

TASMANIAN GOVERNMENT

Fifth Annual Progress Report and Action Plan 2023

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

Fifth Annual Progress Report and Action Plan 2023

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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) 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 *Fifth Annual Progress Report and Action Plan for 2023*.



MESSAGE FROM THE ATTORNEY-GENERAL



This year has been a significant catalyst for change.

I am pleased to release our Government's Fifth Annual Report on progressing the recommendations of the *Royal Commission into Institutional Responses to Child Sexual Abuse* (the Royal Commission).

On 15 March 2021, our Government established the *Commission of Inquiry into the Tasmanian Government's Responses to Child Sexual Abuse* (the Commission of Inquiry) to examine the systems and responses of successive Tasmania Governments in identifying, preventing and responding to child sexual abuse.

To date, our Government has assisted over 100 current and former State servants to provide statements and has provided thousands of documents to inform the Commission of Inquiry's work.

Our Government will continue to cooperate fully with the Commission of Inquiry as we work together to identify areas to improve Tasmanian Government systems.

During 2022, the Commission of Inquiry held eight weeks of public hearings from May to September, which included examinations of the Department of Education, the Out of Home Care system, the Department of Health, the Department of Justice, and the Ashley Youth Detention Centre.

On 8 November 2022 the Premier, the Hon Jeremy Rockliff MP, made a formal apology in the Tasmanian Parliament to victim-survivors of child sexual abuse in Tasmanian Government institutions. Our State institutions have a responsibility to ensure the safety and wellbeing of children, and they have clearly failed in that responsibility. I want to echo the words of the Premier in saying that we have failed, we are all accountable, and we are sorry.

I acknowledge that an apology in words alone is not sufficient, and that action and change to the systems that have failed children in our community is critical going forward.

I recognise the extraordinary courage it takes for someone to come forward and report sexual abuse, and I strongly support all victim-survivors and supporters of children or people who have been affected who wish to engage with the Commission of Inquiry.

The Commission of Inquiry is due to release its report and recommendations on or before 1 May 2023.

Our Government has not delayed the implementation or progression of reforms that can increase the safety and wellbeing of children. My Department has been actively engaging with the Commission of Inquiry on further key areas of reform.



Much work has already been done to ensure that all Tasmanian children can live, learn and thrive in safety, and I am proud of what we have achieved.

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

I am pleased to present the Tasmanian Government's *Fifth Annual Progress Report and Action Plan 2023*. While this report represents the fifth and final report under recommendation 17.2 of the Royal Commission, options will be explored for the future of annual reporting following the release of the Commission of Inquiry's report.

As Attorney-General, I am committed to continuing to take strong action to keep Tasmanian children and young people safe into the future.



Hon Elise Archer MP

**Attorney-General
Minister for Justice**



PROGRESS TO DATE

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.

Of the 304 recommendations relevant to the Tasmanian Government, 214 recommendations have been completed and work has commenced on 77 recommendations. 12 recommendations are currently 'for consideration', while 1 is 'not yet commenced'. Refer to Appendix A for further details on the progress of each individual recommendation.

Final Report (Volumes 2 - 17)

Contains 189 recommendations: 94 relating to the Tasmanian Government

- Completed: 32
- Commenced: 59
- For consideration: 2
- Not yet commenced: 1

Working with Children Checks Report

Contains 36 recommendations: 32 relating to the Tasmanian Government

- Completed: 28
- Commenced: 4

Redress and Civil Litigation Report

Contains 99 recommendations: 99 relating to the Tasmanian Government

- Completed: 99

Criminal Justice Report

Contains 85 recommendations: 79 relating to the Tasmanian Government

- Completed: 55
- Commenced: 14
- For consideration: 10



SNAPSHOT 2022-23

Progress the establishment of the Child and Youth Safe Organisations Framework (CYSOF) for Tasmania

On 22 November 2022, the Child and Youth Safe Organisations Bill 2022 was tabled in Parliament.

The Child and Youth Safe Organisations Framework requires organisations that work with children and young people to take specific steps to keep them safe and respond effectively where incidents of harm do occur.

The Framework will be made up of two specific elements: the Child and Youth Safe Standards and the Reportable Conduct Scheme.

It is estimated up to 8,000 organisations that work with children and young people — including justice and detention services for children, education services for children, Government agencies, other community services, businesses, clubs and associations — will have to comply with the Framework, which is based on the recommendations of the Royal Commission into Institutional Responses to Child Sexual Abuse.

It is anticipated the CYSOF project will complete 12 of the Royal Commission's recommendations in total.

New crime of 'Failing to protect' a child and other Criminal Justice reforms

On 22 November 2022, the Justice Miscellaneous (Royal Commission Amendments) Bill 2022 was tabled in Parliament.

The Bill implements the Government's commitment to introduce a number of legislative amendments arising from the recommendations of the Royal Commission into Institutional Responses to Child Sexual Abuse in its Criminal Justice Report.

The Bill implements 10 recommendations from the Criminal Justice Report, including those relating to position of authority offences, removal of limitation periods, a failure to protect crime and reforms to the law of tendency and coincidence. The Bill also strengthens the Tasmanian Government's implementation of recommendation 9 of the Criminal Justice Report, relating to the use of police interviews as evidence in chief.

The Witness Intermediary Scheme Pilot

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, on over 700 occasions, witness intermediaries have assisted victims and witnesses engaging with Tasmania Police and participating in criminal trials.

Youth Justice Reforms

The Tasmanian Liberal Government is committed to closing the Ashley Youth Detention Centre and establishing new facilities as part of a reform of the entire Youth Justice System.

On 22 November 2022, the Hon Roger Jaensch MP, Minister for Education, Children and Youth announced the release of the draft *Youth Justice Blueprint 2022-2032*, which has been developed in consultation with key stakeholders over the past 12 months and will set the strategic directions over the next 10 years. The Blueprint aims to improve the wellbeing of children, young people and their families while addressing the underlying drivers of offending behaviour, reducing offending and improving community safety.

The Blueprint will be supported by a suite of new facilities to replace the Ashley Youth Detention Centre. The *Proposed Youth Justice Facilities Model* outlines a nation-leading response including assisted bail, secure custody and support for young people transitioning back into the community.

These elements will be delivered through new, purpose-built facilities, including:

- One detention/remand centre, located in the South;
- Two assisted bail facilities, one in the North or North West and one in the South; and
- Two supported residential facilities, one in the North or North West and one in the South.

A state-wide facility, the southern detention/remand centre, will provide the opportunity for intensive intervention and rehabilitation through a therapeutic model of care.



THE FUTURE OF REPORTING

Consistent with recommendation 17.2 of the Royal Commission's Final Report, each state and territory has been required to report annually on implementation activities for five consecutive years.

While the *Fifth Annual Progress Report and Action 2023* represents the completion of this recommendation, the Tasmanian Government is committed to ongoing annual reporting on implementing reforms relating to the safety and wellbeing of children.

The future of this reporting will need to consider the recommendations and implementation activities from several inquiries and commissions that have examined the Tasmanian context.

These include:

- The *Royal Commission into Institutional Responses to Child Sexual Abuse* (report published 15 December 2017);
- The *Independent Inquiry into the Department of Education's Responses to Child Sexual Abuse* (report published 7 June 2021); and
- The *Commission of Inquiry into the Tasmanian Government's Responses to Child Sexual Abuse in Institutional Settings* (report to be published by 1 May 2023).

Considering the potential for overlap in recommendations between these reports and the need to focus on achieving progress for child safety and wellbeing, it is proposed that annual reporting shifts from a focus on the completion of recommendations to being outcomes-based.

While the acquittal of recommendations is important, it does not provide tangible evidence of the impact of this critical work in the Tasmanian community. A focus on outcomes and measuring success in certain areas will assist to gain an understanding of the real world effect of the implementation of recommendations.

The final form of this reporting will be further considered in late 2023, following the publication of the Commission of Inquiry's report.



THEME I: 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 Tasmanian Government is committed to ensuring the protection of our children and young people. As part of this ongoing commitment, the Government is establishing a Child and Youth Safe Organisations Framework (the Framework) for Tasmania, in line with the recommendations from the Royal Commission.

On 22 November 2022, the Child and Youth Safe Organisations Bill 2022 was tabled in Parliament.

The Framework will be made up of two specific elements: the Child and Youth Safe Standards and the Reportable Conduct Scheme.

The Framework requires organisations that work with children and young people to take specific steps to keep them safe and respond effectively where incidents of harm do occur. Importantly, our Government has committed \$2.5 million over three years to support the design and implementation of this Framework.

It is estimated up to 8,000 organisations that work with children and young people — including justice and detention services for children, education services for children, Government agencies, other community services, businesses, clubs and associations — will have to comply with the Framework, which is based on the recommendations of the Royal Commission.

Due to the high number of organisations, the Framework will be implemented in two phases. The first phase will commence on 1 January 2024 for all organisations in scope for both the Child and Youth Safe Standards and the Reportable Conduct Scheme. Phase two will commence on 1 July



2024 for all remaining organisations in scope for the Child and Youth Safe Standards.

Department for Education, Children and Young People

The Department for Education, Children and Young People (DECYP) is committed to implementing the Child and Youth Safe Organisations Framework and will prioritise this work in 2023 to ensure all portfolios are prepared for the planned commencement of the Framework on 1 January 2024.

DECYP has developed information and guidance for staff, parents and students in relation to online child sexual abuse material, and cyber safety more generally, which is accessible via the DECYP public website.

The DECYP's Office of Safeguarding Children and Young People, in consultation with all relevant portfolios across DECYP, will continue work in this area to ensure that resources for children, young people and their families and carers, and training for staff are relevant and up to date.

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 the Child and Youth Safe Organisations Framework 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 for Education, Children and Young People

DECYP has commenced a review of the *Children Young Persons and Their Families Act 1997*, which will include consideration of adequate protection for individuals who make complaints or reports in good faith. The timeframe for the review and subsequent legislative processes is two years, concluding in 2023.

Work is underway on developing a comprehensive, integrated Safeguarding Framework, expected to be complete in mid-2023. A new, standalone public website providing information and guidance on preventing, understanding and responding to child sexual abuse, designed for children, young people, their families and the community, is currently being developed and will be launched in 2023.

DECYP'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 includes revising and rewriting existing complaint management processes to ensure that they are child-focused. This work will be a focus in 2023 and should be completed by the proposed commencement date for application of the Child and Youth Safe Organisations Framework (1 January 2024).

DECYP has established a process to undertake system reviews following significant 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 both a school and departmental level and, where appropriate, improve these systems. The proposed approach was tested in December 2021, with refinements undertaken during 2022. The system review process will be embedded as part of the remit of the Office of Safeguarding Children and Young People and will be reviewed and refined as necessary.

Recordkeeping and information sharing

Department for Education, Children and Young People

The State Archivist's Disposal Freeze for Records Relating to Children is in place until 2029 to allow for the complexity of identifying records that may be relevant for future disclosures of child abuse. The then Department of Communities Tasmania commenced this work in August 2018 and this work is ongoing.

The Office of the State Archivist will review the Disposal Freeze before the National Redress Scheme ends in 2027, taking into consideration Tasmanian Government progress towards implementation of the record-keeping principles.

From a school perspective, DECYP did not previously have a common language or standardised process for discussing and recording incidents of Harmful Sexual Behaviour (HSB). As a result, accessible data on students who either display or are impacted by HSB is inconsistent or unavailable. Due to a lack of centralised process, the way incidents are responded to and case notes are captured, varies between schools. A process that allows behaviours to be tracked, patterns recognised, and details of supports recorded would be helpful for students, families and staff.

To this end, DECYP's Case Management Platform (CMP) project will deliver a streamlined approach to the way information is recorded, accessed, managed and interpreted. The CMP will give DECYP a 360-degree view of the work it does to manage cases of alleged child sexual abuse involving children, young people and staff, standardise processes and practices and improve data management and security.

Contemporary Out-of-Home Care

Department for Education, Children and Young People

In August 2022, the Tasmanian Out of Home Care Standards were released as an important next



step in building a more accountable Out of Home Care system for Tasmania.

The Tasmanian Government has committed \$2.2m to support the establishment of a Tasmanian OOHCA Accreditation Framework and Carers Register from 2023/24 as part of its 2022-2023 budget.

DECYP is progressing the development of an Out-of-home Care Accreditation Framework over the next four years (2022-2026).

Schools

Department for Education, Children and Young People

Led by the Office of Safeguarding Children and Young People, implementation of the child safe standards in all of the Department for Education, Children and Young People settings, including schools, Child and Family Learning Centres, libraries, Youth Justice and business units has begun. This work will be prioritised in 2023 to ensure that all areas are prepared for the planned commencement of the Framework by 1 January 2024.

Through the Office of Safeguarding Children and Young People, work is underway to develop an overarching strategy to build a child safe culture in which all children and young people are safe from abuse, including sexual abuse. Work of the office includes developing a suite of guidance materials for teachers and principals that are consistent with the Framework.

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

Department of Justice

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 for Education, Children and Young People

On 22 November 2022, the Hon Roger Jaensch MP, Minister for Education, Children and Youth announced the release of the draft Youth Justice Blueprint 2022-2032, which has been developed in consultation with key stakeholders over the past 12 months and will set the strategic directions over the next 10 years. The Blueprint aims to improve the wellbeing of children, young people and their families while addressing the underlying drivers of offending behaviour, reducing offending and improving community safety.



The Blueprint will be supported by a suite of new facilities to replace the Ashley Youth Detention Centre. The Proposed Youth Justice Facilities Model outlines a nation-leading response including assisted bail, secure custody and support for young people transitioning back into the community.

These elements will be delivered through new, purpose-built facilities, including:

- One detention/remand centre, located in the South;
- Two assisted bail facilities, one in the North or North West and one in the South; and
- Two supported residential facilities, one in the North or North West and one in the South.

A state-wide facility, the southern detention/remand centre, will provide the opportunity for intensive intervention and rehabilitation through a therapeutic model of care.



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 12.1 to 12.15).

Advocacy, support and therapeutic treatment services

Department of Premier and Cabinet

On 25 November 2022, the Tasmanian Government released the *Third Family and Sexual Violence Action Plan 2022-2027: Survivors at the Centre*.

The Tasmanian Government is establishing two pilot multi-disciplinary centres to provide integrated support tailored to individual victim-survivors needs, featuring sexual assault support services, child safety officers, family violence counselling support services and witness intermediaries. These services will deliver a trauma-informed, best practice response that puts victim-survivors at the heart.

Survivors at the Centre also provides certainty for Tasmania's specialist family and sexual violence counselling services with funding for five-year contracts. SafeChoices by CatholicCare, Engender Equality, Yemaya, Huon Domestic Violence Service, Sexual Assault Support Service, Laurel House, the Australian Childhood Foundation and the Family Violence Counselling Support Service play an integral role in the provision of professional and specialist services to help children, young people and adults affected by family and sexual violence.

This third family and sexual violence action plan includes a commitment to develop, in partnership with Aboriginal people, specific strategies and actions to address Target and Outcome 13 in the Tasmanian Implementation Plan for closing the Gap 2021- 2023: A significant and sustained reduction in violence and abuse against Aboriginal and Torres Strait Islander women and their children toward zero.



Children with harmful sexual behaviours

Department for Education, Children and Young People

The Sexual Assault Support Service (SASS) has been engaged by the then 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 for Education, Children and Young People

In August 2022, the Tasmanian Out of Home Care Standards were released as an important next step in building a more accountable Out of Home Care system for Tasmania.

The Tasmanian Government has committed \$2.2m to support the establishment of a Tasmanian OOHCA Accreditation Framework and Carers Register from 2023/24 as part of its 2022-2023



budget.

The new Tasmanian Out of Home care Standards include formal kinship care. The Out of Home Care Accreditation Framework project will be developed over the next four years (2022-2026) and will incorporate a model of assessment and support for formal kinship care, and will also include strategies to protect children in residential care.



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

The Tasmanian Government continues to closely work with the Commonwealth, state and territory governments to ensure these non-monetary elements of the Scheme meet the identified needs of victim-survivors. This includes expanding the scope of available counselling (beyond that allocated by the Scheme), based on an application and assessment by the counselling provider, in consultation with the victim-survivor.

For the 2021-22 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.

The Tasmanian Government has completed all 84 recommendations relating to the Redress Scheme.

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.

On 14 July 2022, the Attorney-General, the Hon Elise Archer MP, publicly stated that the management of civil claims is to be conducted with the utmost sensitivity to victim-survivors and in a manner that is not unnecessarily adversarial. This included that all state lawyers apply a trauma-informed lens to all decisions relating to the management of child sexual abuse civil litigation matters against the State.

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

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.

Further work is however required to comply with all components of several recommendations, in particular the inclusion of juvenile records. This will be considered through the project to expand the Working with Vulnerable People Scheme, which has commenced.

Criminal Justice

Department of Police, Fire and Emergency Management

In 2022, coordination and governance to assist the investigation of current allegations of institutional child sexual abuse has been enhanced through the Tasmania Police Manual, the Tasmania Police Initial Investigation and Notification of Child Sexual Abuse Guidelines and Memorandums of Understanding (MoU). This includes the Keeping Children Safe MoU between Child and Family Services and Tasmania Police, the Registration to Work with Vulnerable People Information Sharing Protocol, the MoU between Tasmania Police and the Department of Education, as well as the MoU between Tasmania Police with the Department of Health.

Consultation with the Department of Justice has commenced to identify a short-term solution to



allow confidential reporting. A long-term solution to this recommendation will require procedural and technical development which includes an IT solution through Project Unify. The implementation date is predicted to be December 2024.

Department of Justice

On 22 November 2022, the Justice Miscellaneous (Royal Commission Amendments) Bill 2022 was tabled in Parliament.

The Bill implements the Government's commitment to introduce a number of legislative amendments arising from the recommendations of the Royal Commission into Institutional Responses to Child Sexual Abuse in its Criminal Justice Report.

The Bill creates two new crimes. The first crime being Penetrative Sexual abuse of a Child or Young Person by a Person in a Position of Authority. The second crime being Failure by a Person in a Position of Authority to Protect a Child from a Sexual Offence. Additionally, the Bill makes a number of other amendments that support people affected by child sexual abuse and other violent crimes to effectively engage with the criminal justice system.

This Bill will implement 10 recommendations from the Royal Commission's Criminal Justice Report. Those are:

- 27,28,29 – position of authority offences;
- 30 – removal of limitation periods for sexual crimes;
- 36 – failure to protect crime; and
- 44, 45, 48, 50, 51 – reforms to the law of tendency and coincidence.

The Bill will also strengthen the Tasmanian Government implementation of Recommendation 9, relating to the use of police interviews as evidence in chief. Specifically, these reforms will extend these supports beyond children and young people to victim survivors of family violence and sexual crimes.

Reportable Conduct Scheme

Department of Justice

On 22 November 2022, the Child and Youth Safe Organisations Bill 2022 was tabled in Parliament. The Bill establishes a legislative Framework for the regulation of Child and Youth Safe Standards (CYSS) and the establishment of a Reportable Conduct Scheme (RCS).

The Framework will be implemented in two phases. The first phase will commence on 1 January 2024 for all organisations in scope for both the CYSS and the RCS. Phase two will commence on 1 July 2024 for all remaining organisations in scope for both the CYSS and RCS.



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*.

On 21 December 2021, the Tasmanian Government released the *Fourth Annual Progress Report and Action Plan 2022*.

This Report is the Tasmanian Government's *Fifth Annual Progress Report and Action Plan 2023*.



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/carcru/tasmanian-response-to-the-royal-commission>

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/departments-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/departments/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>

