

TASMANIAN GOVERNMENT

# Fourth Annual Progress Report and Action Plan 2022

Implementing the  
Recommendations of the Royal Commission into  
Institutional Responses to Child Sexual Abuse

## Support services

The work of the Royal Commission and the Tasmanian Government's response may be distressing to some people in our community. If at any time you feel that you would like to speak with someone there are services and support groups that can help.

Some options for advice include:

- 1800 Respect, 1800 737 732
- Lifeline (24 hours) 13 11 14
- Beyond Blue 1300 224 636
- Victims of Crime Service 1300 300 238
- Sexual Assault Support Service (24 hours) 1800 697 877
- Laurel House Northern Tasmania (03) 6334 2740
- Laurel House North West Tasmania (03) 6431 9711
- Blue Knot Foundation 1300 657 380
- Child Abuse Prevention Services 1800 688 009
- Strong Families, Safe Kids 1800 000 123
- Suicide Call Back Service 1300 659 467
- MensLine Australia 1300 789 978
- Relationships Australia, Tasmania 1300 364 277
- The National Redress Scheme Information Line on 1800 146 713

Tasmanian Government

### **Fourth Annual Progress Report and Action Plan 2022**

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## BACKGROUND

The Royal Commission into Institutional Responses to Child Sexual Abuse (the Royal Commission) was established by the Australian Government on 11 January 2013.

Tasmania, along with all state and territory governments, established concurrent inquiries appointing the same Commissioners to comprehensively respond to the problem of child sexual abuse in institutional contexts, which has occurred contemporarily and historically, in a variety of institutional settings.

The Royal Commission conducted 57 formal public hearings over 400 days around Australia (including two hearings in Tasmania), 8,013 private sessions with people affected by sexual abuse, received 25,964 letters and emails, and handled 42,041 calls.

On 15 December 2017 the Royal Commission presented its Final Report to the Governor-General, detailing the culmination of a five-year inquiry into institutional responses to child sexual abuse and related matters.

The Final Report comprises an executive summary and 17 volumes over a broad range of areas. The Royal Commission's Final Report and three earlier reports contain a total of 409 recommendations.

The Royal Commission released the following earlier reports:

- The *Working with Children Checks Report* in August 2015, including 36 recommendations;
- The *Redress and Civil Litigation Report* in September 2015, including 99 recommendations; and
- The *Criminal Justice Report* in August 2017, including 85 recommendations.

The Royal Commission's recommendations aim to:

- prevent child sexual abuse or, at the very least, identify it and appropriately respond to it as early as possible;
- improve the way perpetrators of child sexual abuse are investigated, prosecuted and sentenced; and
- improve access to justice and ongoing support for victims and survivors of child sexual abuse.

The Royal Commission's recommendations recognise that governments, institutions and the broader community share responsibility for keeping children safe. Recommendations can be arranged by the following themes:



- Theme 1: Making institutions safe for children
- Theme 2: Causes, support and treatment
- Theme 3: Redress and civil litigation
- Theme 4: Criminal justice and the protection of children
- Theme 5: Accountability and annual reporting

In Volume 17 of its Final Report, the Royal Commission makes a number of recommendations that are intended to hold government and other institutions to account for the implementation of the recommendations. These include timeframes for initial government responses to the recommendations, ongoing periodic reporting on implementation progress and a 10-year review of implementation and its effectiveness.

The Royal Commission recommended (recommendation 17.1) that the Australian Government and state and territory governments should each issue an initial formal response to this Final Report within six months of it being tabled, indicating whether recommendations are accepted, accepted in principle, rejected, noted or subject to further consideration.

The Royal Commission recommended that following Australian governments' initial formal responses to the Final Report, each state and territory government should report on their implementation of the Royal Commission's Final Report recommendations 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.

This report is the Tasmanian Government's Fourth Annual Progress Report and Action Plan for 2022.



## MESSAGE FROM THE ATTORNEY-GENERAL



This year has shone a spotlight on the devastating impact of child sexual abuse in our community. The Tasmanian Government acknowledges that child sexual abuse has not only been the result of historical institutional environments and outdated practices, but is an ongoing risk to our children and young people that requires strong leadership. In implementing reforms, we must acknowledge, adapt and anticipate what is needed to protect our children and young people so that they can grow, learn and develop safely in a rapidly changing world.

Our children and young people have experienced many changes over the last two years, not least of all due to the impact of the COVID-19 pandemic on our State. They will continue to experience challenges in the new year with the re-opening of the State's borders. Our children and young people are increasingly engaging with each other on online platforms to learn and maintain social relationships. These settings bring additional challenges and risks to managing child safety. I am committed to the complex task of ensuring that reforms are implemented to enhance child safety in a way that is both best-practice and future-focused.

Much work has been already been done to implement the recommendations of the *Royal Commission into Institutional Responses into Child Sexual Abuse* ('the Royal Commission') and I am very proud of what we have achieved in a relatively short time. The work has been complex, requiring challenging stakeholder engagement, but on many occasions we have led the country in implementing the necessary reforms.

In November 2020, our Government recognised the need to review Tasmanian Government systems to ensure that they meet these objectives, which is one of the reasons why we announced the establishment of a Commission of Inquiry to examine the performance of Tasmanian Government agencies and systems, to protect children and young people. There is no more important task for any Government than to ensure the safety and wellbeing of our children and, while we cannot change the past, we are committed to our Government making a positive difference for the future.

While there is a significant body of work already completed in response to the Royal Commission, our Government considers it critical that Tasmanian systems are specifically scrutinised. This is to ensure that we address past failings, identify any risks and deficiencies that may be in existing systems, and suggest how best to implement reforms and improvements that will prioritise the safety of our children and young people in a Tasmanian context.



On 15 March 2021, the *Commission of Inquiry into the Tasmanian Government's Responses to Child Sexual Abuse in Institutional Settings* ('the Commission of Inquiry') commenced its important work. The Tasmanian Government has already responded to five formal requests for information and records, and has provided in excess of 3000 documents to assist the Commission of Inquiry. We will continue to cooperate fully with the Commission of Inquiry as we work together to identify areas to improve Tasmanian Government systems.

Many Tasmanians are coming forward to the Commission of Inquiry and sharing their personal experiences. Due to their immense courage, we continue to learn about the nature, causes and impacts of abuse. To each and every person who reports abuse and tells their story, I would like to personally acknowledge and thank you. Whether these are historic or current, I offer my deepest and most heartfelt apology to all victim-survivors.

I am also pleased to present the Tasmanian Government's Fourth Annual Progress Report and Action Plan 2022. This Report includes the Tasmanian Government's progress since the completion of the Royal Commission.

On 20 June 2018, I tabled a formal response to the recommendations of the Royal Commission in the Tasmanian Parliament. The Tasmanian response outlines the Government's support for the majority of the Royal Commission's recommendations providing actions to be implemented by state and territory governments.

This year, I am proud to report on the commencement of the Witness Intermediary Scheme Pilot on 1 March 2021. The Scheme is a key recommendation of the *Royal Commission's Criminal Justice Report* and provides children and young people with specialist communications assistance to engage in the criminal justice system.

Tasmanian witness intermediaries are making a real difference to how courts, legal practitioners and police communicate with children and vulnerable adults, and are improving outcomes for vulnerable victim-survivors and witnesses participating in police interviews and criminal trials.

Since commencement, witness intermediaries have assisted victim-survivors and witnesses engaging with Tasmania Police and participating in criminal trials on over 300 occasions.

There are 21 witness intermediaries servicing all regions of Tasmania. The Department of Justice is also currently recruiting for more witness intermediaries in the North and North-West regions of the State.

In 2022, I look forward to progressing work to introduce various amendments to Tasmania's criminal justice legislation to further implement and support recommendations from the Royal Commission's Criminal Justice Report that will:

- enable prosecuting authorities to introduce additional relevant tendency and coincidence evidence against an alleged abuser, consistent with the Model Bill agreed by the then Council of Attorneys-General;



- introduce a new crime of 'failing to protect' to create a criminal offence of failing to protect a child, within a relevant institution, from a substantial risk of sexual abuse by an adult associated with the institution;
- create a rebuttable presumption that any person aged under 17 years of age, or any person with a mental impairment, does not consent to sexual intercourse where the offender is in a position of authority in respect of the victim-survivor;
- introduce interlocutory appeals which will enable parties to appeal a decision made by a court before a trial has finished, thereby reducing the need for re-trials and for victim-survivors to give evidence on multiple occasions; and
- removing limitation periods for child abuse related offences under Tasmanian law.

A key recommendation of the Royal Commission is the establishment of a legislative framework for complying with the child safe standards and a reportable conduct scheme. In December 2020, the Tasmanian Government released a proposed Child Safe Organisations Bill 2020 for public consultation, which outlined an initial framework for compliance with the child safe standards. Submissions on the Bill overwhelmingly supported the acceleration of the implementation of child safe standards and the concurrent development of a reportable conduct scheme.

Accordingly, our Government has committed to developing a comprehensive Child and Youth Safe Organisations Framework (CYSOF) for Tasmania, overseen by an independent oversight and regulation body in response to this feedback. The CYSOF will be complementary to, integrated with, and strengthen the existing systemic response to child sexual abuse in Tasmania.

A framework such as this is large and complex, and the range of organisations, services, businesses, clubs and associations required to comply with the CYSOF is anticipated to be very wide-ranging – and I acknowledge that many will not have been regulated in this way before.

Therefore, the Tasmanian Government is committed to progressing the CYSOF in consultation with key stakeholders, including Tasmanian Aboriginal Community organisations, the Commissioner for Children and Young People, children and young people themselves, people with lived experience of child sexual abuse in institutional settings and their advocates.

Early and ongoing engagement with stakeholders will also contribute to sector readiness for implementation of the CYSOF, something I recognise will be vital to its success. Our Government is committed to ensuring that these important reforms can be adopted by all organisations, services, businesses, clubs and associations required to comply with the CYSOF, regardless of their size and resources.

To support sector readiness and implementation, several additional enabling projects are currently being considered for development, including a mandated minimum capability framework related to child sexual abuse for all professionals employed in organisations and



businesses subject to the CYSOF and a marketing campaign.

Our Government will be announcing further details on the progress of this work early next year, which I anticipate will include the public release of an implementation plan detailing project phases, sequencing, and key milestones.

As Attorney-General, on behalf of the Tasmanian Government, I am committed to implementing reforms that will safeguard our children and young people in all institutional settings and ensure, as far as possible, that they are supported to lead healthy lives and reach their full potential.



**Hon Elise Archer MP**

**Attorney-General  
Minister for Justice**



# RECOMMENDATIONS PROGRESS

The Royal Commission's Final Report comprises an executive summary and 17 volumes over a broad range of areas. The Royal Commission's Final Report and three earlier reports contains a total of 409 recommendations.

The Tasmanian Government has accepted or accepted in principle the recommendations requiring action from state and territory governments.

285 recommendations have been commenced or fully implemented and completed, with the remainder being progressed as expeditiously as possible. Further details are at Appendix A.

## **Volume 2 – Nature and Cause**

Contains 1 recommendation for the Australian Government, 0 recommendations relating to the Tasmanian Government.

## **Volume 6 - Making institutions child safe**

Contains 24 recommendations: 10 relating to the Tasmanian Government

- Commenced: 10

## **Volume 7 – Improving institutional responding and reporting**

Contains 12 recommendations: 12 relating to the Tasmanian Government

- Commenced: 8
- Completed: 4

## **Volume 8 - Recordkeeping and information-sharing**

Contains 23 recommendations: 18 relating to the Tasmanian Government

- Commenced: 11
- Completed: 7

## **Volume 9 - Advocacy, support and therapeutic treatment**

Contains 9 recommendations: 5 relating to the Tasmanian Government

- Commenced: 5



### **Volume 10 – Harmful Sexual Behaviours**

Contains 7 recommendations: 7 relating to the Tasmanian Government

- Completed: 7

### **Volume 12 – Contemporary Out-of-Home Care**

Contains 22 recommendations: 22 relating to the Tasmanian Government

- Commenced: 13
- Completed: 7

### **Volume 13 – Schools**

Contains 8 recommendations: 7 relating to the Tasmanian Government

- Commenced: 4
- Completed: 2

### **Volume 14 – Sport, recreations, arts, culture, community and hobby groups**

Contains 4 recommendations: 2 relating to the Tasmanian Government

- Commenced: 1

### **Volume 15 - Contemporary detention environments**

Contains 15 recommendations: 9 relating to the Tasmanian Government

- Commenced: 8
- Completed: 1

### **Volume 16 - Religious institutions**

Contains 58 recommendations: 0 relating to the Tasmanian Government

### **Volume 17 - Beyond the Royal Commission**

Contains 6 recommendations: 2 relating to the Tasmanian Government

- Commenced: 1
- Completed: 1



### **Working with Children Checks Report**

Contains 36 recommendations: 32 relating to the Tasmanian Government

- Commenced: 4
- Completed: 28

### **Redress and Civil Litigation Report**

Contains 99 recommendations: 99 relating to the Tasmanian Government

- Completed: 99

### **Criminal Justice Report**

Contains 85 recommendations: 70 relating to the Tasmanian Government

- Commenced: 25
- Completed: 39



# SNAPSHOT 2020-21

## Ashley Youth Detention Centre

On 9 September 2021, the Tasmanian Government announced that it was transitioning away from Ashley Youth Detention Centre as part of a major reform of the whole youth justice system. The Centre will be replaced by two new, fit for purpose, custodial youth justice facilities – one in the north and one in the south. Changes to the service system will focus on early intervention, diversion strategies and therapeutic approaches.

The *Reforming Tasmania's Youth Justice System: A pathway for improving outcomes across the youth justice support continuum* outlines the Government's plan to transform the youth justice system as a whole to better support the safety and wellbeing of Tasmania's children and young people, and our whole community.

## The Witness Intermediary Scheme Pilot commenced

On 1 March 2021, the 3-year Witness Intermediary Scheme Pilot commenced.

The Pilot applies to all children and all adults with communication needs who are victim-survivors or witnesses in sexual crimes and/or homicide-related matters.

Since commencement, the use of the 21 witness intermediaries servicing all regions of Tasmania by Tasmania Police and Tasmanian Courts has been significant, with over 300 referrals for witness intermediaries received.

## Progress legislation establishing a framework for Child Safe Organisations for Tasmania

On 23 December 2020, the Tasmanian Government released the Child Safe Organisations Bill for public consultation. The Tasmanian Government received 24 submissions during the consultation process, which closed on 19 February 2021.

Public consultation on the Bill overwhelmingly supported the acceleration of the implementation of child safe standards and the concurrent development of a reportable conduct scheme.

Throughout 2021, the Tasmanian Government has been considering the feedback received and undertaking work to refine the options for implementing a legislative framework for child and youth safe organisations and has commenced consultation with stakeholders to explore options for the implementation of the child safe standards and a reportable conduct scheme across government and non-government organisations, businesses, clubs and associations that provide child-



related services or activities.

The Tasmanian Government will be progressing further work to develop a comprehensive Child and Youth Safe Framework for Tasmania including:

- a regulatory framework for compliance with the National Principles for Child Safe Organisations;
- an information exchange for relevant information relating to child safety across government agencies and non-government organisations; and
- a reportable conduct scheme to monitor investigations of child sexual abuse in government and non-government institutional settings.

### **Finalise the Quality and Continuous Improvement Framework for Out-of-Home Care and commence implementation of the Tasmanian Standards for Out-of-Home Care**

A consultation workbook for Tasmanian Out-of-Home Care Standards and Carers Register was released for consultation in July 2021. Submissions closed in October 2021. The Department of Communities Tasmania is currently considering feedback and expects to finalise the Tasmanian Out-of-Home Care Standards in early 2022.

The 10 child safe standards are reflected in the draft Tasmanian Out-of-Home Care Standards.

Development of an Out-of-Home Care Accreditation Framework, including the accreditation body, will be considered in the context of work progressing within the Department of Justice on the development of a Child and Youth Safe Organisations Framework for Tasmania (which will incorporate legislated child safe standards and a reportable conduct scheme).

### **Develop options for implementing a Tasmanian Carers Register**

A consultation workbook for Tasmanian Out-of-Home Care Standards and Carers Register was released for consultation in July 2021. Submissions closed in October 2021. The Department of Communities Tasmania is currently considering feedback.

It is intended that a carers register is progressed and implemented over the following two years (including the legislative component).

Regulatory oversight will be determined by Government during 2022 and the register will be maintained by either Children Youth and Families or another body.



## **New offence of ‘Failing to protect’ and other Criminal Justice reforms**

The Tasmanian Government is progressing work to introduce various amendments to Tasmania’s criminal justice legislation arising from the recommendations of the Criminal Justice Report.

It is anticipated that legislation will be introduced in Parliament in 2022 that will:

- enable prosecuting authorities to introduce additional relevant tendency and coincidence evidence against an alleged abuser, consistent with the Model Bill agreed by the previous Council of Attorneys-General;
- introduce a new crime of ‘failing to protect’ to create a criminal offence of failing to protect a child, within a relevant institution, from a substantial risk of sexual abuse by an adult associated with the institution;
- create a rebuttable presumption that any person aged under 17 years of age, or any person with a mental impairment, does not consent to sexual intercourse where the offender is in a position of authority in respect of the victim-survivor;
- introduce interlocutory appeals which will enable parties to appeal a decision made by a Court before a trial has finished thereby reducing the need for re-trials and for victim-survivors to give evidence on multiple occasions; as well as
- remove limitation periods for child abuse related offences under Tasmanian law.



# THEME 1: MAKING INSTITUTIONS SAFE

The Royal Commission's Final Report made several recommendations about improving child safety within institutions. These recommendations include:

- Volume 6 - Making institutions child safe (Recommendations 6.1 to 6.24);
- Volume 7 - Improving institutional responding and reporting (Recommendations 7.1 to 7.12);
- Volume 8 - Recordkeeping and information sharing (Recommendations 8.1 to 8.23);
- Volume 12 - Contemporary out-of-home care (Recommendations 12.1 to 12.22);
- Volume 13 - Schools (Recommendations 13.1 to 13.8);
- Volume 14 - Sport, recreation, arts culture, community and hobby groups (Recommendations 14.1 to 14.4); and
- Volume 15 - Contemporary detention environments (Recommendations 15.1 to 15.15).

## **Making institutions child safe**

### *Department of Justice*

The Government has committed to establishing a legislative framework for the regulation of the child safe standards and a reportable conduct scheme in its response to the recommendations of the Royal Commission. The Department of Justice has been developing the legislative framework required.

In February 2019, then Premier, the Hon Will Hodgman MP, endorsed the Australian Human Rights Commission's National Principles for Child Safe Organisations.

On 27 October 2021, the Commonwealth Government launched the *National Strategy to Prevent and Respond to Child Sexual Abuse 2021-2030* (incorporating the First National Action Plan) (National Strategy), as recommended by the Royal Commission. The Hon. Peter Gutwein MP, Premier of Tasmania signed the National Strategy on behalf of Tasmania. Theme 1 of the National Strategy relates to the implementation and promotion of the National Child Safe Principles.

In December 2020, the Government released the Child Safe Organisations Bill 2020 for public consultation. The Bill prioritised compliance with the child safe standards by Tasmanian Government agencies and non-government organisations that are funded to



deliver government services to children. Twenty-four submissions on the Bill were received. The submissions overwhelmingly supported the acceleration of the implementation of child safe standards and broadening the scope of agencies required to comply in line with the Royal Commission recommendations, and the concurrent development of a reportable conduct scheme.

Accordingly, the Government has committed to developing a comprehensive Child and Youth Safe Organisations Framework (CYSOF) for Tasmania, overseen by an independent oversight and regulation body. The CYSOF is likely to include:

- a regulatory framework for compliance with the National Principles for Child Safe Organisations;
- a reportable conduct scheme to monitor investigations of child sexual abuse in government and non-government institutional settings; and
- an information exchange for relevant information relating to child safety across government agencies and non-government organisations.

As recommended by the Royal Commission, the range of organisations, services, businesses, clubs and associations required to comply with the CYSOF will be wide-ranging, and many of them will not have been regulated this way before. Therefore, the Tasmanian Government is committed to developing and implementing the CYSOF in consultation with key stakeholders, including Tasmanian Aboriginal Community organisations, the Commissioner for Children and Young People, Tasmania's children and young people, people with lived experience of child sexual abuse in institutional settings and their advocates.

Early and ongoing engagement with stakeholders will also contribute to sector readiness for implementation of the CYSOF and will be vital to its success. The Government is committed to ensuring that these important reforms can be adopted by all organisations, services, businesses, clubs and associations required to comply with the CYSOF, regardless of their size and resources.

To support sector readiness and implementation, several additional enabling projects are being considered for development, including a mandated minimum capability framework related to child sexual abuse for all professionals employed in organisations and businesses subject to the CYSOF, and a marketing campaign that promotes the protection of children from sexual abuse and informs the community about the implementation of the CYSOF. A comprehensive Communications Strategy will also be developed to ensure sector readiness and to raise community awareness.

The Tasmanian Government will be announcing further details on the progress of this work early next year, which is likely to include the public release of an implementation plan detailing project phases, sequencing, and key milestones.



### *Department of Communities Tasmania*

The Child and Youth Safe Organisations Framework will be integrated and aligned to the existing Department of Communities Tasmania projects, including for example the Out-of-Home Care Standards, accreditation framework, carers register and youth justice reform.

### *Department of Education*

The Department of Education has developed policies and factsheets containing guidance for staff, parents, and students in relation to online child sexual abuse material available on the public website.

This resource was developed in consultation with external agencies such as Tasmania Police, the Department of Communities Tasmania, and the eSafety Commission.

In 2017, the Department of Education launched an Accountabilities Toolkit, which was developed to support principals to fulfil their key accountabilities. The toolkit is reviewed and updated annually. In January 2021, the toolkit was emailed directly to principals and is made available on the staff intranet. The toolkit provides links for principals to key agency-wide resources for principals for the management of critical incidents. This includes:

- Security & Emergency Management Procedures (SEMP), including information for principals relating to incidents of sexual assault;
- a link to the Department of Education's Critical Incident Response Procedure Document; and
- a Critical Incident Flowchart for principals.

The Accountabilities Toolkit is currently being updated for 2022 and will reiterate the Department of Education's commitment to building a child safe culture.

A review of work will be conducted in 2022/23 to ensure it aligns with a broader child safety policy framework and suite of procedures, guidance and protocols being developed to support all staff to effectively prevent, identify and respond to child sexual abuse in schools.

Through the establishment of an Office of the Executive Director, Safeguarding Children and Young People in August 2021, Department of Education has commenced the process of developing an overarching strategy to build a child safe culture in which all children and young people are safe from the harm of abuse. This will include developing a suite of guidance materials for teachers and principals that are consistent with the national standard.

The Office of Safeguarding Children and Young People will also work with the Catholic and Independent school sectors in 2022 to ensure that approaches to building a child safe culture are aligned across all sectors, and resources are shared where relevant and appropriate.



### *Department of Police, Fire and Emergency Management*

Tasmania Police, through its Cyber and Child Exploitation Crime Division, participates in national cyber policing networks including Operation Griffin and Operation HELIOS. Operation HELIOS is a regular meeting of the heads of cyber units from all Australian police departments. The representatives of these networks meet to look at crime trends and international and local strategies to combat the risk of cyber enabled crimes including online child sexual abuse, which increased during the COVID-19 pandemic. Tasmania Police works with the ACCCE and eSafety to detect and prevent online abuse, including cyberbullying, threatened or actual sharing of intimate images and illegal and harmful content. For example, Tasmania Police made a proposal to eSafety regarding the best way to meet its obligation to report while not duplicating reports already made to the Australian Federal Police.

To make sure Tasmania Police is able to respond to changing criminal threats, particularly in the face of the evolving COVID-19 pandemic, cyber investigators in Tasmania have completed online training in ADF Solutions triage software, Cellebrite and Griffeye, run by international and domestic partners.

Many of the recommendations of the Royal Commission are being included in the work that the Tasmania Police's Commission of Inquiry Joint Review Team is undertaking. Some of the recommendations will be referred to in the Initial Investigation and Notification of Child Sexual Abuse Guidelines and the resulting changes to the Tasmania Police Manual in relation to investigating sexual crimes. The Joint Review Team and Cyber and Child Exploitation Crime Division are working together and will continue to work with staff in Tasmania Police's Education and Training District to make sure training reflects best practice.

Changes to the Tasmania Police Manual have been made to reflect best practice and implementation of the Royal Commission's recommendations. Tasmanian Police's Education and Training District has been asked to review the current curriculum for both recruit (basic) and specialist programs to reflect these changes, particularly regarding cultural changes and victim principles. In time, this will support all police officers who come into contact with victim-survivors of sexual abuse to have an understanding of trauma and how it can affect people.

### *Department of Premier and Cabinet*

The Department of Premier and Cabinet is working closely with the Local Government Association of Tasmania (LGAT) to progress work relating to the implementation of child safe organisations at the local government level.



## Improving institutional responding and reporting

### *Department of Justice*

In 2019, the *Criminal Code and Related Legislation Amendment (Child Abuse) Act 2019* amended mandatory reporting requirements to include members of religious ministries and Members of the Tasmanian Parliament.

This legislation abrogates the use of the confessional privilege for the purposes of mandatory reporting under the *Children, Young Persons and Their Families Act 1997*.

### *Department of Communities Tasmania*

In 2021, the Tasmanian Government committed to a comprehensive review of the *Children Young Persons and Their Families Act 1997*. This review has commenced and will include the consideration of adequate protections for individuals who make good faith complaints or reports about child safety matters.

The Strong Families Safe Kids Advice and Referral Line is fully operational as the first point of contact for child wellbeing and safety and is accessible both by phone and online for information or concerns relating to children and young people.

Improvements to mandatory reporting and the ability to match concerns to the appropriate service response are at the centre of reforms to the child safety system proposed as part of the Tasmanian Strong Families, Safe Kids reform agenda. This includes the development of advice or guidance on child safety and wellbeing for mandatory reporters as part of the implementation of the Children's Advice and Referral Alliance (CARA) and a state-wide risk assessment framework to provide consistent and evidence-based guidance for use across agencies on the most appropriate interventions for children and families.

The Child Advocate website contains easy-to-use information and a step-by-step guide for children and young people about what to do if something is not okay, supporting children and young people to raise concerns about their experience in out-of-home care.

In addition to online resources, information about the role of the Child Advocate was distributed directly to all children and young people in out-of-home care in April 2020. There is ongoing distribution of child friendly information, and awareness raising for the Child Advocate website and social media presence.

### *Department of Education*

Work is underway on developing revised and updated advice for all staff, particularly those in schools, on how to respond to incidents, disclosures and suspicions of child sexual abuse, whether the incident involves a current staff member, a former employee in a historical incident, another student, or a family or community member. This advice will be finalised and provided to staff in early 2022.

Work is also underway on developing a comprehensive, integrated Student Safeguarding Policy, expected to be complete in mid-2022.



The Department of Education's existing policies relevant to safeguarding children are under review to more explicitly include safeguarding as a central consideration, including the Duty of Care Policy, the Enquiries and Complaints Management Policy, the Conduct and Behaviour Standards, Professional Standards for Staff Policy and Guidelines and the Mandatory Reporting Procedure. This will include revising existing complaint management processes to ensure that they are child-focused. This work will be completed in 2022.

The Department of Education has established a process to undertake system reviews following child sexual abuse incidents. Such reviews will occur at the earliest opportunity following an incident. The aim of a review is to identify strengths and weaknesses on abuse prevention and response systems at a school and Departmental level and to, where appropriate, improve these systems. The proposed approach will be tested in December 2021, with refinements undertaken as necessary during 2022.

## Recordkeeping and information sharing

### *Department of Education*

In October 2020, the Office of the State Archivist released a new Information and Records Management Standard that aligns to the Royal Commission's records and recordkeeping principles. All government organisations subject to the *Archives Act (1983)* must adhere to the standard.

The State Archivist also issued a Disposal Freeze for child-related records, requiring Tasmanian government organisations to keep 'all records that contain the best information about children, services provided to them, and employees that provide the service' until 2029. This was to allow time for agencies to identify relevant records and to protect any records that may become relevant for National Redress Scheme applicants, or for people taking legal action for abuse suffered when they were children.

In 2021, the Department of Education launched a new Case Management Platform (CMP) project that will deliver a streamlined approach to the way information relating to child sexual abuse is recorded, accessed, managed and interpreted. The CMP will give the Department of Education a 360-degree view of the work it does to manage cases of alleged child sexual abuse involving students and staff, standardise processes and practices and improve data management and security.

The CMP will empower case managers and teams to improve collaborative responses, better understand learners and their needs, and make smarter, insight-driven decisions, with the goal of achieving better educational and wellbeing outcomes for all learners. A number of modules are currently under development as part of the CMP that directly relate to the Royal Commission recommendations. These include:

- allegations of child sexual abuse both current and historical;
- a Vulnerability Management module; and



- a Harmful Sexualised Behaviour module.

The intention of the CMP is to enable staff to record incidents and actions undertaken, track patterns and frequency, upload related documents, and record emails and records of calls in each child's file.

## **Contemporary Out-of-Home Care**

### *Department of Communities Tasmania*

A consultation workbook for Tasmanian Out-of-Home Care Standards and Carers Register was released for consultation in July 2021. Submissions closed in October 2021. The Department of Communities Tasmania is currently considering feedback and expects to finalise the Tasmanian Out-of-Home Care Standards in early 2022.

## **Schools**

### *Department of Education*

The Department of Education commenced its work on the Child Safe Standards in 2018 and anticipates it to be concluded in late 2023. The Department of Education is committed to establishing itself as an exemplary child safe organisation that provides the strongest possible safeguards from harm for children and young people.

In April 2021, the Department's Executive Group endorsed the development of a whole-of-department plan for implementation of the Child and Youth Safe Organisations Framework, in preparation for the new Tasmanian Government legislative framework, building on implementation of the Royal Commission's recommendations to date.

On 16 August 2021, an Executive Director Safeguarding Children and Young People was appointed to a newly created Senior Executive Service role approved by the Premier.

The purpose of the Executive Director role is to promote and protect the wellbeing of children and young people in all Department of Education settings by leading and proving strategic advice and direction in relation to the Department's culture, systems and practices, including leading the implementation of the child safe standards across the Department.

Led by the Office of the Executive Director, Safeguarding Children and Young People, the implementation of the child safe standards in all Department of Education schools, Child and Family Learning Centres, libraries and business units is expected to commence in early 2022 and significant progress is expected to be made by the end of 2023.

The implementation of the child safe standards will be an ongoing priority for the Department of Education, supported by a child safety strategy, policy framework and suite of procedures, guidance and protocols to support all staff to effectively prevent, identify and respond to child



sexual abuse.

Work is underway in 2021 towards the development of the child safety strategy and policy framework.

How and when the Department of Education's achievement of the child safe standards will be regulated/assessed will be determined by the Tasmanian Government's Child and Youth Safe Organisations Framework.

Work is also underway on developing revised and updated advice for all staff, particularly those in schools, on how to respond to incidents, disclosures and suspicions of child sexual abuse, whether the incident involves a current staff member, a former employee in an historical incident, another student or someone from the family or community. This advice will be finalised and provided to staff in early 2022.

The Department of Education has also developed the following advice for all staff in relation to preventing and responding to child sexual abuse in government schools:

- a process to manage information about historic and/or current child sexual abuse perpetrated by current employees;
- Children with harmful sexual behaviours: Response flowchart for staff;
- Online Child Sexual Abuse Material: Response flowchart for staff; and
- Advice on Online Safety in Tasmanian Government Schools – available on the Department of Education's public website.

A review of work will be conducted in 2022/23 to ensure it aligns with the broader child safeguarding policy framework and suite of procedures, guidance and protocols being developed to support all staff to effectively prevent, identify and respond to child sexual abuse in schools.

## **Sport, recreation, arts, culture, community and hobby groups**

### *Department of Communities Tasmania*

The Government's commitment to develop the Child and Youth Safe Organisations Framework will include consultation with organisations such as sporting bodies, associations and community groups to carefully consider the implementation in that sector.



## Contemporary detention environments

### *Department of Communities Tasmania*

On 9 September 2021, the Tasmanian Government announced that it was closing the Ashley Youth Detention Centre, which will be replaced by two smaller facilities in the north and the south with a service delivery model focused on therapeutic approaches.

The Tasmanian Government recognised the need for major systemic change in our youth justice system, including a holistic approach that gives our young people a far better chance of accessing the supports they need to rehabilitate and to live better and more productive lives.



## THEME 2: CAUSES, SUPPORT AND TREATMENT

The Royal Commission's Final Report looked at complex issues about why and how child sexual abuse happens in institutions. It also looked at how to support and respond to children with harmful sexual behaviours.

The Royal Commission made recommendations about how victims can be better supported to recover from trauma. These recommendations include:

- Volume 9 - Advocacy, support and therapeutic treatment services (Recommendations 9.1 to 9.9);
- Volume 10 - Children with harmful sexual behaviours (Recommendations 10.1 to 10.7); and
- Volume 12 - Contemporary Out-of-Home Care (Recommendations 12.12 to 12.15).

### Advocacy, support and therapeutic treatment services

#### *Department of Communities Tasmania*

This year, work has continued under the *Safe Homes, Families, Communities: Tasmania's Action Plan for Family and Sexual Violence 2019-2022* (the Action Plan). This is the Tasmanian Government's coordinated, whole-of-government action plan to respond to family and sexual violence.

The Tasmanian Government has committed \$26 million over three years for 40 actions to prevent and respond to family and sexual violence in Tasmania under three priority areas:

- Primary prevention and early intervention (\$3.3 million);
- Response and recovery (\$14.8 million); and
- Strengthening the service system (\$7.9 million).

Priorities for new actions were identified through the comprehensive, cross-agency, Family Violence Service System Review undertaken in 2018-19, which included stakeholder and community consultation.

Actions to address sexual violence were informed by comprehensive research; examination of the existing service system in Tasmania; analysis of best-practice systems operating in other jurisdictions; and targeted consultation with key stakeholders.

The Tasmanian Government has committed to a third family and sexual violence action plan which is currently under development ahead of an anticipated release by July 2022.



## Children with harmful sexual behaviours

### *Department of Communities Tasmania*

The Sexual Assault Support Service (SASS) has been engaged by the Department of Communities Tasmania to deliver a state-wide therapeutic program for children and young people engaging in problematic and harmful sexual behaviours.

The Program commenced on 1 April 2021 with funding for two years provided through *Safe Homes, Families, Communities: Tasmania's Action Plan for Family and Sexual Violence 2019-2022*.

Specifications for the program include:

- Referral procedures for service providers to the program;
- Therapeutic services must be accessible to all children and young people with problematic or harmful sexual behaviours, regardless of age;
- Therapeutic services are to be provided on a state-wide basis with outreach services available, either in person or through utilisation of appropriate technology to meet the needs of clients;
- Therapeutic services must be developmentally and cognitively appropriate. They should be tailored to the child's age and developmental stage and accommodate learning and language difficulties, developmental delays, cognitive impairment and other needs resulting from disability;
- Therapeutic services must be accessible to all children with harmful sexual behaviours including those subject to court orders and listed on the Sex Offender Register;
- The Service Provider must be able to work with Lesbian, Gay, Bisexual, Transgender and Intersex children and young people; and
- Therapeutic services must be culturally safe. In particular, Aboriginal and Torres Strait Islander and Culturally and Linguistically diverse children and their families may require culturally tailored approaches. Where relevant, practitioners should consult with cultural experts to ensure interventions are effective.

## Contemporary Out-of-Home Care

### *Department of Communities Tasmania*

The Child Advocate for out-of-home care commenced in June 2018. This role provides a greater voice to children in out-of-home care regarding the quality of, and decisions made about, their care. An additional position will be appointed for the North/North West region



under the *Strong Families Safe Kids Next Steps Action Plan*.

A consultation workbook for Tasmanian Out-of-Home Care Standards and Carers Register was released for consultation in July 2021. Submissions closed in October 2021. The Department of Communities is currently considering feedback.

It is intended that a carer register is progressed and implemented over the following two years (including the legislative component).

Regulatory oversight will be determined by Government during 2022 and the register will be maintained by either Children Youth and Families or another body.

Kinship care is always the first out-of-home care placement consideration under the *Children, Young Persons and Their Families Act 1997*. Children, Youth and Families is the sole provider of a kinship carer support service in Tasmania.

To help promote kinship care as a viable option for families, Children, Youth and Families is considering expanding the provision of kinship carer support services to a non-government organisation, for a small cohort of kinship carers.

This expansion would provide choice to individual kinship carers on the service that supports them.

Service responses would include:

- Earlier placement with kin;
- Individualised higher intensity service provision;
- After hours phone service for carer support;
- Leveraging from a range of family support services offered by the provider including mental health and disability services;
- Independent evaluation; and
- Family Finding to explore and provide safe opportunities for a child to connect with extended family and develop into lasting culturally appropriate relationships.

The Tasmanian Government has provided \$5 million over four years to support new stable permanent family placements where children and young people can belong and thrive.

The initiative will ensure children do not experience delays in finding permanent family arrangements when they cannot return home and that there is intensive, rapid support available to permanent families who need extra help during challenging times. This work is scheduled for commencement in early 2022.

Implementation of a carers register will also consider the inclusion of information that can be used for placement matching.



# THEME 3: REDRESS AND CIVIL LITIGATION

## REPORT PROGRESS

The Australian Government established the National Redress Scheme for Institutional Child Sexual Abuse in response to 84 recommendations in the *Redress and Civil Litigation Report*. The Tasmanian Government commenced participation on 1 November 2018.

The *Redress and Civil Litigation Report* also contains 15 recommendations aimed at improving access to justice for victims of child sexual abuse through reforms to civil law processes.

### National Redress Scheme

#### *Department of Justice*

On 1 November 2018, Tasmania commenced participation in the National Redress Scheme for Institutional Child Sexual Abuse (the Scheme).

The Scheme will operate for 10 years. 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.

The Department of Justice's Child Abuse Royal Commission Response Unit leads the management of the Tasmanian Government's commitments under the National Redress Scheme to ensure:

- the timely response to information requests from the Scheme Operator for departmental information relating to claims;
- all Tasmanian recipients of Redress have supported access to counselling and psychological care; and
- that Tasmanian Government departments, responsible for abuse, are supported to provide an appropriate direct personal response, including an apology.

Consistent with the Tasmanian Government's commitment under the National Redress Scheme, the Department of Justice established a Register for Approved Counselling and Psychological Care Providers to ensure that the provision of counselling and psychological care is conducted by appropriately qualified and trauma-informed professionals.

On 18 March 2019, the Government demonstrated its commitment to support non-government participation in the National Redress Scheme by:

- requiring Tasmanian Government funded non-government organisations providing child-related services with significant liability for redress to participate in



the National Redress Scheme and demonstrate compliance with child safe policies; and

- inviting the local government sector to participate in the National Redress Scheme with support of the Child Abuse Royal Commission Response Unit.

On 2 July 2019, members of the Local Government Association of Tasmania unanimously resolved to join the National Redress Scheme with the State Government as a 'State Institution'. The legal arrangements for this partnership were finalised in 2020.

In 2020, the National Redress Scheme was formally evaluated in the Second Anniversary Review by the independent reviewer Ms Robyn Kruk AO.

On 23 June 2021, the Minister for Families and Social Services, Senator the Hon Anne Ruston released the Second Anniversary Review of the National Redress Scheme.

The Tasmanian Government has been participating in discussions with the Commonwealth, State and Territory governments on progressing the recommendations of the Review. Those discussions are well progressed and it is anticipated that reforms to the Scheme will be progressed later this year and in 2022.

On 26 August 2021, the Australian Government introduced the National Redress Scheme for Institutional Child Sexual Abuse Amendment Bill 2021. The Bill passed the Australian Parliament on 2 September 2021. The Bill implements certain recommendations of the final report of the second year review of the National Redress Scheme by amending the *National Redress Scheme for Institutional Child Sexual Abuse Act 2018* to:

- provide for advance payments of \$10 000 to elderly or terminally ill applicants, or where there are other exceptional circumstances for particularly vulnerable people;
- change the date for which the indexation of relevant prior payments is calculated;
- extend the acceptance period of a redress offer after it has expired and provide for the period within which to seek a review to be aligned with any extension to the acceptance period;
- remove the requirement for an application to include a statutory declaration; and
- provide for redress payments and counselling and psychological care payments to be made in instalments rather than as a lump sum, if requested by an applicant.

The Department of Justice manages the Tasmanian Government's commitments under the National Redress Scheme including:

- responding to information requests from the Scheme Operator for departmental information relating to claims;



- managing access to counselling and psychological care for all Tasmanian recipients of Redress;
- managing a register and the outgoing recruitment of approved counselling and psychological care providers to ensure that the provision of counselling and psychological care is conducted by appropriately qualified and trauma-informed professionals; and
- facilitating and supporting Tasmanian Government departments responsible for abuse to provide an appropriate direct personal response including an apology.

For the 2020-21 reporting period, 100 per cent of claims against Tasmanian Government Agencies were responded to by the Tasmanian Government within the statutory timeframe for responding to claims.

## Civil Litigation

### *Department of Justice*

Recommendations regarding limitation periods are consistent with the *Limitation Amendment Act 2018* introduced by the Tasmanian Government, which passed the Tasmanian Parliament in 2019. This reform implemented the Royal Commission's recommendations about limitations periods in full, including Recommendation 88 requiring these amendments to be given priority ahead of other recommended civil litigation reforms.

On 14 May 2019, the Office of the Solicitor-General published model litigant guidelines that apply to civil proceedings brought by or against the State, its instrumentalities, including its agencies and authorities. In March 2020, the Tasmanian Government endorsed additional *Guidelines for the Conduct of Civil Claims* to support the timely and trauma-informed management of civil claims by the Office of the Solicitor-General.

In November 2019, the *Justice Legislation Amendment (Organisational Liability for Child Abuse) Act 2019* amended the *Civil Liability Act 2002* and the *Limitation Act 1974*. These amendments completed the Government's implementation of the remaining civil litigation recommendations by introducing:

- a new statutory duty of care on organisations that exercise care, supervision or authority over children to prevent child abuse perpetrated by individuals that are 'associated with the organisation'; and
- a mechanism to enable victims of child abuse to sue unincorporated organisations that were previously unable to be sued due to a lack of legal personality.

In response to community expectations, the *Justice Legislation Amendment (Organisational Liability for Child Abuse) Act 2019* also introduced changes to civil law that complement the work of the Royal Commission by ensuring that:



- organisations will be held vicariously liable for the perpetration of child abuse by individuals whose relationship with the organisation is 'akin to employment'; and
  - a court may set aside previous settlement between an organisation and a victim if it is in the interests of justice to do so.
- ✓ The Tasmanian Government has completed the implementation of recommendations made under the *Redress and Civil Litigation Report*.



## THEME 4: CRIMINAL JUSTICE AND THE PROTECTION OF CHILDREN

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

- strengthening protections under state and territory Working with Children Checks Schemes (Working with Children Checks Report, Recommendations 1 to 36); and
- reforming the criminal justice system (Criminal Justice Report, Recommendations 1 to 85).

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

- Mandatory reporting; and
- Reportable conduct schemes.

### Working with Children Checks

#### *Department of Justice*

In December 2017, the Australian Government agreed to fund the development of a centralised database for Working with Children Checks as part of jurisdictional endorsement of the National Standards for Working with Children Checks. The National Reference System sits within the Australian Criminal Intelligence Commission.

The National Reference System provides a record of all relevant outcomes of decisions regarding working with children applications and registrations across all states and territories in Australia and allows states and territories to record, maintain and share key decisions.

The Australian Criminal Intelligence Commission developed the National Reference System in full consultation with screening units across Australia with on-boarding available to states and territories from July 2019.

In November 2019, Tasmania was one of the first jurisdictions to successfully integrate our local systems with the National Reference System. Western Australia has also integrated its systems with the other states and territories expected to follow over the coming year. The National Reference System is fully operational, with all the final states and territories expected to be integrated into the system by the end of the third quarter in 2021.

The National Reference System will eventually be accessible to all jurisdictional screening



units and facilitate access to relevant registration outcomes across Australia which will assist jurisdictions to achieve national consistency across Australia in accordance with the National Standards for Working with Children Checks and the Working with Children Checks report from the Royal Commission into Institutional Responses to Child Sexual Abuse.

On 4 July 2019, the *Registration to Work with Vulnerable People Amendment Act 2019* amended Section 15 of the *Registration to Work with Vulnerable People Act 2013* to remove the requirement for people who are 16 or 17 years engaged in a 'regulated activity' to be registered.

## **Criminal Justice**

### *Department of Police, Fire and Emergency Management*

In 2020, Tasmania Police established a working group to oversee the implementation of eleven recommendations relating to policing. The new Crime and Intelligence Command will enhance collaboration between Tasmania Police and other government agencies by facilitating a consolidated strategic approach to crime investigations.

On 4 June 2021, Tasmania Police amended the Tasmania Police Manual to reflect current practice and implementation of relevant recommendations of the Royal Commission and that Education and Training review current curriculum for both recruit and in service programs to reflect the amendments, particularly regarding cultural changes and victim principles.

Tasmania Police has prioritised the development and implementation of the recommendations and embedding new practises will be a key focus in 2021-22.

### *Department of Justice*

The Department of Justice is committed to supporting the continual improvement of the criminal justice system to respond to child sexual abuse and has already implemented many of the recommendations of the Royal Commission's Criminal Justice Report.

The Criminal Justice Report contains 85 recommendations, of which 40 recommendations require legislative reforms. Tasmania's criminal law was already consistent with some of the recommendations and the Tasmanian Government has successfully introduced legislation that implements 18 recommendations involving legislative reform. These reforms included:

- introducing a new crime of failing to report the abuse of a child (section 105A of the *Criminal Code Act 1924*) and the abrogation of the confessional privilege for the purposes of such reporting (Recommendations 33, 34 and 35);
- establishing a three-year Witness Intermediary Scheme Pilot for children and adults with communication needs in the criminal justice system (Recommendations 59 and 60);



- strengthening the operation of the charge of persistent sexual abuse of a child [or young person] pursuant to section 125A of the *Criminal Code Act 1924* (Recommendations 21 and 22);
- amending the *Criminal Code Act 1924* to strengthen the ‘grooming’ crime to include indirect forms of communication, including communication with a third party intended to procure a child in unlawful sexual activity (Recommendations 25 and 26);
- removing the possibility that consideration of concoction, suggestion or collusion between victims of the same alleged perpetrator is a matter for the jury to consider and does not affect the admissibility of tendency and coincidence evidence (Recommendation 47);
- extending the pre-recording of audio-visual evidence to include all victims in child sexual abuse prosecutions, any children who are under 18 years and any other witness ordered by the court where it is in the interests of justice to conduct the pre-recording (Recommendations 52, 53 and 56);
- the extension of special measures available under the *Evidence (Children and Special Witnesses) Act 2001* to people who have been affected by child sexual abuse (Recommendation 61);
- removing ‘good character’ as a mitigating factor for perpetrators of child sexual abuse, when that good character facilitated their offending (Recommendation 74);
- requiring 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 (Recommendation 75);
- providing that sentences for child sexual abuse offences should take into account current sentencing standards (Recommendation 76); and
- repealing the presumption that a male under the age of 14 years is incapable of having sexual intercourse with retrospective effect (Recommendation 83).

The Tasmanian Government has introduced a number of other legislative reforms that complement the work of the Royal Commission, including:

- introducing statutory aggravating factors for crimes of serious sexual abuse;
- introducing a presumption of joint trials where an accused perpetrator of multiple sexual offences is charged on the same indictment;
- updating outdated language in the *Criminal Code Act 1924* relating to sexual crimes and offending; and
- amending the *Children, Young Person and Their Families Act 1997* to clarify that the identity of ‘notifiers’ may be provided to law enforcement agencies.

On 17 November 2020, the *Evidence (Children and Special Witnesses) Amendment Act*



2020 received Royal Assent, which fulfilled the Tasmanian Government's commitment to establish a Pilot Intermediary Scheme. The Pilot began on 1 March 2021 and will operate for 3 years.

The Scheme is a key recommendation of the Royal Commission's Criminal Justice Report and provides children and young people with specialist communications assistance to engage in the criminal justice system.

Tasmanian witness intermediaries are making a real difference to how courts, legal practitioners and police communicate with children and vulnerable adults and are improving outcomes for vulnerable victim-survivors and witnesses participating in police interviews and criminal trials.

Since commencement, witness intermediaries have assisted victims and witnesses engaging with Tasmania Police and participating in criminal trials on over 300 occasions.

There are 21 witness intermediaries servicing all regions of Tasmania. The Department of Justice is also currently recruiting for more witness intermediaries in the North and North-West regions of the State.

In 2022, the Tasmanian Government will also be progressing further amendments to Tasmania's criminal justice legislation to further implement and support recommendations arising from the Criminal Justice Report.

The proposed amendments are anticipated to include important reforms such as a new crime of 'failing to protect' a child, improving tendency and coincidence evidence law and, introducing a rebuttable presumption that a child or young person or a person with a mental impairment is unable to consent to sexual conduct with a person in a position of authority relative to the child or young person.

## **Reportable Conduct Scheme**

### *Department of Justice*

Due to the complementary functions of the child safe standards and a reportable conduct scheme in addressing the barriers to preventing and responding appropriately to child sexual abuse in institutional settings, work has begun on the development of a reportable conduct scheme for Tasmania, which will be a key element of the Child and Youth Safe Organisations Framework.

The reportable conduct scheme is anticipated to regulate the investigation of child sexual abuse allegations in institutional settings, mandating reporting of incidents to an independent regulator who will monitor the investigation processes and outcomes, with penalties for heads of organisations for failing to comply with the scheme. The independent regulator may also conduct reviews of compliance with child safe standards in organisations where child sexual abuse allegations have occurred.

To ensure the reportable conduct scheme is effective, law reform to facilitate appropriate



information sharing will be undertaken.



## THEME 5: ACCOUNTABILITY AND ANNUAL REPORTING

The Royal Commission made specific recommendations intended to hold Australian governments to account for monitoring, evaluating and reporting on the implementation of recommendations. These recommendations include:

- Volume 17 - Beyond the Royal Commission recommendations (Recommendations 17.1-17.6).

On 20 June 2018, the Tasmanian Government tabled a formal response to the Royal Commission into Institutional Responses to Child Sexual Abuse's recommendations in the Tasmanian Parliament.

On 15 December 2018, the Tasmanian Government released its *First-Year Progress Report and Action Plan 2018-19* for implementing the recommendations of the Royal Commission. This is consistent with recommendation 17.2, which requires each state and territory to report annually on implementation activities for five consecutive years.

On 15 December 2019, the Tasmanian Government released the *Second Annual Progress Report and Action Plan 2020*.

On 15 December 2020, the Tasmanian Government released the *Third Annual Progress Report and Action Plan 2021*.

This Report is the Tasmanian Government's *Fourth Annual Progress Report and Action Plan 2022*.

The Government will release its *Fifth Annual Progress Report and Action Plan 2023* in December 2022.



## USEFUL LINKS AND CONTACTS

Royal Commission into Institutional Responses to Child Sexual Abuse  
<https://www.childabuseroyalcommission.gov.au/>

National Redress Scheme  
<https://www.nationalredress.gov.au/>

Department of Justice Tasmania  
<https://www.justice.tas.gov.au/>

National Principles for Child Safe Organisations  
<https://www.humanrights.gov.au/our-work/childrens-rights/national-principles-child-safe-organisations>

Australian Government Response to the Royal Commission  
<https://www.childabuseroyalcommissionresponse.gov.au/>

Tasmanian Government Response to the Royal Commission  
<https://www.justice.tas.gov.au/national-redress-scheme/response-to-final-report>

New South Wales Government Response to the Royal Commission  
<https://www.nsw.gov.au/improving-nsw/projects-and-initiatives/the-nsw-government-response-to-the-royal-commissions-final-report/>

Victoria Government Response to the Royal Commission  
<https://www.justice.vic.gov.au/institutionalchildsexualabuse>

Queensland Government Response to the Royal Commission  
<https://www.thepremier.qld.gov.au/newsroom/royal-commission.aspx>

Western Australia Government Response to the Royal Commission  
<https://www.wa.gov.au/organisation/department-of-the-premier-and-cabinet/royal-commission-institutional-responses-child-sexual-abuse>

South Australia Government Response to the Royal Commission  
<https://www.childprotection.sa.gov.au/department/royal-commissions-and-reviews/royal-commission-institutional-responses-child-sexual-abuse>

Australian Capital Territory Government Response to the Royal Commission  
<https://www.act.gov.au/childabuseroyalcommission/documents>

Northern Territory Government Response to the Royal Commission  
<https://rmo.nt.gov.au/updates/tabling-of-the-royal-commission-into-the-protection-and-detention-of-children-in-the-northern-territory-annual-report>

