanding and Sensitive Teaching (TRUST) – the Australian National University’s ACT Child and Adolescent Trauma, Grief and Loss Network’s trauma-sensitive schools’ program has been implemented in seven schools (six ACT Public Schools and one Catholic School)
- ongoing professional learning is offered in the Professional Learning and Events Calendar
- trauma-informed approaches are core business for school psychologists
- specialist teachers are trained in trauma-informed practice
- Network Student Engagement Teams, allied health, and teaching staff receive and are expected to implement training on trauma-informed support

Aboriginal and Torres Strait Islander children

As part of the consultation on an oversight body for the proposed ACT Child Safe Standards scheme, the Chief Minister, Treasury and Economic Development Directorate approached 35 Aboriginal and Torres Strait Islander organisations in community, recreation, and cultural sectors.

People reported that bullying and racism are significant safety issues for children and young people in organisational settings. Further, organisations failing to respond properly create additional harm.

Other feedback was similar to that provided by the wider community. Most organisations:

- expressed commitment to child safety
- are concerned about resource implications of the new scheme
- are confused/fatigued by the range of child safety reforms arising from the Royal Commission

Some organisations:

- are already thinking carefully about child safety and risk issues, and consider that they are well placed to handle the new scheme
- work with families experiencing high vulnerability or crisis, and had questions about whether Child Safe Standards will require them to undertake actions that might alienate their clients and cause them to disengage from support services (placing children at risk)

The ACT will continue to work on building principles of self-determination into the process of designing the Child Safe Standards oversight scheme, to ensure it aligns with cultural concepts of safety. One option is to host a workshop with Aboriginal and Torres Strait Islander organisations to develop a common understanding of what child safe practice means in the community, to share ideas, and embed cultural safety into the design and operation of the Child Safe Standards scheme.

Alignment with other reforms

Work is underway to align Royal Commission projects with recommendations from the *Our Booris, Our Way* review, for example full implementation of the Aboriginal and Torres Strait Islander Child Placement Principle; establishment of a Aboriginal Community Controlled Organisation focusing on children and young people; and provision of early support to families before engagement with the child protection system.

This alignment work is also happening with the development of next steps for the ACT out of home care strategy, *A Step Up for Our Kids*.

PROGRESS REPORT ON WORKING WITH CHILDREN CHECKS

Legislative amendments passed in 2020 completed the ACT's work on recommendations from the Working with Children Checks Report. Nationally, work continues to implement the National Standards and the National Reference System.

The *Working with Vulnerable People (Background Checking) Act 2011* (the WWVP Act) requires people who work, volunteer, or have contact with children and vulnerable people in regulated activities to have a background check and risk assessment undertaken in order to be registered under the Working with Vulnerable People (WWVP) Scheme.

In late 2019, the ACT Government and all other jurisdictions agreed to the National Standards for Working with Children Checks (National Standards), which established nationally consistent parameters for the screening of individuals who propose to engage in child-related work. The *WWVP Act* aims to reduce the risk of harm or neglect to vulnerable people in the ACT and implements the National Standards.

In 2019, amendments were made to the WWVP Act that:

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

In 2020, further amendments were made to the WWVP Act that:

- built on legislative amendments made in 2019 by extending the application of disqualifying offences for NDIS workers to individuals intending to engage in regulated activities involving children
- refined the classification of offences to align with the NDIS worker screening framework and achieve national consistency
- established a process for assessing kinship carers so that they are not automatically excluded from working with children or an NDIS activity
- resolved unintended consequences of related provisions
- gave effect to the National Standards in the ACT

PROGRESS REPORT ON REDRESS AND CIVIL LITIGATION

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.

In 2019-20, the ACT Government received 20 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 20 RFIs. Seven of these related to applications naming the ACT Government as the responsible institution, with the other thirteen 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 2019-20, five offers of redress were made by the Scheme Operator in response to applications relating to ACT Government institutions, and nine were made arising from abuse for which pre self-government institutions were responsible.

The ACT remains committed to supporting the delivery of Direct Personal Responses (DPRs) to meet the needs of survivors. The ACT Government has received four requests for DPRs.

Victims ACT (VSACT) has established arrangements to support survivors choosing to access psychological counselling. As of 19 November 2020, the ACT Government has received 45 referrals. 17 clients have accessed or are accessing counselling through VSACT.

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

PROGRESS REPORT ON CRIMINAL JUSTICE

Reporting Child Sexual Abuse

An online reporting option for historical victims of sexual assault was launched on 26 August 2020. The reporting option will be promoted on ACT Policing's website and social media channels. Support agencies will be provided with information and communication material to share on their platforms to reach more people who may wish to report historical offences. ACT Policing is liaising with ACT Corrective Services to enable the form to be accessed at the Alexander Maconochie Centre.

The online reporting form is available on the Australian Federal Police website, at: https://forms.afp.gov.au/online_forms/actpolicing_reporting_sexual_assault

The ACT Policing website provides information on the options for reporting child sexual abuse in the ACT, including information on the new online report option: <https://police.act.gov.au/safety-and-security/sexual-assault>

ACT Policing Sexual Assault and Child Abuse Team encourages the taking of statements from victims in instances where the perpetrator is deceased. The victim is informed that no further investigation will be undertaken after the statement is obtained and is referred to appropriate support services.

Crime data

The Report on Government Services police services chapter currently includes sexual assault data sourced from the Australian Bureau of Statistics (ABS) Crime Victimization Survey, which does not collect data on children. The survey asks people aged 18 years and over about their lifetime experience of sexual assault.

The National Crime Statistics Unit of the ABS is analysing the reporting of historical sexual assaults. It has found that of the offences collected, sexual assault has the highest proportion of incidents that occurred more than 12 months ago. This analysis project will delve into the data to examine whether reporting of historical sexual assaults has been increasing over the past few years. The investigation is ongoing with results expected to be released prior to June 2021.

Interviews and Evidence

All ACT Policing interview rooms have been updated with the new Digital Record of Interview System, which is used daily as standard practice by ACT Policing members. This implements recommendation 9h.

The Royal Commission Criminal Justice Legislation Amendment Bill 2020 was passed on 23 July 2020. The Bill includes the recommended reforms to the ACT laws governing the admissibility of tendency

and coincidence evidence, the reforms are based on model laws agreed on the Council of Attorneys General.

Recommendation 84 has been fully implemented. This recommendation required to prevent complainants in child sexual abuse prosecutions from being compelled to give evidence on any additional occasion if 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. In the ACT, *The Evidence (Miscellaneous Provisions) Act 1991* already reflected this through the use in the ACT of pre-recorded evidence and pre-trial hearings. Complainants in child sexual abuse cases can pre-record evidence on one occasion which can be used for the purposes of any proceeding in the higher courts or the Children's Court.

Intermediaries and Interpreters

Intermediaries have been available to police to assist in interviews of children and other vulnerable witnesses since 31 January 2020. This meets recommendations 13c and 13d of the Criminal Justice Report recommendations.

In the first six months, ACT Policing engaged an intermediary on 58 occasions in relation to sexual assault and violent offence investigations. ACT Policing has noted a decrease in referrals in recent months, likely to the impact of COVID-19 and limitations on face-to-face meetings.

The sections of the *Evidence (Miscellaneous Provisions) Amendment Act 2019* relating to ground rules commenced on 9 March 2020, providing legislative support for ground rules hearings in ACT Courts. These hearings are a feature of recommendation 60. Since the provisions came into force, the Supreme Court has ordered and undertaken two ground rules hearings.

ACT Police and/or the Office of the Director of Public Prosecutions (DPP) are responsible for organising interpreters for witnesses in criminal matters. ACT Policing works with interpretation agencies to facilitate the use of interpreters when required during investigations and prosecutions. The DPP has used nationally accredited translators for many years.

Principled interactions

The Office of the Director of Public Prosecutions (DPP) has engaged external service providers to provide trauma training and Cultural Awareness Training to staff. All staff will be exposed to the Cultural Awareness Training.

The DPP has also developed detailed victim engagement policies, which have been published on its public website. The policies include the rights of appeal of key decisions, a detailed documentation and audit process; they also implement recommendations 40 to 43 of the Criminal Justice Report. These policies comply with all aspects of the Criminal Justice Report recommendations. Staff training is underway.

Community education

The DPP has produced two videos, to provide witnesses with easy to digest information and reduce their stress with court engagement. The first video shows what to do when you receive a subpoena and the second shows the trial process. The videos have been posted on the DPP's external website.

In line with Criminal Justice Report recommendation 14, ACT Policing continues to engage with schools and the broader community to provide information about child safety. The content of this information is reviewed and updated as necessary.

NEXT STEPS FOR THE ACT

An effective response to implement the Royal Commission's Final Report recommendations depends on careful consideration, extensive consultation and cooperation between jurisdictions.

Over the next 12 months, the ACT will continue to implement the recommendations from the Royal Commission. In 2021 the ACT will:

- focus on training, facilities, and evaluation for the Intermediary Program
- continue to engage with Interjurisdictional working group for a nationally consistent approach to Working with Children checks to progress ongoing work, including the development and implementation of the National Reference System to support continuous monitoring and information sharing
- focus on information sharing recommendations relevant to the Education Directorate and consider how to ensure non-government schools adhere to the Royal Commissions proposed standards for records management

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 include **1800 Respect**, Lifeline on **13 11 14** and the National Redress information Line on **1800 146 713**.