

Appendix A – Fifth Annual Progress Report and Action Plan 2023

Volume 6 – Making institutions child safe				
No.	Recommendation	Responsibility	Tasmanian Response	Notes
6.1	The Australian Government should establish a mechanism to oversee the development and implementation of a national strategy to prevent child sexual abuse. This work should be undertaken by the proposed National Office for Child Safety (see recommendations 6.16 and 6.17) and be included in the National Framework for Child Safety (see Recommendation 6.15).	Australian Government	Noted	The Tasmanian Government agrees to prioritise collaboration with other jurisdictions to progress a new National Framework on Child Safety. The new framework will focus on prevention, education, evaluation and cultural change.
6.2	The national strategy to prevent child sexual abuse should encompass the following complementary initiatives:	Australian Government	Noted	The Tasmanian Government notes that the Australian Government is responsible for this action.
	a. social marketing campaigns to raise general community awareness and increase knowledge of child sexual abuse, to change problematic attitudes and behaviour relating to such abuse, and to promote and direct people to related prevention initiatives, information and help-seeking services.	Australian Government	Noted	The Tasmanian Government notes that the Australian Government is responsible for this action. The Tasmanian Government will consider any actions in the context of Tasmania's particular circumstances.
	b. prevention education delivered through preschool, school and other community institutional settings that aims to increase children's knowledge of child sexual abuse and build practical skills to assist in strengthening self-protective skills and strategies. The education should be integrated into existing school curricula and link with related areas such as respectful relationships education and sexuality education. It should be mandatory for all preschools and schools.	Australian Government	Noted	The Tasmanian Government notes that the Australian Government is responsible for this action. The Tasmanian Government will consider any actions in the context of Tasmania's particular circumstances. It is noted that prevention education could build on other Tasmanian Government initiatives, including the Bravehearts education program delivered in schools.
	c. prevention education for parents delivered through daycare, preschool, school, sport and recreational settings, and other institutional and community settings. The education should aim to increase knowledge of child sexual abuse and its impacts, and build skills to help reduce the risks of child sexual abuse.	Australian Government	Noted	The Tasmanian Government notes that the Australian Government is responsible for this action. The Tasmanian Government will consider any actions in the context of Tasmania's particular circumstances.
	d. online safety education for children, delivered via schools. Ministers for education, through the Council of Australian Governments, should establish a nationally consistent curriculum for online safety education in schools. The Office of the eSafety Commissioner should be consulted on the design of the curriculum and contribute to the development of course content and approaches to delivery (see Recommendation 6.19).	Australian Government	Noted	The Tasmanian Government notes that the Australian Government is responsible for this action. The Tasmanian Government will consider any actions in the context of Tasmania's particular circumstances.
	e. online safety education for parents and other community members to better support children's safety online. Building on their current work, the Office of the eSafety Commissioner should oversee the delivery of this education nationally (see Recommendation 6.20).	Australian Government	Noted	The Tasmanian Government notes that the Australian Government is responsible for this action. The Tasmanian Government will consider any actions in the context of Tasmania's particular circumstances.
	f. prevention education for tertiary students studying university, technical and further education, and vocational education and training courses before entering child related	Australian Government	Noted	

	occupations. This should aim to increase awareness and understanding of the prevention of child sexual abuse and potentially harmful sexual behaviours in children.			The Tasmanian Government notes that the Australian Government is responsible for this action and supports consideration of a specific unit of competency as an elective in relevant studies. The Tasmanian Government will consider any actions in the context of Tasmania's particular circumstances.
	g. information and help-seeking services to support people who are concerned they may be at risk of sexually abusing children. The design of these services should be informed by the Stop It Now! model implemented in Ireland and the United Kingdom.	Australian Government	Noted	The Tasmanian Government notes that the Australian Government is responsible for this action. The Tasmanian Government will consider any actions in the context of Tasmania's particular circumstances.
	h. information and help seeking services for parents and other members of the community concerned that: <ul style="list-style-type: none"> i. an adult they know may be at risk of perpetrating child sexual abuse ii. a child or young person they know may be at risk of sexual abuse or harm iii. a child they know may be displaying harmful sexual behaviours. 	Australian Government	Noted	The Tasmanian Government notes that the Australian Government is responsible for this action. The Tasmanian Government will consider any actions in the context of Tasmania's particular circumstances.
6.3	The design and implementation of these initiatives should consider:	Australian Government	Noted	The Tasmanian Government notes that the Australian Government is responsible for this action. The Tasmanian Government will consider any actions in the context of Tasmania's particular circumstances.
	a. aligning with and linking to national strategies for preventing violence against adults and children, and strategies for addressing other forms of child maltreatment	Australian Government	Noted	The Tasmanian Government notes that the Australian Government is responsible for this action. The Tasmanian Government will consider any actions in the context of Tasmania's particular circumstances. The Tasmanian Government notes that the Safe Homes, Safe Families: Tasmania's Family Violence Action Plan continues to align and build upon the National Plan to Reduce Violence Against Women and their Children. The Tasmanian Government expects to see a similar alignment through the development of the Tasmanian Government Sexual Violence Action Plan.
	b. tailoring and targeting initiatives to reach, engage and provide access to all communities, including children, Aboriginal and Torres Strait Islander communities, culturally and linguistically diverse communities, people with disability, and regional and remote communities.	Australian Government	Noted	The Tasmanian Government notes that the Australian Government is responsible for this action. The Tasmanian Government will consider any actions in the context of Tasmania's particular circumstances.
	c. involving children and young people in the strategic development, design, implementation and evaluation of initiatives.	Australian Government	Noted	The Tasmanian Government notes that the Australian Government is responsible for this action. The Tasmanian Government will consider any actions in the context of Tasmania's particular circumstances.
	d. using research and evaluation to: <ul style="list-style-type: none"> i. build the evidence base for using best practices to prevent child sexual abuse and harmful sexual behaviours in children 	Australian Government	Noted	The Tasmanian Government notes that the Australian Government is responsible for this action. The Tasmanian Government will consider any actions in the context of Tasmania's particular circumstances.

	ii. guide the development and refinement of interventions, including the piloting and testing of initiatives before they are implemented.			
6.4	All institutions should uphold the rights of the child. Consistent with Article 3 of the United Nations Convention on the Rights of the Child, all institutions should act with the best interests of the child as a primary consideration. In order to achieve this, institutions should implement the Child Safe Standards identified by the Royal Commission.	Tasmanian Government – Department of Justice supported by Department for Education, Children and Young People	Accepted in principle	<p>Status: Commenced</p> <p>On 22 November 2022, the Child and Youth Safe Organisations Bill 2022 was introduced into Parliament. The Bill establishes a legislative framework for the regulation of Child and Youth Safe Standards and the establishment of a Reportable Conduct Scheme, including information sharing provisions, aligning with the recommendations of the Royal Commission into Institutional Responses to Child Sexual Abuse (the Royal Commission) and the approach in other Australian jurisdictions.</p> <p>The Child and Youth Safe Organisations Framework established by the Bill will contribute to the development of Child and Youth Safe Organisations in Tasmania, which promote the wellbeing of children and young people and uphold their right to safety from all forms of harm in institutional settings.</p> <p>The implementation of the Child and Youth Safe Organisations Framework, comprised of the Child and Youth Safe Standards and a Reportable Conduct Scheme, with independent oversight and regulation, will strengthen child safeguarding systems as a whole by complementing mandatory reporting, criminal reporting, registration for working with vulnerable people and other sector registrations, and broader prevention efforts.</p> <p>The Bill enables the Regulator to share information with anyone to generally promote and protect the safety and wellbeing of children, but, where practicable, protect the identity of a child. The Bill also enables the sharing of information for the purposes of the legislation between police, the Registrar of the <i>Working with Vulnerable People Act 2013</i> and others</p> <p>It is estimated that 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.</p> <p>Compliance with the Framework will be independently monitored and regulated, with an independent regulator and oversight body established by 1 July 2023.</p> <p>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 (CYSS) and the Reportable Conduct Scheme (RCS). Phase two will commence on 1 July 2024 for all remaining organisations in scope for both the CYSS and RCS.</p> <p>It is anticipated that the CYSOF project (once implemented) will complete 12 of the Royal Commission’s recommendations in total</p> <p>The Government has committed \$2.5 million over three years to support the design and implementation of this Framework, with further funding to establish the Independent Regulator to be considered as part of the 2022/23 budget process.</p> <p>Supporting Documents:</p> <ul style="list-style-type: none"> The Child and Youth Safe Organisations Bill 2022 is publicly available at https://www.justice.tas.gov.au/_data/assets/pdf_file/0008/676700/Child-and-Youth-Safe-Organisations-Bill-2022.pdf

6.5	<p>The Child Safe Standards are:</p> <ol style="list-style-type: none"> 1. Child safety is embedded in institutional leadership, governance and culture; 2. Children participate in decisions affecting them and are taken seriously; 3. Families and communities are informed and involved; 4. Equity is upheld and diverse needs are taken into account; 5. People working with children are suitable and supported; 6. Processes to respond to complaints of child sexual abuse are child focused; 7. Staff are equipped with the knowledge, skills and awareness to keep children safe through continual education and training; 8. Physical and online environments minimise the opportunity for abuse to occur; 9. Implementation of the Child Safe Standards is continuously reviewed and improved; 10. Policies and procedures document how the institution is child safe. 	Tasmanian Government - Department of Justice supported by Department for Education, Children and Young People	Accepted in principle	<p>Status: Commenced</p> <p>See response to recommendation 6.4 for more detail on the Child and Youth Safe Organisations Bill 2022 and the Child and Youth Safe Framework. The 10 Standards listed at Recommendation 6.5 are reflected in the draft Tasmanian Out-of-home Care Standards, which were finalised in August 2022.</p>
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6.6	<p>Institutions should be guided by the following core components when implementing the Child Safe Standards:</p> <p>Standard 1: Child safety is embedded in institutional leadership, governance and culture</p> <ul style="list-style-type: none"> a. The institution publicly commits to child safety and leaders champion a child safe culture. b. Child safety is a shared responsibility at all levels of the institution. c. Risk management strategies focus on preventing, identifying and mitigating risks to children. d. Staff and volunteers comply with a code of conduct that sets clear behavioural standards towards children. e. Staff and volunteers understand their obligations on information sharing and recordkeeping. <p>Standard 2: Children participate in decisions affecting them and are taken seriously</p> <ul style="list-style-type: none"> a. Children are able to express their views and are provided opportunities to participate in decisions that affect their lives. b. The importance of friendships is recognised and support from peers is encouraged, helping children feel safe and be less isolated. c. Children can access sexual abuse prevention programs and information. d. Staff and volunteers are attuned to signs of harm and facilitate child-friendly ways for children to communicate and raise their concerns. <p>Standard 3: Families and communities are informed and involved</p> <ul style="list-style-type: none"> a. Families have the primary responsibility for the upbringing and development of their child and participate in decisions affecting their child. b. The institution engages in open, two-way communication with families and communities about its child safety approach and relevant information is accessible. c. Families and communities have a say in the institution's policies and practices. d. Families and communities are informed about the institution's operations and governance. <p>Standard 4: Equity is upheld and diverse needs are taken into account</p> <ul style="list-style-type: none"> a. The institution actively anticipates children's diverse circumstances and responds effectively to those with additional vulnerabilities. b. All children have access to information, support and complaints processes. c. The institution pays particular attention to the needs of Aboriginal and Torres Strait Islander children, children with disability, and children from culturally and linguistically diverse backgrounds. 	Tasmanian Government - Department of Justice supported by Department for Education, Children and Young People	Accepted in principle	<p>Status: Commenced</p> <p>See response to recommendation 6.4 for more detail on the Child and Youth Safe Organisations Bill 2022 and the Child and Youth Safe Framework.</p>
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<p>Standard 5: People working with children are suitable and supported</p> <ul style="list-style-type: none"> a. Recruitment, including advertising and screening, emphasises child safety. b. Relevant staff and volunteers have Working With Children Checks. c. All staff and volunteers receive an appropriate induction and are aware of their child safety responsibilities, including reporting obligations. d. Supervision and people management have a child safety focus. <p>Standard 6: Processes to respond to complaints of child sexual abuse are child focused</p> <ul style="list-style-type: none"> a. The institution has a child-focused complaint handling system that is understood by children, staff, volunteers and families. b. The institution has an effective complaint handling policy and procedure which clearly outline roles and responsibilities, approaches to dealing with different types of complaints and obligations to act and report. c. Complaints are taken seriously, responded to promptly and thoroughly, and reporting, privacy and employment law obligations are met. <p>Standard 7: Staff are equipped with the knowledge, skills and awareness to keep children safe through continual education and training</p> <ul style="list-style-type: none"> a. Relevant staff and volunteers receive training on the nature and indicators of child maltreatment, particularly institutional child sexual abuse. b. Staff and volunteers receive training on the institution's child safe practices and child protection. c. Relevant staff and volunteers are supported to develop practical skills in protecting children and responding to disclosures. <p>Standard 8: Physical and online environments minimise the opportunity for abuse to occur</p> <ul style="list-style-type: none"> a. Risks in the online and physical environments are identified and mitigated without compromising a child's right to privacy and healthy development. b. The online environment is used in accordance with the institution's code of conduct and relevant policies. <p>Standard 9: Implementation of the Child Safe Standards is continuously reviewed and improved</p> <ul style="list-style-type: none"> a. The institution regularly reviews and improves child safe practices. b. The institution analyses complaints to identify causes and systemic failures to inform continuous improvement. 			
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	<p>Standard 10: Policies and procedures document how the institution is child safe</p> <p>a. Policies and procedures address all Child Safe Standards.</p> <p>b. Policies and procedures are accessible and easy to understand.</p> <p>c. Best practice models and stakeholder consultation inform the development of policies and procedures.</p> <p>d. Leaders champion and model compliance with policies and procedures.</p> <p>e. Staff understand and implement the policies and procedures.</p>			
6.7	<p>The national Child Safe Standards developed by the Royal Commission and listed at Recommendation 6.5 should be adopted as part of the new National Statement of Principles for Child Safe Organisations described by the Community Services Ministers' Meeting in November 2016. The National Statement of Principles for Child Safe Organisations should be endorsed by the Council of Australian Governments.</p>	<p>Tasmanian Government - Department for Education, Children and Young People supported by the Department of Justice</p>	<p>Accepted in principle</p>	<p>Status: Completed</p> <p>COAG endorsed the National Principles for Child Safe Organisations in February 2019.</p>
6.8	<p>State and territory governments should require all institutions in their jurisdictions that engage in child-related work to meet the Child Safe Standards identified by the Royal Commission at Recommendation 6.5.</p>	<p>Tasmanian Government - Department for Education, Children and Young People supported by Department of Justice</p>	<p>Accepted in principle</p>	<p>Status: Commenced</p> <p>The Government is establishing a legislative framework for regulation of the child safe standards and a reportable conduct scheme in its response to the recommendations of the Royal Commission into Institutional Responses to Child Sexual Abuse. The Department of Justice has developed the legislative framework required.</p> <p>The Child and Youth Safe Organisations Framework (CYSO) for Tasmania will be overseen by an independent oversight and regulation body. The CYSO includes:</p> <ul style="list-style-type: none"> • 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. <p>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. .</p> <p>Supporting Documents:</p> <ul style="list-style-type: none"> • Information about the Child and Youth Safe Organisations Framework is publicly available at: https://www.justice.tas.gov.au/carcru/child-and-youth-safe-organisations-framework

6.9	<p>Legislative requirements to comply with the Child Safe Standards should cover institutions that provide:</p> <ul style="list-style-type: none"> a. accommodation and residential services for children, including overnight excursions or stays b. activities or services of any kind, under the auspices of a particular religious denomination or faith, through which adults have contact with children c. childcare or childminding services d. child protection services, including out-of-home care e. activities or services where clubs and associations have a significant membership of, or involvement by, children f. coaching or tuition services for children g. commercial services for children, including entertainment or party services, gym or play facilities, photography services, and talent or beauty competitions h. services for children with disability i. education services for children j. health services for children k. justice and detention services for children, including immigration detention facilities l. transport services for children, including school crossing services. 	Tasmanian Government - Department of Justice with support from the Department for Education, Children and Young People	Accepted in principle	<p>Status: Commenced</p> <p>See response to recommendation 6.4 for more detail on the Child and Youth Safe Organisations Bill 2022 and the Child and Youth Safe Framework. 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.</p>
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6.10	<p>State and territory governments should ensure that:</p> <ul style="list-style-type: none"> a. an independent oversight body in each state and territory is responsible for monitoring and enforcing the Child Safe Standards. Where appropriate, this should be an existing body. b. the independent oversight body is able to delegate responsibility for monitoring and enforcing the Child Safe Standards to another state or territory government body, such as a sector regulator. c. regulators take a responsive and risk-based approach when monitoring compliance with the Child Safe Standards and, where possible, utilise existing regulatory frameworks to monitor and enforce the Child Safe Standards. 	<p>Department of Justice with support from the Department for Education, Children and Young People</p>	<p>Accepted in principle</p>	<p>Status: Commenced</p> <p>See response to recommendation 6.4 for more detail on the Child and Youth Safe Organisations Bill 2022 and the Child and Youth Safe Framework.</p>
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6.11	<p>Each independent state and territory oversight body should have the following additional functions:</p> <ul style="list-style-type: none"> a. provide advice and information on the Child Safe Standards to institutions and the community b. collect, analyse and publish data on the child safe approach in that jurisdiction and provide that data to the proposed National Office for Child Safety c. partner with peak bodies, professional standards bodies and/or sector leaders to work with institutions to enhance the safety of children d. provide, promote or support education and training on the Child Safe Standards to build the capacity of institutions to be child safe e. coordinate ongoing information exchange between oversight bodies relating to institutions' compliance with the Child Safe Standards. 	<p>Department of Justice with support from the Department for Education, Children and Young People</p>	<p>Accepted in principle</p>	<p>Status: Commenced</p> <p>See response to recommendation 6.4 for more detail on the Child and Youth Safe Organisations Bill 2022 and the Child and Youth Safe Framework.</p>
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6.12	<p>With support from governments at the national, state and territory levels, local governments should designate child safety officer positions from existing staff profiles to carry out the following functions:</p> <ol style="list-style-type: none"> developing child safe messages in local government venues, grounds and facilities assisting local institutions to access online childsafe resources providing child safety information and support to local institutions on a needs basis supporting local institutions to work collaboratively with key services to ensure child safe approaches are culturally safe, disability aware and appropriate for children from diverse backgrounds. 	Tasmanian Government - Department of Premier and Cabinet	Accepted in principle	<p>Status: Commenced</p> <p>The Tasmanian Government is committed to implementing a child safety framework for all organisations engaged in child-related services to ensure cultural change in organisations, so that keeping children safe from abuse is embedded in the everyday thinking and practice of leaders, staff and volunteers.</p> <p>The Local Government Association of Tasmania is currently working with Councils to enhance child safe messaging and provide information and support to local institutions. Individual councils continue to work through this recommendation.</p> <p>This recommendation will be further progressed when the Child and Youth Safe Organisations Framework is finalised.</p>
6.13	<p>The Australian Government should require all institutions that engage in child-related work for the Australian Government, including Commonwealth agencies, to meet the Child Safe Standards identified by the Royal Commission at Recommendation 6.5.</p>	Australian Government	Noted	<p>The Tasmanian Government notes that the Australian Government is responsible for this action.</p>
6.14	<p>The Australian Government should be responsible for the following functions:</p> <ol style="list-style-type: none"> evaluate, publicly report on, and drive the continuous improvement of the implementation of the ChildSafe Standards and their outcomes coordinate the direct input of children and young people into the evaluation and continuous improvement of the ChildSafe Standards coordinate national capacity building and support initiatives and opportunities for collaboration between jurisdictions and institutions develop and promote national strategies to raise awareness and drive cultural change in institutions and the community to support child safety. 	Australian Government	Noted	<p>The Tasmanian Government notes that the Australian Government is responsible for this action.</p>
6.15	<p>The Australian Government should develop a new National Framework for Child Safety in collaboration with state and territory governments. The Framework should:</p> <ol style="list-style-type: none"> commit governments to improving the safety of all children by implementing long-term child safety initiatives, with appropriate resources, and holding them to account be endorsed by the Council of Australian Governments and overseen by a joint ministerial body commence after the expiration of the current National Framework for Protecting Australia's Children, no later than 2020 cover broader child safety issues, as well as specific initiatives to better prevent and respond to institutional child sexual abuse including initiatives recommended by the Royal Commission include links to other related policy frameworks. 	Australian Government	Noted	<p>See response to recommendation 6.1.</p> <p>The Tasmanian Government agrees to prioritise collaboration with other jurisdictions to progress a new National Framework on Child Safety. The new framework will focus on prevention, education, evaluation and cultural change.</p>

6.16	The Australian Government should establish a National Office for Child Safety in the Department of the Prime Minister and Cabinet, to provide a response to the implementation of the Child Safe Standards nationally, and to develop and lead the proposed National Framework for Child Safety. The Australian Government should transition the National Office for Child Safety into an Australian Government statutory body within 18 months of this Royal Commission's Final Report being tabled in the Australian Parliament.	Australian Government	Noted	The Tasmanian Government notes that the Australian Government is responsible for this action. The Tasmanian Government will consider any actions in the context of Tasmania's particular circumstances. The Tasmanian Government also notes that, consistent with a structure designed to mirror national approaches to workplace health and safety, the proposed National Office for Child Safety appears to have the same intent as Work Safe Australia, with regard to national policy, education and reporting.
6.17	The National Office for Child Safety should report to Parliament and have the following functions: a. develop and lead the coordination of the proposed National Framework for Child Safety, including national coordination of the Child Safe Standards b. collaborate with state and territory governments to lead capacity building and continuous improvement of child safe initiatives through resource development, best practice material and evaluation c. promote the participation and empowerment of children and young people in the National Framework and child safe initiatives d. perform the Australian Government's Child Safe Standards functions as set out at Recommendation 6.15 e. lead the community prevention initiatives as set out in Recommendation 6.2.	Australian Government	Noted	The Tasmanian Government notes that the Australian Government is responsible for this action. The Tasmanian Government will consider any actions in the context of Tasmania's particular circumstances.
6.18	The Australian Government should create a ministerial portfolio with responsibility for children's policy issues, including the National Framework for Child Safety.	Australian Government	Noted	The Tasmanian Government notes that the Australian Government is responsible for this action.
6.19	Ministers for Education, through the Council of Australian Governments, should establish a nationally consistent curriculum for online safety education in schools. The Office of the eSafety Commissioner should be consulted on the design of the curriculum and contribute to the development of course content and approaches to delivery. The curriculum should: a. be appropriately staged from Foundation year to Year 12 and be linked with related content areas to build behavioural skills as well as technical knowledge to support a positive and safe online culture b. involve children and young people in the design, delivery and piloting of new online safety education, and update content annually to reflect evolving technologies, online behaviours and evidence of international best practice approaches c. be tailored and delivered in ways that allow all Australian children and young people to reach, access and engage with online safety education, including vulnerable groups that may not access or engage with the school system.	Australian Government	Noted	The Tasmanian Government notes that the Australian Government is responsible for this action. The Tasmanian Government will consider any actions in the context of Tasmania's particular circumstances. The Tasmanian Government notes that this action is part of the proposed National Strategy and supports the use of existing Ministerial Councils to progress elements of this recommendation.

6.20	<p>Building on its current work, the Office of the eSafety Commissioner should oversee the delivery of national online safety education aimed at parents and other community members to better support children's safety online. These communications should aim to:</p> <ul style="list-style-type: none"> a. keep the community up to date on emerging risks and opportunities for safeguarding children online b. build community understanding of responsibilities, legalities and the ethics of children's interactions online c. encourage proactive responses from the community to make it 'everybody's business' to intervene early, provide support or report issues when concerns for children's safety online are raised d. increase public awareness of how to access advice and support when online incidents occur. 	Australian Government	Noted	The Tasmanian Government notes that this action is part of the proposed National Strategy.
6.21	<p>Pre-service education and in-service staff training should be provided to support child-related institutions in creating safe online environments. The Office of the eSafety Commissioner should advise on and contribute to program design and content. These programs should be aimed at:</p> <ul style="list-style-type: none"> a. tertiary students studying university, technical and further education, and vocational education and training courses, before entering child-related occupations; and could be provided as a component of a broader program of child sexual abuse prevention education (see Recommendation 6.2) b. staff and volunteers in schools and other child-related organisations, and could build on the existing web-based learning programs of the Office of the eSafety Commissioner. 	Australian Government	Noted	<p>The Tasmanian Government notes that the Australian Government is responsible for this action.</p> <p>The Tasmanian Government will consider any actions in the context of Tasmania's particular circumstances.</p>
6.22	<p>In partnership with the proposed National Office of Child Safety (see Recommendations 6.16 and 6.17), the Office of the eSafety Commissioner should oversee the development of an online safety framework and resources to support all schools in creating child safe online environments. This work should build on existing school-based e-safety frameworks and guidelines, drawing on Australian and international models. The school-based online safety framework and resources should be designed to:</p> <ul style="list-style-type: none"> a. support schools in developing, implementing and reviewing their online codes of conduct, policies and procedures to help create an online culture that is safe for children b. guide schools in their response to specific online incidents, in coordination with other agencies. This should include guidance in complaint handling, understanding reporting requirements, supporting victims to minimise further harm, and preserving digital evidence to support criminal justice processes. 	Australian Government	Noted	<p>The Tasmanian Government notes that the Australian Government is responsible for this action.</p> <p>The Tasmanian Government will consider any actions in the context of Tasmania's particular circumstances.</p>

6.23	<p>State and territory education departments should consider introducing centralised mechanisms to support government and non-government schools when online incidents occur.</p> <p>This should result in appropriate levels of escalation and effective engagement with all relevant entities, such as the Office of the eSafety Commissioner, technical service providers and law enforcement. Consideration should be given to:</p> <p>a. adopting the promising model of the Queensland Department of Education and Training's Cyber Safety and Reputation Management Unit, which provides advice and a centralised coordination function for schools, working in partnership with relevant entities to remove offensive online content and address other issues</p> <p>b. strengthening or re-establishing multi-stakeholder forums and case-management for effective joint responses involving all relevant agencies, such as police, education, health and child protection.</p>	Tasmanian Government - Department for Education, Children and Young People	Accepted in principle	<p>Status: Commenced</p> <p>The Department for Education, Children and Young People (DECYP) commenced implementation of this recommendation in March 2019 and this work is ongoing.</p> <p>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.</p> <p>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. Completed and current work includes the following:</p> <ul style="list-style-type: none"> • A Finalisation and distribution of advice for staff on responding to incidents, disclosures and suspicions of child sexual abuse, including a flowchart on dealing with online child sexual abuse material. • Finalisation and roll-out of a compulsory online mandatory reporting training module for staff. • Development of professional development and training for staff on understanding and responding to child sexual abuse including on-line abuse, for roll-out in 2023. • Development of a new standalone public website providing information and guidance on preventing, understanding and responding to child sexual abuse to children, young people, their families and the community. The website will be launched in 2023 • Finalisation of an MOU with Tasmania Police on preventing and responding to child sexual abuse in government schools and education and care services. In 2023, this MOU will be revised and combined with the MOU developed by the former Department of Communities and Tasmania Police to ensure that all relevant portfolio services within DECYP are covered by one MOU • Continued engagement with the work of the e-Safety Commissioner (including promoting its website and learning resources to schools) and the Australian Federal Police (including the ThinkUKnow program), as well as with organisations such as the Alannah and Madeline Foundation to deliver its eSmart program to Tasmanian government schools. • Continued engagement with Catholic Education Tasmania and Independent Schools Tasmania to share resources and ensure approaches to building a child safe culture across all sectors are aligned. • Ongoing participation in the work of the National Office for Child Safety, including participation in relevant Working Groups established to progress the National Strategy to Prevent and Respond to Child Sexual Abuse. In particular, the Education and Awareness Raising Working Group is responsible for or contributing to several measures relevant to this recommendation, including National Action Plan measure 4 – supporting provision of resources for teachers, children and young people's education in areas focussed on wellbeing, relationships and safety, including online safety and Commonwealth Action Plan measure 4 – preventing online harms and promoting safe online practices for children and young people. <p>A review of work towards this recommendation 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.</p> <p>Supporting Documents:</p> <ul style="list-style-type: none"> • Fact sheets for Parents – Online Safety are available publicly at https://www.education.tas.gov.au/parents-carers/parent-fact-sheets/online-safety/ • Department for Education, Children and Young People, Office of Safeguarding Children and Young People: https://www.decyp.tas.gov.au/children/safeguarding-children/
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6.24	<p>In consultation with the eSafety Commissioner, police commissioners from states and territories and the Australian Federal Police should continue to ensure national capability for coordinated, best practice responses by law enforcement agencies to online child sexual abuse. This could include through:</p> <ul style="list-style-type: none"> a. establishing regular meetings of the heads of cyber safety units in all Australian police departments to ensure a consistent capacity to respond to emerging incidents and share best practice approaches, tools and resources b. convening regular forums and conferences to bring together law enforcement, government, the technology industry, the community sector and other relevant stakeholders to discuss emerging issues, set agendas and identify solutions to online child sexual abuse and exploitation c. building capability across police departments, through in-service training for: <ul style="list-style-type: none"> i. frontline police officers to respond to public complaints relating to issues of online child sexual abuse or harmful sexual behaviours ii. police officers who liaise with young people in school and community settings. 	Australian Government	Noted	<p>The Tasmanian Government notes that the Australian Government is responsible for this action.</p> <p>The Tasmanian Government will consider any actions in the context of Tasmania's particular circumstances.</p> <p>There are currently a number of national meetings held around Australia where Senior Investigators meet to discuss cyber safety. Australian Federal Police has taken the lead in this area and Tasmania Police is actively engaged as a stakeholder in these discussions. Tasmania Police is currently undertaking a review of its capability and its responses to child exploitation.</p>
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Volume 7 – Improving institutional responding and reporting

No.	Recommendation	Responsibility	Tasmanian Response	Notes
7.1	State and territory governments that do not have a mandatory reporter guide should introduce one and require its use by mandatory reporters.	Tasmanian Government – Department for Education, Children and Young People	Accepted	<p>Status: Completed</p> <p>The Tasmanian mandatory reporting requirements are governed by the <i>Children, Young Persons and Their Families Act 1997</i>. DECYP publishes a guide for mandatory reporters on its website, which covers the essential issues including how to report, and what a reporter can expect during the process.</p> <p>In December 2018, the then Department of Communities Tasmania updated the Mandatory Reporters Guide and launched an expert advice service. The ARL is available to all mandatory reporters.</p> <p>Supporting Documents: https://www.communities.tas.gov.au/children/child_protection_services/what_can_i_expect_when</p>
7.2	Institutions and state and territory governments should provide mandatory reporters with access to experts who can provide timely advice on child sexual abuse reporting obligations.	Tasmanian Government – Department for Education, Children and Young People	Accepted	<p>Status: Completed</p> <p>The Strong Families Safe Kids Advice and Referral Line (ARL) commenced in December 2018. The ARL is a contact point for people seeking advice and assistance if they have concerns about a child or their family. The service provides information and advice about service options and other approaches for responding to the needs of children and families. When a child and their family needs assistance, the service may provide this through referral to another service, or in some circumstances if a child is considered to be at risk, the service may refer the matter to the Child Safety Service for assessment. The ARL includes specific advice for mandatory reporters. This service also allows mandatory reporters to access expert advice regarding child safety concerns.</p>
7.3	<p>State and territory governments should amend laws concerning mandatory reporting to child protection authorities to achieve national consistency in reporter groups. At a minimum, state and territory governments should also include the following groups of individuals as mandatory reporters in every jurisdiction:</p> <ol style="list-style-type: none"> out-of-home care workers (excluding foster and kinship/relative carers) youth justice workers early childhood workers registered psychologists and school counsellors people in religious ministry. 	Tasmanian Government – Department for Education, Children and Young People	Accepted in principle	<p>Status: Completed</p> <p>Tasmanian mandatory reporting requirements are outlined in the <i>Children, Young Persons and Their Families Act 1997</i>. The legislation was amended in 2019 by the <i>Criminal Code and Related Legislation Amendment (Child Abuse) Act 2019</i> to include members of religious ministry and state Members of Parliament.</p>

				<p>The groups of individuals listed at Recommendation 7.3 are now all covered by the legislation at s14(1) of the Act. https://www.legislation.tas.gov.au/view/html/inforce/current/act-1997-028#GS14@EN</p> <p>Supporting Documents:</p> <ul style="list-style-type: none"> • <i>Criminal Code and Related Legislation Amendment (Child Abuse) Act 2019</i>
7.4	<p>Laws concerning mandatory reporting to child protection authorities should not exempt persons in religious ministry from being required to report knowledge or suspicions formed, in whole or in part, on the basis of information disclosed in or in connection with a religious confession.</p>	<p>Tasmanian Government - for Education, Children and Young People and Department of Justice</p>	<p>Accepted in principle</p>	<p>Status: Completed</p> <p>Tasmanian mandatory reporting requirements are outlined in the <i>Children, Young Persons and Their Families Act 1997</i>. The legislation was amended in 2019 by the <i>Criminal Code and Related Legislation Amendment (Child Abuse) Act 2019</i> to include members of religious ministry and state Members of Parliament. This legislation now abrogates the use of the confessional privilege for the purposes of mandatory reporting under the <i>Children, Young Persons and Their Families Act 1997</i> – refer s14(7) of the Act</p> <p>Supporting Documents:</p> <ul style="list-style-type: none"> • <i>Criminal Code and Related Legislation Amendment (Child Abuse) Act 2019</i>
7.5	<p>The Australian Government and state and territory governments should ensure that legislation provides comprehensive protection for individuals who make reports in good faith about child sexual abuse in institutional contexts. Such individuals should be protected from civil and criminal liability and from reprisals or other detrimental action as a result of making a complaint or report, including in relation to:</p> <ol style="list-style-type: none"> mandatory and voluntary reports to child protection authorities under child protection legislation notifications concerning child abuse under the Health Practitioner Regulation National Law. 	<p>Tasmanian Government - Department for Education, Children and Young People</p>	<p>Accepted</p>	<p>Status: Commenced</p> <p>Section 16 of the <i>Children, Young Persons and Their Families Act 1997</i> provides that a person who receives a risk notification (regarding knowledge, belief or suspicion of abuse or neglect of a child) must not disclose the identity of the person who has made that notification, other than in specific circumstances. . The maintenance of confidentiality is at the discretion of the informer and can be waived with their consent. The Tasmanian Government has committed to a comprehensive review of the <i>Children Young Persons and Their Families Act 1997</i>. This review has commenced and will include consideration of adequate protection for individuals who make complaints or reports in good faith about child safety matters. The timeframe for the review concludes in 2023 and subsequent legislative processes will follow.</p>
7.6	<p>State and territory governments should amend child protection legislation to provide adequate protection for individuals who make complaints or reports in good faith to any institution engaging in child-related work about:</p> <ol style="list-style-type: none"> child sexual abuse within that institution or the response of that institution to child sexual abuse. 	<p>Tasmanian Government – Department for Education, Children and Young People</p>	<p>Accepted in principle</p>	<p>Status: Commenced</p> <p>Section 16 of the <i>Children, Young Persons and Their Families Act 1997</i> provision in it that protects and keeps confidentiality of persons informing of knowledge, belief or suspicion of abuse or neglect or certain behaviour. The maintenance of confidentiality is at the discretion of the informer and can be waived with their consent. The Tasmanian Government has committed to a comprehensive review of the <i>Children Young Persons and Their Families Act 1997</i>.</p>

	Such individuals should be protected from civil and criminal liability and from reprisals or other detrimental action as a result of making a complaint or report.			<p>This review has commenced and will include consideration of adequate protection for individuals who make complaints or reports in good faith about child safety matters.</p> <p>The timeframe for the review and subsequent legislative processes is two years concluding 2023.</p>
7.7	<p>Consistent with Child Safe Standard 6: Processes to respond to complaints of child sexual abuse are child focused, institutions should have a clear, accessible and child-focused complaint handling policy and procedure that sets out how the institution should respond to complaints of child sexual abuse. The complaint handling policy and procedure should cover:</p> <ul style="list-style-type: none"> a) making a complaint b) responding to a complaint c) investigating a complaint d) providing support and assistance e) achieving systemic improvements following a complaint. 	Tasmanian Government - Department for Education, Children and Young People	Accepted	<p>Status: Commenced</p> <p>A full-time Client Liaison Officer, whose role is to coordinate, investigate and respond to all enquiries, complaints and feedback received by, or on behalf of, children, families and carers, commenced in CYF in July 2020. All contact is tracked and recorded in a centralised database which can identify trends and systemic issues as well as individual complaint data.</p> <p>CYF has an established protocol in place with the Commissioner for Children and Young People (CCYP) in Tasmania to follow up on complaints raised with the Commissioner by individuals. While the Commissioner has the statutory authority to monitor the out-of-home care system, she does not have the statutory authority to examine or investigate individual matters. As such, the Commissioner refers all individual matters directly Client Liaison Officer for action.</p> <p>A “Reporting Concerns” Information Sheet has been implemented for staff reporting concerns about other staff in the workplace and, once cleared, will be placed on the CYF Practice Manual.</p> <p>In addition, DECYP has developed revised and updated advice for all staff, particularly those in schools, on how to respond to incidents, disclosures and suspicions of child sexual abuse. This includes relevant flowcharts related to specific incidents involving a current staff member, a former employee in an historical incident, another student or someone from the family or community. This advice has been provided to staff and shared more widely, including with Catholic Education Tasmania and Independent Schools Tasmania. The advice is reviewed and updated on a regular basis by the Office of Safeguarding Children and Young People.</p> <p>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.</p> <p>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-focussed. 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).</p> <p>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.</p>

7.8	<p>Consistent with Child Safe Standard 1: Child safety is embedded in institutional leadership, governance and culture, institutions should have a clear code of conduct that:</p> <ul style="list-style-type: none"> a. outlines behaviours towards children that the institution considers unacceptable, including concerning conduct, misconduct or criminal conduct b. includes a specific requirement to report any concerns, breaches or suspected breaches of the code to a person responsible for handling complaints in the institution or to an external authority when required by law and/or the institution's complaint handling policy c. outlines the protections available to individuals who make complaints or reports in good faith to any institution engaging in child-related work (see Recommendation 7.6 on reporter protections). 	Tasmanian Government - Department of Justice with support from Department for Education, Children and Young People	Accepted in principle	<p>Status: Commenced</p> <p>See response to recommendation 6.4 for more detail on the Child and Youth Safe Organisations Bill 2022 and the Child and Youth Safe Framework.</p>
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7.9	State and territory governments should establish nationally consistent legislative schemes (reportable conduct schemes), based on the approach adopted in New South Wales, which oblige heads of institutions to notify an oversight body of any reportable allegation, conduct or conviction involving any of the institution's employees.	Tasmanian Government - Department of Justice	Accepted	Status: Commenced See response to recommendation 6.4 for more detail on the Child and Youth Safe Organisations Bill 2022 and the Child and Youth Safe Framework.
7.10	Reportable conduct schemes should provide for: a. an independent oversight body b. obligatory reporting by heads of institutions c. a definition of reportable conduct that covers any sexual offence, or sexual misconduct, committed against, with, or in the presence of, a child d. a definition of reportable conduct that includes the historical conduct of a current employee e. a definition of employee that covers paid employees, volunteers and contractors f. protection for persons who make reports in good faith g. oversight body powers and functions that include: i. scrutinising institutional systems for preventing reportable conduct and for handling and responding to reportable allegations, or reportable convictions ii. monitoring the progress of investigations and the handling of complaints by institutions iii. conducting, on its own motion, investigations concerning any reportable conduct of which it has been notified or otherwise becomes aware iv. power to exempt any class or kind of conduct from being reportable conduct v. capacity building and practice development, through the provision of training, education and guidance to institutions vi. public reporting, including annual reporting on the operation of the scheme and trends in reports and investigations, and the power to make special reports to parliaments.	Tasmanian Government - Department of Justice	Accepted	Status: Commenced See response to recommendation 6.4 for more detail on the Child and Youth Safe Organisations Bill 2022 and the Child and Youth Safe Framework.
7.11	State and territory governments should periodically review the operation of reportable conduct schemes, and in that review determine whether the schemes should cover additional institutions that exercise a high degree of responsibility for children and involve a heightened risk of child sexual abuse.	Tasmanian Government - Department of Justice	Accepted	Status: Commenced See response to recommendation 6.4 for more detail on the Child and Youth Safe Organisations Bill 2022 and the Child and Youth Safe Framework.

7.12	<p>Reportable conduct schemes should cover institutions that:</p> <ul style="list-style-type: none"> • exercise a high degree of responsibility for children • engage in activities that involve a heightened risk of child sexual abuse, due to institutional characteristics, the nature of the activities involving children, or the additional vulnerability of the children the institution engages with. <p>At a minimum, these should include institutions that provide:</p> <ol style="list-style-type: none"> a. accommodation and residential services for children, including: <ol style="list-style-type: none"> i. housing or homelessness services that provide overnight beds for children and young people ii. providers of overnight camps b. activities or services of any kind, under the auspices of a particular religious denomination or faith, through which adults have contact with children c. childcare services, including: <ol style="list-style-type: none"> i. approved education and care services under the Education and Care Services National Law ii. approved occasional care services d. child protection services and out-of-home care, including: <ol style="list-style-type: none"> i. child protection authorities and agencies ii. providers of foster care, kinship or relative care iii. providers of family group homes iv. providers of residential care e. disability services and supports for children with disability, including: <ol style="list-style-type: none"> i. disability service providers under state and territory legislation ii. registered providers of supports under the National Disability Insurance Scheme f. education services for children, including: <ol style="list-style-type: none"> i. government and non-government schools ii. TAFEs and other institutions registered to provide senior secondary education or iii. training, courses for overseas students or student exchange programs g. health services for children, including: <ol style="list-style-type: none"> i. government health departments and agencies, and statutory corporations ii. public and private hospitals iii. providers of mental health and drug or alcohol treatment services that have inpatient beds for children and young people h. justice and detention services for children, including: <ol style="list-style-type: none"> i. youth detention centres immigration detention facilities. 	Tasmanian Government - Department of Justice	Accepted	<p>Status: Commenced</p> <p>See response to recommendation 6.4 for more detail on the Child and Youth Safe Organisations Bill 2022 and the Child and Youth Safe Framework.</p>
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Volume 8 – Recordkeeping and information sharing

No.	Recommendation	Responsibility	Tasmanian Response	Notes
8.1	To allow for delayed disclosure of abuse by victims and take account of limitation periods for civil actions for child sexual abuse, institutions that engage in child-related work should retain, for at least 45 years, records relating to child sexual abuse that has occurred or is alleged to have occurred.	<p>Australian Government</p> <p>Tasmanian Government - State Archivist as part of the Department for Education, Children and Young People</p>	Accepted	<p>Status: Completed</p> <p>DECYP commenced this work in August 2018. While that work was concluded in December 2019, DECYP continues to monitor its record-keeping practices and, where necessary, will continue to provide staff training and guidance.</p> <p>The Office of the State Archivist (OSA) released the Royal Commission Toolkit in December 2019 for use by Tasmanian government and non-government organisations who engage in child-related work. The toolkit includes guidance for government and non-government organisations around retaining records relating to child sexual abuse that has occurred or is alleged to have occurred for 45 years or longer.</p> <p>The toolkit was promoted through OSA's regular newsletter, and OSA staff continue to maintain the toolkit and provide advice to Tasmanian government organisations about identifying and retaining records relating to child sexual abuse that has occurred or is alleged to have occurred. The Tasmanian State Archivist consulted lead Tasmanian agencies, other Australian government archives and key stake holders to conduct the work required to meet the needs of this recommendation.</p> <p>DECYP prepared a 'List of Identified Records to be Maintained', which the Secretary circulated to all staff on 30 October 2018. Information sessions and presentations regarding the retention of records relating to real or alleged child sexual abuse have previously been provided to a range of staff and schools. These sessions will continue in the future to ensure the recommendation is fully implemented across all portfolios within DECYP.</p> <p>The Information Support Services team in DECYP created two new activities in DECYP's Business Classification Scheme (one for research undertaken to locate historical records of incidents and allegations, and the other for redress applications), both of which automatically have permanent retention applied on creation.</p>
8.2	The National Archives of Australia and state and territory public records authorities should ensure that records disposal schedules require that records relating to child sexual abuse that has occurred or is alleged to have occurred be retained for at least 45 years.	Tasmanian Government - State Archivist as part of the Department for Children, Education and Young People	Accepted in principle	<p>Status: Completed</p> <p>DECYP commenced this work in August 2018. While that work was concluded in December 2019, DECYP continues to monitor its record-keeping practices and, where necessary, will continue to provide staff training and guidance.</p> <p>OSA has completed work to ensure that records disposal schedules have increased minimum records retention periods, consistent with the Royal Commission recommendations. The State Archivist consulted lead Tasmanian agencies and other Australian government archives to conduct the necessary work to meet the needs of this recommendation.</p> <p>The State Archivist authorised and issued the Disposal Schedule for Records Relating to Child Abuse (DA2520) in December 2019. It applies to all organisations (including Government agencies) as defined in the <i>Archives Act 1983</i> (Tas). The release of DA2520 was announced via an email to agencies and promoted in the OSA regular newsletter, <i>On the Record</i> (December 2019).</p>

8.3	<p>The National Archives of Australia and state and territory public records authorities should provide guidance to government and non-government institutions on identifying records which, it is reasonable to expect, may become relevant to an actual or alleged incident of child sexual abuse; and on the retention and disposal of such records.</p>	<p>Tasmanian Government - State Archivist as part of the Department for Education, Children and Young People</p>	<p>Accepted in principle</p>	<p>Status: Completed</p> <p>DECYP commenced its work in August 2018. While that work was concluded in December 2019, DECYP continues to monitor its record-keeping practices and, where necessary, will continue to provide staff training and guidance.</p> <p>Development of this guidance was undertaken by the Royal Commission Working Group of the Council of Australasian Archives and Records Authorities (CAARA). The Tasmanian State Archivist consulted lead Tasmanian agencies and other Australian government archives to ensure the guidelines meet the needs of government and non-government institutions in a Tasmanian context.</p> <p>This has seen, for example, Tasmania's guidance covering all types of child abuse (sexual, physical, exploitation etc.) to ensure it aligns with the Tasmanian <i>Limitation Act 1974</i>; something that was not a requirement for other states or territories.</p> <p>As part of the above guidance, the State Archivist 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.</p> <p>Guidance to help government and non-government organisations identify relevant records, as well as a list of records examples, was issued as part OSA's Royal Commission Toolkit in December 2019. This information will be regularly reviewed and updated as required.</p> <p>Supporting Documents:</p> <ul style="list-style-type: none"> • CAARA guidance for identifying and retaining records that may become relevant to an actual or alleged incident of child sexual abuse: https://www.caara.org.au/wp-content/uploads/2019/09/CAARA-Guidance-Recommendation-8.3-Final.pdf • Notice of a disposal freeze on records relating to children (December 2019): https://www.informationstrategy.tas.gov.au/Resources/Documents/Disposal%20freeze%20for%20records%20relating%20to%20children%20-%20RCIRCSA%20toolkit.pdf • How to identify records for the disposal freeze: https://www.informationstrategy.tas.gov.au/Resources/Pages/Identifying-Records.aspx • Relevant record types covered by the disposal freeze: https://www.informationstrategy.tas.gov.au/Resources/Pages/Record-types.aspx
8.4	<p>All institutions that engage in child-related work should implement the following principles for records and recordkeeping, to a level that responds to the risk of child sexual abuse occurring within the institution.</p> <p>Principle 1: Creating and keeping full and accurate records relevant to child safety and wellbeing, including child sexual abuse, is in the best interests of children and should be an integral part of institutional leadership, governance and culture. Institutions that care for or provide services to children must keep the best interests of the child uppermost in all aspects of their conduct, including recordkeeping. It is in the best interest of children that institutions foster a culture in which the creation and management of accurate records are integral parts of the institution's operations and governance.</p> <p>Principle 2: Full and accurate records should be created about all incidents, responses and decisions affecting child safety and wellbeing, including child sexual abuse. Institutions should ensure that records are created to document any identified incidents of grooming, inappropriate behaviour (including breaches of institutional codes of conduct) or child</p>	<p>Australian Government</p> <p>Tasmanian Government - State Archivist as part of the Department for Education, Children and Young People</p>	<p>Accepted in principle</p>	<p>Status: Commenced</p> <p>DECYP commenced implementation of this recommendation in August 2018 and this work is ongoing.</p> <p>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. Accompanying the Disposal Freeze is a Child Abuse Disposal Schedule and Freeze FAQs, recommending Tasmanian government organisations:</p> <ul style="list-style-type: none"> • identify what types of records are most frequently requested; • identify what types of records are most likely to corroborate a complaint or application for redress; • recognise patterns of records being sought or requested; and • accommodate the majority of requests for legacy information. <p>OSA will review the Disposal Freeze before the National Redress Scheme ends in 2027, taking into consideration Tasmanian Government progress towards implementation of the principles. OSA released a new Information and Records Management Standard in October 2020 that aligns to the Royal Commission's records and recordkeeping principles. All government organisations subject to the <i>Archives Act 1983</i> (Tas) must adhere to the standard. OSA offers an Information Management Foundations training course specifically for government employees modelled on the standard, which includes relevant content about the Royal Commission, child abuse records and good recordkeeping practices. Non-government employees can attend.</p> <p>Development of specific guidance on Principle 5 (Individuals' existing rights to access, amend or annotate records about themselves should be recognised to the fullest extent) is being undertaken by the Working Group on Access to Records of Out-of-Home Care (OOHCWG) of CAARA, consisting of representatives from CAARA institutions involved in providing access to records. This guidance has not yet been published.</p>

<p>sexual abuse and all responses to such incidents. Records created by institutions should be clear, objective and thorough. They should be created at, or as close as possible to, the time the incidents occurred, and clearly show the author (whether individual or institutional) and the date created.</p> <p>Principle 3: Records relevant to child safety and wellbeing, including child sexual abuse, should be maintained appropriately. Records relevant to child safety and wellbeing, including child sexual abuse, should be maintained in an indexed, logical and secure manner. Associated records should be collocated or cross-referenced to ensure that people using those records are aware of all relevant information.</p> <p>Principle 4: Records relevant to child safety and wellbeing, including child sexual abuse, should only be disposed of in accordance with law or policy. Records relevant to child safety and wellbeing, including child sexual abuse, must only be destroyed in accordance with records disposal schedules or published institutional policies. Records relevant to child sexual abuse should be subject to minimum retention periods that allow for delayed disclosure of abuse by victims, and take account of limitation periods for civil actions for child sexual abuse.</p> <p>Principle 5: Individuals' existing rights to access, amend or annotate records about themselves should be recognised to the fullest extent. Individuals whose childhoods are documented in institutional records should have a right to access records made about them. Full access should be given unless contrary to law. Specific, not generic, explanations should be provided in any case where a record, or part of a record, is withheld or redacted. Individuals should be made aware of, and assisted to assert, their existing rights to request that records containing their personal information be amended or annotated, and to seek review or appeal of decisions refusing access, amendment or annotation."</p>			<p>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.</p> <p>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.</p> <p>It 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:</p> <ul style="list-style-type: none"> • allegations of child sexual abuse both current and historical; • a Vulnerability Management module; and • a Harmful Sexual Behaviour (HSB) module. <p>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.</p> <p>These HSB cases will relate to anything that impacts upon the child, including adult-to-child abuse (from school or from adults outside school) and child-to-child abuse (which may mean siblings, friends or other school students). It is anticipated that later developments of the CMP will build links with complaints and grievances for each child. Whole cases will be able to be downloaded into a timeline summary, if and when needed.</p> <p>An HSB working party has been formed to improve the recording of HSB incidents at a school level, with the development of an HSB process card to support the new approach. The purpose of the new HSB process card is to give staff clear guidance on the process to be followed when documenting, recording, categorising and reporting on harmful sexualised behaviour.</p> <p>It is expected that the new approach to recording will allow for HSB events to be chronologically recorded using a common language for the categorisation of HSB incidents. This will allow a record to be created that clearly demonstrates changes in a student's behaviour and allows staff to design the best therapeutic response for each individual student.</p> <p>Planning for the effective recording of sexual abuse cases over time has commenced and will be incorporated as new modules in the CMP, with appropriate security settings incorporated.</p> <p>Supporting Documents:</p> <ul style="list-style-type: none"> • Disposal Freeze for Records Relating to Children: https://www.informationstrategy.tas.gov.au/Resources/Documents/Disposal%20freeze%20for%20records%20relating%20to%20children%20-%20RCIRCSA%20toolkit.pdf • Child Abuse Disposal Schedule and Freeze FAQs: https://www.informationstrategy.tas.gov.au/Resources/Documents/Child%20abuse%20disposal%20schedule%20and%20disposal%20freeze%20FAQ%20-%20RCIRCSA%20toolkit.pdf • Information and Records Management Standard: https://www.informationstrategy.tas.gov.au/Publications/Documents/Information%20and%20Records%20Management%20Standard.pdf
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8.5	State and territory governments should ensure that non-government schools operating in the state or territory are required to comply, at a minimum, with standards applicable to government schools in relation to the creation, maintenance and disposal of records relevant to child safety and wellbeing, including child sexual abuse.	Tasmanian Government - State Archivist as part of the Department for Education, Children and Young People	Accepted	<p>Status: Completed</p> <p>Implementation of this recommendation is considered complete; however, oversight of compliance is ongoing and work will continue, in particular, in the context of implementation of the Child and Youth Safe Standards, to ensure advice remains relevant and up to date.</p> <p><i>Background</i></p> <p>In December 2019 the OSA developed a Royal Commission Toolkit for use by government and non-government organisations, following consultation with key stakeholders including the Office of the Education Registrar, Catholic Education Tasmania, Independent Schools Tasmania, and national archives organisations. The toolkit includes links to the Records Retention and Disposal Schedule developed by the Australian Society of Archivists to assist non-government schools with good governance and the retention and disposal of non-government school records. The Office of the Education Registrar has developed guidelines for schools that require them to keep records on all aspects of a student's time at the school. To maintain their registration, schools must adhere to these guidelines, including those now referred to in OSA's 'Disposal Freeze for Records Relating to Children' and 'Records Relating to Child Abuse (DA2520)'. Oversight and monitoring of non-government school compliance with the guidelines rests with the Office of the Education Registrar. Updates or amendments to the archiving advice rests with OSA.</p> <p>Supporting Documents:</p> <ul style="list-style-type: none"> • The Royal Commission Toolkit: https://www.informationstrategy.tas.gov.au/Resources/Pages/Royal-Commission.aspx • Records Retention Schedule for Non-Government Schools - 2nd Edition: https://www.archivists.org.au/learning-publications/records-retention-schedule-for-non-government-schools-2nd-edition
8.6	The Australian Government and state and territory governments should make nationally consistent legislative and administrative arrangements, in each jurisdiction, for a specified range of bodies (prescribed bodies) to share information related to the safety and wellbeing of children, including information relevant to child sexual abuse in institutional contexts (relevant information). These arrangements should be made to establish an information exchange scheme to operate in and across Australian jurisdictions.	Tasmanian Government - Department for Education, Children and Young People	Accepted in principle	<p>Status: Commenced</p> <p>DECYP is participating in the whole-of-government response to the national work on the Intergovernmental Agreement on Data Sharing to identify national priority data areas for the National Data Sharing Work Program. DECYP has also engaged in the Research, Evaluation and Data Working Group (RED-WG) under the National Strategy to Prevent and Respond to Child Sexual Abuse, which has been working to develop consistent practices across jurisdictions in relation to information sharing and Working with Vulnerable People Checks. Connect for Safety is the national child protection information sharing initiative. Legislative amendments to the <i>Children, Young Persons and Their Families Act 1997</i> received Royal Assent on 12 November 2021, enabling Tasmania to participate. The Tasmanian Government is committed to participating in national working groups under Safe and Supported, the national framework for protecting Australia's children 2021-2031.</p>

8.7	<p>In establishing the information exchange scheme, the Australian Government and state and territory governments should develop a minimum of nationally consistent provisions to:</p> <ol style="list-style-type: none"> enable direct exchange of relevant information between a range of prescribed bodies, including service providers, government and non-government agencies, law enforcement agencies, and regulatory and oversight bodies, which have responsibilities related to children’s safety and wellbeing; permit prescribed bodies to provide relevant information to other prescribed bodies without a request, for purposes related to preventing, identifying and responding to child sexual abuse in institutional contexts; require prescribed bodies to share relevant information on request from other prescribed bodies, for purposes related to preventing, identifying and responding to child sexual abuse in institutional contexts, subject to limited exceptions; explicitly prioritise children’s safety and wellbeing and override laws that might otherwise prohibit or restrict disclosure of information to prevent, identify and respond to child sexual abuse in institutional contexts; provide safeguards and other measures for oversight and accountability to prevent unauthorised sharing and improper use of information obtained under the information exchange scheme; require prescribed bodies to provide adversely affected persons with an opportunity to respond to untested or unsubstantiated allegations, where such information is received under the information exchange scheme, prior to taking adverse action against such persons, except where to do so could place another person at risk of harm. 	Tasmanian Government - Department for Education, Children and Young People	Accepted in principle	<p>Status: Commenced</p> <p>As above, DECYP has engaged in the Research, Evaluation and Data Working Group (RED-WG) under the National Strategy to Prevent and Respond to Child Sexual Abuse, which has been working to develop consistent practices across jurisdictions in relation to information sharing and Working with Vulnerable People Checks. .</p> <p>Connect for Safety is the national child protection information sharing initiative. Legislative amendments to the <i>Children, Young Persons and Their Families Act 1997 (Tas)</i> received Royal Assent on 12 November 2021, enabling Tasmania to participate.</p> <p>The Tasmanian government continues to engage with the national work through the 2021-2031 Safe and Supported – National Framework for Protecting Australia’s Children to expand information sharing provisions related to child safety and wellbeing.</p>
8.8	<p>The Australian Government, state and territory governments and prescribed bodies should work together to ensure that the implementation of our recommended information exchange scheme is supported with education, training and guidelines. Education, training and guidelines should promote understanding of, and confidence in, appropriate information sharing to better prevent, identify and respond to child sexual abuse in institutional contexts, including by addressing:</p> <ol style="list-style-type: none"> impediments to information sharing due to limited understanding of applicable laws unauthorised sharing and improper use of information. 	Tasmanian Government – Department for Education, Children and Young People	Accepted in principle	<p>Status: Completed</p> <p>DECYP is participating in the whole-of-government response to the national work on the Intergovernmental Agreement on Data Sharing to identify national priority data areas for the National Data Sharing Work Program.</p> <p>DECYP continues to support the implementation of Connect for Safety through engagement at the national level to build confidence and use of the information sharing system.</p>

8.9	<p>The Council of Australian Governments (COAG) Education Council should consider the need for nationally consistent state and territory legislative requirements about the types of information recorded on teacher registers. Types of information that the council should consider, with respect to a person's registration and employment as a teacher, include:</p> <ul style="list-style-type: none"> a. the person's former names and aliases b. the details of former and current employers c. where relating to allegations or incidents of child sexual abuse: <ul style="list-style-type: none"> i. current and past disciplinary actions, such as conditions on, suspension of, and cancellation of registration ii. grounds for current and past disciplinary actions iii. pending investigations iv. findings or outcomes of investigations where allegations have been substantiated v. resignation or dismissal from employment. 	Australian Government	Noted	<p>DECYP continues to monitor this recommendation and, along with other work occurring in this area, is working with the Teachers Registration Board (TRB) to implement the <i>Best Practice Framework for Strengthening Child Safety and Wellbeing through the Regulation of Teachers</i> which was developed by the Australian Institute for Teaching and School Leadership (AITSL), Australasian Teacher Regulatory Authorities (ATRA) and Russell Kennedy Lawyers. The Framework was noted by Education Council (now Education Ministers Meeting) in September 2020, which recommended that decisions on how to implement the Framework be made by individual jurisdictions.</p> <p>Work on this recommendation has occurred at the national level through the Australian Education Senior Officials Committee (AESOC) and continues at a jurisdictional level. In particular, work with teacher registration authorities across all jurisdictions is underway to progress the recommendations of the report by BDO Services Pty Ltd, <i>Teacher Registrations – Scoping Project on National Information Sharing</i>, in recognition of the role that information sharing plays in enhancing child safety. This work includes development of a national Memorandum of Understanding to be endorsed by all teacher registration authorities to guide information sharing practices..</p>
8.10	<p>The COAG Education Council should consider the need for nationally consistent provisions in state and territory teacher registration laws providing that teacher registration authorities may, and/or must on request, make information on teacher registers available to:</p> <ul style="list-style-type: none"> a. teacher registration authorities in other states and territories b. teachers' employers. 	Australian Government	Noted	<p>DECYP continues to monitor this recommendation, and is working with the TRB to implement the <i>Best Practice Framework for Strengthening Child Safety and Wellbeing through the Regulation of Teachers</i>, which was developed by AITSL, ATRA and Russell Kennedy Lawyers. It is noted that the <i>Teachers Registration Act 2000 (Tas)</i> already enables the TRB to make information on its register of teachers available to teacher registration authorities in other states and territories and to teachers' employers.</p>

8.11	<p>The COAG Education Council should consider the need for nationally consistent provisions</p> <ul style="list-style-type: none"> a. in state and territory teacher registration laws or b. in administrative arrangements, based on legislative authorisation for information sharing under our recommended information exchange scheme <p>providing that teacher registration authorities may or must notify teacher registration authorities in other states and territories and teachers' employers of information they hold or receive about the following matters where they relate to allegations or incidents of child sexual abuse:</p> <ul style="list-style-type: none"> a. disciplinary actions, such as conditions or restrictions on, suspension of, and cancellation of registration, including with notification of grounds b. investigations into conduct, or into allegations or complaints c. findings or outcomes of investigations d. resignation or dismissal from employment. 	Australian Government	Noted	<p>DECYP notes that this is an Australian Government responsibility. DECYP continues to monitor this recommendation and is working with the Teachers Registration Board to implement the <i>Best Practice Framework for Strengthening Child Safety and Wellbeing through the Regulation of Teachers</i> which was developed by AITSL, ATRA and Russell Kennedy Lawyers.</p> <p>It is noted that the <i>Teachers Registration Act 2000</i> (Tas) permits the TRB to share the information noted in paragraphs a to d with other jurisdictions; however, work needs to be undertaken to ensure that the TRB has the power to obtain necessary information from employers. DECYP will continue to work with the TRB to ensure that the intent of this recommendation is met.</p>
8.12	<p>In considering improvements to teacher registers and information sharing by registration authorities, the COAG Education Council should also consider what safeguards are necessary to protect teachers' personal information.</p>	Australian Government	Noted	<p>DECYP notes that this is an Australian Government responsibility. DECYP continues to monitor this recommendation and is working with the TRB to implement the <i>Best Practice Framework for Strengthening Child Safety and Wellbeing through the Regulation of Teachers</i> which was developed by AITSL, ATRA and Russell Kennedy Lawyers.</p> <p>Work on this recommendation continues at a national level with DECYP and the TRB participating in ongoing work, led by NSW, to implement the recommendations of the report by BDO Services Pty Ltd, <i>Teacher Registrations – Scoping Project on National Information Sharing</i>.</p>

8.13	<p>State and territory governments should ensure that policies provide for the exchange of a student's information when they move to another school, where:</p> <ol style="list-style-type: none"> the student may pose risks to other children due to their harmful sexual behaviours or may have educational or support needs due to their experiences of child sexual abuse and the new school needs this information to address the safety and wellbeing of the student or of other students at the school. <p>State and territory governments should give consideration to basing these policies on our recommended information exchange scheme (Recommendations 8.6 to 8.8).</p>	Tasmanian Government - Department for Education, Children and Young People	Accepted	<p>Status: Completed</p> <p>DECYP commenced work on this recommendation in 2018. This recommendation was implemented in mid-2019. DECYP continues to monitor and improve this area of work.</p> <p>The <i>Education Act 2016</i> (sections 61 to 66) and <i>Ministerial Instruction No 7 for Eliminating or Ameliorating risks to health and safety of persons at school</i> includes requirements for obtaining information about a child attending school for the purpose of developing strategies to eliminate or ameliorate the risk of harm to other people at the school. The Ministerial Instruction is applicable to government and non-government school sectors. DECYP has mechanisms in place to ensure the appropriate exchange of student information, including:</p> <table border="1" data-bbox="1291 436 2412 846"> <thead> <tr> <th></th> <th>System/Platform</th> <th>Purpose</th> </tr> </thead> <tbody> <tr> <td>1</td> <td>EduPoint</td> <td>Enrolment management</td> </tr> <tr> <td>2</td> <td>SARIS</td> <td>Assessment management</td> </tr> <tr> <td>3</td> <td>Student Support System (SSS)</td> <td>Student Behaviour Management system</td> </tr> <tr> <td>4</td> <td>Case Management Platform (CMP)</td> <td>SSS replacement system including additional functionality servicing the broader department.</td> </tr> <tr> <td>5</td> <td>Edi</td> <td>Reporting platform</td> </tr> <tr> <td>6</td> <td>Timetabler</td> <td>Generation of student timetables</td> </tr> <tr> <td>7</td> <td>Canvas</td> <td>Learning Management System</td> </tr> </tbody> </table> <p>DECYP's Enrolment Procedure provides information on enrolling students from interstate. In effect, all student files follow a student from school to school. Any incidents of harmful sexual behaviour are documented on the Student Support System which is accessible by all schools. It is also protocol for Principals to telephone the incoming school Principal to discuss any problematic behaviour traits of a transferring student. It is anticipated that the Case Management Platform will assist in refining the exchange of information. See discussion at 8.4, 13.1 and 13.2.</p>		System/Platform	Purpose	1	EduPoint	Enrolment management	2	SARIS	Assessment management	3	Student Support System (SSS)	Student Behaviour Management system	4	Case Management Platform (CMP)	SSS replacement system including additional functionality servicing the broader department.	5	Edi	Reporting platform	6	Timetabler	Generation of student timetables	7	Canvas	Learning Management System
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8.14	<p>State and territory governments should ensure that policies for the exchange of a student's information when they move to another school:</p> <ol style="list-style-type: none"> provide that the principal (or other authorised information sharer) at the student's previous school is required to share information with the new school in the circumstances described in Recommendation 8.13 and apply to schools in government and non-government systems. 	Tasmanian Government - Department for Education, Children and Young People	Accepted	<p>Status: Completed</p> <p>DECYP commenced work on this recommendation in 2018. This recommendation was implemented in mid-2019. DECYP continues to monitor and improve this area of work.</p> <p>As per recommendation 8.13.</p>																								
8.15	<p>State and territory governments should ensure that policies about the exchange of a student's information (as in Recommendations 8.13 and 8.14) provide the following safeguards, in addition to any safeguards attached to our recommended information exchange scheme:</p> <ol style="list-style-type: none"> information provided to the new school should be proportionate to its need for that information to assist it in meeting the student's safety and wellbeing needs, and those of other students at the school information should be exchanged between principals, or other authorised information sharers, and disseminated to other staff members on a need-to-know basis. 	Tasmanian Government - Department for Education, Children and Young People	Accepted	<p>Status: Completed</p> <p>DECYP commenced work on this recommendation in 2018. This recommendation was implemented in mid-2019. DECYP continues to monitor and improve this area of work.</p> <p>As per recommendation 8.13.</p>																								

8.16	The COAG Education Council should review the Interstate Student Data Transfer Note and Protocol in the context of the implementation of our recommended information exchange scheme (Recommendations 8.6 to 8.8).	Australian Government	Noted	<p>DECYP notes that this is an Australian Government responsibility and continues to monitor this recommendation. DECYP will continue to work towards effective solutions to ensure all relevant information is shared when students transfer schools inter or intrastate</p> <p>The Interstate Student Data Transfer Note (ISDTN) and Protocol is a joint initiative between the Australian Government, State and Territory Education Departments, and the independent and Catholic education sectors that enables information sharing across jurisdictions.</p> <p>All education authorities (including the non-government sector) have agreed to implement a national system for the transfer of student information between schools when children move from one state to another. This national system will enhance the ability of the student's new school to place and support that student in a timely manner and with the assistance of accurate information from the student's previous school. The national system is based on using a common 'Interstate Student Data Transfer Note' and set of protocols.</p> <p>In 2021, a Steering Group comprising members from interested jurisdictions, non-government sector representatives and ministerial companies and authorities facilitated by South Australia has been leading work on the modernisation and digitisation of the ISDTN, renaming it the Student Data Transfer Protocol (SDTP). Work has been divided into two stages.</p> <p>Stage 1 has investigated the technical issues and privacy considerations relevant to sharing personal information and schooling records and resulted in a specification and budget estimate for an information exchange solution for consideration by all jurisdictions. This stage of the work program has been completed.</p> <p>Stage 2 of this work will include development of options for implementation of the SDTP and an electronic process for identifying and exchanging records for students moving their enrolments between education systems. This stage of the work program has exceeded the anticipated timeframe but is nearing completion subject to an upcoming decision from the Australian Education Senior Officials Committee (AESOC), expected in November 2022. If implementation is agreed, it will include an initial six-month piloting and implementation period expected to commence later in 2023.</p> <p>Supporting Documents:</p> <ul style="list-style-type: none"> Background and related documents associated with the ISDTN can be found at: https://education.nsw.gov.au/public-schools/going-to-a-public-school/enrolment/isdtm.
8.17	<p>State and territory governments should introduce legislation to establish carers registers in their respective jurisdictions, with national consistency in relation to:</p> <p>a. the inclusion of the following carer types on the carers register:</p> <ol style="list-style-type: none"> foster carers relative/kinship carers residential care staff <p>b. the types of information which, at a minimum, should be recorded on the register</p> <p>c. the types of information which, at a minimum, must be made available to agencies or bodies with responsibility for assessing, authorising or supervising carers, or other responsibilities related to carer suitability and safety of children in out-of-home care.</p>	Tasmanian Government - Department for Education, Children and Young People	Accepted in principle	<p>Status: Commenced</p> <p>The Tasmanian Government has committed to a comprehensive review of the <i>Children Young Persons and Their Families Act 1997</i>. This review has commenced and will include consideration of legislative requirements for carers registers. The timeframe for the review concludes in 2023 and subsequent legislative processes will follow.</p> <p>The legislation will provide the framework for which carers are to be included on the register (foster carers, relative/kinship carers and residential care staff) as well as the minimum information to be recorded on the register and access to information for the purpose of assessing, authorising or supervising carers.</p>
8.18	Carers registers should be maintained by state and territory child protection agencies or bodies with regulatory or oversight responsibility for out-of-home care in that jurisdiction.	Tasmanian Government - Department for Education, Children and Young People	Accepted in principle	<p>Status: Commenced</p> <p>The Tasmanian Government introduced the Tasmanian Out of Home Care Standards in August 2022. Work has commenced to develop a formal accreditation framework to support the implementation and monitoring of the standards. A carers register is being developed for implementation over 2024-25 (including the legislative component).</p>

8.19	<p>State and territory governments should consider the need for carers registers to include, at a minimum, the following information (register information) about, or related to, applicant or authorised carers, and persons residing on the same property as applicant/ authorised home-based carers (household members):</p> <ul style="list-style-type: none"> a. lodgement or grant of applications for authorisation b. status of the minimum checks set out in Recommendation 12.6 as requirements for authorisation, indicating their outcomes as either satisfactory or unsatisfactory c. withdrawal or refusal of applications for authorisation in circumstances of concern (including in relation to child sexual abuse) d. cancellation or surrender of authorisation in circumstances of concern (including in relation to child sexual abuse) e. previous or current association with an out-of-home care agency, whether by application for authorisation, assessment, grant of authorisation, or supervision f. the date of reportable conduct allegations, and their status as either current, finalised with ongoing risk-related concerns, and/or requiring contact with the reportable conduct oversight body. 	Tasmanian Government - Department for Education, Children and Young People	Accepted in principle	<p>Status: Commenced</p> <p>The Tasmanian Government introduced the Tasmanian Out of Home Care Standards in August 2022. Work has commenced to develop a formal accreditation framework to support the implementation and monitoring of the standards.</p> <p>A carers register is being developed for implementation over 2024-25 (including the legislative component). The carers' register will include the information listed under Recommendation 8.19 from a. to f. as a minimum.</p>
8.20	<p>State and territory governments should consider the need for legislative and administrative arrangements to require responsible agencies to:</p> <ul style="list-style-type: none"> a. record register information in minimal detail b. record register information as a mandatory part of carer authorisation c. update register information about authorised carers. 	Tasmanian Government - Department for Education, Children and Young People	Accepted in principle	<p>Status: Commenced</p> <p>The Tasmanian Government has committed to a comprehensive review of the <i>Children Young Persons and Their Families Act 1997</i>. This review has commenced and will include consideration of legislative requirements for a carers' register.</p> <p>The timeframe for the review concludes in 2023, with subsequent legislative processes to follow.</p> <p>Legislative and/or administrative arrangements will be implemented to ensure that relevant agencies record relevant carer information in the register, including as part of carer registration, and maintain currency of information for authorised carers.</p>

8.21	<p>State and territory governments should consider the need for legislative and administrative arrangements to require responsible agencies:</p> <ol style="list-style-type: none"> a. before they authorise or recommend authorisation of carers, to: <ol style="list-style-type: none"> i. undertake a check for relevant register information, and ii. seek further relevant information from another out-of-home care agency where register information indicates applicant carers, or their household members (in the case of prospective home-based carers) have a prior or current association with that other agency b. in the course of their assessment, authorisation, or supervision of carers, to: <ol style="list-style-type: none"> i. seek further relevant information from other agencies or bodies, where register information indicates they hold, or may hold, additional information relevant to carer suitability, including reportable conduct information. <p>State and territory governments should give consideration to enabling agencies to seek further information for these purposes under our recommended information exchange scheme (Recommendations 8.6 to 8.8).</p>	Tasmanian Government - Department for Education, Children and Young People	Accepted in principle	<p>Status: Commenced</p> <p>The Tasmanian Government has committed to a comprehensive review of the <i>Children Young Persons and Their Families Act 1997</i>. This review has commenced and will include consideration of legislative requirements for a carers' register. The timeframe for the review concludes in 2023, with subsequent legislative processes to follow.</p> <p>Legislative and/or administrative arrangements will be implemented to ensure that relevant agencies record relevant carer information in the register, including as part of carer registration, and maintain currency of information for authorised carers.</p>
8.22	<p>State and territory governments should consider the need for effective mechanisms to enable agencies and bodies to obtain relevant information from registers in any state or territory holding such information. Consideration should be given to legislative and administrative arrangements, and digital platforms, which will enable:</p> <ol style="list-style-type: none"> a. agencies responsible for assessing, authorising or supervising carers b. other agencies, including jurisdictional child protection agencies and regulatory and oversight bodies, with responsibilities related to the suitability of persons to be carers and the safety of children in out-of-home care to obtain relevant information from their own and other jurisdictions' registers for the purpose of exercising their responsibilities and functions. 	Tasmanian Government - Department for Education, Children and Young People	Accepted in principle	<p>Status: Commenced</p> <p>Tasmania is participating in the National Connect for Safety information sharing initiative and commenced uploading data to the National database on 23 November 2021, following legislative amendments receiving Royal Assent on 12 November 2021. All eight jurisdictions are now sharing data to the Connect for Safety system.</p> <p>While initially focussed on child protection records, it is anticipated that further work at the national level will extend to carer information.</p> <p>The Tasmanian Government has committed to a comprehensive review of the <i>Children Young Persons and Their Families Act 1997</i>. This review has commenced and will include examination of all information sharing provisions, including the ability for sharing of register information with other jurisdictions.</p> <p>The timeframe for the review concludes in 2023 and subsequent legislative processes will follow.</p>
8.23	<p>In considering the legislative and administrative arrangements required for carers registers in their jurisdiction, state and territory governments should consider the need for guidelines and training to promote the proper use of carers registers for the protection of children in out-of-home care. Consideration should also be given to the need for specific safeguards to prevent inappropriate use of register information.</p>	Tasmanian Government - Department for Education, Children and Young People	Accepted in principle	<p>Status: Commenced</p> <p>The Tasmanian Government has committed to a comprehensive review of the <i>Children Young Persons and Their Families Act 1997</i>. This review has commenced and will include consideration of legislative requirements for a carers' register. The timeframe for the review concludes in 2023 and subsequent legislative processes.</p> <p>Implementation of the carers register will be accompanied by the development of guidelines for use, training and safeguards.</p>

Volume 9 – Advocacy, support and therapeutic treatment services

No.	Recommendation	Responsibility	Tasmanian Response	Notes
9.1	<p>The Australian Government and state and territory governments should fund dedicated community support services for victims and survivors in each jurisdiction, to provide an integrated model of advocacy and support and counselling to children and adults who experienced childhood sexual abuse in institutional contexts.</p> <p>Funding and related agreements should require and enable these services to:</p> <ol style="list-style-type: none"> be trauma-informed and have an understanding of institutional child sexual abuse be collaborative, available, accessible, acceptable and high quality use case management and brokerage to coordinate and meet service needs support and supervise peer-led support models. 	Tasmanian Government - Department of Premier and Cabinet	Noted (subsequently accepted in principle)	<p>Status: Commenced</p> <p><i>Safe Homes, Families, Communities: Tasmania's action plan for family and sexual violence 2019-2022</i> (Safe Homes, Families, Communities) is the Tasmanian Government's, coordinated, whole-of-government action plan to respond to family and sexual violence.</p> <p>Safe Homes, Families, Communities is part of the Government's long-term commitment to preventing and responding to family violence, and the new response to sexual violence.</p> <p>Safe Homes, Families, Communities invests \$26 million over three years for 40 actions to prevent and respond to family and sexual violence in Tasmania under three priority areas:</p> <ul style="list-style-type: none"> Primary prevention and early intervention; Response and recovery; and Strengthening the service system. <p>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.</p> <p>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.</p> <p>On 25 November 2022, the Tasmanian Government released the <i>Third Family and Sexual Violence Action Plan 2022-2027: Survivors at the Centre</i>.</p> <p>Supporting Documents:</p> <ul style="list-style-type: none"> <i>Third Family and Sexual Violence Action Plan 2022-2027: Survivors at the Centre</i>.
9.2	<p>The Australian Government and state and territory governments should fund Aboriginal and Torres Strait Islander healing approaches as an ongoing, integral part of advocacy and support and therapeutic treatment service system responses for victims and survivors of child sexual abuse. These approaches should be evaluated in accordance with culturally appropriate methodologies, to contribute to evidence of best practice.</p>	Tasmanian Government - Department of Premier and Cabinet	Noted (subsequently accepted in principle)	<p>Status: Commenced</p> <p><i>Safe Homes, Families, Communities: Tasmania's action plan for family and sexual violence 2019-2022</i> (Safe Homes, Families, Communities) is the Tasmanian Government's, coordinated, whole-of-government action plan to respond to family and sexual violence.</p> <p>Safe Homes, Families, Communities is part of the Government's long-term commitment to preventing and responding to family violence, and the new response to sexual violence.</p> <p>Safe Homes, Families, Communities invests \$26 million over three years for 40 actions to prevent and respond to family and sexual violence in Tasmania under three priority areas:</p> <ul style="list-style-type: none"> Primary prevention and early intervention; Response and recovery; and Strengthening the service system. <p>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.</p> <p>Actions to address sexual violence were informed by comprehensive research; examination of the existing service system in Tasmania; analysis of</p>

				<p>best-practice systems operating in other jurisdictions; and targeted consultation with key stakeholders.</p> <p>On 25 November 2022, the Tasmanian Government released the <i>Third Family and Sexual Violence Action Plan 2022-2027: Survivors at the Centre</i>. Under the third action plan, the Tasmanian Government has committed 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.</p> <p>Supporting Documents:</p> <ul style="list-style-type: none"> • <i>Third Family and Sexual Violence Action Plan 2022-2027: Survivors at the Centre</i>.
9.3	<p>The Australian Government and state and territory governments should fund support services for people with disability who have experienced sexual abuse in childhood as an ongoing, integral part of advocacy and support and therapeutic treatment service system responses for victims and survivors of child sexual abuse.</p>	<p>Tasmanian Government - Department of Premier and Cabinet</p>	<p>Noted (subsequently accepted in principle)</p>	<p>Status: Commenced</p> <p><i>Safe Homes, Families, Communities: Tasmania's action plan for family and sexual violence 2019-2022</i> (Safe Homes, Families, Communities) is the Tasmanian Government's, coordinated, whole-of-government action plan to respond to family and sexual violence.</p> <p>Safe Homes, Families, Communities is part of the Government's long-term commitment to preventing and responding to family violence, and the new response to sexual violence.</p> <p>Safe Homes, Families, Communities invests \$26 million over three years for 40 actions to prevent and respond to family and sexual violence in Tasmania under three priority areas:</p> <ul style="list-style-type: none"> • Primary prevention and early intervention; • Response and recovery; and • Strengthening the service system. <p>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.</p> <p>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.</p> <p>On 25 November 2022, the Tasmanian Government released the <i>Third Family and Sexual Violence Action Plan 2022-2027: Survivors at the Centre</i>.</p> <p>Supporting Documents:</p> <ul style="list-style-type: none"> • <i>Third Family and Sexual Violence Action Plan 2022-2027: Survivors at the Centre</i>.
9.4	<p>The Australian Government should establish and fund a legal advice and referral service for victims and survivors of institutional child sexual abuse. The service should provide advice about accessing, amending and annotating records from institutions, and options for initiating police, civil litigation or redress processes as required. Support should include advice, referrals to other legal services for representation and general assistance for people to navigate the legal service system.</p> <p>Funding and related agreements should require and enable these services to be:</p>	<p>Australian Government</p>	<p>Noted</p>	<p>The Tasmanian Government notes that the Australian Government is responsible for this action.</p>

	<p>a. trauma-informed and have an understanding of institutional child sexual abuse</p> <p>b. collaborative, available, accessible, acceptable and high quality.</p>			
9.5	<p>The Australian Government should fund a national website and helpline as a gateway to accessible advice and information on childhood sexual abuse. This should provide information for victims and survivors, particularly victims and survivors of institutional child sexual abuse, the general public and practitioners about supporting children and adults who have experienced sexual abuse in childhood and available services. The gateway may be operated by an existing service with appropriate experience and should:</p> <p>a. be trauma-informed and have an understanding of institutional child sexual abuse</p> <p>b. be collaborative, available, accessible, acceptable and high quality</p> <p>c. provide telephone and online information and initial support for victims and survivors, including independent legal information and information about reporting to police</p> <p>d. provide assisted referrals to advocacy and support and therapeutic treatment services.</p>	Australian Government	Noted	The Tasmanian Government notes that the Australian Government is responsible for this action.
9.6	<p>The Australian Government and state and territory governments should address existing specialist sexual assault service gaps by increasing funding for adult and child sexual assault services in each jurisdiction, to provide advocacy and support and specialist therapeutic treatment for victims and survivors, particularly victims and survivors of institutional child sexual abuse. Funding agreements should require and enable services to:</p> <p>a. be trauma-informed and have an understanding of institutional child sexual abuse</p> <p>b. be collaborative, available, accessible, acceptable and high quality</p> <p>c. use collaborative community development approaches</p> <p>d. provide staff with supervision and professional development.</p>	Tasmanian Government - Department of Premier and Cabinet	Noted (subsequently accepted in principle)	<p>Status: Commenced</p> <p><i>Safe Homes, Families, Communities: Tasmania's action plan for family and sexual violence 2019-2022</i> (Safe Homes, Families, Communities) is the Tasmanian Government's, coordinated, whole-of-government action plan to respond to family and sexual violence.</p> <p>Safe Homes, Families, Communities is part of the Government's long-term commitment to preventing and responding to family violence, and the new response to sexual violence.</p> <p>Safe Homes, Families, Communities invests \$26 million over three years for 40 actions to prevent and respond to family and sexual violence in Tasmania under three priority areas:</p> <ul style="list-style-type: none"> • Primary prevention and early intervention; • Response and recovery; and • Strengthening the service system. <p>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.</p> <p>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.</p> <p>On 25 November 2022, the Tasmanian Government released the <i>Third Family and Sexual Violence Action Plan 2022-2027: Survivors at the Centre</i>.</p> <p>Supporting Documents:</p> <ul style="list-style-type: none"> • <i>Third Family and Sexual Violence Action Plan 2022-2027: Survivors at the Centre</i>.

9.7	Primary Health Networks, within their role to commission joined up local primary care services, should support sexual assault services to work collaboratively with key services such as disability-specific services, Aboriginal and Torres Strait Islander services, culturally and linguistically diverse services, youth justice, aged care and child and youth services to better meet the needs of victims and survivors.	Australian Government	Noted	The Tasmanian Government notes that the Australian Government is responsible for this action.
9.8	The Australian Government and state and territory government agencies responsible for the delivery of human services should ensure relevant policy frameworks and strategies recognise the needs of victims and survivors and the benefits of implementing trauma informed approaches.	Tasmanian Government - Department for Education, Children and Young People	Accepted in principle	<p>Status: Commenced</p> <p>The <i>Striving for Practice Excellence: Our Strategic Direction 2021-2024</i> is focused on being clear and transparent on Children Youth and Families. The five strategic priorities underpinning the Strategic Direction are:</p> <ul style="list-style-type: none"> • Working with families to keep children and young people safe and well; • Working with others to achieve improved outcomes for children and young people; • Keeping children and young people safely connected to their family, community and culture; • Further developing, supporting and strengthening our people; and • Building a strong and accountable system. <p>Supporting Documents:</p> <ul style="list-style-type: none"> • Striving for Practice Excellence: Our Strategic Direction 2021-2024
9.9	<p>The Australian Government, in conjunction with state and territory governments, should establish and fund a national centre to raise awareness and understanding of the impacts of child sexual abuse, support help-seeking and guide best practice advocacy and support and therapeutic treatment. The national centre's functions should be to:</p> <ol style="list-style-type: none"> a. raise community awareness and promote destigmatising messages about the impacts of child sexual abuse b. increase practitioners' knowledge and competence in responding to child and adult victims and survivors by translating knowledge about the impacts of child sexual abuse and the evidence on effective responses into practice and policy. <p>This should include activities to:</p> <ol style="list-style-type: none"> i. identify, translate and promote research in easily available and accessible formats for advocacy and support and therapeutic treatment practitioners ii. produce national training materials and best practice clinical resources iii. partner with training organisations to conduct training and workforce development programs 	Australian Government	Noted	<p>The Tasmanian Government notes that the Australian Government is responsible for this action.</p> <p>The Tasmanian Government will consider any actions in the context of Tasmania's particular circumstances.</p>

	<ul style="list-style-type: none">iv. influence national tertiary curricula to incorporate child sexual abuse and trauma-informed carev. inform government policy making <p>c. lead the development of better service models and interventions through coordinating a national research agenda and conducting high-quality program evaluation. The national centre should partner with survivors in all its work, valuing their knowledge and experience..</p>			
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Volume 10 – Children with harmful sexual behaviours				
No.	Recommendation	Responsibility	Tasmanian Response	Notes
10.1	<p>The Australian Government and state and territory governments should ensure the issue of children’s harmful sexual behaviours is included in the national strategy to prevent child sexual abuse that we have recommended (see Recommendations 6.1 to 6.3). Harmful sexual behaviours by children should be addressed through each of the following:</p> <ol style="list-style-type: none"> primary prevention strategies to educate family, community members, carers and professionals (including mandatory reporters) about preventing harmful sexual behaviours secondary prevention strategies to ensure early intervention when harmful sexual behaviours are developing tertiary intervention strategies to address harmful sexual behaviours. 	Department for Education, Children and Young People	Accepted in principle	<p>Status: Completed</p> <p>Led by the Commonwealth, the National Strategy to Prevent and Respond to Child Sexual Abuse 2021-2030 has been endorsed by all jurisdictions.</p> <p>It includes a priority theme around harmful sexual behaviours.</p> <p>Tasmania has contributed to the development of the National Strategy through the Priority 4 Working Group (of the National Framework for Protecting Australia’s Children).</p>
10.2	<p>The Australian Government and state and territory governments should ensure timely expert assessment is available for individual children with problematic and harmful sexual behaviours, so they receive appropriate responses, including therapeutic interventions, which match their particular circumstances.</p>	Department for Education, Children and Young People	Accepted in principle	<p>Status: Completed</p> <p>The Sexual Assault Support Service (SASS) has been engaged to deliver a state-wide therapeutic program for children and young people engaging in problematic and harmful sexual behaviours.</p> <p>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.</p> <p>The development of a Harmful Sexual Behaviours program had been identified as a priority service during the consultation process to inform the development of Safe Homes, Families Communities.</p> <p>A consultation paper to explore what might be an appropriate service response within Tasmania was released, inviting submissions from the public and targeted stakeholders to explore what might be an appropriate service response to children and young people exhibiting harmful sexual behaviours.</p> <p>Responses to the consultation paper and evidence on best practice, informed the development of a Request for Proposal process to commission a harmful sexual behaviours program. The program provides a continuum of services from primary and secondary educational responses for those engaging in developmentally inappropriate or problem sexual behaviours, through to a specialist tertiary therapeutic service for those engaging in harmful sexual behaviours, including those young people subject to a criminal justice response, displaying violent or aggressive behaviours, or in detention.</p> <p>Referral pathways into the program provide a variety of entry points for different client groups and levels of harmful sexual behaviours including self-referral, or referral by another service, or statutory referral through the criminal justice system.</p>
10.3	<p>The Australian Government and state and territory governments should adequately fund therapeutic interventions to meet the needs of all children with harmful sexual behaviours. These should be delivered through a network of specialist and generalist therapeutic services. Specialist services should also be adequately resourced to provide expert support to generalist services.</p>	Department for Education, Children and Young People	Accepted in principle	<p>Status: Completed</p> <p>The Sexual Assault Support Service (SASS) has been engaged to deliver a state-wide therapeutic program for children and young people engaging in problematic and harmful sexual behaviours.</p> <p>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.</p> <p>In addition to the funded SASS program, other referral pathways include:</p>

				<ul style="list-style-type: none"> • Private psychologists; • Australian Childhood Foundation therapeutic services; and • Interstate specialist programs.
10.4	State and territory governments should ensure that there are clear referral pathways for children with harmful sexual behaviours to access expert assessment and therapeutic intervention, regardless of whether the child is engaging voluntarily, on the advice of an institution or through their involvement with the child protection or criminal justice systems.	Department for Education, Children and Young People	Accepted in principle	<p>Status: Completed</p> <p>The Sexual Assault Support Service (SASS) has been engaged to deliver a state-wide therapeutic program for children and young people engaging in problematic and harmful sexual behaviours.</p> <p>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.</p> <p>Specifications for the program include:</p> <ul style="list-style-type: none"> • 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.
10.5	Therapeutic intervention for children with harmful sexual behaviours should be based on the following principles: <ol style="list-style-type: none"> a contextual and systemic approach should be used family and carers should be involved safety should be established there should be accountability and responsibility for the harmful sexual behaviours there should be a focus on behaviour change developmentally and cognitively appropriate interventions should be used the care provided should be trauma-informed therapeutic services and interventions should be culturally safe therapeutic interventions should be accessible to all children with harmful sexual behaviours. 	Department for Education, Children and Young People	Accepted in principle	<p>Status: Completed</p> <p>The Sexual Assault Support Service (SASS) has been engaged to deliver a state-wide therapeutic program for children and young people engaging in problematic and harmful sexual behaviours.</p> <p>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.</p> <p>The principles listed at Rec 10.5 (a) to (i) were covered by the specifications for the service. Specifically:</p> <ul style="list-style-type: none"> • The service model is focused upon producing enduring and sustainable improvements in the complex issues being experienced by children and young people and care giver(s) with the aim of improving wellbeing, safety and the quality of family and social relationships; • The service tailored to the needs and capacity of children and young people receiving the service and their caregiver(s); • Therapeutic services must utilise a trauma-informed approach that recognises that many children with harmful sexual behaviours have trauma in their background and therefore have complex needs that require a holistic response; • Therapeutic services take account of a child’s whole environment and include family, neighbourhood and community supports as appropriate. Family and caregivers should be equipped with techniques and strategies to enable them to play a continuing role in behaviour management and promoting positive change for the child; and • Safety is be established. An overarching safety plan should be agreed on between services, home and school that provides safe and appropriate ways of managing the child’s behaviour.

10.6	The Australian Government and state and territory governments should ensure that all services funded to provide therapeutic intervention for children with harmful sexual behaviours provide professional training and clinical supervision for their staff.	Department of Education, Children and Young People	Accepted in principle	<p>Status: Completed</p> <p>The Sexual Assault Support Service (SASS) has been engaged to deliver a state-wide therapeutic program for children and young people engaging in problematic and harmful sexual behaviours.</p> <p>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.</p> <p>The specifications for the service include:</p> <ul style="list-style-type: none"> • Management and all staff have training and qualifications consistent with the service provided; and • Management and all staff are regularly supervised and have ongoing professional and performance development. <p>This is also a National Priority under consideration by the Inter-jurisdictional Working Group on Therapeutic Responses for Children with Problematic and Harmful Sexual Behaviours. Department of Justice is the Tasmanian representative on this group.</p>
10.7	The Australian Government and state and territory governments should fund and support evaluation of services providing therapeutic interventions for problematic and harmful sexual behaviours by children.	Department of Education, Children and Young People	Accepted in principle	<p>Status: Completed</p> <p>The Sexual Assault Support Service (SASS) has been engaged to deliver a state-wide therapeutic program for children and young people engaging in problematic and harmful sexual behaviours.</p> <p>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.</p> <p>This funding includes provision for an independent evaluation of the efficacy of the program which will support decision making regarding the future direction of the program post its current funding period.</p> <p>A specification for the evaluation is in development and discussions are currently underway to engage a suitable consultant to undertake the evaluation.</p>

Volume 12 – Contemporary out-of-home care

No.	Recommendation	Responsibility	Tasmanian Response	Notes
12.1	The Australian Government and state and territory governments should develop nationally agreed key terms and definitions in relation to child sexual abuse for the purpose of data collection and reporting by the Australian Institute of Health and Welfare (AIHW) and the Productivity Commission.	Australian Government Tasmanian Government - Department for Education, Children and Young People	Accepted in principle	<p>Status: Completed</p> <p>This work was led by the Commonwealth and Tasmania contributed through relevant forums. Key definitions in relation to child sexual abuse for data collections include:</p> <p><i>Sexual abuse</i> Any act by a person having the care of, power over, or association with a child under 18-years of age which exposes the child to, or involves the child in, contact or non-contact sexual activity that is illegal, results in harm, or is likely to result in harm to the child.</p> <p>Non-sexual activities, deliberately undertaken with the aim of befriending and establishing an emotional connection with a child, to lower the child's inhibitions in preparation for sexual activity with the child also constitute a form of child sexual abuse.</p> <p>Child sexual abuse can be perpetrated by an adult, another child or a group.</p> <p><i>Abuse in care</i> In the context of the Australian child protection systems in operation in each state and territory, abuse in care refers to instances of abuse of children in out-of-home care, on third party parental orders, or on other orders that transfer full or partial parental responsibility for the child to an authority of the State. It can involve physical abuse, sexual abuse, emotional abuse and neglect.</p> <p>Abuse in care includes instances where the person held responsible is:</p> <ul style="list-style-type: none"> a) the approved carer b) another person living in the household or care facility, including other children c) an employee of the responsible care service/agency or government department d) a person not living in the household, where a person in (a) or (c) above failed to protect the child, or the action or inaction of a person in (a) or (c) contributed to the abuse. <p><i>Child sexual exploitation</i> Child sexual exploitation is a form of child sexual abuse that occurs when an individual or group attempts to or succeeds in coercing, manipulating or deceiving a child into contact or non-contact sexual acts:</p> <ul style="list-style-type: none"> a) in exchange for something including, but not limited to, money, gifts or accommodation or less tangible goods such as affection or status, and/or b) for the financial advantage, increased status or other reward for the person/people exploiting the child. A child over the legal age of consent may have been sexually exploited even if the sexual act appears consensual. <i>Employee of a responsible care service/agency or government department</i> <p>An employee includes any salaried or otherwise remunerated individual, or volunteer who undertakes work, either directly or through a contract arrangement, for a care service/agency or government department responsible for child placements in out-of-home care or under care and protection orders, for casefile management, or for carer approval and review processes. This definition does not include approved carers.</p> <p><i>Person held responsible (Safety in care)</i> A person held responsible is someone assessed as being responsible for an abusive act (including acts of commission or omission). For instances of abuse of children in care, the person held responsible is someone who is an approved carer, another person living in the household or care facility (including other children), an employee of the responsible care service/agency or government department, or a person not living in the household (only where an approved carer or employee of the responsible care service/agency or government department failed to protect the child or their action/inaction contributed to the abuse).</p>

12.2	<p>The Australian Government and state and territory governments should prioritise enhancements to the Child Protection National Minimum Data Set to include:</p> <ol style="list-style-type: none"> data identifying children with disability, children from culturally and linguistically diverse backgrounds and Aboriginal and Torres Strait Islander children the number of children who were the subject of a substantiated report of sexual abuse while in out-of-home care the demographics of those children the type of out-of-home care placement in which the abuse occurred information about when the abuse occurred information about who perpetrated the abuse, including their age and their relationship to the victim, if known. 	<p>Australian Government Tasmanian Government - Department for Education, Children and Young People</p>	<p>Accepted in principle</p>	<p>Status: Commenced</p> <p>This work is being led by the Commonwealth (AIHW) and Tasmania is contributing through engagement in development work led by national working groups. Recommendation 12.2 included a number of data improvements that were not prioritised in the 2-year Tranche 1 work plan agreed by the Children and Families Secretaries (CAFS) in September 2018. These remaining data improvements are referred to here as 'Tranche 2'.</p> <p>Initial consultation indicated that moderate to substantial improvements in data quality and ICT system changes will be required in most jurisdictions to collect and report the Tranche 2 items:</p> <ul style="list-style-type: none"> comparable information on culturally and linguistically diverse (CALD) backgrounds more detailed information about the number of children who were the subject of a substantiated report of sexual abuse while in out-of-home care, including: placement type, date of abuse, and perpetrator information. <p>It was planned to progress national development work on these data improvements in years 3-5 of the recommendation 12.2 work plan (2020- 21 is year 3). Initial advice suggested these changes will require implementation over a number of years, and alignment with rolling state/territory system changes (including ICT and staff training). The Tranche 2 items for development are expected to be complex. As the Tranche 1 reporting has encountered delays the Tranche 2 scoping will now be completed by mid-2021. The scoping report recommendations will then be considered in planning the 2022-23 priorities.</p>
12.3	<p>State and territory governments should agree on reporting definitions and data requirements to enable reporting in the Report on government services on outcome indicators for 'improved health and wellbeing of the child', 'safe return home' and 'permanent care'.</p>	<p>Tasmanian Government - Department for Education, Children and Young People</p>	<p>Accepted in principle</p>	<p>Status: Commenced</p> <p>This work is being led by the Commonwealth (Productivity Commission) and Tasmania is contributing through engagement in development work led by national working groups.</p>
12.4	<p>Each state and territory government should revise existing mandatory accreditation schemes to:</p> <ol style="list-style-type: none"> incorporate compliance with the Child Safe Standards identified by the Royal Commission extend accreditation requirements to both government and non-government out-of-home care service providers. 	<p>Tasmanian Government - Department for Education, Children and Young People with support from Department of Justice</p>	<p>Noted (subsequently accepted in principle)</p>	<p>Status: Commenced</p> <p>Development of child safe standards is being led by the Department of Justice.</p> <p>Keeping our children and young people safe and well is a priority for the Tasmanian Government. 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.</p> <p>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.</p> <p>DECYP is progressing the development of an Out-of-home Care Accreditation Framework.</p>
12.5	<p>In each state and territory, an existing statutory body or office that is independent of the relevant child protection agency and out-of-home care service providers, for example a children's guardian, should have responsibility for:</p> <ol style="list-style-type: none"> receiving, assessing and processing applications for accreditation of out-of-home care service providers conducting audits of accredited out-of-home care service providers to ensure ongoing compliance with accreditation standards and conditions. 	<p>Tasmanian Government - Department for Education, Children and Young People</p>	<p>Noted (subsequently accepted in principle)</p>	<p>Status: Commenced</p> <p>This will be further considered as part of the Tasmanian Out of Home Care Accreditation Framework to be developed over the next four years (2022-2026).</p>

12.6	<p>In addition to a National Police Check, Working With Children Check and referee checks, authorisation of all foster and kinship/relative carers and all residential care staff should include:</p> <ol style="list-style-type: none"> community services checks of the prospective carer and any adult household members of home-based carers documented risk management plans to address any risks identified through community services checks at least annual review of risk management plans as part of carer reviews and more frequently as required. 	Tasmanian Government - Department for Education, Children and Young People	Accepted in principle	<p>Status: Commenced</p> <p>Authorisation of carers and residential staff will include the requirements listed at 12.6 (a.) – (c.) as part of the Tasmanian Out of Home care Accreditation Framework to be developed over the next four years (2022-2026).</p>
12.7	<p>All out-of-home care service providers should conduct annual reviews of authorised carers that include interviews with all children in the placement with the carer under review, in the absence of the carer.</p>	Tasmanian Government - Department for Education, Children and Young People	Accepted	<p>Status: Commenced</p> <p>The release of the Tasmanian Out of Home Care Standards in August 2022 was an important step towards the development of a Tasmanian OOHC Accreditation Framework and Carers Register. The requirement for annual reviews of authorised carers, including separate interviews with children in the placement, will be included.</p>
12.8	<p>Each state and territory government should adopt a model of assessment appropriately tailored for kinship/relative care. This type of assessment should be designed to:</p> <ol style="list-style-type: none"> better identify the strengths as well as the support and training needs of kinship/relative carers ensure holistic approaches to supporting placements that are culturally safe include appropriately resourced support plans. 	Tasmanian Government - Department for Education, Children and Young People	Accepted	<p>Status: Commenced</p> <p>Kinship care is always the first Out-of-home Care placement consideration under the <i>Children, Young Persons and Their Families Act 1997</i>. 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.</p>

12.9	<p>All state and territory governments should collaborate in the development of a sexual abuse prevention education strategy, including online safety, for children in out-of-home care that includes:</p> <ol style="list-style-type: none"> input from children in out-of-home care and care-leavers comprehensive, age-appropriate and culture-appropriate education about sexuality and healthy relationships that is tailored to the needs of children in out-of-home care resources tailored for children in care, for foster and kinship/relative carers, for residential care staff and for caseworkers resources that can be adapted to the individual needs of children with disability and their carers. 	Tasmanian Government - Department for Education, Children and Young People	Noted	<p>Status: For consideration</p> <p>The National Strategy to Prevent and Respond to Child Sexual Abuse includes actions related to this recommendation. Tasmania continues to contribute and respond as required.</p>
12.10	<p>State and territory governments, in collaboration with out-of-home care service providers and peak bodies, should develop resources to assist service providers to:</p> <ol style="list-style-type: none"> provide appropriate support and mechanisms for children in out-of-home care to communicate, either verbally or through behaviour, their views, concerns and complaints provide appropriate training and support to carers and caseworkers to ensure they hear and respond to children in out-of-home care, including ensuring children are involved in decisions about their lives regularly consult with the children in their care as part of continuous improvement processes. 	Tasmanian Government - Department for Education, Children and Young People	Accepted	<p>Status: Completed</p> <p>The Child Advocate for out-of-home care (OoHC) commenced in June 2018. This role provides a greater voice to children in OoHC regarding the quality of, and decisions made about, their care. An additional position will be appointed for the North/North West region under Strong Families Safe Kids Next Steps Action Plan to increase the responsiveness of hearing the views of children and young people, as well as assist in progressing the Child Advocate's systemic advocacy work.</p> <p>A pilot online Viewpoint questionnaire has been designed and developed by 12-17 year olds in OoHC to express their views, concerns and complaints. The Child Advocate has developed a version for 5-11 year olds which is currently in a consultation phase.</p> <p>This is an additional mechanism for children and young people to share their views, designed to sit alongside the tools and approach for Care Teams and Care Planning implemented in early 2021. Once fully implemented, it will also provide a mechanism for the service system to oversee the wellbeing of children and young people.</p> <p>During 2021 the Child Advocate developed and commenced delivery of a training package for Child Safety and OoHC professionals to amplify the importance of child participation principles in practice. This training builds the capacity of professionals to actively and appropriately support the engagement of children and young people in decision making processes.</p> <p>A new approach to case and care planning was implemented in January 2021 based on the 6 domains of the Child and Youth Wellbeing Framework. This included the development of resources for the Care Team and a focus on including the child/young person in the care team as age appropriate.</p> <p>A Care Team is an ongoing collaborative group of key people identified by a child or young person as being important in their life. The Care Team meeting should include the child or young person (dependent on their age and ability to participate), their family members, caregivers, professionals and other important people in their lives. Each team member is responsible for working as part of the group to develop a Care Plan, set goals, make decisions, carry out tasks and share resources to achieve the best possible outcomes for the child or young person.</p> <p>It is important that the child or young person has an active role in their Care Team and in the decision making for them. These decisions are to be: informed by the child's views and needs, individualised, timely, culturally appropriate and guided by the <i>Children, Young Person's and Their Families Act 1997</i>, the Charter of Rights for Tasmanian children and young people in OoHC, the Child Safety Practice Framework and the Tasmanian Child and Youth Wellbeing Framework. If the child or young person identifies as Aboriginal or Torres Strait Islander, it is important that a representative from their culture and community are included in the Care Team.</p>
12.11	<p>State and territory governments and out-of-home care service providers should ensure that training for foster and relative/kinship carers, residential care staff and child protection workers includes an understanding of trauma and abuse, the impact on children and the principles of trauma-informed care to assist them to meet the needs of children in</p>	Tasmanian Government - Department for Education, Children and Young People	Accepted	<p>Status: Commenced</p> <p>The release of the Tasmanian Out of Home Care Standards in August 2022 is an important step in building a more accountable Out of Home Care system in Tasmania. The development of a Tasmanian Out of Home Care Accreditation Framework over the next four years will inform carer support and formal training requirements for person to become an authorised carer. Currently foster carers complete specific carer designed training, Shared Stories Shared Lives prior to approval.</p>

	out-of-home care, including children with harmful sexual behaviours.			DECYP continues to fund the Foster and Kinship Carer Association of Tasmania (FKAT) to provide training for kinship carers. This includes workshops in trauma and Circle of Security.
12.12	<p>When placing a child in out-of-home care, state and territory governments and out-of-home care service providers should take the following measures to support children with harmful sexual behaviours:</p> <ol style="list-style-type: none"> a. undertake professional assessments of the child with harmful sexual behaviours, including identifying their needs and appropriate supports and interventions to ensure their safety b. establish case management and a package of support services c. undertake careful placement matching that includes: <ol style="list-style-type: none"> i. providing sufficient relevant information to the potential carer/s and residential care staff to ensure they are equipped to support the child, and additional training as necessary ii. rigorously assessing potential threats to the safety of other children, including the child's siblings, in the placement. 	Tasmanian Government - Department for Education, Children and Young People	Accepted in principle	<p>Status: Commenced</p> <p>In March 2021 the Tasmanian Sexual Assault Service (SASS) commenced a therapeutic program funded under the Safe Homes, Families and Communities Action Plan for Family and Sexual Violence, for children and young people engaged in problematic and harmful sexual behaviours.</p> <p>This service includes services to children and young people in out of home care who are displaying developmentally inappropriate and/or problematic sexual behaviour. Services include clinical assessment and therapeutic interventions.</p> <p>DECYP is currently undertaking an evaluation of this service.</p>
12.13	State and territory governments and out-of-home care service providers should provide advice, guidelines and ongoing professional development for all foster and kinship/relative carers and residential care staff about preventing and responding to the harmful sexual behaviours of some children in out-of-home care.	Tasmanian Government - Department for Education, Children and Young People	Accepted in principle	<p>Status: Commenced</p> <p>The Tasmanian Harmful Sexual Behaviours Service provides early education to organisations, including carers working with children and young people displaying developmentally inappropriate and/or problematic (defined) sexual behaviour. Training has also included Child Safety staff.</p>

12.14	<p>All state and territory governments should develop and implement coordinated and multi-disciplinary strategies to protect children in residential care by:</p> <ol style="list-style-type: none"> identifying and disrupting activities that indicate risk of sexual exploitation supporting agencies to engage with children in ways that encourage them to assist in the investigation and prosecution of sexual exploitation offences. 	Tasmanian Government - Department for Education, Children and Young People	Accepted in principle	<p>Status: Commenced</p> <p>The release of the Tasmanian Out of Home Standards in August 2022 is an important step in building a more accountable Out of Home Care system in Tasmania. The development of a Tasmanian Out of Home Care Accreditation Framework project over the next four years will include strategies to protect children in residential care.</p> <p>The standards include requirements for all OOHC providers (including residential care providers) around measures to prevent and respond to abuse (including sexual abuse).</p>
12.15	<p>Child protection departments in all states and territories should adopt a nationally consistent definition for child sexual exploitation to enable the collection and reporting of data on sexual exploitation of children in out-of-home care as a form of child sexual abuse.</p>	Tasmanian Government - Department for Education, Children and Young People	Accepted in principle	<p>Status: Completed</p> <p>This work was led by the Commonwealth (Australian Institute of Health and Welfare) and Tasmania contributed through relevant forums.</p>
12.16	<p>All institutions that provide out-of-home care should develop strategies that increase the likelihood of safe and stable placements for children in care. Such strategies should include:</p> <ol style="list-style-type: none"> improved processes for 'matching' children with carers and other children in a placement, including in residential care the provision of necessary information to carers about a child, prior to and during their placement, to enable carers to properly support the child support and training for carers to deal with the different developmental needs of Children as well as managing difficult situations and challenging behaviour. 	Tasmanian Government - Department for Education, Children and Young People	Accepted	<p>Status: Commenced</p> <p>The Tasmanian Government has committed to a comprehensive review of the <i>Children Young Persons and Their Families Act 1997</i>. This review has commenced and will include consideration of legislative requirements for the support and monitoring of children in residential care. The timeframe for the review concludes in 2023 and subsequent legislative processes will follow.</p> <p>Implementation of a carers' register will also consider the inclusion of information that can be used for placement matching.</p>

12.17	<p>Each state and territory government should ensure that:</p> <ol style="list-style-type: none"> the financial support and training provided to kinship/relative carers is equivalent to that provided to foster carers the need for any additional supports are identified during kinship/relative carer assessments and are funded additional casework support is provided to maintain birth family relationships. 	Tasmanian Government - Department for Education, Children and Young People	Accepted	<p>Status: Commenced</p> <p>DECYP funds the Foster and Kinship Carers Association of Tasmania (FKAT) to provide relevant ongoing training, development, support and advocacy for foster and kinship carers so they can provide quality care for the children and young people in their care.</p> <p>One off funding was provided to FKAT in 2020-21 to develop and implement training modules that recognise the unique challenges for kinship carers. Further funding has been provided over the next four years to continue this specific training for kinship carers.</p> <p>To help promote kinship care as a viable option for families, Children, Youth and Families is considering expanding provision of kinship carer support services to a non-government organisation, for a small cohort of kinship carers.</p> <p>The Bringing Baby Home program maintains birth family relationships through an intensive residential support program for parent/s where there are significant concerns for the safety and wellbeing of their baby and that without additional supervision and support, it is likely to result in the baby being placed in Out-of-home Care (OoHC). The program aims to build parents competence and capacity as well as providing interventions that focus on the developmental needs of the baby. The residential component is designed to mitigate safety risks around the parent and enable a safe setting to undertake targeted case work support.</p>
12.18	<p>The key focus of residential care for children should be based on an intensive therapeutic model of care framework designed to meet the complex needs of children with histories of abuse and trauma.</p>	Tasmanian Government - Department for Education, Children and Young People	Accepted	<p>Status: Completed</p> <p>The Tasmanian Government accepted this recommendation and noted that this already occurs through Therapeutic Residential Care and Special Care Package programs.</p>
12.19	<p>All residential care staff should be provided with regular training and professional supervision by appropriately qualified clinicians.</p>	Tasmanian Government - Department for Education, Children and Young People	Accepted	<p>Status: Completed</p> <p>This is specified in funding agreements between DECYP and residential care providers.</p> <p>The provisions are designed to protect the child from system/service harms by the Service Provider services. Quality and Practice controls specified in the Funding Agreement include:</p> <ul style="list-style-type: none"> • Due Care and Diligence – clause 13.3 • Additional Requirements to Due Care and Diligence including “maintaining accreditation with an organisation specialising in supporting organisations working with children in relation to the Service Provider implementing child safe policies and practices, or demonstrate equivalency to the satisfaction of the Department” – Schedule 5 • Skills and Competency of Employees and Volunteers – clause 18 • Fit and Proper staff, agents and subcontractors – clause 19 <p>Service Delivery ‘requirements, service governance, performance indicators that include reporting on Care Concerns and serious incidents – Schedules 2 & 3.</p>

12.20	<p>Each state and territory government, in consultation with appropriate Aboriginal and Torres Strait Islander organisations and community representatives, should develop and implement plans to:</p> <ol style="list-style-type: none"> fully implement the Aboriginal and Torres Strait Islander Child Placement Principle improve community and child protection sector understanding of the intent and scope of the principle develop outcome measures that allow quantification and reporting on the extent of the full application of the principle, and evaluation of its impact on child safety and the reunification of Aboriginal and Torres Strait Islander children with their families invest in community capacity building as a recognised part of kinship care, in addition to supporting individual carers, in recognition of the role of Aboriginal and Torres Strait Islander communities in bringing up children. 	Tasmanian Government - Department for Education, Children and Young People	Accepted in principle	<p>Status: Commenced</p> <p>This work is being progressed at the national level through the 2021-2031 Safe and Supported – National Framework for Protecting Australia’s Children and the Tasmanian Implementation Plan (2021-2023) for Closing the Gap.</p> <p>DECYP is currently working with the national working group to finalise the Safe and Supported Aboriginal and Torres Strait Islander First Action Plan and achieve whole of Tasmanian Government approval.</p> <p>The Tasmanian Government is continuing to work on two key initiatives to further embed the Aboriginal and Torres Strait Islander Child Placement Principle (ATSICPP) (2021 election commitment):</p> <ul style="list-style-type: none"> Work with Aboriginal Community Organisations to develop an aboriginal-led case management service model for Aboriginal children in out-of-home care; and Work with Aboriginal Community Organisations to identify and build capacity for Aboriginal family-led decision-making models for Aboriginal children in care. <p>The Child Safety Service continues to support the delivery of a number of individualised service packages for Aboriginal children in partnership with Aboriginal community service organisations.</p> <p>The CYF, Striving for Practice Excellence: Our Strategic Direction 2021-24 has a focus on Aboriginal community organisations and keeping children and young people safely connected to their family, community and culture. It references working with Aboriginal community organisations to identify and implement a co-designed process that provides the pathway to delivering real change and improved outcomes; and engaging in genuine and respectful partnerships that support shared decision making to build capacity and development of a community-controlled sector.</p> <p>DECYP continues to work with SNAICC and the Leadership Group on the development and reporting of the ATSICPP indicators through the CAFS.</p> <p>The Tasmanian Government has committed to a comprehensive review of the <i>Children Young Persons and Their Families Act 1997</i>. This review has commenced and will include consideration of legislative amendments relating to the ATSICPP.</p> <p>The timeframe for the review concludes in 2023 and subsequent legislative processes.</p>
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12.21	<p>Each state and territory government should ensure:</p> <ol style="list-style-type: none"> the adequate assessment of all children with disability entering out-of-home care the availability and provision of therapeutic support support for disability-related needs the development and implementation of care plans that identify specific risk-management and safety strategies for individual children, including the identification of trusted and safe adults in the child's life. 	Tasmanian Government - Department for Education, Children and Young People	Accepted in principle	<p>Status: Completed</p> <p>The provision of support for disability related needs is the responsibility of the National Disability Insurance Agency. Children in out-of-home care with disability are supported to access the assessments/services they need and, where eligible for the National Disability Insurance Scheme, to maximise the supports and services available within their plan. Additional assessment support is included in a budget submission for the 2021-22 budget. Therapeutic support is provided through:</p> <ul style="list-style-type: none"> special care packages for children/young people with complex and/or challenging behaviours; ACF is funded by Communities Tasmania to provide low/medium/high trauma informed interventions and to provide therapeutic assessment and placement review for special care packages; Through access to available services such as Child and Adolescent Mental Health Services, SASS harmful sexual behaviours program; and Referral to private practitioners as required. <p>An agreement between Australian governments and the National Disability Insurance Agency (NDIA) to clarify funding arrangements, means that children and young people who may require accommodation outside the family home, will now have better, more stable support. The National Disability Insurance Scheme (NDIS) and mainstream systems, such as state and territory child and family support services, will work together in a more coordinated way to provide support for parents and children.</p> <p>Under the MOU the following supports will be provided by Communities Tasmania to families with children and young people with disability requiring additional supports or accommodation, due to complex disability support needs:</p> <p><u>Advice and Referral Line/Child Safety Service</u></p> <ul style="list-style-type: none"> will link parents, carers, relatives, friends, children and young people, government and non-government providers with a range of Government and non-government services and programs; and respond to child concern reports from providers, NDIS Planners and Support Coordinators in accordance with legislative responsibilities under the <i>Children, Young Persons and Their Families Act 1997</i>. <p><u>Disability and Community Services</u></p> <ul style="list-style-type: none"> will assist with coordination of mainstream services including Housing, Health, Education, Child Safety Services and Justice to support families; and arrange funding and provide oversight for board and lodging for this cohort of children and young people. <p>A new approach to case and care planning was implemented in January 2021 that is based on the 6 domains of the Child and Youth Wellbeing Framework. 'Being loved, safe and valued' and 'Being healthy' are two of the domains addressed by the Care Team.</p>
12.22	<p>State and territory governments should ensure that the supports provided to assist all care-leavers to safely and successfully transition to independent living include:</p>	Tasmanian Government - Department for Education, Children and Young People	Accepted in principle	<p>Status: Completed</p> <p>The After Care Support Program provides support for people who have been in out-of-home care. This includes the provision of financial assistance up to the age of 25 to assist in the transition to adulthood.</p> <p>The Abuse in State Care Support Service has been established by the State Government to provide support to people who experienced abuse in State care when they were children. The service aims to assist people to overcome the impacts of the abuse and improve their life circumstances. Up</p>

	<p>a. strategies to assist care-leavers who disclose that they were sexually abused while in out-of-home care to access general post-care supports</p> <p>b. the development of targeted supports to address the specific needs of sexual abuse survivors, such as help in accessing therapeutic treatment to deal with impacts of abuse, and for these supports to be accessible until at least the age of 25.</p>			<p>to \$2,500 is available to pay for goods and services related (but not limited) to; education, employment, counselling, personal development, family connection, medical and dental services.</p> <p>The service is promoted on the Department of Communities Tasmania website through information as well as an application form. When an application is received, the applicant's file is reviewed to verify a) the applicant was in State care and b) whether the abuse is mentioned on file. A meeting is then held with the applicant to speak with them about their claim and give them an opportunity to speak about their experience. Through this, it is verified that the applicant was with the carer/institution at roughly the time they indicate the abuse occurred. It is explained to the applicant that if they identify that the carer/worker who abused them is still employed and/or caring for children the information will be passed on to the ARL or to Adoption and Permanency Service (APS) management. APS management review the file to establish whether there is any current danger.</p> <p>From 2018, Children Youth and Families has also implemented the Transition to Independence Program (T2I). This includes both extension of carer payments to 21 years and specialist support, case coordination for care leavers including brokerage funding for items and services.</p>
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Volume 13 – Schools				
No.	Recommendation	Responsibility	Tasmanian Response	Notes
13.1	All schools should implement the Child Safe Standards identified by the Royal Commission.	Tasmanian Government - Department for Education, Children and Young People	Accepted in principle	<p>Status: Commenced</p> <p>DECYP commenced its work in 2018 and anticipates it to be concluded in late 2023, followed by ongoing monitoring and a commitment to continuous improvement.</p> <p>In 2018, the Tasmanian Government endorsed the National Principles for Child Safe Organisations, along with all Commonwealth, State and Territory Governments, which give effect to the child safe standards identified by the Royal Commission.</p> <p>Safeguarding the rights of all children and young people to have an education, to be heard, and to be kept safe from harm is a priority for DECYP. Safeguarding describes a culture in which every person understands their responsibility to uphold the rights of the child and to have the child at the centre of every decision that affects them. This culture of continuous improvement has prevention as its overriding objective while it strengthens awareness, sensitivity and responsiveness to the signs and effects of abuse and trauma. DECYP is committed to establishing itself as an exemplary child safe organisation that provides the strongest possible safeguards from harm for children and young people.</p> <p>The Government is establishing a legislative framework for regulation of the child safe standards and a reportable conduct scheme in its response to the recommendations of the Royal Commission into Institutional Responses to Child Sexual Abuse. The Department of Justice has developed the legislative framework required.</p> <p>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.</p> <p>Implementation of the child safe standards will be an ongoing priority for DECYP, supported by a Safeguarding Policy Framework and suite of procedures, guidance and protocols to support all staff to effectively prevent, identify and respond to child sexual abuse.</p> <p>How and when DECYP's achievement of the standards will be regulated and assessed will be determined by the Tasmanian Government Child and Youth Safe Organisations Framework.</p> <p>Supporting Documents:</p> <ul style="list-style-type: none"> • Information about the Child and Youth Safe Organisations Framework is publicly available at: https://www.justice.tas.gov.au/carcru/child-and-youth-safe-organisations-framework
13.2	State and territory independent oversight authorities responsible for implementing the Child Safe Standards (see Recommendation 6.10) should delegate to school registration	Tasmanian Government – Office of the	Accepted in principle	<p>Status: Not yet commenced</p> <p>DECYP notes that this work is the responsibility of the Office of the Education Registrar (OER) and is monitoring progress.</p>

	<p>authorities the responsibility for monitoring and enforcing the Child Safe Standards in government and non-government schools.</p>	<p>Education Registrar</p>		<p>Work on implementation of this recommendation will commence as part of implementation of the Department of Justice -led Child and Youth Safe Organisations Framework.</p> <p>The State's independent oversight authority responsible for implementing the child safe standards will be defined as part of the Department of Justice-led Child and Youth Safe Organisations Framework currently under development. Following this, work on implementation of this recommendation will commence.</p> <p>In terms of related work currently underway, the OER advises that the Non-government Schools Registration Board (NGSRB) is responsible for the registration of non-government schools in Tasmania. The OER supports the NGSRB and provides advice to it.</p> <p>The NGSRB has prepared new guidelines for schools to use when applying for registration. The guidelines advise schools as to what they need to demonstrate in order to meet the standards and gain registration. The OER sought input on the Guidelines from Professor Stephen Smallbone who worked with the Registrar to ensure a thorough understanding and implementation of Child Safe Standards in the Guidelines.</p> <p>Standard 5 – Student Welfare has been amended to include a requirement for schools to have policies that demonstrate a public commitment to the National Principles for Child Safe Organisations and the child safe standards through the development and comprehensive implementation of child safe policies and accompanying procedures.</p> <p>The amended guidelines also provide for updated advice on the implementation of policies and procedures and ensuring that students are involved in the development of policies designed to protect them.</p> <p>The guidelines also cover updated requirements for the staff code of conduct to include grooming. Standard 7 – Complaints Management has also been updated to reflect the child safe standards and the National Principles for Child Safe Organisations regarding reporting complaints and concerns.</p> <p>The Minister for Education approved the new guidelines in July 2021 and they have been provided to schools with a requirement that schools begin implementation immediately. Professional development across the State was run for all non-government schools in the second half of 2022. All school assessed for registration in 2022 have demonstrated substantial compliance with the new requirements.</p> <p>Schools due for re-registration in 2022 were required to demonstrate substantial progress in the implementation of the requirements, and in 2023, schools will be formally assessed against them.</p>
13.3	<p>School registration authorities should place particular emphasis on monitoring government and non-government boarding schools to ensure they meet the Child Safe Standards. Policy guidance and practical support should be provided to all boarding schools to meet these standards, including advice on complaint handling.</p>	<p>Tasmanian Government - Office of the Education Registrar</p>	<p>Accepted in principle</p>	<p>Status: Commenced</p> <p>DECYP notes that this work is the responsibility of the OER, and is monitoring progress. The OER commenced its work in mid-2020. This work is ongoing.</p> <p>The OER advises that standards for registration of schools in the Education Regulations 2017 only very briefly touch on Boarding Schools, as they have not traditionally been regarded as part of the non-government school registration process. To amend this would require amendment of the regulations, which also requires substantial consultation with the sector.</p> <p>As an interim measure, new Guidelines make some reinforcements to child safety in Boarding Houses. The guidelines require that where a school operates a Boarding House the requirements in Standard 5 – Student welfare also apply to the Boarding House.</p> <p>Further work on this recommendation will take place following finalisation of the Department of Justice-led Child and Youth Safe Organisations Framework.</p> <p>It should be noted that there are no government boarding schools in Tasmania.</p>

13.4	The Australian Government and state and territory governments should ensure that needs-based funding arrangements for Aboriginal and Torres Strait Islander boarding students are sufficient for schools and hostels to create child safe environments.	Tasmanian Government - Department for Education, Children and Young People	Accepted in principle	<p>Status: Completed</p> <p>DECYP commenced work on this recommendation in January 2018 and concluded in May 2019. DECYP continues to monitor and improve this area of work. While DECYP's needs-based funding arrangements under the Fairer Funding Model do not extend to student hostel accommodation, financial support is available for students in years 11 and 12 who must live away from their usual Tasmanian home in order to attend a registered government or non-government school (the Student Accommodation Allowance).</p> <p>DECYP has a range of existing safeguards in place at its student hostel accommodation. All hostels have secure sleeping areas, with common areas and entrance areas covered by CCTV, and a curfew exists for all hostels, at which time the facility is locked and secure. For any students to be absent from the hostel after curfew, prior permission is required from the hostel supervisor. No visitors are admitted after the curfew is extant. Recent budget expenditure on all the hostels has been to maintain a standard expected for a facility that offers after-hours services for students both under and over the age of 18.</p> <p>Since 2018, work has been undertaken to reconfirm and clarify the DECYP's duty of care for students residing in hostel accommodation, including a system of 'Contact Officers' whereby students are provided with the name of a senior person within DECYP, linked to their enrolling school or college, to resolve any duty-of-care issues that may arise and who will communicate with the Hostel Supervisors as required. Duty-of-care issues include any that impact on the emotional and physical wellbeing of students, including bullying, harassment, cyberbullying, cultural insensitivities, physical or sexual abuse.</p> <p>A new policy 'Hostel Accommodation – Students – Duty of Care Policy' has been created to reflect the updated policies covering students in hostel accommodation.</p> <p>Wording has been agreed for incorporation into the Legal Issues Handbook clarifying that Duty of Care responsibilities include the time that students are in hostel accommodation.</p> <p>Supporting Documents:</p> <ul style="list-style-type: none"> Information on student accommodation for students is available publicly at https://www.education.tas.gov.au/students/school-and-colleges/student-accommodation/
13.5	Boarding hostels for children and young people should implement the Child Safe Standards identified by the Royal Commission. State and territory independent oversight authorities should monitor and enforce the Child Safe Standards in these institutions.	Tasmanian Government - Department for Education, Children and Young People	Accepted in principle	<p>Status: Commenced</p> <p>DECYP commenced this work in January 2018 and continues to monitor and improve this area of work.</p> <p>The state's independent oversight authority responsible for implementing the child safe standards will be defined as part of the Department of Justice-led Child and Youth Safe Organisations Framework currently under development. Following this, work on this recommendation will continue in the context of the whole-of-department implementation of the child safe standards outlined under 13.1.</p> <p>Further information on existing safeguards at DECYP student hostel accommodation is at 13.4.</p>

13.6	Consistent with the Child Safe Standards, complaint handling policies for schools (see Recommendation 7.7) should include effective policies and procedures for managing complaints about children with harmful sexual behaviours.	Tasmanian Government - Department for Education, Children and Young People	Accepted	<p>Status: Completed</p> <p>DECYP commenced this work in late 2018 and concluded it in June 2019. However, in June 2021, a review of the work was initiated to ensure best practice implementation continues.</p> <p>DECYP has existing policies/procedures/practices for managing complaints about children with harmful sexual behaviours. However, staff feedback indicates that new or inexperienced staff faced with this behaviour or situation may not know where to find all available resources.</p> <p>A flowchart has been developed which gives detailed guidance and refers to all policies, procedures and resources for managing children with harmful sexual behaviours in one place. It is available to all staff on the staff-only intranet and for the public on the DECYP internet site. The information will be included in future Principal Induction Programs.</p> <p>A further review of the flowchart will be conducted in 2022/23 to ensure it aligns with a 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.</p> <p>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 Child and Youth Safe Organisations Framework.</p>
13.7	State and territory governments should provide nationally consistent and easily accessible guidance to teachers and principals on preventing and responding to child sexual abuse in all government and non-government schools.	Tasmanian Government - Department for Education, Children and Young People	Accepted in principle	<p>Status: Commenced</p> <p>DECYP commenced implementation of this recommendation in early 2019 and this work is ongoing.</p> <p>To support implementation of this recommendation, DECYP has developed the following advice for all staff in relation to preventing and responding to child sexual abuse in government schools:</p> <ul style="list-style-type: none"> • Advice for staff on responding to incidents, disclosures and suspicions of child sexual abuse • Flowchart for incidents involving current employees and volunteers • Flowchart for incidents involving former employees • Flowchart for incidents involving members of a family, the community and visitors to schools • Flowchart for incidents of harmful sexual behaviour • Flowchart for incidents involving online child sexual abuse material. <p>A review of work towards this recommendation will be conducted in 2023 to ensure it aligns with a 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.</p> <p>Through the Office of Safeguarding Children and Young People DECYP will continue to build a child safe culture in which all children and young people are safe from abuse. This will include continuing to develop guidance materials and professional development for staff that are consistent with the Child and Youth Safe Organisations Framework and national best practice. DECYP will continue to participate in all relevant Working Groups established by the National Strategy to Prevent and Respond to Child Sexual Abuse.</p> <p>Supporting Documents:</p> <ul style="list-style-type: none"> • Safeguarding Children and Young People: https://www.decyp.tas.gov.au/children/safeguarding-children/

13.8	The Council of Australian Governments (COAG) should consider strengthening teacher registration requirements to better protect children from sexual abuse in schools. In particular, COAG should review minimum national requirements for assessing the suitability of teachers, and conducting disciplinary investigations.	Australian Government	Accepted in principle	<p>Previously under consideration by Education Ministers – now referred to the Australian Institute for Teaching and School Leadership. DECYP notes that this is an Australian Government responsibility.</p> <p>DECYP continues to monitor this recommendation and will work with the Teachers Registration Board to implement the Best Practice Framework for Strengthening Child Safety and Wellbeing through the Regulation of Teachers which has been developed by ATISL.</p> <p>Work on this recommendation occurred at the national level through the Australian Education Senior Officials Committee (AESOC). Specifically, AESOC formally referred this recommendation to the Australian Institute for Teaching and School Leadership, which established a Strengthening Child Safety Working Group to continue work on this and other related recommendations.</p> <p>In response to this recommendation, as well as the recommendations of the National Review of Teacher Registration, AITSL has developed the Best Practice Framework for Strengthening Child Safety and Wellbeing through the Regulation of Teachers. The Framework was noted by Education Council in September 2020, which recommended that decisions on how to implement the Framework are made by individual jurisdictions.</p>
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Volume 14 – Sport, recreation, arts, culture, community and hobby groups				
No.	Recommendation	Responsibility	Tasmanian Response	Notes
14.1	All sport and recreation institutions, including arts, culture, community and hobby groups, that engage with or provide services to children should implement the Child Safe Standards identified by the Royal Commission.	Tasmanian Government – Department of Justice supported by Department for Education, Children and Young People	Accepted in principle	Status: Commenced See response to recommendation 6.4 for more detail on the Child and Youth Safe Organisations Bill 2022 and the Child and Youth Safe Framework.
14.2	The National Office for Child Safety should establish a child safety advisory committee for the sport and recreation sector with membership from government and non-government peak bodies to advise the national office on sector-specific child safety issues.	Australian Government	Noted	The Tasmanian Government notes that the Australian Government is responsible for this action.
14.3	The education and information website known as Play by the Rules should be expanded and funded to develop resources – in partnership with the National Office for Child Safety – that are relevant to the broader sport and recreation sector.	Australian Government	Noted	The Tasmanian Government notes that the Australian Government is responsible for this action.
14.4	The independent state and territory oversight bodies that implement the Child Safe Standards should establish a free email subscription function for the sport and recreation sector so that all providers of these services to children can subscribe to receive relevant child safe information and links to resources.	Tasmanian Government – Department of Justice supported by Department for Education, Children and Young People	Accepted in principle	Status: For consideration See response to recommendation 6.4 for more detail on the Child and Youth Safe Organisations Bill 2022 and the Child and Youth Safe Framework.

Volume 15 – Contemporary detention environments				
No.	Recommendation	Responsibility	Tasmanian Response	Notes
15.1	All institutions engaged in child-related work, including detention institutions and those involving detention and detention-like practices, should implement the Child Safe Standards identified by the Royal Commission.	Department for Education, Children and Young People and Department of Justice	Accepted in principle	<p>Status: Commenced</p> <p>The Tasmanian Government is committed to implementing a child safety framework for all organisations engaged in child-related services to ensure cultural change in organisations, so that keeping children safe from abuse is embedded in the everyday thinking and practice of leaders, staff and volunteers.</p> <p>The Government has committed to establishing a legislative framework for regulation of the child safe standards and a reportable conduct scheme in its response to the recommendations of the Royal Commission into Institutional Responses to Child Sexual Abuse. The Department of Justice has been developing the legislative framework required.</p> <p>Within AYDC, the AYDC Practice Framework and the AYDC Learning and Development Framework both reflect the child safe organisation standards, and the key practice principles set clear behavioural expectations of staff towards young people. Both were implemented in late 2019.</p> <p>An audit of AYDC procedures found a significant amount of work was needed to review and align existing procedures with the Practice and Learning and Development Frameworks to ensure compliance with child safe organisation standards. As a result, Children, Youth and Families (CYF) allocated dedicated policy resources in 2021 to ensure that this work was undertaken as a priority.</p> <p>In addition, CYF engaged the services of <i>Child Wise</i>, to review all AYDC Policies and Procedures to ensure compliance with Child Safe Organisation principles and practice.</p> <p>Young people within AYDC were also consulted throughout the review process.</p> <p>The focus and priorities for this work were determined by consideration of recommendations made by the Custodial Inspector, the Commissioner for Children and Young People and the Royal Commission Recommendations, Vol 15. Procedures that have focussed on creating child safe environments include staff reporting concerns to the Advice and Referral Line; supervision of young people; transporting young people to and from court; young people communicating with family, friends and other support people; safety in relation to unauthorised or prohibited items; conferencing; incident management; and support for victims.</p> <p>This work also considered the application of standards and guidelines from other jurisdictions, Australasian Youth Justice Administrators (AYJA) group, and the United Nations Convention on the Rights of the Child to guide operations and ensure that these were reflected in procedures and practice advice.</p> <p>Work to embed Child Safe standards into the operation of AYDC is continuing. The Keeping Kids Safe plan for AYDC until its intended closure provides 55 actions to support increased safeguards to create a safer and more therapeutic environment for children and young people. A working group has been established to oversee the implementation of the actions and will monitor progress to ensure safety and wellbeing within AYDC.</p> <p>Supporting Documents:</p> <ul style="list-style-type: none"> Keeping Kids Safe: A plan for Ashley Youth Detention Centre until its intended closure. <i>Report to the Commission of Inquiry into the Tasmanian Governments responses to child sexual abuse in institutional settings October 2022.</i>

15.2	<p>Given the Australian Government's commitment to ratify the Optional Protocol to the Convention against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment (OPCAT), the National Preventive Mechanism(s) should be provided with the expertise to consider and make recommendations relating to preventing and responding to child sexual abuse as part of regularly examining the treatment of persons deprived of their liberty in places of detention.</p>	Australian Government	Noted	<p>The Tasmanian Government notes that the Australian Government will lead the implementation of actions under recommendation 15 .2 and further notes the ongoing work in progress relating to the OPCAT Intergovernmental Agreement.</p> <p>The Tasmanian Government notes that the Australian Government is responsible for this action.</p> <p>The Commonwealth Government ratified the Optional Protocol to the Convention Against Torture (OPCAT) in December 2017. The Protocol will improve the oversight of places of detention in Australia.</p> <p>OPCAT provides for a two-part system for inspecting places of detention, including allowing periodic visits by the United Nations Subcommittee on the Prevention of Torture and establishing a domestic National Preventative Mechanism (NPM) to conduct routine visits to places of detention and monitor the treatment of persons in detention in Australia.</p> <p>The Tasmanian Government is progressing development of the legislative framework required to give effect to its obligations under OPCAT and intends to nominate the Custodial Inspector to act as NPM for Tasmania.</p> <p>Australian jurisdictions, including Tasmania, are required to be OPCAT compliant by January 2022.</p> <p>Targeted stakeholder and public consultation on a draft Bill commenced on 13 November 2020, with final submissions provided in February 2021. On 29 November 2021, the Tasmanian Government passed the <i>OPCAT Implementation Act 2021</i>.</p> <p>The Tasmanian Government is continuing to work with other jurisdictions and the Commonwealth Government, as well as the Commonwealth Ombudsman, to progress the implementation of OPCAT.</p> <p>The Australian Government has committed funding to support implementation of the OPCAT for states and territories. The Tasmanian Government welcomes the announcement and will continue to work with the Australian Government to progress funding discussions in establishing the NPM.</p> <p>Currently the Custodial Inspector is responsible for providing independent, proactive, preventative, and systemic oversight of custodial centres in Tasmania, including AYDC. For more information see Recommendation 15.10.</p> <p>In line with several recommendations made by the Custodial Inspector and/or the Tasmanian Ombudsman, the Ashley Youth Detention Centre (AYDC) has:</p> <ul style="list-style-type: none"> • developed new procedures to support AYDC staff to report all concerns of abuse of a young person to the Strong Families Safe Kids Advice and Referral Line (deals with child safety and protection) ; • made changes to the staff rostering system to ensure adequate supervision services are provided for 'after hours' programs; • implemented a new Ashley Incident Management System (AIMS) for reporting and the management of all incidents at AYDC; • implemented changes to ensure that the Custodial Inspector is notified of all significant incidents at AYDC; and • implemented changes to ensure that request for information from the Custodial Inspector and the Ombudsman are responded to promptly and fulsomely. <p>There has also been a broader agency focus on 'strong health and safety systems' and 'safety leadership' initiatives through People and Culture, Department of Communities. Changes to human resource policies and procedures will also ensure there is a consistent process for managing and responding to incidents (including sexual abuse) that staff are aware of and trained in the Agency policies and procedures including the importance notifying concerns.</p>
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15.3	Youth justice agencies in each state and territory should review the building and design features of youth detention to identify and address elements that may place children at risk. This should include consideration of how to most effectively use technology, such as closed-circuit television (CCTV) cameras and body-worn cameras, to capture interactions between children and between staff and children without unduly infringing children's privacy.	Tasmanian Government - Department for Education, Children and Young People and Department of Justice	Accepted in principle	<p>Status: Commenced</p> <p>The Tasmanian Government committed \$7.28 million to an infrastructure redesign and upgrade of the AYDC following an extensive consultation process with key internal and external stakeholders to help address elements that may place children at risk and support a contemporary, therapeutic youth detention service.</p> <p>Changes completed include:</p> <ul style="list-style-type: none"> • The construction of a second Sally Port wholly designated for construction contractors and building material movement into the centre; • The refurbishment of the Huon building into two separate accommodation units including the addition of two de-escalation outdoor recreation yards and acoustic treatment to the walls and ceilings. This separation will allow for wider choice of unit allocation when considering age/gender/vulnerability or association conflicts between residents; • The relocation of the stores building to outside the perimeter and installation of a secure anti-climb perimeter fence adjacent to the admissions building; • New digital CCTV cameras and improvement of coverage to increase vigilance and add to a safer and accountable physical environment; • New 'Regulation Room' that young people can request to use, or when youth workers suggest young people may benefit the use of this space providing a sensory space; and • New De-escalation Yards providing a safe place for young people to enjoy the therapeutic benefits of outside activity. <p>Changes still under construction include:</p> <ul style="list-style-type: none"> • New Gatehouse, reception, and secure access point; • Installation of body scanner technology and upgrade of securing screen scanner that will reduce the incidence of contact and partially clothes searches; • Improved key communal areas including new multi-purpose rooms, professional consultation rooms, and visitor/family spaces including interior softening and furnishings; and • Improvements to the Bronte accommodation unit for the capacity to present as step-down and semi-step-down independent living units to assist young people transition out of the centre. <p>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.</p> <p>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:</p> <ul style="list-style-type: none"> • 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. <p>A state-wide facility, the southern detention/remand centre, will provide the opportunity for intensive intervention and rehabilitation through a therapeutic model of care.</p> <p>Supporting Documents:</p> <ul style="list-style-type: none"> • A Transition Plan that provides the roadmap for the first three years of the reform process, including the closure of AYDC and the establishment of the two new custodial centres has recently been released by the Minister for Children and Youth.
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15.4	<p>As part of efforts to mitigate risks of child sexual abuse in the physical environment of youth detention, state and territory governments should review legislation, policy and procedures to ensure.</p> <ol style="list-style-type: none"> a. appropriate and safe placements of children in youth detention, including a risk assessment process before placement decisions that identifies if a child may be vulnerable to child sexual abuse or if a child is displaying harmful sexual behaviours. b. children are not placed in adult prisons c. frameworks take into account the importance of children having access to trusted adults, including family, friends and community, in the prevention and disclosure of child sexual abuse and provide for maximum contact between children and trusted adults through visitation, and use of the telephone and audio-visual technology d. best practice processes are in place for strip searches and other authorised physical contact between staff and children, including sufficient safeguards to protect children such as: <ol style="list-style-type: none"> i. adequate communication between staff and the child before, during and after a search is conducted or other physical contact occurs ii. clear protocols detailing when such practices are permitted and how they should be performed. The key elements of these protocols should be provided to children in an accessible format iii. staff training that highlights the potential for strip searching to re-traumatise children who have been sexually abused and how the misuse of search powers can lead to sexual humiliation or abuse. <p>State and territory governments should consider implementing strategies for detecting contraband, such as risk assessments or body scanners, to minimise the need for strip searching children.</p>	Tasmanian Government - Department for Education, Children and Young People	Accepted in principle	<p>Status: Commenced</p> <p>As part of efforts to mitigate risks of child sexual abuse in the physical environment of youth detention, state and territory governments should review legislation, policy and procedures to ensure:</p> <ol style="list-style-type: none"> a. appropriate and safe placements of children in youth detention, including a risk assessment process before placement decisions that identifies if a child may be vulnerable to child sexual abuse or if a child is displaying harmful sexual behaviours <p>New admission practices are in place to ensure that young people entering AYDC receive a full risk and healthcare assessment within 24 hours of admission. Young people undertake the admission induction program in their first week of custody in which a full risk and needs assessment is carried out. This program is carried out in a separate unit. They also are given information and education around the Centre's rules and expectations whilst in the Admissions unit and are under close supervision whilst a thorough risk and needs assessment is completed.</p> <p>Safety is ultimately the deciding factor for each individual unit and program placement. All unit placements are made with consideration of static and dynamic risk factors, this may include exposure to trauma, relationship conflict, risk of victimisation, sexual assault etc. For example, two young people who have previously had a good relationship may have developed conflict in the community and are at risk of violence or sexual assault if placed in the same unit.</p> <ol style="list-style-type: none"> b. children are not placed in adult prisons <p>Where a young person is identified in advance as likely to transfer to the Tasmanian Prison Service following their 18th birthday, consideration is given to the length of sentence they have left to serve, where their needs can be best met and the safety needs of other young people living in the Centre.</p> <p>In rare circumstances, a young person under the age of 18 may be transferred to the Tasmanian Prison Service, if their needs cannot be met within the AYDC environment and/or they present an unacceptable risk to other young people in the Centre. In these circumstances, the young person will be turning 18 within the year of the transfer. In such cases the CCYP is informed of the transfer and ensures that the rights of the young person are met.</p> <p>There is a Memorandum of Understanding between the Tasmania Prison Service and AYDC which defines the process that is undertaken to transfer a young person between facilities, the legal authority and delegation for approval of such transfers before they can be actioned.</p> <ol style="list-style-type: none"> c. frameworks take into account the importance of children having access to trusted adults, including family, friends and community, in the prevention and disclosure of child sexual abuse and provide for maximum contact between children and trusted adults through visitation, and use of the telephone and audio-visual technology <p>The Commissioner for Children and Youth People (CCYP) has general powers under the <i>Commissioner for Children and Youth People Act 2016</i> to act as an advocate for a detainee within AYDC and in fulfilling this role, the CCYP listens to, and gives voice to concerns and grievances of young people at AYDC. The Children's Commissioner visits the Centre every Wednesday fortnight.</p> <p>AYDC has also improved privacy and the use of telephones and video-chat for young people to stay in touch with their family and community. A new procedure, Communication for Young People, aims to better support young people communicating with family and/or guardian, friends, community youth justice, child safety workers, other service providers and advocates has been developed.</p> <p>A new visitor facility offering both internal and outdoor areas, including a BBQ and family friendly area was also introduced as part of the AYDC infrastructure upgrades.</p> <ol style="list-style-type: none"> d. best practice processes are in place for strip searches and other authorised physical contact between staff and children, including sufficient safeguards to protect children. <p>The personal search of young people procedure implemented in 2019 requires that all searches are conducted in a safe and least intrusive manner, while maintaining privacy, dignity, and the rights of the young person. No personal search may be undertaken automatically, it must be based on reasonable grounds. All searches must be authorised and recorded in the search register. For 'pat' searches or 'partially clothed' searches two staff members must be present, and for partially clothed searches must be performed by a person of the same gender. Searches of LGBTQI+ young people are carried about by staff gender preference that is identified by the young person.</p> <p>The personal searches procedure was further updated in September 2022 to provide that the only time a partially clothed search can be conducted is when there is significant intelligence that a young person is holding a contraband item on their persons. If this occurs, the Operations Coordinator briefs the Centre Manager, who contacts the Director of Custodial Operations who provides further advice on the appropriate course of action.</p>
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15.5	<p>State and territory governments should consider further strategies that provide for the cultural safety of Aboriginal and Torres Strait Islander children in youth detention including:</p> <p>a. recruiting and developing Aboriginal and Torres Strait Islander staff to work at all levels of the youth justice system, including in key roles in complaint handling systems</p>	<p>Tasmanian Government - Department for Education, Children and Young People</p>	<p>Accepted in principle</p>	<p>Status: Commenced</p> <p>State and territory governments should consider further strategies that provide for the cultural safety of Aboriginal and Torres Strait Islander children in youth detention including:</p> <p>a. recruiting and developing Aboriginal and Torres Strait Islander staff to work at all levels of the youth justice system, including in key roles in complaint handling systems.</p> <p>DECYP is a culturally diverse employer and seeks to attract employees from diverse backgrounds. AYDC has recruited staff from a diverse array of cultures, including Aboriginal and Torres Strait Islanders' people. Decision making with young people detained at AYDC is determined using a care team approach often involving family members and other service providers that are part of or identify with the young person's cultural</p>

	<p>b. providing access to interpreters, particularly with respect to induction and education programs, and accessing internal and external complaint handling systems</p> <p>c. ensuring that all youth detention facilities have culturally appropriate policies and procedures that facilitate connection with family, community and culture, and reflect an understanding of, and respect for, cultural practices in different clan groups</p> <p>d. employing, training and professionally developing culturally competent staff who understand the particular needs and experiences of Aboriginal and Torres Strait Islander children, including the specific barriers that Aboriginal and Torres Strait Islander children face in disclosing sexual abuse.</p>			<p>connectivity.</p> <p>b. providing access to interpreters, particularly with respect to induction and education programs, and accessing internal and external complaint handling systems.</p> <p>AYDC staff use the Interpreters and Translators procedure when working with people from culturally and linguistically diverse communities where English is not their first language, and for young people, and their families who are hearing impaired.</p> <p>c. ensuring that all youth detention facilities have culturally appropriate policies and procedures that facilitate connection with family, community, and culture, and reflect an understanding of, and respect for, cultural practices in different clan groups</p> <p>AYDC recognises and respects the diversity of all young people, whether that be, disability, gender, sexual orientation, national origin, race, religion and difference of thought, ideas, and interests. AYDC is also responsive to these differences, delivering client-centred care that is specific to the needs of the young person, recognising that a strong sense of identity and belonging is a key principle of AY DC practice.</p> <p>This policy position provides the basis for procedures, practice, and cultural competence training for staff. For example:</p> <ul style="list-style-type: none"> • The Tasmanian Aboriginal Centre (TAC) and the Circular Head Aboriginal Corporation (CHAC) provide services and programs to all young people in the Centre; • The TAC and CHAC also participate in care planning meetings for Aboriginal young people; • The AYDC school incorporates identity and culture including Aboriginal culture as part of the curriculum; • The Centre redevelopment has allocated a multi faith prayer room for young people. Additionally, a priest visits the Centre every Friday and interacts with staff and young people; and • Staff at AYDC use the correct pronoun's she/he for transgender young people. <p>d. employing, training and professionally developing culturally competent staff who understand the particular needs and experiences of Aboriginal and Torres Strait Islander children, including the specific barriers that Aboriginal and Torres Strait Islander children face in disclosing sexual abuse.</p> <p>Cultural Awareness training is provided to AYDC staff as a part of their training program. Online training is available to AYDC staff on indicators and disclosure of sexual abuse; however, developing an understating of the specific issues that Aboriginal and Torres Strait Islander people face in disclosure is an area that requires further consideration.</p> <p>Consistent with the National Agreement on Closing the Gap, the Blueprint for the reform of the youth justice system will focus on building partnerships with Aboriginal communities to support their capacity to deliver services for Aboriginal youth at risk of, or having entered the youth justice system.</p>
15.6	All staff should receive appropriate training on the needs and experiences of children with disability, mental health problems, and alcohol or other drug problems, and children from culturally and linguistically diverse backgrounds that highlights the barriers these children may face in disclosing sexual abuse.	Tasmanian Government - Department for Education, Children and Young People	Accepted in principle	<p>Status: Commenced</p> <p>AYDC Learning and Development Framework details training and on the job learning opportunities for staff in transitioning AYDC to become a learning organisation that enables and incorporates ongoing professional learning within daily practice. This learning framework has been designed in conjunction with the AYDC Practice Framework to support the translation of the framework into practice.</p> <p>The Learning and Development Framework sets out a competency framework describing the development of skills, knowledge, and abilities that staff require including:</p>

				<ul style="list-style-type: none"> • understanding the client group; • interpret and escalate client behaviour using dynamic security principles; • work with young people experiencing poor mental health or diagnosed mental health conditions; • develop effective and respectful relationships with young people that supports positive behaviour; • work with young people living with disability; • use trauma-informed practices; • work with clients from culturally diverse backgrounds; and • apply Aboriginal Cultural Awareness in practice. <p>Training opportunities include the Beginning Practice Program (Induction), Advanced Practice (for existing staff), elective training (may including opportunities to complete online training through the CYF online training programs), Workplace Leaders training (for Operations Coordinators) and engagement of staff with formal qualification.</p> <p>Exposure to learning strategies include reflective practice, case mentoring, individual supervision, group supervision, debriefing and case consultation. Experience strategies include collaborative learning, mentoring, self-guided learners and performance or support systems.</p> <p>Through the AYDC Learning and Development Framework, AYDC will use the Annual Work plan document and process to set professional development plans for the upcoming 12 months.</p> <p>The Learning and Development Framework is currently being reviewed and evaluated by the Australian Childhood Foundation.</p> <p>The Blueprint for the reform of the youth justice system recognises that the complexities of youth justice clients require a multi-disciplinary response that crosses agency and specialist boundaries, ensuring availability of a range of evidence-based services including cognitive and mental health services, drug and alcohol supports, engagement with education, training and employment and access to appropriate accommodation.</p>
15.7	State and territory governments should improve access to therapeutic treatment for survivors of child sexual abuse who are in youth detention, including by assessing their advocacy, support and therapeutic treatment needs and referring them to appropriate services, and ensure they are linked to ongoing treatment when they leave detention.	Tasmanian Government - Department for Education, Children and Young People	Accepted in principle	<p>Status: Commenced</p> <p>AYDC works in collaboration with young people and various other agencies to identify what the physical and psychological needs of a young person are whilst in detention, what supports they require post release and what services are appropriate to provide that service.</p> <p>The services currently being utilised to support young people who are survivors of sexual abuse are:</p> <ul style="list-style-type: none"> • Clinical Psychologist, servicing young people as part of the AYDC Health Service; • Sexual Assault Services, including the state-wide program offering services to young people engaged in harmful sexualised behaviours; and • The Protective Behaviours program through the AYDC School. <p>A Justice Liaison Officer is also onsite weekly for young people requiring NDIS assistance.</p> <p>Exit planning aims to ensure there is continuous service delivery and young people have their needs met through specialist services. Initially, this is achieved through the Multidisciplinary meetings, complex case conferences, care team meetings and exit planning.</p>
15.8	State and territory governments should ensure that all staff in youth detention are provided with training and ongoing professional development in trauma-informed care to assist them to meet the needs of children in youth detention,	Tasmanian Government - Department for Education, Children and Young People	Accepted in principle	<p>Status: Commenced</p> <p>The following provides a list of AYDC activities that have been undertaken this year to assist youth workers to meet the needs of children in youth detention, including children at risk of sexual abuse and children with harmful sexual behaviours.</p> <ul style="list-style-type: none"> • In line with the AYDC Practice Framework and the Learning and Development Framework, staff receive training regarding trauma informed

	including children at risk of sexual abuse and children with harmful sexual behaviours.			<p>practice and the impact this has on child development and attachment. Mandatory training includes:</p> <ul style="list-style-type: none"> ○ Working with kids from hard places; and ○ Engagement, de-escalation, and restraint. <ul style="list-style-type: none"> ● Staff have been trained on how to interpret and respond to problematic sexualised behaviours. AYDC Practice leads are supporting decision making forums to apply trauma informed thinking to how behaviours are interpreted and categorised. ● New victim support and significant incident response processes have been put in place to ensure there is a focus on supporting incident witnesses and victims post incident. ● Work has been undertaken to ensure that a risk sensible approach is applied to sexualised behaviours onsite with these behaviours not normalised and considered within the context of the young person's pattern of behaviour. ● Work has been undertaken to standardise reporting of these behaviours to the Advice and Referral Line for consideration within the broader context of risk faced and posed by the young person in the community. ● In addition to training, staff participate in workplace learning to explore their practice and use appreciative inquiry to recognise and reflect on their responses to young people's behaviours. ● The Sexual Assault Support Service has a role in educating and training staff in the management of Harmful Sexual Behaviours <p>Reforms to the youth justice system will build upon this work to ensure that the youth justice workforce have access to the relevant services and supports needed for them to work with young offenders effectively and in a trauma informed evidence-based way, and in line with the National Principles for Child Safe Organisations. The consultation process for the development of the Youth Justice Blueprint will consider how this will be achieved.</p>
15.9	<p>State and territory governments should review the current internal and external complaint handling systems concerning youth detention to ensure they are capable of effectively dealing with complaints of child sexual abuse, including so that:</p> <ol style="list-style-type: none"> a. children can easily access child-appropriate information about internal complaint processes and external oversight bodies that may receive or refer children's complaints, such as visitor's schemes, ombudsmen, inspectors of custodial services, and children's commissioners or guardians b. children have confidential and unrestricted access to external oversight bodies c. staff involved in managing complaints both internally and externally include Aboriginal and Torres Strait Islander peoples and professionals qualified to provide trauma-informed care d. complaint handling systems are accessible for children with literacy difficulties or who speak English as a second language e. children are regularly consulted about the effectiveness of complaint handling systems and systems are continually improved. 	Tasmanian Government - Department for Education, Children and Young People	Accepted in principle	<p>Status: Commenced</p> <p>State and territory governments should review the current internal and external complaint handling systems concerning youth detention to ensure they are capable of effectively dealing with complaints of child sexual abuse, including so that:</p> <ol style="list-style-type: none"> a. children can easily access child-appropriate information about internal complaint processes and external oversight bodies that may receive or refer children's complaints, such as visitor's schemes, ombudsmen, inspectors of custodial services, and children's commissioners or guardians <p>During a young person's admission and induction to AYDC, they are provided with information about the complaints process and the complaint's process is discussed with them.</p> <p>A key practice principle for staff at AYDC is to build health and positive relationships, and create an environment where everyone can feel safe, secure, and listened to by staff modelling empathy, trust, respect, and regulation. Internal complaints are taken seriously, responded to promptly and thoroughly, and are reported on with the young person's privacy and wellbeing front and centre.</p> <p>The Commissioner for Children and Young People (CCYP) visits the Centre on a regular basis and also employs an Advocate for Young People in Detention who is present within the Centre as an independent person with whom the young people can speak with, including to discuss any concerns or complaints. The Centre promotes the role of the CCYP through posters and information provided to young people during admission and induction into the Centre. Any incident concerning a complaint about child sexual abuse is notified to the Strong Families Safe Kids Advice and Referral Line, and the Custodial Inspector is informed.</p> <ol style="list-style-type: none"> b. children have confidential and unrestricted access to external oversight bodies <p>The Commissioner for Children and Young People (CCYP) is an independent statutory officer responsible to the Parliament of Tasmania, established under the <i>Commissioner for Children and Young People Act 2016</i> (the Act).</p> <p>Relevant functions of the CCYP include:</p> <ul style="list-style-type: none"> ● Providing individual advocacy for children and young people detained under the <i>Youth Justice Act 1997</i> including by undertaking regular visits to Ashley Youth Detention Centre (AYDC) and via alternative communication mechanisms; ● Providing advice to inform the development and implementation of therapeutic approaches to caring for children and young people detained at AYDC; and

				<ul style="list-style-type: none"> Working collaboratively to ensure that the rights and wellbeing of children and young people detained under the <i>Youth Justice Act 1997</i> are understood and protected. <p>The CCYP has a specific function to act as an advocate for individual young people detained under the <i>Youth Justice Act 1997</i>. All children and young people in AYDC are detained pursuant to the <i>Youth Justice Act 1997</i>.</p> <p>Section 11 of the Act outlines the CCYP's general powers; section 12 deals specifically with the Commissioner's power to compel the production of information, documents or answers to questions.</p> <p>The CCYP is subject to some limitations in respect of investigating individual matters, however, it may investigate or otherwise deal with any matter affecting the wellbeing of children generally, even when that matter is raised in respect of specific child.</p> <p>The current model of independent oversight of children's rights and wellbeing in youth detention in Tasmania is via the advocacy of the CCYP, the role of the Custodial Inspector, and the complaint handling role of the Ombudsman. Both the CCYP and the Ombudsman have provided child-friendly resources to children and young people in youth justice detention about their rights in detention and how to make a complaint or raise a concern. Complaints around care inside youth detention facilities can be raised by young people through the Secretary, DECYP or through the Ombudsman. The CCYP visits AYDC approximately every three weeks, including a visit with every detainee at the centre during each visit. All children and young people detained at AYDC can contact the CCYP by telephone at any time, in a physical location that offers the detainees increased privacy.</p> <p>c. staff involved in managing complaints both internally and externally include Aboriginal and Torres Strait Islander peoples and professionals qualified to provide trauma-informed care</p> <p>The AYDC Practice Frameworks guide staff in trauma-informed care, and this may include Aboriginal Service Organisations and professionals to support young people and their families following a complaint. Staff at AYDC are mindful of how experiences can impact everyone differently and understand that we all have unique perspectives and needs.</p> <p>d. complaint handling systems are accessible for children with literacy difficulties or who speak English as a second language</p> <p>This is an area that requires further development. Whilst AYDC has a booklet that explains the complaints process for young people, and is discussed during induction, new products need to be made available for young people from a non-English speaking background and/or who have limited literacy and/or cognition. It is not uncommon for youth workers to support and assist a young person to make a complaint.</p> <p>e. children are regularly consulted about the effectiveness of complaint handling systems and systems are continually improve</p> <p>This is an area that requires further development. The AYDC Resident Advisory Group has in the past provided opportunities for young people to discuss matters that are causing issues and or could be improved.</p> <p>The Keeping Kids Safe Report includes an action to develop and implement a robust internal complaint system for both children and young people and staff.</p>
15.10	State and territory governments should ensure they have an independent oversight body with the appropriate visitation, complaint handling and reporting powers, to provide oversight of youth detention. This could include an appropriately funded and independent Inspector of Custodial Services or similar body. New and existing bodies should have expertise in child-trauma, and the prevention and identification of child sexual abuse.	Tasmanian Government - Department for Education, Children and Young People	Accepted	<p>Status: Completed</p> <p>Commissioner for Children and Young People</p> <p>The Commissioner for Children and Young People (CCYP) is an independent statutory officer responsible to the Parliament of Tasmania, established under the <i>Commissioner for Children and Young People Act 2016</i> (the Act).</p> <p>Relevant functions of the CCYP include:</p> <ul style="list-style-type: none"> Providing individual advocacy for children and young people detained under the <i>Youth Justice Act 1997</i> including by undertaking regular visits to Ashley Youth Detention Centre (AYDC) and via alternative communication mechanisms;

			<ul style="list-style-type: none"> • Providing advice to inform the development and implementation of therapeutic approaches to caring for children and young people detained at AYDC; and • Working collaboratively to ensure that the rights and wellbeing of children and young people detained under the <i>Youth Justice Act 1997</i> are understood and protected. <p>The CCYP has a specific function to act as an advocate for individual young people detained under the <i>Youth Justice Act 1997</i>. All children and young people detained in the Ashley Youth Detention Centre are detained pursuant to the <i>Youth Justice Act 1997</i>.</p> <p>Section 11 of the Act outlines the CCYP's general powers; section 12 deals specifically with the Commissioner's power to compel the production of information, documents or answers to questions.</p> <p>The CCYP is subject to some limitations in respect of investigating individual matters, however, it may investigate or otherwise deal with any matter affecting the wellbeing of children generally, even when that matter is raised in respect of specific child.</p> <p>The current model of independent oversight of children's rights and wellbeing in youth detention in Tasmania is via the advocacy of the CCYP, the role of the Custodial Inspector, and the complaint handling role of the Ombudsman. Both the CCYP and the Ombudsman have provided child-friendly resources to children and young people in youth justice detention about their rights in detention and how to make a complaint or raise a concern. Complaints around care inside youth detention facilities can be raised by young people through the Secretary of the DCT or through the Ombudsman. The CCYP visits AYDC approximately every three weeks, including a visit with every detainee at the centre during each visit. All children and young people detained at AYDC can contact the CCYP by telephone at any time, in a physical location that offers the detainees increased privacy.</p> <p>Custodial Inspector</p> <p>The Custodial Inspector is an independent statutory officer (firstly appointed in 2017) to undertake inspections of custodial centres in Tasmania. The Inspection Standards for Youth Custodial Centres in Tasmania sets our nine core standards covering governance and procedural fairness, informed advice, service delivery, family and community, partnerships, infrastructure, workforce, security and health and wellbeing.</p> <p><i>Health and Wellbeing Inspection</i></p> <p>The Health and Wellbeing inspection during May to Sept 2017, resulted in 17 supported recommendations, 15 have been fully completed. Completed recommendations included changes to admission in relation to young people's personal property and identification of food allergies; improvements to health services including dedicated psychiatry time for young people and the introduction of a health record that can follow a young person if entering an adult custodial facility; and improvements to healthier eating options at the canteen and reduction of sweet drinks and snacks as incentives. Of the two remaining recommendations to be completed, one is planned for as part of the review of AYDC procedures (in relation to medical consent), and the other will be part of the CYF Strategic Direction 2021-2024 work to prioritise keeping children and young people connected to their Aboriginal family, community, and culture (in relation to access to an Aboriginal health worker).</p> <p><i>Custody Inspection</i></p> <p>The Custody inspection during February 2018, involved 34 supported recommendations, 25 have been fully completed. Completed recommendations included changes to reporting matters to the Custodial Inspector; accurate observational reporting; regular reviews of procedures relating to searches, use of isolation and use of physical force; staff trained in de-escalation techniques, fire, safety and security; changes to emergency management and security; changes to transportation procedures, complaints mechanisms, prohibited items register, implementing best practice processes for conducting and reporting searches/incidents; all staff having access to client information systems, and CCTV upgrade. Of the remaining nine recommendations, these are underway as part of the review of AYDC procedures, re-development of the AYDC site, and implementation of x-ray machines and scanners.</p> <p><i>Education and Programs</i></p> <p>The Education and Programs inspection during November 2018, involved eight supported recommendations currently under development as part of the AYDC site redevelopment, government commitment to provide transitional housing support services to improve independent living options for young people upon release from AYDC, and AYDC procedures including the formalisation of arrangements with the AYDC school.</p> <p>Changes since the inspection include:</p> <ul style="list-style-type: none"> • Additional activities and programs for after-school, weekend, school holidays and public holiday's include access to fitness classes during the week/weekends, and unit challenges which explore teamwork, considers themes, experimental opportunities and raises awareness. There are various programs organised to coincide with public holidays such as ANZAC day activities – attending a dawn service and offering an obstacle course. • Young people can be involved in work skills involving animal husbandry, weekly chores, maintenance, and farm work. A qualified chef/TAFE trainer was engaged to assist young people to develop life skills through: group and individual cooking sessions; teaching young people how to prepare meals on a limited budget; understanding how to package and store food; appropriate food handling; and how to read a grocery catalogue. A gardening program is also offered to young people to engage in planting and harvesting produce and garden construction and maintenance. Changing Habits and Reaching Targets (CHART) program also engages young people in life skill development such as making a
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			<p>shopping list and budgeting.</p> <ul style="list-style-type: none"> • The AYDC school attend collaborative Centre meetings with AYDC Case Management and Operations. This includes the Program Assessment Team (PAT) meetings which are held on a weekly basis and discuss program/educational groups, learning plans, individual timetables, and behavioural issues. • The ATDC school also attend Multi-Disciplinary Team (MDT) meeting which are held for the purpose of assessment, review, and monitoring, and act as a referral forum to address the needs of young people. The MDT discuss young people's health and wellbeing needs, risk factors and planning to prepare the young person to return to community. Team membership also includes a dedicated NDIA Justice Liaison Officer, Save the Children organisation (funded to support young people who leave detention), Child Safety and Community Youth services, and the Tasmanian Aboriginal Corporation (TAC) to assist young people to transition from detention. • In relation to family violence and sexual health, several initiatives have been put in place since the inspection was undertaken. New programs introduced for young people include: The Shark Cage – a practical training to assist females to decrease the likelihood of further re-victimisation of domestic violence. Protective behaviour's is being offered through DoE to assist young people to develop health relationships and Correctional Primary Health Services (CPHS) plan to provide sexual health programs soon. <p><i>Equal Opportunity</i></p> <p>The Equal Opportunity inspection in March 2019, resulted in 7 supported recommendations, 6 have been fully completed. Completed recommendations include; staff trained in disability awareness and equal opportunity, information booklet for young people has been updated, implementation of an Ashley Incident Management System (AIMS) including use of force and isolation, and the new procedure for managing incidents has been drafted, to meet all requirements. Further work is planned for the AYDC procedures project to provide practice advice to staff in the management of bullying and harassment of young people.</p> <p><i>Families, Communities and Partnerships</i></p> <p>The Families, Communities and Partnerships inspection in March 2019, resulted in 7 supported recommendations, 4 have been fully completed. Completed recommendations include revised information booklet for families and community, implementation of video-chat and email facilities including a new communication procedure developed (in draft), and family and community engagement in case and exit planning meetings. AYDC continues to explore community partnerships.</p> <p>For example, after making a connection with a Tasmanian Building Group Apprenticeship Scheme in June 2020, a young person was successful in securing an apprenticeship through undertaking a work placement through a local business and obtained an apprenticeship.</p> <p>The remaining two recommendations are in progress with the re-development of the AYDC site.</p> <p><i>Resources and Systems</i></p> <p>The Resources and Systems inspection in August 2019 resulted in 16 supported recommendations. As a result:</p> <ul style="list-style-type: none"> • Delegations have been addressed in the event that the Centre Manager is unavailable • The new HR position for the North and North-West commenced on Monday 26 July 2021 and will provide dedicated support to AYDC. With the new position on board, DCT is looking to centralise recruitment and appointment of staff to ensure that recruitment to positions is timely. Retention of staff will also be an area of focus under this initiative. • Investigations into incidents and notifying Work Health and Safety concerns is also an Agency wide priority for People and Culture, Communities Tasmania as part of Strong health and safety systems and Safe leadership initiatives. DCT are reviewing health and safety policies, procedures, practices, and governance frameworks as well as its safety training and induction programs. This will ensure there is a consistent process for managing and responding to incidents and staff are aware of, and trained in, the Agency policies and procedures which will include the importance of submitting incident reports • Archived resident records have been relocated to a secure offsite facility (ZicroData). There is also a project underway to move AYDC records to an electronic system (CM9) planned for mid-2021. • The AYDC Policy project is undertaking reviews of all procedures, practice advice and associated forms and documents to inform an updated Custodial Practice Manual located on the Communities Tasmania Intranet. • Young people now have access to call unrecorded, confidential helplines via the 1300 number at any time of day. Young people are aware that this is available to them including access to the Commissioner for Children and Youth People and Children, Youth and Families, if they wish to make a complaint. • Changes to process and procedure have occurred to ensure that the Custodial Inspector is now notified of all reportable incidents. • AYDC has introduced a new rostering model which will provide greater staff overlap and opportunities for supervision and debriefing strategies. The new rosters provide safe staff-to-resident ratios, during all times at AYDC. <p>The PASE Supervision Framework is currently being implemented for all operational staff to ensure they are receiving adequate supervision. This Framework outlines the debriefing strategies following reportable incidents to support the wellbeing and safety of AYDC staff, both physically and emotionally. Further support for staff is provided through the department's Employee Assistance Program (EAP).</p>
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				<p>Supporting Documents:</p> <ul style="list-style-type: none"> • Inspections Standards for Youth Custodial Centres in Tasmania is publicly available at: <ul style="list-style-type: none"> • https://www.custodialinspector.tas.gov.au/data/assets/pdf_file/0006/546279/FINAL-Inspection-Standards-for-Youth-Custodial-Centres-in-Tasmania-July-2019.pdf
15.11	The Department of Immigration and Border Protection should publicly report within 12 months on how it has implemented the Child Protection Panel's recommendations.	Australian Government	Noted	The Tasmanian Government notes that the Australian Government is responsible for this action.
15.12	<p>a. The Australian Government should establish a mechanism to regularly audit the implementation of the Child Safe Standards in immigration detention by staff, contractors and agents of the Department of Immigration and Border Protection. The outcomes of each audit should be publicly reported.</p> <p>b. The Department of Immigration and Border Protection should contractually require its service providers to comply with the Child Safe Standards identified by the Royal Commission, as applied to immigration detention.</p>	Australian Government	Noted	The Tasmanian Government notes that the Australian Government is responsible for this action.
15.13	The Department of Immigration and Border Protection should identify the scope and nature of the need for support services for victims in immigration detention. The Department of Immigration and Border Protection should ensure that appropriate therapeutic and other specialist and support services are funded to meet the identified needs of victims in immigration detention and ensure they are linked to ongoing treatment when they leave detention.	Australian Government	Noted	The Tasmanian Government notes that the Australian Government is responsible for this action.

15.14	The Department of Immigration and Border Protection should designate appropriately qualified child safety officers for each place in which children are detained. These officers should assist and build the capacity of staff and service providers at the local level to implement the Child Safe Standards.	Australian Government	Noted	The Tasmanian Government notes that the Australian Government is responsible for this action.
15.15	The Department of Immigration and Border Protection should implement an independent visitors program in immigration detention.	Australian Government	Noted	The Tasmanian Government notes that the Australian Government is responsible for this action.

Volume 17 – Beyond the Royal Commission

No.	Recommendation	Responsibility	Tasmanian Response	Notes
17.1	The Australian Government and state and territory governments should each issue a formal response to this Final Report within six months of it being tabled, indicating whether our recommendations are accepted, accepted in principle, rejected or subject to further consideration.	Tasmanian Government - Department of Justice	Accepted	<p>Status: Completed</p> <p>On 20 June 2018, the Tasmanian Government tabled its response to the Royal Commission into Institutional Responses to Child Sexual Abuse.</p> <p>Supporting Documents:</p> <ul style="list-style-type: none"> The Tasmanian Government Response is available at Department of Justice : Response to Final Report
17.2	The Australian Government and state and territory governments should, beginning 12 months after this Final Report is tabled, report on their implementation of the Royal Commission's recommendations made in this Final Report and its earlier Working With Children Checks, Redress and civil litigation and Criminal justice reports, through five consecutive annual reports tabled before their respective parliaments.	Tasmanian Government - Department of Justice	Accepted	<p>Status: Completed</p> <p>The <i>Fifth Annual Progress and Action Plan 2023</i> represents the Tasmanian Government's fifth and final annual progress report under recommendation 17.2. The future form of annual reporting on recommendations arising from the Royal Commission and the Commission of Inquiry into the Tasmanian Government's Responses to Child Sexual Abuse in Institutional Settings will be considered following the publication of the Commission's report in May 2023.</p> <p>Supporting Documents:</p> <ul style="list-style-type: none"> The Tasmanian Government Annual Progress Reports are available at Department of Justice : Response to Final Report
17.3	Major institutions and peak bodies of institutions that engage in child-related work should, beginning 12 months after this Final Report is tabled, report on their implementation of the Royal Commission's recommendations to the National Office for Child Safety through five consecutive annual reports. The National Office for Child Safety should make these reports publicly available. At a minimum, the institutions reporting should include those that were the subject of the Royal Commission's institutional review hearings held from 5 December 2016 to 10 March 2017.	N/A	Noted	The Tasmanian Government notes that further consideration needs to be given to the role of government in working with institutional partners in response to this recommendation.
17.4	The Australian Government should initiate a review to be conducted 10 years after the tabling of this Final Report. This review should: <ul style="list-style-type: none"> a. establish the extent to which the Royal Commission's recommendations have been implemented 10 years after the tabling of the Final Report b. examine the extent to which the measures taken in response to the Royal Commission have been effective in preventing child sexual abuse, improving the responses of institutions to child sexual abuse and ensuring that 	Australian Government	Noted	The Tasmanian Government notes that the Australian Government is responsible for this action.

	<p>victims and survivors of child sexual abuse obtain justice, treatment and support</p> <p>c. advise on what further steps should be taken by governments and institutions to ensure continuing improvement in policy and service delivery in relation to child sexual abuse in institutional contexts.</p>			
17.5	The Australian Government should host and maintain the Royal Commission website for the duration of the national redress scheme for victims and survivors of institutional child sexual abuse.	Australian Government	Noted	The Tasmanian Government notes that the Australian Government is responsible for this action.
17.6	A national memorial should be commissioned by the Australian Government for victims and survivors of child sexual abuse in institutional contexts. Victims and survivors should be consulted on the memorial design and it should be located in Canberra.	Australian Government	Noted	The Tasmanian Government notes that the Australian Government is responsible for this action.

Working with Children Checks Report				
No.	Recommendation	Responsibility	Tasmanian Response	Notes
1	<p>State and territory governments should:</p> <ul style="list-style-type: none"> a. Within 12 months of the publication of this report, amend their WWCC laws to implement the standards identified in this report b. Once the standards are implemented, obtain agreement from the Council of Australian Government (COAG), or a relevant ministerial council, before deviating from or altering the standards in this report, adopting changes across all jurisdictions c. Within 18 months from the publication of this report, amend their WWCC laws to enable clearances from other jurisdictions to be recognised and accepted. 	Tasmanian Government – Department of Justice	Accepted in principle	<p>Status: Completed</p> <p>The Commonwealth Attorney-General's Department established an Inter-jurisdictional Working Group in February 2017 to respond to the Royal Commission's Working with Children Checks Report.</p> <p>Functions of the Working Group include the development of national consistent standards for working with children check schemes based on the Royal Commission's recommendations and to design an information sharing system between screening units in each jurisdiction.</p> <p>Representatives from Consumer Building and Occupational Services (CBOS) within the Department of Justice Tasmania participate in the Working Group on behalf of the Tasmanian Government.</p>
2	The South Australian Government should, within 12 months of the publication of this report, replace its criminal history assessments with a WWCC scheme that incorporates the standards set out in this report.	South Australian Government	Noted	The recommendation does not require action by Tasmanian Government.
3	<p>The Australian Government should, within 12 months of the publication of this report:</p> <ul style="list-style-type: none"> a. Facilitate a national model for WWCCs by: <ul style="list-style-type: none"> i. Establishing a centralised database, operated by CrimTrac, that is readily accessible to all jurisdictions to record WWCC decisions ii. Together with state and territory governments, identifying consistent terminology to terminology to capture key WWCC decisions (for example, refusal, cancellation, suspension and grant) for recording into the centralised database iii. Enhancing CrimTrac's capacity to continuously monitor WWCC cardholder's national criminal history records b. Identify and require all Australian Government personnel, including contractors, undertaking child-related work, as defined by the child-related work standards set out in his report to obtain WWCCs. 	Australian Government	Noted	The Tasmanian Government notes that the Australian Government is responsible for this action.

4	<p>The Commonwealth, state and territory governments should, within 12 months of the publication of this report:</p> <ol style="list-style-type: none"> Agree on a set of standards or guidelines to enhance the accurate and timely recording of information by state and territory police into CrimTrac's system Review the information they have agreed to exchange under the National Exchange of Criminal History Information for People Working with Children (ECHIPWC), and establish a set of definitions for the key terms used to describe the different types of criminal history records so they are consistent across the jurisdictions (these key terms include pending charges, non-conviction charges and information about the circumstances of an offence) take immediate action to record into CrimTrac's system historical criminal records that are in paper form or on microfilm and which are not currently identified by CrimTrac's initial database search once these historical criminal history records are entered into CrimTrac's system by all jurisdictions, check all WWCC cardholders against them through the expanded continuous monitoring process. 	<p>Australian Government</p> <p>Tasmanian Government – Department of Justice</p>	<p>Noted (subsequently accepted in principle)</p>	<p>Status: Completed</p> <p>In December 2017, the Australian Government agreed to fund developing 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 NRS 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 should be fully operational, with all the final states and territories 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.</p> <p>The Tasmanian Government is participating in an inter-jurisdictional working group led by the Commonwealth Attorney-General's Department to progress WWCC reforms requiring national collaboration and consistency.</p>
5	<p>State and territory governments should amend their WWCC laws to incorporate a consistent and simplified definition of child-related work, in line with the recommendations below.</p>	<p>Tasmanian Government - Department of Justice</p>	<p>Noted (subsequently accepted in principle)</p>	<p>Status: Completed</p> <p>See response and status of Recommendations 6 - 13.</p>
6	<p>State and territory governments should amend their WWCC laws to provide that work must involve contact between an adult and one or more children to qualify as child-related work.</p>	<p>Tasmanian Government - Department of Justice</p>	<p>Accepted</p>	<p>Status: Completed</p> <p>This Recommendation was implemented on 1 February 2021.</p> <p>On 4 July 2019, the <i>Registration to Work with Vulnerable People Amendment Act 2019</i> amended Section 15 of the <i>Registration to Work with Vulnerable People Act 2013</i> to remove the requirement for people who are 16 or 17 years engaged in a 'regulated activity' to be registered. See section 4 and 6 of the <i>Registration to Work with Vulnerable People Act 2013</i>.</p> <p>Supporting Documents:</p> <ul style="list-style-type: none"> The <i>Registration to Work with Vulnerable People Amendment Bill 2018</i> and Parliamentary package are available on the Tasmanian Parliament website.

7	<p>State and territory governments should:</p> <p>a. amend their WWCC laws to provide that the phrase 'contact with children' refers to physical contact, face-to-face contact, oral communication, written communication or electronic communication</p> <p>b. through COAG, or a relevant ministerial council, agree on standard definitions for each kind of contact and amend their WWCC laws to incorporate those definitions.</p>	Tasmanian Government - Department of Justice	Accepted	<p>Status: Completed</p> <p>See section 6 of the <i>Registration to Work with Vulnerable People Act 2013</i>.</p> <p>The Commonwealth Attorney-General's Department established an Inter-jurisdictional Working Group in February 2017 to respond to the Royal Commission's Working with Children Checks Report.</p> <p>Functions of the Working Group include the development of national consistent standards for working with children check schemes based on the Royal Commission's recommendations and to design an information sharing system between screening units in each jurisdiction.</p> <p>Representatives from Consumer Building and Occupational Services (CBOS) within the Department of Justice Tasmania participate in the Working Group on behalf of the Tasmanian Government.</p>
8	<p>State and territory governments should:</p> <p>a. amend their WWCC laws to provide that contact with children must be a usual part of, and more than incidental to, the child-related work</p> <p>b. through COAG, or a relevant ministerial council, agree on standard definitions for the phrases 'usual part of work' and 'more than incidental to the work', and amend their WWCC laws to incorporate those definitions.</p>	Tasmanian Government - Department of Justice	Accepted	<p>Status: Completed</p> <p>See section 6(b) of the <i>Registration to Work with Vulnerable People Act 2013</i>.</p> <p>The Commonwealth Attorney-General's Department established an Inter-jurisdictional Working Group in February 2017 to respond to the Royal Commission's Working with Children Checks Report.</p> <p>Functions of the Working Group include the development of national consistent standards for working with children check schemes based on the Royal Commission's recommendations and to design an information sharing system between screening units in each jurisdiction.</p> <p>Representatives from Consumer Building and Occupational Services (CBOS) within the Department of Justice Tasmania participate in the Working Group on behalf of the Tasmanian Government.</p>
9	<p>State and territory governments should amend their WWCC laws to specify that it is irrelevant whether the contact with children is supervised or unsupervised.</p>	Tasmanian Government - Department of Justice	Accepted	<p>Status: Completed</p> <p>The Tasmanian Registration to Work with Vulnerable People scheme is consistent with this recommendation.</p> <p>See sections 4(1)(a), 5 and 6 of the <i>Registration to Work with Vulnerable People Act 2013</i>.</p>
10	<p>State and territory governments should amend their WWCC laws to provide that a person is engaged in child-related work if they are engaged in the work in any capacity and whether or not for reward.</p>	Tasmanian Government - Department of Justice	Accepted	<p>Status: Completed</p> <p>The Tasmanian Registration to Work with Vulnerable People scheme is consistent with this recommendation.</p> <p>See section 5 of the <i>Registration to Work with Vulnerable People Act 2013</i>.</p>
11	<p>State and territory governments should amend their WWCC laws to provide that work that is undertaken under an arrangement for a personal or domestic purpose is not child-related, even if it would otherwise be so considered.</p>	Tasmanian Government - Department of Justice	Accepted	<p>Status: Completed</p> <p>The Tasmanian Registration to Work with Vulnerable People scheme is consistent with this recommendation.</p> <p>See regulation 4 and 4A of the <i>Registration to Work with Vulnerable People Regulations 2014</i>.</p>

12	<p>State and territory governments should amend their WWCC laws to:</p> <p>a. define the following as child-related work:</p> <ol style="list-style-type: none"> i. accommodation and residential services for children, including overnight excursions or stays ii. activities or services provided by religious leaders, officers or personnel of religious organisations iii. childcare or minding services iv. child protection services, including out-of-home care (OOHC) v. clubs and associations with a significant membership of, or involvement by, children vi. coaching or tuition services for children vii. commercial services for children viii. disability services for children ix. education services for children x. health services for children xi. justice and detention services for children, including immigration detention facilities where children are regularly detained xii. transport services for children, including school crossing services xiii. other work or roles that involve contact with children that is a usual part of, and more than incidental to, the work or roles. <p>b. require WWCCs for adults residing in the homes of authorised carers of children</p> <p>c. remove all other remaining categories of work or roles.</p>	Tasmanian Government - Department of Justice	12a.&b. Accepted 12c. Not accepted	<p>Status: Completed</p> <p>The Tasmanian Registration to Work with Vulnerable People scheme is consistent with this recommendation.</p> <p>The Tasmanian Registration to Work with Vulnerable People scheme requires registration for people engaged in additional categories of work including child legal services, state library services, guardianship and adoption services, and services performed by the Registrar and persons assisting the Registrar.</p> <p>The Tasmanian Government does not support limiting the categories of related work requiring registration noting that registration may be appropriate in other categories of cases in order to protect children and vulnerable people.</p> <p>The Commonwealth Attorney-General's Department established an Inter-jurisdictional Working Group in February 2017 to respond to the Royal Commission's Working with Children Checks Report.</p> <p>Functions of the Working Group include the development of national consistent standards for working with children check schemes based on the Royal Commission's recommendations and to design an information sharing system between screening units in each jurisdiction.</p> <p>Representatives from Consumer Building and Occupational Services (CBOS) within the Department of Justice Tasmania participate in the Working Group on behalf of the Tasmanian Government.</p> <p>Supporting Documents:</p> <ul style="list-style-type: none"> • Regulations 4, 4A, 4H, 4I, 4J, 4JA, 4M, 4N, 4O, 4P of the of the <i>Registration to Work with Vulnerable People Regulations 2014</i>. • Sections 4, 4A, 5 and 6 of the <i>Registration to Work with Vulnerable People Act 2013</i>.
13	<p>State and territory governments, through COAG, or a relevant ministerial council, should agree on standard definitions for each category of child-related work and amend their WWCC laws to incorporate those definitions.</p>	<p>Australian Government</p> <p>Tasmanian Government – Department of Justice</p>	Noted (subsequently accepted in principle)	<p>Status: Completed</p> <p>The Commonwealth Attorney-General's Department established an Inter-jurisdictional Working Group in February 2017 to respond to the Royal Commission's Working with Children Checks Report.</p> <p>Functions of the Working Group include the development of national consistent standards for working with children check schemes based on the Royal Commission's recommendations and to design an information sharing system between screening units in each jurisdiction.</p> <p>Representatives from Consumer Building and Occupational Services (CBOS) within the Department of Justice Tasmania participate in the Working Group on behalf of the Tasmanian Government.</p>
14	<p>State and territory governments should amend their WWCC laws to:</p> <p>a. Exempt:</p>	Tasmanian Government -	Accepted	<p>Status: Completed</p> <p>This Recommendation was implemented on 1 February 2021.</p>

	<ul style="list-style-type: none"> i. children under 18 years of age, regardless of their employment status ii. employers and supervisors of children in a workplace, unless the work is child-related iii. people who engage in child-related work for seven days or fewer in a calendar year, except in respect of overnight excursions or stays iv. people who engage in child-related work in the same capacity as the child v. police officers, including members of the Australian Federal Police vi. parents or guardians who volunteer for services or activities that are usually provided to their children, in respect of that activity, except in respect of: <ul style="list-style-type: none"> a. overnight excursions or stays b. providing services to children with disabilities, where the services involve close, personal contact with those children b. remove all other exemptions and exclusions c. prohibit people who have been denied a WWCC, and subsequently not granted one, from relying on any exemption. 	Department of Justice		<p>On 4 July 2019, the <i>Registration to Work with Vulnerable People Amendment Act 2019</i> amended Section 15 of the <i>Registration to Work with Vulnerable People Act 2013</i> to remove the requirement for people who are 16 or 17 years engaged in a 'regulated activity' to be registered. Regulations 4FB of the <i>Registration to Work with Vulnerable People Regulations 2014</i>. Sections 15(2), 18 and 18A of the <i>Registration to Work with Vulnerable People Act 2013</i>.</p> <p>Supporting Documents:</p> <ul style="list-style-type: none"> • The <i>Registration to Work with Vulnerable People Amendment Bill 2018</i> and Parliamentary package are available on the Tasmanian Parliament website.
15	State and territory governments, through COAG, or a relevant ministerial council, should agree on standard definitions for each exemption category and amend their WWCC laws to incorporate those definitions.	<p>Australian Government</p> <p>Tasmanian Government – Department of Justice</p>	Noted (subsequently accepted in principle)	<p>Status: Completed</p> <p>The Commonwealth Attorney-General's Department established an Inter-jurisdictional Working Group in February 2017 to respond to the Royal Commission's Working with Children Checks Report. Functions of the Working Group include the development of national consistent standards for working with children check schemes based on the Royal Commission's recommendations and to design an information sharing system between screening units in each jurisdiction. Representatives from Consumer Building and Occupational Services (CBOS) within the Department of Justice Tasmania participate in the Working Group on behalf of the Tasmanian Government.</p>
16	State and territory governments should amend their WWCC laws to incorporate a consistent and simplified list of offences, including: <ul style="list-style-type: none"> a. engaging in child-related work without holding, or having applied for, a WWCC b. engaging a person in child-related work without them holding, or having applied for, a WWCC c. providing false or misleading information in connection with a WWCC application d. applicants and/or WWCC cardholders failing to notify screening agencies of relevant changes in circumstances e. unauthorised disclosure of information gathered during the course of a WWCC. 	Tasmanian Government - Department of Justice	Noted (subsequently accepted in principle)	<p>Status: Completed</p> <p>The Commonwealth Attorney-General's Department established an Inter-jurisdictional Working Group in February 2017 to respond to the Royal Commission's Working with Children Checks Report. Functions of the Working Group include the development of national consistent standards for working with children check schemes based on the Royal Commission's recommendations and to design an information sharing system between screening units in each jurisdiction. Representatives from Consumer Building and Occupational Services (CBOS) within the Department of Justice Tasmania participate in the Working Group on behalf of the Tasmanian Government.</p>

17	<p>State and territory governments should amend their WWCC laws to include a standard definition of criminal history, for WWCC purposes, comprised of:</p> <ol style="list-style-type: none"> convictions, whether or not spent findings of guilt that did not result in a conviction being recorded a. charges, regardless of status or outcome, including: pending charges – that is, charges laid but not finalised charges disposed of by a court, or otherwise, other than by way of conviction (for example, withdrawn, set aside or dismissed) charges that led to acquittals or convictions that were quashed or otherwise over-turned on appeal for all offences, irrespective of whether or not they concern the person's history as an adult or a child and/or relate to offences outside Australia. 	Tasmanian Government - Department of Justice	Accepted	<p>Status: Completed</p> <p>The Commonwealth Attorney-General's Department established an Inter-jurisdictional Working Group in February 2017 to respond to the Royal Commission's Working with Children Checks Report.</p> <p>Functions of the Working Group include the development of national consistent standards for working with children check schemes based on the Royal Commission's recommendations and to design an information sharing system between screening units in each jurisdiction.</p> <p>Representatives from Consumer Building and Occupational Services (CBOS) within the Department of Justice Tasmania participate in the Working Group on behalf of the Tasmanian Government.</p> <p>See section 28 of the <i>Registration to Work with Vulnerable People Act 2013</i>.</p> <p>Orders 5 and 6 of the <i>Registrations to Work with Vulnerable People (Risk Assessment for Child-Related Activities) Order 2014</i>.</p>
18	<p>State and territory governments should amend their WWCC laws to require police services to provide screening agencies with records that meet the definition of criminal history records for WWCC purposes and any other available information relating to the circumstances of such offences.</p>	Tasmanian Government - Department of Justice	Accepted	<p>Status: Completed</p> <p>The Tasmanian Registration to Work with Vulnerable People scheme is consistent with this recommendation.</p>
19	<p>State and territory governments should amend their WWCC laws to:</p> <ol style="list-style-type: none"> require that relevant disciplinary and/or misconduct information is checked for all WWCC applicants include a standard definition of disciplinary and/or misconduct information that encompasses disciplinary action and/or findings of misconduct where the conduct was against, or involved, a child, irrespective of whether this information arises from reportable conduct schemes or other systems or bodies responsible for disciplinary or misconduct proceedings require the bodies responsible for the relevant disciplinary and/or misconduct information to notify their respective screening agencies of relevant disciplinary and/or misconduct information that meets the definition. 	Tasmanian Government - Department of Justice	Accepted	<p>Status: Completed</p> <p>The Tasmanian Registration to Work with Vulnerable People scheme is consistent with this recommendation.</p> <p>See sections 3, 28 and 53A of the <i>Registration to Work with Vulnerable People Act 2013</i>.</p> <p>Orders 5 and 6 of the <i>Registrations to Work with Vulnerable People (Risk Assessment for Child-Related Activities) Order 2014</i>.</p>
20	<p>State and territory governments should amend their WWCC laws to respond to records in the same way, specifically that:</p> <ol style="list-style-type: none"> the absence of any relevant criminal history, disciplinary or misconduct information in an applicant's history leads to an automatic grant of a WWCC any conviction and/or pending charge in an applicant's criminal history for the following categories of offence leads to an automatic WWCC refusal, provided the 	Tasmanian Government - Department of Justice	Accepted	<p>Status: Commenced</p> <p>Tasmania introduced legislation to amend the Tasmanian Working with Vulnerable People Scheme in 2019, some of these amendments were in line with this recommendation. Further work is however required to comply with all components of the recommendation. This will be considered through the project to expand the Working with Vulnerable People Scheme, which has commenced.</p> <p>The Commonwealth Attorney-General's Department established an Inter-jurisdictional Working Group in February 2017 to respond to the Royal Commission's Working with Children Checks Report.</p> <p>Functions of the Working Group include the development of national consistent standards for working with children check schemes based on the Royal Commission's recommendations and to design an information sharing system between screening units in each jurisdiction.</p>

	<p>applicant was at least 18 years old at the time of the offence:</p> <ul style="list-style-type: none"> i. murder of a child ii. manslaughter of a child iii. indecent or sexual assault of a child iv. child pornography-related offences v. incest where the victim was a child vi. abduction or kidnapping of a child vii. animal-related sexual offences. <p>c. all other relevant criminal, disciplinary or misconduct information should trigger an assessment of the person's suitability for a WWCC (consistent with the risk assessment factors set out below).</p>			<p>Representatives from Consumer Building and Occupational Services (CBOS) within the Department of Justice Tasmania participate in the Working Group on behalf of the Tasmanian Government.</p> <p>Orders 5, 6 and 10 of the <i>Registrations to Work with Vulnerable People (Risk Assessment for Child-Related Activities) Order 2014</i>.</p>
21	<p>State and territory governments should amend their WWCC laws to specify that relevant criminal records for the purposes of recommendation 20(c) include but are not limited to the following:</p> <ul style="list-style-type: none"> a. juvenile records and/or non-conviction charges for the offence categories specified in recommendation 20(b) b. sexual offences, regardless of whether the victim was a child and including offences not already covered in recommendation 20(b) c. violent offences, including assaults, arson and other fire-related offences, regardless of whether the victim was a child and including offences not already covered in recommendation 20(b) d. child welfare offences e. offences involving cruelty to animals f. drug offences. 	Tasmanian Government - Department of Justice	Accepted	<p>Status: Commenced</p> <p>Tasmania introduced legislation to amend the Tasmanian Working with Vulnerable People Scheme in 2019, some of these amendments were in line with this recommendation. Further work is however required to comply with all components of the recommendation. This will be considered through the project to expand the Working with Vulnerable People Scheme, which has commenced.</p> <p>The Commonwealth Attorney-General's Department established an Inter-jurisdictional Working Group in February 2017 to respond to the Royal Commission's Working with Children Checks Report.</p> <p>Functions of the Working Group include the development of national consistent standards for working with children check schemes based on the Royal Commission's recommendations and to design an information sharing system between screening units in each jurisdiction.</p> <p>Representatives from Consumer Building and Occupational Services (CBOS) within the Department of Justice Tasmania participate in the Working Group on behalf of the Tasmanian Government.</p> <p>See section 28 of the <i>Registration to Work with Vulnerable People Act 2013</i>.</p> <p>Orders 5 and 6 of the <i>Registrations to Work with Vulnerable People (Risk Assessment for Child-Related Activities) Order 2014</i>.</p>
22	<p>The Commonwealth Government, through COAG, or a relevant ministerial council, should take a lead role in identifying the specific criminal offences that fall within the categories specified in recommendations 20(b) and 21.</p>	Australian Government	Noted	<p>The Commonwealth Attorney-General's Department established an Inter-jurisdictional Working Group in February 2017 to respond to the Royal Commission's Working with Children Checks Report.</p> <p>Functions of the Working Group include the development of national consistent standards for working with children check schemes based on the Royal Commission's recommendations and to design an information sharing system between screening units in each jurisdiction.</p> <p>Representatives from Consumer Building and Occupational Services (CBOS) within the Department of Justice Tasmania participate in the Working Group on behalf of the Tasmanian Government.</p> <p>This Recommendation is under consideration by state and territory governments.</p>

23	<p>State and territory governments should amend their WWCC laws to specify that the criteria for assessing risks to children include:</p> <ol style="list-style-type: none"> the nature, gravity and circumstances of the offence and/or misconduct, and how this is relevant to children or child-related work the length of time that has passed since the offence and/or misconduct occurred the age of the child the age difference between the person and the child the person's criminal and/or disciplinary history, including whether there is a pattern of concerning conduct <p>all other relevant circumstances in respect of their history and the impact on their suitability to be engaged in child-related work.</p>	Tasmanian Government - Department of Justice	Accepted	<p>Status: Completed</p> <p>The Tasmanian Registration to Work with Vulnerable People scheme is consistent with this recommendation. See section 28 of the <i>Registration to Work with Vulnerable People Act 2013</i>. Orders 5 and 6 of the <i>Registrations to Work with Vulnerable People (Risk Assessment for Child-Related Activities) Order 2014</i>.</p>
24	<p>State and territory governments should amend their WWCC laws to expressly provide that, in weighing up the risk assessment criteria, the paramount consideration must always be the best interests of children, having regard to their safety and protection.</p>	Tasmanian Government - Department of Justice	Accepted	<p>Status: Completed</p> <p>The Tasmanian Registration to Work with Vulnerable People scheme is consistent with this recommendation. See section 7B of the <i>Registration to Work with Vulnerable People Act 2013</i>.</p>
25	<p>State and territory governments should amend their WWCC laws to permit WWCC applicants to begin child-related work before the outcome of their application is determined, provided the safeguards listed below are introduced.</p> <p>Applicants</p> <ol style="list-style-type: none"> applicants must submit a WWCC application to the appropriate screening agency before beginning child-related work and not withdraw the application while engaging in child-related work applicants must provide a WWCC application receipt to their employers before beginning child-related work <p>Other safeguards</p> <ol style="list-style-type: none"> employers must cite application receipts, record application numbers and verify applications with the relevant screening agency there must be capacity to impose interim bars on applicants where records are identified that may indicate a risk and require further assessment. 	Tasmanian Government - Department of Justice	Accepted	<p>Status: Completed</p> <p>The Tasmanian Registration to Work with Vulnerable People scheme is consistent with this recommendation. See sections 18 and 18A of the <i>Registration to Work with Vulnerable People Act 2013</i>.</p>
26	<p>State and territory governments that do not have an online WWCC processing system should establish one.</p>	Tasmanian Government - Department of Justice	Accepted	<p>Status: Completed</p> <p>The Tasmanian Registration to Work with Vulnerable People scheme is consistent with this recommendation.</p>

27	State and territory governments should process WWCC applications within five working days, and no longer than 21 working days for more complex cases.	Tasmanian Government - Department of Justice	Accepted in principle	<p>Status: Completed</p> <p>The processing times of applications for registration under the Tasmanian Registration to Work with Vulnerable People scheme are generally consistent with this recommendation.</p>
28	<p>All state and territory governments should amend their WWCC laws to specify that:</p> <p>a. WWCC decisions are based on the circumstances of the individual and are detached from the employer the person is seeking to work for, or the role or organisation the person is seeking to work in</p> <p>b. the outcome of a WWCC is either that a clearance is issued or it is not; there should be no conditional or different types of clearances</p> <p>c. volunteers and employees are issued with the same type of clearance.</p>	Tasmanian Government - Department of Justice	<p>28a. Accepted</p> <p>28b. Not Accepted</p> <p>28c. Accepted</p>	<p>Status: Completed</p> <p>The Tasmanian Registration to Work with Vulnerable People scheme is consistent with recommendation 28a & c.</p> <p>Note response to recommendation 16, the Registration to Work with Vulnerable People scheme utilises conditional clearances in some limited circumstances to impose conditions on activities (Recommendation 28.b.).</p> <ul style="list-style-type: none"> • See Part 5 – Risk Assessments of the <i>Registration to Work with Vulnerable People Act 2013</i>; and • <i>Registrations to Work with Vulnerable People (Risk Assessment for Child-Related Activities) Order 2014</i>.
29	<p>All state and territory governments should ensure that any person the subject of an adverse WWCC decision can appeal to a body independent of the WWCC screening agency, but within the same jurisdiction, for a review of the decision, except persons who have been convicted of one of the following categories of offences:</p> <ul style="list-style-type: none"> • murder of a child • indecent or sexual assault of a child • child pornography-related offences • incest where the victim was a child and <ul style="list-style-type: none"> a. received a sentence of full time custody for the conviction, such persons being permanently excluded from an appeal or b. by virtue of that conviction, the person is subject to an order that imposes any control on the person's conduct or movement, or excludes the person from working with children, such persons being excluded from an appeal for the duration of that order. <p>Notwithstanding the above any person may bring an appeal in which they allege that offences have been mistakenly recorded as applying to that person.</p>	Tasmanian Government - Department of Justice	Not accepted (subsequently accepted in principle)	<p>Status: Completed</p> <p>The Commonwealth Attorney-General's Department established an Inter-jurisdictional Working Group in February 2017 to respond to the Royal Commission's Working with Children Checks Report.</p> <p>Functions of the Working Group include the development of national consistent standards for working with children check schemes based on the Royal Commission's recommendations and to design an information sharing system between screening units in each jurisdiction.</p> <p>Representatives from Consumer Building and Occupational Services (CBOS) within the Department of Justice Tasmania participate in the Working Group on behalf of the Tasmanian Government.</p> <p>Order 10 of the <i>Registrations to Work with Vulnerable People (Risk Assessment for Child-Related Activities) Order 2014</i> requires the Registrar to issue a negative risk assessment notice to an applicant who has been convicted of the identified crimes.</p>

30	Subject to the implementation of the standards set out in this report, all state and territory governments should amend their WWCC laws to enable WWCCs from other jurisdictions to be recognised and accepted.	Tasmanian Government – Department of Justice	Accepted	<p>Status: Completed</p> <p>The Commonwealth Attorney-General's Department established an Inter-jurisdictional Working Group in February 2017 to respond to the Royal Commission's Working with Children Checks Report.</p> <p>Functions of the Working Group include the development of national consistent standards for working with children check schemes based on the Royal Commission's recommendations and to design an information sharing system between screening units in each jurisdiction.</p> <p>Representatives from Consumer Building and Occupational Services (CBOS) within the Department of Justice Tasmania participate in the Working Group on behalf of the Tasmanian Government.</p> <p>This Recommendation is under consideration by state and territory governments.</p> <p>See section 15 of the <i>Registrations to Work with Vulnerable People Act 2013</i>.</p>
31	<p>Subject to the commencement of continuous monitoring of national criminal history records, state and territory governments should amend their WWCC laws to specify that:</p> <ol style="list-style-type: none"> WWCCs are valid for five years employers and WWCC cardholders engaged in child-related work must inform the screening agency when a person commences or ceases being engaged in specific child-related work screening agencies are required to notify a person's employer of any change in the person's WWCC 	Tasmanian Government - Department of Justice	<p>31a. Noted (subsequently accepted)</p> <p>31b. Accepted</p> <p>31c. Accepted</p>	<p>Status: Completed</p> <p>The Tasmanian Registration to Work with Vulnerable People scheme provides registration for a period to not exceed 3 years.</p> <p>The Tasmanian Government is engaged in discussions with the Commonwealth Attorney-General's Department in relation to areas of national consistency including information sharing to support continuous monitoring.</p> <p>The Tasmanian Government will introduce legislation to amend the Tasmanian Working with Vulnerable People scheme consistent with this recommendation 31b in 2019.</p> <p>The Tasmanian Registration to Work with Vulnerable People scheme is consistent with recommendation 31c.</p> <ul style="list-style-type: none"> See sections 34 and 48A of the <i>Registrations to Work with Vulnerable Act 2013</i>. The notification requirement in recommendation 31c is embedded in each operative section of the Act.
32	All state and territory governments should grant screening agencies, or another suitable regulatory body, the statutory power to monitor compliance with WWCC laws.	Tasmanian Government - Department of Justice	Accepted	<p>Status: Completed</p> <p>The Tasmanian Registration to Work with Vulnerable People scheme is consistent with this recommendation</p> <p>See section 11A and Division 3 – Monitoring registered person of the Part 6 – Registration of the <i>Registrations to Work with Vulnerable Act 2013</i>.</p>
33	All state and territory governments should ensure their WWCC laws include powers to compel the production of relevant information for the purposes of compliance monitoring.	Tasmanian Government - Department of Justice	Accepted	<p>Status: Completed</p> <p>The Tasmanian Registration to Work with Vulnerable People scheme is consistent with this recommendation.</p> <p>See sections 11A and 52A of the <i>Registrations to Work with Vulnerable Act 2013</i>.</p>

34	<p>The Commonwealth, state and territory governments should:</p> <ol style="list-style-type: none"> a. through COAG, or a relevant ministerial council, adopt the standards and set a timeframe within which all jurisdictions must report back to COAG, or a relevant ministerial council, on implementation b. establish a process whereby changes to the standards or to state and territory schemes need to be agreed to by COAG, or a relevant ministerial council, and must be adopted across all jurisdictions. 	<p>Australian Government</p> <p>Tasmanian Government – Department of Justice</p>	Accepted in principle	<p>Status: Commenced</p> <p>The Commonwealth Attorney-General's Department established an Inter-jurisdictional Working Group in February 2017 to respond to the Royal Commission's Working with Children Checks Report.</p> <p>Functions of the Working Group include the development of national consistent standards for working with children check schemes based on the Royal Commission's recommendations and to design an information sharing system between screening units in each jurisdiction.</p> <p>Representatives from Consumer Building and Occupational Services (CBOS) within the Department of Justice Tasmania participate in the Working Group on behalf of the Tasmanian Government.</p>
35	<p>The Commonwealth, state and territory governments should provide an annual report to COAG, or a relevant ministerial council, for three years following the publication of this report, to be tabled in the parliaments of all nine jurisdictions, detailing their progress in implementing the recommendations in this report and achieving a nationally consistent approach to WWCCs.</p>	<p>Australian Government</p> <p>Tasmanian Government – Department of Justice</p>	Accepted in principle	<p>Status: Commenced</p> <p>The Commonwealth Attorney-General's Department established an Inter-jurisdictional Working Group in February 2017 to respond to the Royal Commission's Working with Children Checks Report.</p> <p>Functions of the Working Group include the development of national consistent standards for working with children check schemes based on the Royal Commission's recommendations and to design an information sharing system between screening units in each jurisdiction.</p> <p>Representatives from Consumer Building and Occupational Services (CBOS) within the Department of Justice Tasmania participate in the Working Group on behalf of the Tasmanian Government.</p>
36	<p>COAG, or a relevant ministerial council, should ensure a review is made after three years of the publication of this report, of the state and territory governments' progress in achieving consistency across the WWCC schemes, with a view to assessing whether they have implemented the Royal Commission's recommendations.</p>	<p>Australian Government</p>	Noted	<p>The Tasmanian Government notes that this recommendation is the responsibility of the Australian Government.</p> <p>The Commonwealth Attorney-General's Department established an Inter-jurisdictional Working Group in February 2017 to respond to the Royal Commission's Working with Children Checks Report.</p> <p>Functions of the Working Group include the development of national consistent standards for working with children check schemes based on the Royal Commission's recommendations and to design an information sharing system between screening units in each jurisdiction.</p> <p>Representatives from Consumer Building and Occupational Services (CBOS) within the Department of Justice Tasmania participate in the Working Group on behalf of the Tasmanian Government.</p>

Redress and Civil Litigation Report				
No.	Recommendation	Responsibility	Response/Status	Notes
Redress Scheme recommendations				
I-84	Redress Scheme recommendations	Tasmanian Government – Department of Justice	Accepted in principle	<p>Status: Completed</p> <p>On 22 May 2018, the Attorney-General, the Hon Elise Archer MP, from 22 May 2018, announced the Tasmanian Government's participation in the National Redress Scheme for Institutional Child Sexual Abuse.</p> <p>The Tasmanian Parliament passed the <i>National Redress Scheme into Institutional Child Sexual Abuse (Commonwealth Powers) Act 2018</i> to bring Tasmania into the Scheme on 20 September 2018. The Act has received Royal Assent, bringing the Tasmanian Government and participating Tasmanian non-government institutions into the Scheme.</p> <p>The Tasmanian Government commenced participation in the Scheme on 1 November 2018.</p> <p>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.</p> <p>On 23 June 2021, the Minister for Families and Social Services, Senator Anne Ruston released the Second Anniversary Review of the National Redress Scheme.</p> <p>The Second Anniversary Review was conducted by the independent reviewer Ms Robyn Kruk AO.</p> <p>The Review made a number of recommendations aimed at improving the Scheme, particularly to improve the equity, scope and quality of counselling support and the uptake of Direct Personal Responses by victim-survivors.</p> <p>The Tasmanian Government continues to closely work with the Commonwealth, state and territory governments to ensure that 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</p> <p>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 <i>National Redress Scheme for Institutional Child Sexual Abuse Act 2018</i> 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.</p> <p>Supporting Documents:</p> <ul style="list-style-type: none"> • Read the Ministerial Statement • Expression of interest to be Approved Counselling and Psychological Care Provider • Final Report of the Second Anniversary Review of the National Redress Scheme is publicly available at https://www.nationalredress.gov.au/document/1386 • The National Redress Scheme for Institutional Child Sexual Abuse Amendment Bill 2021 – Parliament of Australia (aph.gov.au) and Parliamentary package.
Limitation Periods				
85	State and territory governments should introduce legislation to remove any limitation period that applies to a claim for damages brought by a person where that claim is founded on the personal injury of the person resulting from sexual abuse of the person in an institutional context when the person is or was a child.	Tasmanian Government - Department of Justice	Accepted	<p>Status: Completed</p> <p>The recommendation is consistent with the <i>Limitation Amendment Act 2018</i> introduced by the Tasmanian Government, which passed the Tasmanian Parliament in 2017.</p> <p>Supporting Documents:</p> <ul style="list-style-type: none"> • The <i>Limitation Amendment Act 2018</i> and Parliamentary package is available on the Tasmanian Parliament website.

86	State and territory governments should ensure that the limitation period is removed with retrospective effect and regardless of whether or not a claim was subject to a limitation period in the past.	Tasmanian Government - Department of Justice	Accepted	<p>Status: Completed</p> <p>The recommendation is consistent with the <i>Limitation Amendment Act 2018</i> introduced by the Tasmanian Government, which passed the Tasmanian Parliament in 2017.</p> <p>Supporting Documents:</p> <ul style="list-style-type: none"> • The <i>Limitation Amendment Act 2018</i> and Parliamentary package is available on the Tasmanian Parliament website.
87	State and territory governments should expressly preserve the relevant courts' existing jurisdictions and powers so that any jurisdiction or power to stay proceedings is not affected by the removal of the limitation period.	Tasmanian Government - Department of Justice	Accepted	<p>Status: Completed</p> <p>The recommendation is consistent with the <i>Limitation Amendment Act 2018</i> introduced by the Tasmanian Government, which passed the Tasmanian Parliament in 2017.</p> <p>Supporting Documents:</p> <ul style="list-style-type: none"> • The <i>Limitation Amendment Act 2018</i> and Parliamentary package is available on the Tasmanian Parliament website.
88	State and territory governments should implement these recommendations to remove limitation periods as soon as possible, even if that requires that they be implemented before our recommendations in relation to the duty of institutions and identifying a proper defendant are implemented.	Tasmanian Government - Department of Justice	Accepted	<p>Status: Completed</p> <p>Supporting Documents:</p> <ul style="list-style-type: none"> • The <i>Limitation Amendment Act 2018</i> and Parliamentary package is available on the Tasmanian Parliament website.
Duty of institutions				
89	State and territory governments should introduce legislation to impose a non-delegable duty on certain institutions for institutional child sexual abuse despite it being the deliberate criminal act of a person associated with the institution.	Tasmanian Government - Department of Justice	Accepted in principle	<p>Status: Completed</p> <p>In November 2019, the Tasmanian Government passed the <i>Justice Legislation Amendment (Organisational Liability for Child Abuse) Act 2019</i>, which amended the <i>Civil Liability Act 2002</i> to impose a non-delegable 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'.</p> <p>Supporting Documents:</p> <ul style="list-style-type: none"> • The <i>Justice Legislation Amendment (Organisational Liability for Child Abuse) Act 2019</i> and Parliamentary package are available on the Tasmanian Parliament website.

90	<p>The non-delegable duty should apply to institutions that operate the following facilities or provide the following services and be owed to children who are in the care, supervision or control of the institution in relation to the relevant facility or service:</p> <ul style="list-style-type: none"> a. residential facilities for children, including residential out-of-home care facilities and juvenile detention centres but not including foster care or kinship care b. day and boarding schools and early childhood education and care services, including long day care, family day care, outside school hours services and preschool programs c. disability services for children d. health services for children e. any other facility operated for profit which provides services for children that involve the facility having the care, supervision or control of children for a period of time but not including foster care or kinship care f. any facilities or services operated or provided by religious organisations, including activities or services provided by religious leaders, officers or personnel of religious organisations but not including foster care or kinship care. 	Tasmanian Government - Department of Justice	Accepted in principle	<p>Status: Completed</p> <p>In November 2019, the Tasmanian Government passed the <i>Justice Legislation Amendment (Organisational Liability for Child Abuse) Act 2019</i>, which amended the <i>Civil Liability Act 2002</i> to impose a non-delegable 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’.</p> <p>The Bill provides that the non-delegable duty applies to individual associated with an organization who, by virtue of being associated with the organisation, has –</p> <ul style="list-style-type: none"> • authority, power or control over a child; or • the trust of a child; or • the ability to achieve intimacy with a child – <p>from being able, by virtue of that authority, power, control, trust or ability, to perpetrate child abuse on the child.</p> <p>Supporting Documents:</p> <ul style="list-style-type: none"> • The <i>Justice Legislation Amendment (Organisational Liability for Child Abuse) Act 2019</i> and Parliamentary package are available on the Tasmanian Parliament website.
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91	Irrespective of whether state and territory parliaments legislate to impose a non-delegable duty upon institutions, state and territory governments should introduce legislation to make institutions liable for institutional child sexual abuse by persons associated with the institution unless the institution proves it took reasonable steps to prevent the abuse. The 'reverse onus' should be imposed on all institutions, including those institutions in respect of which we do not recommend a non-delegable duty be imposed.	Tasmanian Government - Department of Justice	Accepted in principle	<p>Status: Completed</p> <p>In November 2019, the Tasmanian Government passed the <i>Justice Legislation Amendment (Organisational Liability for Child Abuse) Act 2019</i>, which amended the <i>Civil Liability Act 2002</i> to impose a non-delegable 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'.</p> <p>Under the amendments, an organisation will be presumed to have breached the duty unless the organisation can establish that it took 'reasonable precautions' to prevent the child abuse.</p> <p>For the purposes of assessing whether an organisation took 'reasonable precautions' to prevent the abuse, a court may take into account any of the following:</p> <ul style="list-style-type: none"> • the nature of the organisation; • the resources reasonably available to the organisation; • the relationship between the organisation and the child; • whether the organisation has delegated their care, supervision or authority over the child to another organisation; • the role in the organisation of the individual who perpetrated the child abuse; • the level of control the organisation had over that individual; • whether the organisation complied with any applicable standards (however described) in respect of child safety; • any other matter prescribed by regulations; and • any other matter the court considers relevant. <p>Supporting Documents:</p> <ul style="list-style-type: none"> • The <i>Justice Legislation Amendment (Organisational Liability for Child Abuse) Act 2019</i> and Parliamentary package are available on the Tasmanian Parliament website.
92	For the purposes of both the non-delegable duty and the imposition of liability with a reverse onus of proof, the persons associated with the institution should include the institution's officers, office holders, employees, agents, volunteers and contractors. For religious organisations, persons associated with the institution also include religious leaders, officers and personnel of the religious organisation.	Tasmanian Government - Department of Justice	Accepted	<p>Status: Completed</p> <p>In November 2019, the Tasmanian Government passed the <i>Justice Legislation Amendment (Organisational Liability for Child Abuse) Act 2019</i>, which amended the <i>Civil Liability Act 2002</i> to impose a non-delegable 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'.</p> <p>The amendments define an individual is 'associated with an organisation' as including, but is not limited to, an individual who is an office holder, officer, employee, owner, volunteer or contractor of the organisation and also includes –</p> <ul style="list-style-type: none"> • if the organisation is a religious organisation – a religious leader (such as a priest or minister) or member of the personnel of the organisation; and • an individual that is prescribed or who is within a class of organisation that is prescribed. <p>Supporting Documents:</p> <ul style="list-style-type: none"> • The <i>Justice Legislation Amendment (Organisational Liability for Child Abuse) Act 2019</i> and Parliamentary package are available on the Tasmanian Parliament website.

93	State and territory governments should ensure that the non-delegable duty and the imposition of liability with a reverse onus of proof apply prospectively and not retrospectively.	Tasmanian Government - Department of Justice	Accepted in principle	<p>Status: Completed</p> <p>In November 2019, the Tasmanian Government passed the <i>Justice Legislation Amendment (Organisational Liability for Child Abuse) Act 2019</i>, which amended the <i>Civil Liability Act 2002</i> to impose a non-delegable 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'.</p> <p>The amendments to the <i>Civil Liability Act 2002</i> apply prospectively.</p> <p>Supporting Documents:</p> <ul style="list-style-type: none"> • The <i>Justice Legislation Amendment (Organisational Liability for Child Abuse) Act 2019</i> and Parliamentary package are available on the Tasmanian Parliament website.
Identifying proper defendant				
94	<p>State and territory governments should introduce legislation to provide that, where a survivor wishes to commence proceedings for damages in respect of institutional child sexual abuse where the institution is alleged to be an institution with which a property trust is associated, then unless the institution nominates a proper defendant to sue that has sufficient assets to meet any liability arising from the proceedings:</p> <ol style="list-style-type: none"> the property trust is a proper defendant to the litigation any liability of the institution with which the property trust is associated that arises from the proceedings can be met from the assets of the trust. 	Tasmanian Government - Department of Justice	Accepted in principle	<p>Status: Completed</p> <p>In November 2019, the Tasmanian Government passed the <i>Justice Legislation Amendment (Organisational Liability for Child Abuse) Act 2019</i>, which amended the <i>Civil Liability Act 2002</i> to introduce a mechanism to enable victims of child abuse to sue unincorporated organisations that were previously unable to be sued due to lack of legal personality.</p> <p>The amendments provide that survivors of child abuse are able to sue unincorporated organisations, such as church groups, that were previously unable to be sued due to a lack of 'legal personality'. These amendments allow an unincorporated organisation to appoint a proper defendant with legal personality and sufficient assets to satisfy the claim, with the proper defendant's consent. Where the unincorporated organisation does not appoint a proper defendant within 60 days of the initiation of proceedings, the plaintiff may ask the court to appoint a proper defendant.</p> <p>Further, the amendments require unincorporated organisations to identify any associated trusts and their financial capacity so the court may appoint a trustee as a proper defendant within 28 days. The amendments further provide that:</p> <ul style="list-style-type: none"> • Any trust is an associated trust of an unincorporated organisation if the organisation has, directly or indirectly, sufficient power and control over the trust. • Once appointed, a proper defendant for an unincorporated organisation acts on behalf of the organisation and is responsible for conducting the proceedings as the defendant; • An unincorporated organisation's functions may be exercised by a management member, and courts have broad powers to make orders and directions, including directing a management member to exercise a function of the unincorporated organisation so that proceedings and orders are complied with. <p>Supporting Documents:</p> <ul style="list-style-type: none"> • The <i>Justice Legislation Amendment (Organisational Liability for Child Abuse) Act 2019</i> and Parliamentary package are available on the Tasmanian Parliament website.
95	The Australian Government and state and territory governments should consider whether there are any unincorporated bodies that they fund directly or indirectly to provide children's services. If there are, they should consider requiring them to maintain insurance that covers their liability in respect of institutional child sexual abuse claims.	Tasmanian Government - Department of Justice	Accepted	<p>Status: Completed</p> <p>The insurance arrangements of unincorporated bodies fund directly or indirectly to provide children's services are considered on a case-by-case basis by Tasmanian Government agencies.</p>

Model Litigant Approaches				
96	Government and non-government institutions that receive, or expect to receive, civil claims for institutional child sexual abuse should adopt guidelines for responding to claims for compensation concerning allegations of child sexual abuse.	Office of the Solicitor-General - Department of Justice	Accepted	<p>Status: Completed</p> <p>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.</p> <p>Supporting Documents:</p> <ul style="list-style-type: none"> • Model Litigant Guidelines (publicly available at https://www.crownlaw.tas.gov.au/data/assets/pdf_file/0012/469875/Model-Litigant-Guidelines.pdf) • Guidelines for the Conduct of Civil Claims (publicly available at https://www.crownlaw.tas.gov.au/data/assets/pdf_file/0003/575346/Civil-claims.pdf)
97	The guidelines should be designed to minimise potential re-traumatisation of claimants and to avoid unnecessarily adversarial responses to claims.	Office of the Solicitor-General - Department of Justice	Accepted	<p>Status: Completed</p> <p>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.</p> <p>Supporting Documents:</p> <ul style="list-style-type: none"> • Model Litigant Guidelines (publicly available at https://www.crownlaw.tas.gov.au/data/assets/pdf_file/0012/469875/Model-Litigant-Guidelines.pdf) • Guidelines for the Conduct of Civil Claims (publicly available at https://www.crownlaw.tas.gov.au/data/assets/pdf_file/0003/575346/Civil-claims.pdf)
98	The guidelines should include an obligation on the institution to provide assistance to claimants and their legal representatives in identifying the proper defendant to a claim if the proper defendant is not identified or is incorrectly identified.	Office of the Solicitor-General - Department of Justice	Accepted	<p>Status: Completed</p> <p>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.</p> <p>Supporting Documents:</p> <ul style="list-style-type: none"> • Model Litigant Guidelines (publicly available at https://www.crownlaw.tas.gov.au/data/assets/pdf_file/0012/469875/Model-Litigant-Guidelines.pdf) • Guidelines for the Conduct of Civil Claims (publicly available at https://www.crownlaw.tas.gov.au/data/assets/pdf_file/0003/575346/Civil-claims.pdf)

99	Government and non-government institutions should publish the guidelines they adopt or otherwise make them available to claimants and their legal representatives.	Office of the Solicitor-General - Department of Justice	Accepted	<p>Status: Completed</p> <p>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.</p> <p>Supporting Documents:</p> <ul style="list-style-type: none"> Model Litigant Guidelines (publicly available at https://www.crownlaw.tas.gov.au/data/assets/pdf_file/0012/469875/Model-Litigant-Guidelines.pdf) Guidelines for the Conduct of Civil Claims (publicly available at https://www.crownlaw.tas.gov.au/data/assets/pdf_file/0003/575346/Civil-claims.pdf)
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Criminal Justice Report				
No.	Recommendation	Responsibility	Response/Status	Notes
Our approach to criminal justice reforms				
1	<p>In relation to child sexual abuse, including institutional child sexual abuse, the criminal justice system should be reformed to ensure that the following objectives are met:</p> <ol style="list-style-type: none"> the criminal justice system operates in the interests of seeking justice for society, including the complainant and the accused criminal justice responses are available for victims and survivors victims and survivors are supported in seeking criminal justice responses. 	Tasmanian Government - Department of Justice	Accepted	<p>Status: Completed</p> <p>The Tasmanian Government has considered the objectives identified by the Royal Commission into Institutional Responses to Child Sexual Abuse over the last five years of annual reporting in its complimentary criminal justice law reform initiatives that have not arisen directly from the recommendations, such as the <i>Criminal Code and Related Legislation Amendment (Child Abuse) Act 2019</i> and the <i>Criminal Code Amendment (Sexual Abuse Terminology) Act 2020</i> and those that have arisen directly from the recommendations, such as the <i>Criminal Code and Related Legislation Amendment (Child Abuse) Act 2019</i> the Justice Miscellaneous (Royal Commission Amendments) Bill 2022</p>
Current police responses				
2	<p>Australian governments should refer to the Steering Committee for the Report on Government Services for review the issues of:</p> <ol style="list-style-type: none"> how the reporting framework for police services in the Report on Government Services could be extended to include reporting on child sexual abuse offences whether any outcome measures that would be appropriate for police investigations of child sexual abuse offences could be developed and reported on. 	Australian Government	Accepted	The Tasmanian Government supports the referral to the Steering Committee for the Report on Government Services for review of the issues identified by Recommendation 2.
Issues in police responses				

3	<p><i>Principles for initial police responses</i></p> <p>Each Australian government should ensure that its policing agency:</p> <ul style="list-style-type: none"> a. recognises that a victim or survivor’s initial contact with police will be important in determining their satisfaction with the entire criminal justice response and in influencing their willingness to proceed with a report and to participate in a prosecution b. ensures that all police who may come into contact with victims or survivors of institutional child sexual abuse are trained to: c. have a basic understanding of complex trauma and how it can affect people who report to police, including those who may have difficulties dealing with institutions or persons in positions of authority (such as the police) d. treat anyone who approaches the police to report child sexual abuse with consideration and respect, taking account of any relevant cultural safety issues e. establishes arrangements to ensure that, on initial contact from a victim or survivor, police refer victims and survivors to appropriate support services. 	Tasmanian Government - Department of Police, Fire and Emergency Management	Accepted	<p>Status: Completed</p> <p>This has been incorporated within the Tasmanian Police Manual section 4.4.10. Commencement date 26 May 2021.</p> <p>Approved by Assistant Commissioner on 4 June 2021. Amendments to part 4.4.10 of the Tasmanian Police Manual be made 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.</p>
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4	<p><i>Encouraging reporting</i></p> <p>To encourage reporting of allegations of child sexual abuse, including institutional child sexual abuse, each Australian government should ensure that its policing agency:</p> <ol style="list-style-type: none"> takes steps to communicate to victims (and their families or support people where the victims are children or are particularly vulnerable) that their decision whether to participate in a police investigation will be respected – that is, victims retain the right to withdraw at any stage in the process and to decline to proceed further with police and/or any prosecution provides information on the different ways in which victims and survivors can report to police or seek advice from police on their options for reporting or not reporting abuse – this should be in a format that allows institutions and survivor advocacy and support groups and support services to provide it to victims and survivors makes available a range of channels to encourage reporting, including specialist telephone numbers and online reporting forms, and provides information about what to expect from each channel of reporting works with survivor advocacy and support groups and support services, including those working with people from culturally and linguistically diverse backgrounds and people with disability, to facilitate reporting by victims and survivors allows victims and survivors to benefit from the presence of a support person of their choice if they so wish throughout their dealings with police, provided that this will not interfere with the police investigation or risk contaminating evidence is willing to take statements from victims and survivors in circumstances where the alleged perpetrator is dead or is otherwise unlikely to be able to be tried. 	Tasmanian Government - Department of Police, Fire and Emergency Management	4a-e - Accepted 4f - Accepted in part	<p>Status: Commenced</p> <p>Recommendation 4(a), 4(e) and 4(f) have been incorporated within the Tasmania Police Manual with a commencement date of 26 May 2021.</p> <p>Recommendation 4(d) has been incorporated within the Child Sexual Abuse Guidelines with a commencement date of 23 July 2021.</p> <p>Recommendation 4(b) and 4(c) have not been implemented. Procedural and technical development will be required which includes an IT solution through Project Unify. The implementation date is predicted to be December 2024. External Agencies will need to be consulted.</p>
5	<p><i>Encouraging reporting</i></p> <p>To encourage reporting of allegations of child sexual abuse, including institutional child sexual abuse, among Aboriginal and Torres Strait Islander victims and survivors, each Australian government should ensure that its policing agency:</p> <ol style="list-style-type: none"> takes the lead in developing good relationships with Aboriginal and Torres Strait Islander communities provides channels for reporting outside of the community (such as telephone numbers and online reporting forms). 	Tasmanian Government - Department of Police, Fire and Emergency Management	Accepted in principle	<p>Status: Commenced</p> <p>Recommendation 5(a) has been absorbed into business as usual on advice from the Aboriginal Liaison Officer. Action includes weekly interdepartmental meetings and liaison officer activities. While existing frameworks to support good relationships with Aboriginal and Torres Strait Islander communities has been implemented, work being done on the Multi-disciplinary Centres (MDC) should consider additional opportunities to further strengthen these relationships.</p> <p>Recommendation 5(b) has not been implemented. Procedural and technical development will be required which includes an IT solution through Project Unify. The implementation date is predicted to be December 2024. External Agencies will need to be consulted.</p>

6	<p><i>Encouraging reporting</i></p> <p>To encourage prisoners and former prisoners to report allegations of child sexual abuse, including institutional child sexual abuse, each Australian government should ensure that its policing agency:</p> <ol style="list-style-type: none"> provides channels for reporting that can be used from prison and that allow reports to be made confidentially does not require former prisoners to report at a police station. 	Tasmanian Government - Department of Police, Fire and Emergency Management and Department of Justice	Accepted	<p>Status: Commenced</p> <p>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.</p>
7	<p><i>Police investigations</i></p> <p>Each Australian government should ensure that its policing agency conducts investigations of reports of child sexual abuse, including institutional child sexual abuse, in accordance with the following principles:</p> <ol style="list-style-type: none"> While recognising the complexity of police rosters, staffing and transfers, police should recognise the benefit to victims and their families and survivors of continuity in police staffing and should take steps to facilitate, to the extent possible, continuity in police staffing on an investigation of a complaint. Police should recognise the importance to victims and their families and survivors of police maintaining regular communication with them to keep them informed of the status of their report and any investigation unless they have asked not to be kept informed. Particularly in relation to historical allegations of institutional child sexual abuse, police who assess or provide an investigative response to allegations should be trained to: be non-judgmental and recognise that many victims of child sexual abuse will go on to develop substance abuse and mental health problems, and some may have a criminal record focus on the credibility of the complaint or allegation rather than focusing only on the credibility of the complainant. 	Tasmanian Government - Department of Police, Fire and Emergency Management	Accepted	<p>Status: Completed</p> <p>This has been incorporated within the Tasmania Police Manual section 4.4.10 with a commencement date of 26 May 2021.</p> <p>Approved by Assistant Commissioner on 4 June 2021. Amendments to part 4.4.10 of the Tasmanian Police Manual be made 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.</p>

8	<p><i>Police investigations</i></p> <p>State and territory governments should introduce legislation to implement Recommendation 20-1 of the report of the Australian Law Reform Commission and the New South Wales Law Reform Commission Family violence: A national legal response in relation to disclosing or revealing the identity of a mandatory reporter to a law enforcement agency.</p>	Department for Education, Children and Young People	Accepted	<p>Status: Completed</p> <p>On 2 October 2019, the <i>Criminal Code and Related Legislation Amendment (Child Abuse) Act 2019</i> passed the Tasmanian Parliament implementing this Recommendation.</p> <p>The Act amended the <i>Children, Young Persons and Their Families Act 1997</i> to clarify that the identity of ‘notifiers’ may be provided to law enforcement agencies.</p> <p>Supporting Documents:</p> <ul style="list-style-type: none"> • The <i>Criminal Code and Related Legislation Amendment (Child Abuse) Act 2019</i> and Parliamentary package are available on the Tasmanian Parliament website.
9	<p><i>Investigative interviews for use as evidence in chief</i></p> <p>Each Australian government should ensure that its policing agency conducts investigative interviewing in relation to reports of child sexual abuse, including institutional child sexual abuse, in accordance with the following principles:</p> <ol style="list-style-type: none"> All police who provide an investigative response (whether specialist or generalist) to child sexual abuse should receive at least basic training in understanding sexual offending, including the nature of child sexual abuse and institutional child sexual abuse offending. All police who provide an investigative response (whether specialist or generalist) to child sexual abuse should be trained to interview the complainant in accordance with current research and learning about how memory works in order to obtain the complainant’s memory of the events. The importance of video recorded interviews for children and other vulnerable witnesses should be recognised, as these interviews usually form all, or most, of the complainant’s and other relevant witnesses’ evidence in chief in any prosecution. Investigative interviewing of children and other vulnerable witnesses should be undertaken by police 	Tasmanian Government - Department of Police, Fire and Emergency Management and Department of Justice	Accepted in principle	<p>Status: Commenced</p> <p>Recommendations 9(a), (b), (c), (d) and (e) have been incorporated within the training curriculum.</p> <p>Recommendation (f) has not been implemented at this time, documented supervisor responsibilities and Management Review audits of end to end processes for sexual crimes investigation at under development.</p> <p>Recommendation 9(g) and (h) have been incorporated within Project Catton. This Project concerns the implementation of a new effective and reliable Audio-Visual interview machines. It is anticipated that all 17 current AV machines will be replaced by the end of 2022.</p> <p>Recommendation 9(i) has been incorporated into the Tasmania Police Manual section 4.6 with a commencement date of 1 March 2021.</p> <p>Recommendation (j) is completed, after the Pilot Intermediary Scheme that began on 1 March 2021 commenced. The Pilot applies to children and adults with a communication need, who are victims or witnesses in proceedings relating to specified offences, that is, sexual offence matters and homicide matters. Under the Pilot, witness intermediaries are available to Tasmania Police during investigation of crimes, and in proceedings in both the Magistrates Court and Supreme Court.</p> <p>This recommendation has also been partially addressed by the Justice Miscellaneous (Royal Commission Amendments) Bill 2022, which amends the <i>Evidence (Children and Special Witnesses) Act 2001</i> to extend the classes of vulnerable witnesses able to pre-record statements and interviews, to specifically include all children who are victims or witnesses, as well as family violence and sexual assault victims.</p>

	<p>with specialist training. The specialist training should focus on:</p> <ul style="list-style-type: none"> i. a specialist understanding of child sexual abuse, including institutional child sexual abuse, and the developmental and communication needs of children and other vulnerable witnesses ii. skill development in planning and conducting interviews, including use of appropriate questioning techniques. <p>e. Specialist police should undergo refresher training on a periodical basis to ensure that their specialist understanding and skills remain up to date and accord with current research.</p> <p>f. From time to time, experts should review a sample of video recorded interviews with children and other vulnerable witnesses conducted by specialist police for quality assurance and training purposes and to reinforce best-practice interviewing techniques.</p> <p>g. State and territory governments should introduce legislation to remove any impediments, including in relation to privacy concerns, to the use of video recorded interviews so that the relevant police officer, his or her supervisor and any persons engaged by police in quality assurance and training can review video recorded interviews for quality assurance and training purposes. This should not authorise the use of video recorded interviews for general training in a manner that would raise privacy concerns.</p> <p>h. Police should continue to work towards improving the technical quality of video recorded interviews so that they are technically as effective as possible in presenting the complainant's and other witnesses' evidence in chief.</p> <p>i. Police should recognise the importance of interpreters, including for some Aboriginal and Torres Strait Islander victims, survivors and other witnesses.</p> <p>j. Intermediaries should be available to assist in police investigative interviews of children and other vulnerable witnesses.</p>			
10	<p><i>Police charging decisions</i></p> <p>Each Australian government should ensure that its policing agency makes decisions in relation to whether to lay charges for child sexual abuse offences in accordance with the following principles:</p> <ul style="list-style-type: none"> a. Recognising that it is important to complainants that the correct charges be laid as early as possible so that charges are not significantly downgraded at or close to trial, police should ensure that care is taken, and that early prosecution advice is sought, where appropriate, in laying charges. 	Tasmanian Government - Department of Police, Fire and Emergency Management	Accepted	<p>Status: Completed</p> <p>This has been incorporated within the Tasmania Police Manual section 4.4.10 with a commencement date of 26 May 2021.</p> <p>Briefing Note approved by Assistant Commissioner on 4 June 2021 approving the recommendations: that amendments to part 4.4.10 of the Tasmanian Police Manual be made 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.</p>

	<p>b. In making decisions about whether to charge, police should not:</p> <ul style="list-style-type: none"> i. expect or require corroboration where the victim or survivor's account does not suggest that there should be any corroboration available ii. rely on the absence of corroboration as a determinative factor in deciding not to charge, where the victim or survivor's account does not suggest that there should be any corroboration available, unless the prosecution service advises otherwise. 			
11	<p><i>Police charging decisions</i></p> <p>The Victorian Government should review the operation of section 401 of the <i>Criminal Procedure Act 2009 (Vic)</i> and consider amending the provision to restrict the awarding of costs against police if it appears that the risk of costs awards might be affecting police decisions to prosecute. The government of any other state or territory that has similar provisions should conduct a similar review and should consider similar amendments.</p>	N/A	Noted	There is no action required by the Tasmanian Government.
12	<p><i>Police responses to reports of historical child sexual abuse</i></p> <p>Each Australian government should ensure that, if its policing agency does not provide a specialist response to victims and survivors reporting historical child sexual abuse, its policing agency develops and implements a document in the nature of a 'guarantee of service' which sets out for the benefit of victims and survivors – and as a reminder to the police involved – what victims and survivors are entitled to expect in the police response to their report of child sexual abuse. The document should include information to the effect that victims and survivors are entitled to:</p> <ul style="list-style-type: none"> a. be treated by police with consideration and respect, taking account of any relevant cultural safety issues b. have their views about whether they wish to participate in the police investigation respected c. be referred to appropriate support services d. contact police through a support person or organisation rather than contacting police directly if they prefer e. have the assistance of a support person of their choice throughout their dealings with police unless this will interfere with the police investigation or risk contaminating evidence f. have their statement taken by police even if the alleged perpetrator is dead g. be provided with the details of a nominated person within the police service for them to contact 	Tasmanian Government - Department of Police, Fire and Emergency Management	Accepted in principle	<p>Status: Commenced</p> <p>This has been incorporated within the Tasmania Police Manual section 4.4.10 with a commencement date of 26 May 2021.</p> <p>Briefing Note approved by Assistant Commissioner on 4 June 2021 approving the recommendations: that amendments to part 4.4.10 of the Tasmania Police Manual be made 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.</p> <p>Also incorporated into Initial Investigation and Notification of Child Sexual Abuse Guidelines. Commencement date 23 July 2021 and updated 16 August 2021.</p> <p>Tasmania Police has committed to incorporating a Guarantee of Service document into its corporate documents. This is under development.</p>

	<p>h. be kept informed of the status of their report and any investigation unless they do not wish to be kept informed</p> <p>i. have the police focus on the credibility of the complaint or allegations rather than focusing only on the credibility of the complainant, recognising that many victims of child sexual abuse will go on to develop substance abuse and mental health problems, and some may have a criminal record.</p>			
13	<p><i>Police responses to reports of child sexual abuse made by people with disability</i></p> <p>Each Australian government should ensure that its policing agency responds to victims and survivors with disability, or their representatives, who report or seek to report child sexual abuse, including institutional child sexual abuse, to police in accordance with the following principles:</p> <p>a. Police who have initial contact with the victim or survivor should be non-judgmental and should not make any adverse assessment of the victim or survivor's credibility, reliability or ability to make a report or participate in a police investigation or prosecution because of their disability.</p> <p>b. Police who assess or provide an investigative response to allegations made by victims and survivors with disability should focus on the credibility of the complaint or allegation rather than focusing only on the credibility of the complainant, and they should not make any adverse assessment of the victim or survivor's credibility or reliability because of their disability.</p> <p>c. Police who conduct investigative interviewing should make all appropriate use of any available intermediary scheme, and communication supports, to ensure that the victim or survivor is able to give their best evidence in the investigative interview.</p> <p>d. Decisions in relation to whether to lay charges for child sexual abuse offences should take full account of the ability of any available intermediary scheme, and communication supports, to assist the victim or survivor to give their best evidence when required in the prosecution process.</p>	Tasmanian Government - Department of Police, Fire and Emergency Management	Accepted	<p>Status: Completed</p> <p>This has been incorporated within the Tasmania Police Manual section 4.4.10 with a commencement date of 26 May 2021. Approved by Assistant Commissioner on 4 June 2021. Amendments to part 4.4.10 of the Tasmania Police Manual be made 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.</p>
Police responses and institutions				
14	<p><i>Police communication and advice</i></p> <p>In order to assist in the investigation of current allegations of institutional child sexual abuse, each Australian government should ensure that its policing agency:</p> <p>a. develops and keeps under review procedures and protocols to guide police and institutions about the information and assistance police can provide to</p>	Tasmanian Government - Department of Police, Fire and Emergency Management	Accepted	<p>Status: Completed</p> <p>Coordination and governance is enhanced through the Tasmania Police Manual, the Tasmania Police Initial Investigation and Notification of Child Sexual Abuse Guidelines and Memorandums of Understanding (MoU), including 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.</p>

	<p>institutions where a current allegation of institutional child sexual abuse is made</p> <p>b. develops and keeps under review procedures and protocols to guide the police, other agencies, institutions and the broader community on the information and assistance police can provide to children and parents and the broader community where a current allegation of institutional child sexual abuse is made.</p>			
15	<p><i>Police communication and advice</i></p> <p>The New South Wales Standard Operating Procedures for Employment Related Child Abuse Allegations and the Joint Investigation Response Team Local Contact Point Protocol should serve as useful precedents for other Australian governments to consider.</p>	Tasmanian Government - Department of Police, Fire and Emergency Management	Noted	<p>Status: Completed</p> <p>The Tasmanian Government notes the New South Wales Standard Operating Procedures for Employment Related Child Abuse Allegations and the Joint Investigation Response Team Local Contact Point Protocol.</p>
16	<p><i>Blind reporting</i></p> <p>In relation to blind reporting, institutions and survivor advocacy and support groups should:</p> <p>a. be clear that, where the law requires reporting to police, child protection or another agency, the institution or group or its relevant staff member or official will report as required</p> <p>b. develop and adopt clear guidelines to inform staff and volunteers, victims and their families and survivors, and police, child protection and other agencies as to the approach the institution or group will take in relation to allegations, reports or disclosures it receives that it is not required by law to report to police, child protection or another agency.</p>	Tasmanian Government	Accepted	<p>Status: Commenced</p> <p>This recommendation has been progressed in relevant Government Agencies. Further consideration to embedding this recommendation in relevant policy and guidelines will be progressed in 2023 as part of the Child and Youth Safe Organisations Framework.</p>
17	<p><i>Blind reporting</i></p> <p>If a relevant institution or survivor advocacy and support group adopts a policy of reporting survivors' details to police without survivors' consent – that is, if it will not make blind reports – it should seek to provide information about alternative avenues for a survivor to seek support if this aspect of the institution or group's guidelines is not acceptable to the survivor.</p>	Not applicable	Accepted	This recommendation is consistent with the Tasmanian mandatory reporting framework applying to Tasmanian Government employees.
18	<p><i>Blind reporting</i></p> <p>Institutions and survivor advocacy and support groups that adopt a policy that they will not report the survivor's details without the survivor's consent should make a blind report to police in preference to making no report at all.</p>	Not applicable	Accepted	This recommendation is consistent with the Tasmanian mandatory reporting framework applying to Tasmanian Government employees.
19	<p><i>Blind reporting</i></p> <p>Regardless of an institution or survivor advocacy and support group's policy in relation to blind reporting, the institution or group should provide survivors with:</p> <p>a. information to inform them about options for reporting to police</p>	Tasmanian Government	Accepted	<p>Status: Commenced</p> <p>This recommendation has been progressed in relevant Government Agencies. Further consideration to embedding this recommendation in relevant policy and guidelines will be progressed in 2023 as part of the Child and Youth Safe Organisations Framework.</p>

	b. support to report to police if the survivor is willing to do so.			
20	<i>Blind reporting</i> Police should ensure that they review any blind reports they receive and that they are available as intelligence in relation to any current or subsequent police investigations. If it appears that talking to the survivor might assist with a police investigation, police should contact the relevant institution or survivor advocacy and support group, and police and the institution or group should cooperate to try to find a way in which the survivor will be sufficiently supported so that they are willing to speak to police.	Tasmanian Government - Department of Police, Fire and Emergency Management	Accepted	Status: Completed This has been incorporated within the training curriculum.
Persistent child sexual abuse offences				
21	Each state and territory government should introduce legislation to amend its persistent child sexual abuse offence so that: a. the actus reus is the maintaining of an unlawful sexual relationship b. an unlawful sexual relationship is established by more than one unlawful sexual act c. the trier of fact must be satisfied beyond reasonable doubt that the unlawful sexual relationship existed but, where the trier of fact is a jury, jurors need not be satisfied of the same unlawful sexual acts d. the offence applies retrospectively but only to sexual acts that were unlawful at the time they were committed e. on sentencing, regard is to be had to relevant lower statutory maximum penalties if the offence is charged with retrospective application.	Tasmanian Government - Department of Justice	21a,c-e - Accepted 21b - Noted	Status: Completed In 2017, the crime of 'Maintain sexual relationship with a young person' contrary to section 125A of the Criminal Code operated consistently with recommendation 21a, d and e. On 10 December 2019, the <i>Family Violence Reforms Act 2018</i> amended the crime of 'Maintain sexual relationship with a young person' contrary to section 125A of the Criminal Code to clarify that the jury need not be satisfied of the same unlawful sexual acts consistent with recommendation 21c. In 2020, the <i>Criminal Code Amendment (Sexual Abuse Terminology) Act 2020</i> renamed the crime of 'Maintain sexual relationship with a young person' to 'Persistent sexual abuse of child or young person'. Supporting Documents: <ul style="list-style-type: none"> The <i>Family Violence Reforms Act 2018</i> and Parliamentary package is available on the Tasmanian Parliament website. The <i>Code Amendment (Sexual Abuse Terminology) Act 2020</i> and Parliamentary package is available on the Tasmanian Parliament website.
22	The draft provision in Appendix H provides for the recommended reform. Legislation to the effect of the draft provision should be introduced.	Tasmanian Government - Department of Justice	Noted (subsequently accepted in principle)	Status: Completed See response to recommendation 21.
23	State and territory governments (other than Victoria) should consider introducing legislation to establish legislative authority for course of conduct charges in relation to child sexual abuse offences if legislative authority may assist in using course of conduct charges.	Tasmanian Government - Department of Justice	Noted	Status: For consideration This recommendation will be considered following the release of the Commission of Inquiry's final report in May 2023.
24	State and territory governments should consider providing for any of the two or more unlawful sexual acts that are particularised for the maintaining an unlawful sexual relationship offence to be particularised as courses of conduct.	Tasmanian Government - Department of Justice	Noted	Status: For consideration This recommendation will be considered following the release of the Commission of Inquiry's final report in May 2023.
Grooming offence				

25	To the extent they do not already have a broad grooming offence, each state and territory government should introduce legislation to amend its criminal legislation to adopt a broad grooming offence that captures any communication or conduct with a child undertaken with the intention of grooming the child to be involved in a sexual offence.	Tasmanian Government - Department of Justice	Accepted	<p>Status: Completed</p> <p>The Tasmanian Government notes that the crime of ‘Grooming with intent to procure a child [or young person] for sexual abuse etc.’ contrary to section 125D of the Criminal Code is consistent with this recommendation.</p> <p>Amendments to the ‘grooming’ crime were made by the <i>Criminal Code and Related Legislation Amendment (Child Abuse) Act 2019</i> to include indirect forms of communication, including communication with a third party intended to procure a child in unlawful sexual activity.</p> <p>Supporting Documents:</p> <ul style="list-style-type: none"> The <i>Criminal Code and Related Legislation Amendment (Child Abuse) Act 2019</i> and Parliamentary package are available on the Tasmanian Parliament website.
26	Each state and territory government (other than Victoria) should introduce legislation to extend its broad grooming offence to the grooming of persons other than the child.	Tasmanian Government - Department of Justice	Accepted	<p>Status: Completed</p> <p>The Tasmanian Government notes that the crime of ‘Grooming with intent to procure a child [or young person] for sexual abuse etc.’ contrary to section 125D of the Criminal Code is consistent with this recommendation.</p> <p>Amendments to the ‘grooming’ crime were made by the <i>Criminal Code and Related Legislation Amendment (Child Abuse) Act 2019</i> to include indirect forms of communication, including communication with a third party intended to procure a child in unlawful sexual activity.</p> <p>Supporting Documents:</p> <ul style="list-style-type: none"> The <i>Criminal Code and Related Legislation Amendment (Child Abuse) Act 2019</i> and Parliamentary package are available on the Tasmanian Parliament website.
Position of authority offences				
27	State and territory governments should review any position of authority offences applying in circumstances where the victim is 16 or 17 years of age and the offender is in a position of authority (however described) in relation to the victim. If the offences require more than the existence of the relationship of authority (for example, that it be ‘abused’ or ‘exercised’), states and territories should introduce legislation to amend the offences so that the existence of the relationship is sufficient.	Tasmanian Government - Department of Justice	Noted (subsequently accepted in principle)	<p>Status: Completed</p> <p>The Justice Miscellaneous (Royal Commission Amendments) Bill 2022 was introduced into Parliament on 22 November 2022.</p> <p>The Bill amends the <i>Criminal Code Act 1924</i> to provide:</p> <ul style="list-style-type: none"> a new crime of ‘Penetrative sexual abuse of child or young person by person in position of authority’; a person is guilty of the new crime of ‘Penetrative sexual abuse of child or young person by person in position of authority’ if that person is in a position of authority in relation to a child and that person has sexual intercourse with that child; a person is in a position of authority in relation to a child includes a person who is: <ul style="list-style-type: none"> is a teacher at the school the child attends; is a parent of the child or the person is in a significant relationship, within the meaning of the Relationships Act 2003, with a parent of the child; provides religious, sporting, musical or other instruction to the child; is a religious official or spiritual leader in a religious or spiritual group attended by the child; is a health professional or social worker providing professional services to the child; is responsible for the care of the child and the child has a cognitive impairment; is employed or providing services in a prison or a detention centre;

				<ul style="list-style-type: none"> ○ is employed or providing services to a child, within the meaning of the Children and Young Persons and Their Families Act 1997; or ○ is an employer of the child. <ul style="list-style-type: none"> ● the new crime does not apply if the accused person was under 18 years of age at the time of the act or acts of sexual intercourse.
28	State and territory governments should review any provisions allowing consent to be negated in the event of sexual contact between a victim of 16 or 17 years of age and an offender who is in a position of authority (however described) in relation to the victim. If the provisions require more than the existence of the relationship of authority (for example, that it be 'abused' or 'exercised'), state and territory governments should introduce legislation to amend the provisions so that the existence of the relationship is sufficient.	Tasmanian Government - Department of Justice	Noted (subsequently accepted in principle)	<p>Status: Completed</p> <p>See response to recommendation 27 for more information on the Justice Miscellaneous (Royal Commission Amendments) Bill 2022.</p>
29	If there is a concern that one or more categories of persons in a position of authority (however described) may be too broad and may catch sexual contact which should not be criminalised when it is engaged in by such persons with children above the age of consent, state and territory governments could consider introducing legislation to establish defences such as a similar-age consent defence.	Tasmanian Government - Department of Justice	Noted (subsequently accepted in principle)	<p>Status: Completed</p> <p>See response to recommendation 27 for more information on the Justice Miscellaneous (Royal Commission Amendments) Bill 2022</p>
Limitation periods and immunities				
30	State and territory governments should introduce legislation to remove any remaining limitation periods, or any remaining immunities, that apply to child sexual abuse offences, including historical child sexual abuse offences, in a manner that does not revive any sexual offences that are no longer in keeping with community standards.	Tasmanian Government - Department of Justice	Accepted	<p>Status: Completed</p> <p>The Tasmanian Government notes that sexual crimes contained in the Tasmanian <i>Criminal Code</i> are not subject to limitation periods for commencement of criminal proceedings.</p> <p>The Justice Miscellaneous (Royal Commission Amendments) Bill 2022 was introduced into Parliament on 22 November 2022.</p> <p>The Bill amends the <i>Police Offences Act 1935</i> to:</p> <ul style="list-style-type: none"> ● remove the limitation period for the offence of 'assault with indecent intent'. <p>The Bill amends the <i>Victims of Crime Assistance Act 1976</i> to:</p> <ul style="list-style-type: none"> ● remove the limitation period for applications involving child sexual abuse. <p>The Bill amends the <i>Classification (Publications, Films and Computer Games) Enforcement Act 1995</i> to provide:</p> <ul style="list-style-type: none"> ● that proceedings for an offence against sections 72A or 73, which concern making, reproducing or procuring a child to be involved in making child exploitation material, may be commenced at any time.
31	Without limiting recommendation 30, the New South Wales Government should introduce legislation to give the repeal of the limitation period in section 78 of the <i>Crimes Act 1900</i> (NSW) retrospective effect.	NSW Government	Noted	There is no action required by the Tasmanian Government.
Failure to report offences				

32	<p><i>Moral or ethical duty to report to police</i></p> <p>Any person associated with an institution who knows or suspects that a child is being or has been sexually abused in an institutional context should report the abuse to police (and, if relevant, in accordance with any guidelines the institution adopts in relation to blind reporting under recommendation 16).</p>	N/A	Accepted	<p>Status: Completed</p> <p>This recommendation is consistent with the Tasmanian Government's State Service Principles and Code of Conduct legislated in the <i>State Service Act 2000</i> and embedded in government agencies' policies and procedures.</p> <p>This recommendation has been progressed in relevant Government Agencies. Further consideration to embedding this recommendation in relevant guidelines, procedures and legislation is ongoing.</p>
33	<p><i>Failure to report offence</i></p> <p>Each state and territory government should introduce legislation to create a criminal offence of failure to report targeted at child sexual abuse in an institutional context as follows:</p> <p>a. The failure to report offence should apply to any adult person who:</p> <ol style="list-style-type: none"> i. is an owner, manager, staff member or volunteer of a relevant institution – this includes persons in religious ministry and other officers or personnel of religious institutions ii. otherwise requires a Working with Children Check clearance for the purposes of their role in the institution but it should not apply to individual foster carers or kinship carers. <p>b. The failure to report offence should apply if the person fails to report to police in circumstances where they know, suspect, or should have suspected (on the basis that a reasonable person in their circumstances would have suspected and it was criminally negligent for the person not to suspect), that an adult associated with the institution was sexually abusing or had sexually abused a child.</p> <p>c. Relevant institutions should be defined to include</p>	Tasmanian Government - Department of Justice	Accepted in principle	<p>Status: Completed</p> <p>On 2 October 2019, the <i>Criminal Code and Related Legislation Amendment (Child Abuse) Act 2019</i> received Royal Assent which introduced a new crime of failing to report a child abuse crime in the <i>Criminal Code</i>.</p> <p>The Act introduced a new crime of 'Failing to report the abuse of a child' contrary to section 105A of the Criminal Code. A person is guilty of the new crime of 'Failing to report the abuse of a child' where a person reasonably believes that a child abuse offence has been committed and fails without reasonable excuse to inform a police officer as soon as practicable.</p> <p>The crime applies only where information is obtained on or after the commencement of this Act but applies regardless of the date of the alleged child abuse offence. That is, the information may relate to a child abuse offence that is alleged to have been committed prior to the commencement of the Act.</p> <p>A 'child abuse offence' is defined in the Bill to include child sexual offences and any serious assaults against a child or ill-treatment of a child.</p> <p>The new crime provides a number of safeguards that protects the rights of victims and the vulnerable. The crime does not apply to knowledge held by the victim of the child abuse offence. Nor does the new crime apply to information where:</p> <ul style="list-style-type: none"> • it is received by a child; or • by a person from a victim who has attained the age of 18 years and who wants the information to remain confidential. <p>A person is not guilty of the new crime if the information relating to a child abuse offence was not provided to a police officer where:</p> <ul style="list-style-type: none"> • the information is already generally available to members of the public; or • a person has a reasonable belief that: <ul style="list-style-type: none"> ○ the information has been reported or is known to a proper authority; or ○ reporting the information may endanger the safety of any person (other than the alleged perpetrator).

	<p>institutions that operate facilities or provide services to children in circumstances where the children are in the care, supervision or control of the institution. Foster and kinship care services should be included (but not individual foster carers or kinship carers). Facilities and services provided by religious institutions, and any services or functions performed by persons in religious ministry, should be included.</p> <p>d. If the knowledge is gained or the suspicion is or should have been formed after the failure to report offence commences, the failure to report offence should apply if any of the following circumstances apply:</p> <ol style="list-style-type: none"> i. A child to whom the knowledge relates or in relation to whom the suspicion is or should have been formed is still a child (that is, under the age of 18 years). ii. The person who is known to have abused a child or is or should have been suspected of abusing a child is either: <ul style="list-style-type: none"> • still associated with the institution • known or believed to be associated with another relevant institution. iii. The knowledge gained or the suspicion that is or should have been formed relates to abuse that may have occurred within the previous 10 years. <p>e. If the knowledge is gained or the suspicion is or should have been formed before the failure to report offence commences, the failure to report offence should apply if any of the following circumstances apply:</p> <ol style="list-style-type: none"> i. A child to whom the knowledge relates or in relation to whom the suspicion is or should have been formed is still a child (that is, under the age of 18 years) and is still associated with the institution (that is, they are still in the care, supervision or control of the institution). ii. The person who is known to have abused a child or is or should have been suspected of abusing a child is either: <ul style="list-style-type: none"> • still associated with the institution • known or believed to be associated with another relevant institution. 			<p>The new crime specifically excludes a member of clergy of a church or religious denomination from relying on confessional privilege as a reasonable excuse for failing to report a child abuse offence.</p> <p>The crime cannot be commenced without the written approval of the Director of Public Prosecutions</p> <p>Supporting Documents:</p> <ul style="list-style-type: none"> • The <i>Criminal Code and Related Legislation Amendment (Child Abuse) Act 2019</i> and Parliamentary package are available on the Tasmanian Parliament website.
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34	<p><i>Interaction with regulatory reporting</i></p> <p>State and territory governments should:</p> <p>a. ensure that they have systems in place in relation to their mandatory reporting scheme and any reportable conduct scheme to ensure that any reports made under those schemes that may involve child sexual abuse offences are brought to the attention of police</p> <p>b. include appropriate defences in the failure to report offence to avoid duplication of reporting under mandatory reporting and any reportable conduct Schemes.</p>	Tasmanian Government - Department of Justice	34a - Accepted 34b - Noted	<p>Status: Completed</p> <p>Recommendation 34a is consistent with Tasmanian policies, practices and procedures in relation to mandatory reporting.</p> <p>On 2 October 2019, the <i>Criminal Code and Related Legislation Amendment (Child Abuse) Act 2019</i> received Royal Assent which introduced a new crime of failing to report a child abuse crime in the <i>Criminal Code</i>.</p> <p>The Act introduced a new crime of 'Failing to report the abuse of a child' contrary to section 105A of the Criminal Code.</p> <p>A person is guilty of the new crime of 'Failing to report the abuse of a child' where a person reasonably believes that a child abuse offence has been committed and fails without reasonable excuse to inform a police officer as soon as practicable.</p> <p>The crime applies only where information is obtained on or after the commencement of this Act but applies regardless of the date of the alleged child abuse offence. That is, the information may relate to a child abuse offence that is alleged to have been committed prior to the commencement of the Act.</p> <p>A 'child abuse offence' is defined in the Bill to include child sexual offences and any serious assaults against a child or ill-treatment of a child.</p> <p>The new crime provides a number of safeguards that protects the rights of victims and the vulnerable. The crime does not apply to knowledge held by the victim of the child abuse offence. Nor does the new crime apply to information where:</p> <ul style="list-style-type: none"> • it is received by a child; or • by a person from a victim who has attained the age of 18 years and who wants the information to remain confidential. <p>A person is not guilty of the new crime if the information relating to a child abuse offence was not provided to a police officer where:</p> <ul style="list-style-type: none"> • the information is already generally available to members of the public; or • a person has a reasonable belief that: <ul style="list-style-type: none"> ○ the information has been reported or is known to a proper authority; or ○ reporting the information may endanger the safety of any person (other than the alleged perpetrator). <p>The new crime specifically excludes a member of clergy of a church or religious denomination from relying on confessional privilege as a reasonable excuse for failing to report a child abuse offence.</p> <p>The crime cannot be commenced without the written approval of the Director of Public Prosecutions.</p> <p>Supporting Documents:</p> <ul style="list-style-type: none"> • The <i>Criminal Code and Related Legislation Amendment (Child Abuse) Act 2019</i> and Parliamentary package are available on the Tasmanian Parliament website.
35	<p><i>Treatment of religious confessions</i></p> <p>Each state and territory government should ensure that the legislation it introduces to create the criminal offence of</p>	Tasmanian Government - Department of Justice	For further consideration (subsequently accepted in principle)	<p>Status: Completed</p> <p>On 2 October 2019, the <i>Criminal Code and Related Legislation Amendment (Child Abuse) Act 2019</i> received Royal Assent which introduced a new crime of failing to report a child abuse crime in the <i>Criminal Code</i>.</p> <p>The Act introduced a new crime of 'Failing to report the abuse of a child' contrary to section 105A of the Criminal Code.</p>

	<p>failure to report recommended in recommendation 33 addresses religious confessions as follows:</p> <p>a. The criminal offence of failure to report should apply in relation to knowledge gained or suspicions that are or should have been formed, in whole or in part, on the basis of information disclosed in or in connection with a religious confession.</p> <p>b. The legislation should exclude any existing excuse, protection or privilege in relation to religious confessions to the extent necessary to achieve this objective.</p> <p>Religious confession should be defined to include a confession about the conduct of a person associated with the institution made by a person to a second person who is in religious ministry in that second person's professional capacity according to the ritual of the church or religious denomination concerned.</p>			<p>A person is guilty of the new crime of 'Failing to report the abuse of a child' where a person reasonably believes that a child abuse offence has been committed and fails without reasonable excuse to inform a police officer as soon as practicable.</p> <p>The crime applies only where information is obtained on or after the commencement of this Act but applies regardless of the date of the alleged child abuse offence. That is, the information may relate to a child abuse offence that is alleged to have been committed prior to the commencement of the Act.</p> <p>A 'child abuse offence' is defined in the Bill to include child sexual offences and any serious assaults against a child or ill-treatment of a child.</p> <p>The new crime provides a number of safeguards that protects the rights of victims and the vulnerable. The crime does not apply to knowledge held by the victim of the child abuse offence. Nor does the new crime apply to information where:</p> <ul style="list-style-type: none"> • it is received by a child; or • by a person from a victim who has attained the age of 18 years and who wants the information to remain confidential. <p>A person is not guilty of the new crime if the information relating to a child abuse offence was not provided to a police officer where:</p> <ul style="list-style-type: none"> • the information is already generally available to members of the public; or • a person has a reasonable belief that: <ul style="list-style-type: none"> ○ the information has been reported or is known to a proper authority; or ○ reporting the information may endanger the safety of any person (other than the alleged perpetrator). <p>The new crime specifically excludes a member of clergy of a church or religious denomination from relying on confessional privilege as a reasonable excuse for failing to report a child abuse offence.</p> <p>The crime cannot be commenced without the written approval of the Director of Public Prosecutions</p> <p>Supporting Documents:</p> <ul style="list-style-type: none"> • The <i>Criminal Code and Related Legislation Amendment (Child Abuse) Act 2019</i> and Parliamentary package are available on the Tasmanian Parliament website.
36	<p><i>Failure to protect offence</i></p> <p>State and territory governments should introduce legislation to create a criminal offence of failure to protect a child within a relevant institution from a substantial risk of sexual abuse by an adult associated with the institution as follows:</p> <p>a. The offence should apply where:</p> <ol style="list-style-type: none"> i. an adult person knows that there is a substantial risk that another adult person associated with the institution will commit a sexual offence against: <ul style="list-style-type: none"> • a child under 16 • a child of 16 or 17 years of age if the person associated with the institution is in a position of authority in relation to the child ii. the person has the power or responsibility to reduce or remove the risk 	Tasmanian Government - Department of Justice	Noted (subsequently accepted in principle)	<p>Status: Completed</p> <p>The Justice Miscellaneous (Royal Commission Amendments) Bill 2022 was introduced to Parliament on 22 November 2022.</p> <p>The Bill introduced a new crime of 'Failure by a person in authority to protect a child from a sexual offence':</p> <ul style="list-style-type: none"> • a person is guilty of this crime if they are employed by a relevant organisation and they hold a reasonable belief that there is a substantial risk that a relevant child may become the victim of a child sexual offence by a person associated with the relevant organisation and the person fails to take reasonable steps to reduce or remove that risk. • This crime will apply to all people in organisations that exercise care, supervision or authority over children, whether as a primary function or otherwise. • for the purposes of the crime, a 'relevant organisation' is an organisation that exercises care, supervision or authority over children, and includes: <ul style="list-style-type: none"> ○ religious organisations; ○ educational institutions; ○ child care services; ○ hospitals; ○ councils;

	<p>iii. the person negligently fails to reduce or remove the risk.</p> <p>b. The offence should not be able to be committed by individual foster carers or kinship carers.</p> <p>c. Relevant institutions should be defined to include institutions that operate facilities or provide services to children in circumstances where the children are in the care, supervision or control of the institution. Foster care and kinship care services should be included, but individual foster carers and kinship carers should not be included. Facilities and services provided by religious institutions, and any service or functions performed by persons in religious ministry, should be included.</p> <p>d. State and territory governments should consider the Victorian offence in section 49C of the Crimes Act 1958 (Vic) as a useful precedent, with an extension to include children of 16 or 17 years of age if the person associated with the institution is in a position of authority in relation to the child.</p>			<ul style="list-style-type: none"> ○ State service agencies; ○ sporting groups, and youth organisations; ○ charity or benevolent organisations; ○ organisation providing out of home care and accommodation services; and ○ community service organisations. <ul style="list-style-type: none"> ● A 'person associated' with the relevant organisation is the potential perpetrator of child sexual abuse and includes an employee, officer, volunteer, contractor or agent but is not a person who solely receives a benefit from the organisation. It is not necessary to prove that acts of child sexual abuse have been committed for the purpose of this crime.
Issues in prosecutions responses				
37	<p><i>Principles for prosecutions responses</i></p> <p>All Australian Directors of Public Prosecutions, with assistance from the relevant government in relation to funding, should ensure that prosecution responses to child sexual abuse are guided by the following principles:</p> <p>a. All prosecution staff who may have professional contact with victims of institutional child sexual abuse should be trained to have a basic understanding of the nature and impact of child sexual abuse – and institutional child sexual abuse in particular – and how it can affect people who are involved in a prosecution process, including those who may have difficulties dealing with institutions or person in positions of authority.</p> <p>b. While recognising the complexity of prosecution staffing and court timetables, prosecution agencies should recognise the benefit to victims and their families and survivors of continuity in prosecution team staffing and should take steps to facilitate, to the extent possible, continuity in staffing of the prosecution team involved in a prosecution.</p> <p>c. Prosecution agencies should continue to recognise the importance to victims and their families and survivors of the prosecution agency maintaining regular communication with them to keep them informed of the status of the prosecution unless they have asked not to be kept informed.</p> <p>d. Witness Assistance Services should be funded and staffed to ensure that they can perform their task of keeping victims and their families and survivors informed</p>	Tasmanian Office of the Director of Public Prosecutions	Accepted	<p>Status: Completed</p> <p>The Director of Public Prosecutions (DPP) is an independent statutory officer reporting to Parliament through the Attorney-General. The DPP acts independently of the government and of political influence. The DPP is also independent of police and other investigating bodies and Tasmanian Government agencies.</p> <p>In 2015, amendments to the <i>Director of Public Prosecutions Act 1973</i> gave the DPP a statutory power to issue guidelines to prosecutors, persons acting on the DPP's behalf, the Commissioner of Police and prosecutorial agencies with regard to prosecutions and the class of prosecutions which are required to be referred to the DPP.</p> <p>These guidelines apply only to prosecutors employed by the Office unless it is stated, or clearly implied, that they apply to Tasmania Police or other agencies.</p> <p>Supporting Documents:</p> <ul style="list-style-type: none"> ● Director of Public Prosecutions - Prosecution Policy and Guidelines are publicly available at https://www.dpp.tas.gov.au/data/assets/pdf_file/0004/629302/DPP-prosecution-guidelines_v7-2.pdf

	<p>and ensuring that they are put in contact with relevant support services, including staff trained to provide a culturally appropriate service for Aboriginal and Torres Strait Islander victims and survivors. Specialist services for children should also be considered.</p> <p>e. Particularly in relation to historical allegations of institutional child sexual abuse, prosecution staff who are involved in giving early charge advice or in prosecuting child sexual abuse matters should be trained to:</p> <ol style="list-style-type: none"> i. be non-judgmental and recognise that many victims of child sexual abuse will go on to develop substance abuse and mental health problems, and some may have a criminal record ii. focus on the credibility of the complaint or allegation rather than focusing only on the credibility of the complainant. <p>f. Prosecution agencies should recognise that children with disability are at a significantly increased risk of abuse, including child sexual abuse. Prosecutors should take this increased risk into account in any decisions they make in relation to prosecuting child sexual abuse offences.</p>			
38	<p><i>Principles for prosecutions responses</i></p> <p>Each state and territory government should facilitate the development of standard material to provide to complainants or other witnesses in child sexual abuse trials to better inform them about giving evidence. The development of the standard material should be led by Directors of Public Prosecutions in consultation with Witness Assistance Services, public defenders (where available), legal aid services and representatives of the courts to ensure that it:</p> <ol style="list-style-type: none"> a. is likely to be of adequate assistance for complainants who are not familiar with criminal trials and giving evidence b. is fair to the accused as well as to the prosecution c. does not risk rehearsing or coaching the witness. 	Tasmanian Office of the Director of Public Prosecutions	Accepted	<p>Status: Completed</p> <p>The Director of Public Prosecutions (DPP) is an independent statutory officer reporting to Parliament through the Attorney-General. The DPP acts independently of the government and of political influence. The DPP is also independent of police and other investigating bodies and Tasmanian Government agencies.</p> <p>In 2015, amendments to the <i>Director of Public Prosecutions Act 1973</i> gave the DPP a statutory power to issue guidelines to prosecutors, persons acting on the DPP's behalf, the Commissioner of Police and prosecutorial agencies with regard to prosecutions and the class of prosecutions which are required to be referred to the DPP.</p> <p>These guidelines apply only to prosecutors employed by the Office unless it is stated, or clearly implied, that they apply to Tasmania Police or other agencies.</p> <p>Supporting Documents:</p> <ul style="list-style-type: none"> • Director of Public Prosecutions - Prosecution Policy and Guidelines are publicly available at https://www.dpp.tas.gov.au/data/assets/pdf_file/0004/629302/DPP-prosecution-guidelines_v7-2.pdf
39	<p><i>Charging and plea decisions</i></p> <p>All Australian Directors of Public Prosecutions should ensure that prosecution charging and plea decisions in prosecutions for child sexual abuse offences are guided by the following principles:</p>	Tasmanian Office of the Director of Public Prosecutions	Accepted	<p>Status: Completed</p> <p>The Director of Public Prosecutions (DPP) is an independent statutory officer reporting to Parliament through the Attorney-General. The DPP acts independently of the government and of political influence. The DPP is also independent of police and other investigating bodies and Tasmanian Government agencies.</p> <p>In 2015, amendments to the <i>Director of Public Prosecutions Act 1973</i> gave the DPP a statutory power to issue guidelines to prosecutors,</p>

	<p>a. Prosecutors should recognise the importance to complainants of the correct charges being laid as early as possible so that charges are not significantly downgraded or withdrawn at or close to trial. Prosecutors should provide early advice to police on appropriate charges to lay when such advice is sought.</p> <p>b. Regardless of whether such advice has been sought, prosecutors should confirm the appropriateness of the charges as early as possible once they are allocated the prosecution to ensure that the correct charges have been laid and to minimise the risk that charges will have to be downgraded or withdrawn closer to the trial date.</p> <p>c. While recognising the benefit of securing guilty pleas, prosecution agencies should also recognise that it is important to complainants – and to the criminal justice system – that the charges for which a guilty plea is accepted reasonably reflect the true criminality of the abuse they suffered.</p> <p>d. Prosecutors must endeavour to ensure that they allow adequate time to consult the complainant and the police in relation to any proposal to downgrade or withdraw charges or to accept a negotiated plea and that the complainant is given the opportunity to obtain assistance from relevant witness assistance officers or other advocacy and support services before they give their opinion on the proposal. If the complainant is a child, prosecutors must endeavour to ensure that they give the child the opportunity to consult their carer or parents unless the child does not wish to do so.</p>			<p>persons acting on the DPP's behalf, the Commissioner of Police and prosecutorial agencies with regard to prosecutions and the class of prosecutions which are required to be referred to the DPP.</p> <p>These guidelines apply only to prosecutors employed by the Office unless it is stated, or clearly implied, that they apply to Tasmania Police or other agencies.</p> <p>Supporting Documents:</p> <ul style="list-style-type: none"> Director of Public Prosecutions - Prosecution Policy and Guidelines are publicly available at https://www.dpp.tas.gov.au/data/assets/pdf_file/0004/629302/DPP-prosecution-guidelines_v7-2.pdf
DPP complaints and oversight mechanisms				
40	<p>Each Australian Director of Public Prosecutions should:</p> <p>a. have comprehensive written policies for decision-making and consultation with victims and police</p> <p>b. publish all policies online and ensure that they are publicly available</p> <p>c. provide a right for complainants to seek written reasons for key decisions, without detracting from an opportunity to discuss reasons in person before written reasons are provided.</p>	Tasmanian Office of the Director of Public Prosecutions	Accepted in principle	<p>Status: Completed</p> <p>The Director of Public Prosecutions (DPP) is an independent statutory officer reporting to Parliament through the Attorney-General. The DPP acts independently of the government and of political influence. The DPP is also independent of police and other investigating bodies and Tasmanian Government agencies.</p> <p>In 2015, amendments to the <i>Director of Public Prosecutions Act 1973</i> gave the DPP a statutory power to issue guidelines to prosecutors, persons acting on the DPP's behalf, the Commissioner of Police and prosecutorial agencies with regard to prosecutions and the class of prosecutions which are required to be referred to the DPP.</p> <p>These guidelines apply only to prosecutors employed by the Office unless it is stated, or clearly implied, that they apply to Tasmania Police or other agencies.</p> <p>Supporting Documents:</p> <ul style="list-style-type: none"> Director of Public Prosecutions - Prosecution Policy and Guidelines are publicly available at https://www.dpp.tas.gov.au/data/assets/pdf_file/0004/629302/DPP-prosecution-guidelines_v7-2.pdf

41	Each Australian Director of Public Prosecutions should establish a robust and effective formalised complaints mechanism to allow victims to seek internal merits review of key decisions.	Tasmanian Office of the Director of Public Prosecutions	Accepted	<p>Status: Completed</p> <p>The Director of Public Prosecutions (DPP) is an independent statutory officer reporting to Parliament through the Attorney-General. The DPP acts independently of the government and of political influence. The DPP is also independent of police and other investigating bodies and Tasmanian Government agencies.</p> <p>In 2015, amendments to the <i>Director of Public Prosecutions Act 1973</i> gave the DPP a statutory power to issue guidelines to prosecutors, persons acting on the DPP's behalf, the Commissioner of Police and prosecutorial agencies with regard to prosecutions and the class of prosecutions which are required to be referred to the DPP.</p> <p>These guidelines apply only to prosecutors employed by the Office unless it is stated, or clearly implied, that they apply to Tasmania Police or other agencies.</p> <p>Supporting Documents:</p> <ul style="list-style-type: none"> Director of Public Prosecutions - Prosecution Policy and Guidelines are publicly available at https://www.dpp.tas.gov.au/data/assets/pdf_file/0004/629302/DPP-prosecution-guidelines_v7-2.pdf
42	Each Australian Director of Public Prosecutions should establish robust and effective internal audit processes to audit their compliance with policies for decision-making and consultation with victims and police.	Tasmanian Office of the Director of Public Prosecutions	Accepted	<p>Status: Completed</p> <p>The Director of Public Prosecutions (DPP) is an independent statutory officer reporting to Parliament through the Attorney-General. The DPP acts independently of the government and of political influence. The DPP is also independent of police and other investigating bodies and Tasmanian Government agencies.</p> <p>In 2015, amendments to the <i>Director of Public Prosecutions Act 1973</i> gave the DPP a statutory power to issue guidelines to prosecutors, persons acting on the DPP's behalf, the Commissioner of Police and prosecutorial agencies with regard to prosecutions and the class of prosecutions which are required to be referred to the DPP.</p> <p>These guidelines apply only to prosecutors employed by the Office unless it is stated, or clearly implied, that they apply to Tasmania Police or other agencies.</p> <p>Supporting Documents:</p> <ul style="list-style-type: none"> Director of Public Prosecutions - Prosecution Policy and Guidelines are publicly available at https://www.dpp.tas.gov.au/data/assets/pdf_file/0004/629302/DPP-prosecution-guidelines_v7-2.pdf
43	Each Australian Director of Public Prosecutions should publish the existence of their complaints mechanism and internal audit processes and data on their use and outcomes online and in their annual reports.	Tasmanian Office of the Director of Public Prosecutions	Accepted	<p>Status: Completed</p> <p>The Director of Public Prosecutions (DPP) is an independent statutory officer reporting to Parliament through the Attorney-General. The DPP acts independently of the government and of political influence. The DPP is also independent of police and other investigating bodies and Tasmanian Government agencies.</p> <p>In 2015, amendments to the <i>Director of Public Prosecutions Act 1973</i> gave the DPP a statutory power to issue guidelines to prosecutors, persons acting on the DPP's behalf, the Commissioner of Police and prosecutorial agencies with regard to prosecutions and the class of prosecutions which are required to be referred to the DPP.</p> <p>These guidelines apply only to prosecutors employed by the Office unless it is stated, or clearly implied, that they apply to Tasmania Police or other agencies.</p>

				Supporting Documents: <ul style="list-style-type: none"> Director of Public Prosecutions - Prosecution Policy and Guidelines are publicly available at https://www.dpp.tas.gov.au/data/assets/pdf_file/0004/629302/DPP-prosecution-guidelines_v7-2.pdf
Tendency and coincidence and joint trials				
44	In order to ensure justice for complainants and the community, the laws governing the admissibility of tendency and coincidence evidence in prosecutions for child sexual abuse offences should be reformed to facilitate greater admissibility and cross-admissibility of tendency and coincidence evidence and joint trials	Tasmanian Government - Department of Justice	Accepted in principle	<p>Status: Completed</p> <p>On 1 December 2017, the Council of Attorneys-General (CAG) noted the Royal Commission's recommendations and agreed to convene a working group to consider the test of admissibility of tendency and coincidence evidence under the Uniform Evidence Law (UEL) and developed a proposal to facilitate greater admissibility of this evidence in criminal proceedings.</p> <p>The Admissibility of Tendency and Coincidence Evidence Working Group (ATCEWG) was established in early 2018 and was tasked with reporting back to CAG with a reform proposal. CAG subsequently agreed to receive that report in the first half of 2019.</p> <p>In July 2019, a proposal paper was released setting out the proposed reforms to admissibility and tendency coincidence evidence law under the UEL.</p> <p>Following the submission of the proposal paper to CAG, the Council approved the drafting of a model bill that implemented the proposed reforms to the UEL. In September 2019, the model bill was drafted and circulated amongst jurisdictions.</p> <p>In November 2019, CAG convened to discuss the implementation of the model bill. All states and territories agreed to introduce the model bill to their respective Parliaments.</p> <p>The Justice Miscellaneous (Royal Commission Amendments) Bill 2022 was introduced into Parliament on 22 November 2022.</p> <p>The Bill amends the <i>Evidence Act 2001</i> to provide:</p> <ul style="list-style-type: none"> that principles or rules of the common law or equity preventing or restricting the admissibility of evidence about propensity or similar fact evidence are not relevant when applying tendency and coincidence provisions; that a court when assessing the probative value of tendency or coincidence evidence is not to have regard to the possibility that tendency evidence or coincidence evidence may be the result of collusion, concoction or contamination; a rebuttable presumption that certain tendency evidence relating to a child sexual offence is presumed to have significant probative value and to set out matters that may not ordinarily be taken into account by a court to overcome that presumption and determine that the evidence does not have significant probative value; that coincidence evidence includes evidence from multiple witnesses claiming they are victims of an accused person, which is used to prove, on the basis of similarities in their evidence, that the accused person did a particular act; and that tendency evidence or coincidence evidence adduced by the prosecution about a defendant is inadmissible unless the probative value of the evidence 'outweighs' the danger of unfair prejudice to the defendant rather than 'substantially outweighs'.

45	<p>Tendency or coincidence evidence about the defendant in a child sexual offence prosecution should be admissible:</p> <p>a. if the court thinks that the evidence will, either by itself or having regard to the other evidence, be 'relevant to an important evidentiary issue' in the proceeding, with each of the following kinds of evidence defined to be 'relevant to an important evidentiary issue' in a child sexual offence proceeding:</p> <ol style="list-style-type: none"> i. evidence that shows a propensity of the defendant to commit particular kinds of offences if the commission of an offence of the same or a similar kind is in issue in the proceeding ii. evidence that is relevant to any matter in issue in the proceeding if the matter concerns an act or state of mind of the defendant and is important in the context of the proceeding as a whole <p>b. unless, on the application of the defendant, the court thinks, having regard to the particular circumstances of the proceeding, that both:</p> <ol style="list-style-type: none"> i. admission of the evidence is more likely than not to result in the proceeding being unfair to the defendant ii. if there is a jury, the giving of appropriate directions to the jury about the relevance and use of the evidence will not remove the risk. 	Tasmanian Government - Department of Justice	Noted (subsequently accepted in principle)	<p>Status: Completed</p> <p>See response to recommendation 44 for more information on the Justice Miscellaneous (Royal Commission Amendments) Bill 2022.</p>
46	<p>Common law principles or rules that restrict the admission of propensity or similar fact evidence should be explicitly abolished or excluded in relation to the admissibility of tendency or coincidence evidence about the defendant in a child sexual offence prosecution.</p>	Tasmanian Government - Department of Justice	Accepted	<p>Status: Completed</p> <p>The recommendation is consistent with Tasmanian evidence laws.</p>
47	<p>Issues of concoction, collusion or contamination should not affect the admissibility of tendency or coincidence evidence about the defendant in a child sexual offence prosecution. The court should determine admissibility on the assumption that the evidence will be accepted as credible and reliable, and the impact of any evidence of concoction, collusion or contamination should be left to the jury or other fact-finder.</p>	Tasmanian Government - Department of Justice	Accepted	<p>Status: Completed</p> <p>On 9 August 2017, the <i>Evidence and Related Legislation Amendment Act 2017</i> introduced by the Tasmanian Government and is consistent with this recommendation.</p> <p>This Act amended the <i>Evidence Act 2001</i> to clearly state that evidence of concoction, collusion or suggestion is not relevant to the admissibility of the evidence in a criminal trial.</p> <p>Supporting Documents:</p> <ul style="list-style-type: none"> • The <i>Evidence and Related Legislation Amendment Act 2017</i> and Parliamentary package are available on the Tasmanian Parliament website.
48	<p>Tendency or coincidence evidence about a defendant in a child sexual offence prosecution should not be required to be proved beyond reasonable doubt.</p>	Tasmanian Government - Department of Justice	Noted (subsequently accepted in principle)	<p>Status: Completed</p> <p>See response to recommendation 44 for more information on the Justice Miscellaneous (Royal Commission Amendments) Bill 2022.</p>

49	<p>Evidence of:</p> <p>a. the defendant's prior convictions</p> <p>b. acts for which the defendant has been charged but not convicted (other than acts for which the defendant has been acquitted)</p> <p>should be admissible as tendency or coincidence evidence if it otherwise satisfies the test for admissibility of tendency or coincidence evidence about a defendant in a child sexual offence prosecution.</p>	Tasmanian Government - Department of Justice	Accepted	<p>Status: Completed</p> <p>This recommendation is consistent with Tasmanian evidence laws.</p>
50	Australian governments should introduce legislation to make the reforms we recommend to the rules governing the admissibility of tendency and coincidence evidence.	Tasmanian Government - Department of Justice	Noted (subsequently accepted in principle)	<p>Status: Completed</p> <p>See response to recommendation 44 for more information on the Justice Miscellaneous (Royal Commission Amendments) Bill 2022.</p>
51	The draft provisions in Appendix N provide for the recommended reforms for Uniform Evidence Act jurisdictions. Legislation to the effect of the draft provisions should be introduced for Uniform Evidence Act jurisdictions and non-Uniform Evidence Act jurisdictions.	Tasmanian Government - Department of Justice	Noted (subsequently accepted in principle)	<p>Status: Completed</p> <p>See response to recommendation 44 for more information on the Justice Miscellaneous (Royal Commission Amendments) Bill 2022.</p>
Evidence of victims and survivors				
52	<p><i>Prerecording</i></p> <p>State and territory governments should ensure that the necessary legislative provisions and physical resources are in place to allow for the prerecording of the entirety of a witness's evidence in child sexual abuse prosecutions. This should include both:</p> <p>a. in summary and indictable matters, the use of a prerecorded investigative interview as some or all of the witness's evidence in chief</p> <p>b. in matters tried on indictment, the availability of pre-trial hearings to record all of a witness's evidence, including cross-examination and re-examination, so that the evidence is taken in the absence of the jury and the witness need not participate in the trial itself.</p>	Tasmanian Government - Department of Justice	Accepted in principle	<p>Status: Completed</p> <p>The Tasmanian Government notes that this recommendation is consistent with the Tasmanian legislative framework. On 1 March 2014, the <i>Evidence (Children and Special Witnesses) Amendment Act 2013</i> introduced amendments to the <i>Evidence (Children and Special Witnesses) Act 2001</i> to enable prerecording of the entirety of a child witnesses' evidence in child sexual abuse proceedings. On 2 October 2019, the <i>Criminal Code and Related Legislation Amendment (Child Abuse) Act 2019</i> received Royal Assent and extended the pre-recording of audio visual evidence to:</p> <ul style="list-style-type: none"> • all victims in child sexual abuse prosecutions; • any children who are under 18 years; and • any other witness ordered by the court upon application by the prosecution where it is in the interests of justice to conduct the pre-recording. <p>Further, the Act provided that the audio-visual recording of evidence may be tendered as the relevant witness' evidence if relevant to any subsequent proceedings and it is not contrary to the interests of justice.</p> <p>In 2018, the Magistrates Court was given a grant of \$107,338 to improve video-conferencing facilities in one or more courtrooms and protected witness rooms at the Hobart Magistrates Court.</p> <p>In the 2020-21 State Budget:</p> <p>"Funding of \$1.8 million has been provided over two years for new, or to replace outdated, video conferencing equipment at the Magistrates and Supreme Court facilities and the Tasmania Prison Service."</p> <p>Supporting Documents:</p> <ul style="list-style-type: none"> • The <i>Criminal Code and Related Legislation Amendment (Child Abuse) Act 2019</i> and Parliamentary package are available on the Tasmanian Parliament website.

53	<p><i>Prerecording</i></p> <p>Full prerecording should be made available for:</p> <ol style="list-style-type: none"> all complainants in child sexual abuse prosecutions any other witnesses who are children or vulnerable adults any other prosecution witness that the prosecution considers necessary. 	Tasmanian Government - Department of Justice	Accepted	<p>Status: Completed</p> <p>The Tasmanian Government notes that this recommendation is consistent with the Tasmanian legislative framework. On 1 March 2014, the <i>Evidence (Children and Special Witnesses) Amendment Act 2013</i> introduced amendments to the <i>Evidence (Children and Special Witnesses) Act 2001</i> to enable prerecording of the entirety of a child witnesses' evidence in child sexual abuse proceedings. On 2 October 2019, the <i>Criminal Code and Related Legislation Amendment (Child Abuse) Act 2019</i> received Royal Assent and extended the pre-recording of audio visual evidence to:</p> <ul style="list-style-type: none"> all victims in child sexual abuse prosecutions; any children who are under 18 years; and any other witness ordered by the court upon application by the prosecution where it is in the interests of justice to conduct the pre-recording. <p>Further, the Act provided that the audio-visual recording of evidence may be tendered as the relevant witness' evidence if relevant to any subsequent proceedings and it is not contrary to the interests of justice.</p> <p>Supporting Documents:</p> <ul style="list-style-type: none"> The <i>Criminal Code and Related Legislation Amendment (Child Abuse) Act 2019</i> and Parliamentary package are available on the Tasmanian Parliament website.
54	<p><i>Prerecording</i></p> <p>Where the prerecording of cross-examination is used, it should be accompanied by ground rules hearings to maximise the benefits of such a procedure.</p>	Tasmanian Government - Department of Justice	Noted (subsequently accepted in principle)	<p>Status: Completed</p> <p>On 17 November 2020, the <i>Evidence (Children and Special Witnesses) Amendment Act 2020</i> received Royal Assent, which fulfilled the Tasmanian Government's commitment to establish a Pilot Intermediary Scheme. The Pilot began on 1 March 2021.</p> <p>Ground Rules Hearing have been introduced for use in relation to those witnesses who are assisted by a witness intermediary. The extension of the use of ground rules hearings to other types of matters will be monitored and legislative reform considered if required.</p> <p>Supporting Documents:</p> <ul style="list-style-type: none"> The <i>Evidence (Children and Special Witnesses) Amendment Act 2020</i> and Parliamentary package are available on the Tasmanian Parliament website.
55	<p><i>Prerecording</i></p> <p>State and territory governments should work with courts to improve the technical quality of closed circuit television and audiovisual links and the equipment used and staff training in taking and replaying prerecorded and remote evidence.</p>	Tasmanian Government - Department of Justice	Accepted	<p>Status: Commenced</p> <p>Funding of \$1.8 million has been provided for new or replacement video conferencing equipment at the Magistrates and Supreme Court facilities and the Tasmania Prison Service to improve state-wide access to justice and reduce the need to transport prisoners/remandees to and from courts. Project completion date is anticipated to be 30 June 2023.</p>

56	<p><i>Recording</i></p> <p>State and territory governments should introduce legislation to require the audiovisual recording of evidence given by complainants and other witnesses that the prosecution considers necessary in child sexual abuse prosecutions, whether tried on indictment or summarily, and to allow these recordings to be tendered and relied on as the relevant witness's evidence in any subsequent trial or retrial. The legislation should apply regardless of whether the relevant witness gives evidence live in court, via closed circuit television or in a prerecorded hearing.</p>	Tasmanian Government - Department of Justice	Accepted	<p>Status: Completed</p> <p>On 1 March 2014, the <i>Evidence (Children and Special Witnesses) Amendment Act 2013</i> introduced amendments to the <i>Evidence (Children and Special Witnesses) Act 2001</i> to enable prerecording of the entirety of a child witnesses' evidence in child sexual abuse proceedings. That Act also provided that where facilities are available, an affected child's or special witness's evidence given at trial be audio-visually recorded and a judge may order that the audio-visual record be admitted into evidence in any later proceeding to which it is relevant and relieve the affected child or special witness from giving evidence wholly or in part at the later proceeding.</p> <p>On 2 October 2019, the <i>Criminal Code and Related Legislation Amendment (Child Abuse) Act 2019</i> received Royal Assent and strengthened the operation of the <i>Evidence (Children and Special Witnesses) Act 2001</i> to extend the use of pre-recordings for vulnerable witnesses.</p> <p>Supporting Documents:</p> <ul style="list-style-type: none"> The <i>Criminal Code and Related Legislation Amendment (Child Abuse) Act 2019</i> and Parliamentary package are available on the Tasmanian Parliament website.
57	<p><i>Recording</i></p> <p>State and territory governments should ensure that the courts are adequately resourced to provide this facility, in terms of both the initial recording and its use in any subsequent trial or retrial.</p>	Tasmanian Government - Department of Justice	Noted (subsequently accepted in principle)	<p>Status: Commenced</p> <p>Funding of \$1.8 million has been provided for new or replacement video conferencing equipment at the Magistrates and Supreme Court facilities and the Tasmania Prison Service to improve state-wide access to justice and reduce the need to transport prisoners/remandees to and from courts. Project completion date is anticipated to be 30 June 2023.</p>
58	<p><i>Recording</i></p> <p>If it is not practical to record evidence given live in court in a way that is suitable for use in any subsequent trial or retrial, prosecution guidelines should require that the fact that a witness may be required to give evidence again in the event of a retrial be discussed with witnesses when they make any choice as to whether to give evidence via prerecording, closed circuit television or in person.</p>	Tasmanian Office of the Director of Public Prosecutions	Accepted	<p>Status: Completed</p> <p>The Director of Public Prosecutions (DPP) is an independent statutory officer reporting to Parliament through the Attorney-General. The DPP acts independently of the government and of political influence. The DPP is also independent of police and other investigating bodies and Tasmanian Government agencies.</p> <p>In 2015, amendments to the <i>Director of Public Prosecutions Act 1973</i> gave the DPP a statutory power to issue guidelines to prosecutors, persons acting on the DPP's behalf, the Commissioner of Police and prosecutorial agencies with regard to prosecutions and the class of prosecutions which are required to be referred to the DPP.</p> <p>These guidelines apply only to prosecutors employed by the Office unless it is stated, or clearly implied, that they apply to Tasmania Police or other agencies.</p> <p>Supporting Documents:</p> <ul style="list-style-type: none"> Director of Public Prosecutions - Prosecution Policy and Guidelines are publicly available at https://www.dpp.tas.gov.au/data/assets/pdf_file/0004/629302/DPP-prosecution-guidelines_v7-2.pdf

59	<p><i>Intermediaries</i></p> <p>State and territory governments should establish intermediary schemes similar to the Registered Intermediary Scheme in England and Wales which are available to any prosecution witness with a communication difficulty in a child sexual abuse prosecution. Governments should ensure that the scheme:</p> <ol style="list-style-type: none"> requires intermediaries to have relevant professional qualifications to assist in communicating with vulnerable witnesses provides intermediaries with training on their role and in understanding that their duty is to assist the court to communicate with the witness and to be impartial makes intermediaries available at both the police interview stage and trial stage <p>enables intermediaries to provide recommendations to police and the court on how best to communicate with the witness and to intervene in an interview or examination where they observe a communication breakdown.</p>	Tasmanian Government - Department of Justice	Accepted in principle	<p>Status: Commenced</p> <p>On 17 November 2020, the <i>Evidence (Children and Special Witnesses) Amendment Act 2020</i> 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.</p> <p>The Pilot applies to children and adults with a communication need, who are victims or witnesses in proceedings relating to specified offences, that is, sexual offence matters and homicide matters. Under the Pilot, witness intermediaries are available to Tasmania Police during investigation of crimes, and in proceedings in both the Magistrates Court and Supreme Court.</p> <p>To support the use of intermediaries in court proceedings, the Act amended the <i>Evidence (Children and Special Witnesses) Act 2001</i> by giving the Secretary of the Department of Justice the power to establish and maintain the Intermediaries Panel. A person may be included on the Panel if the person has a tertiary qualification in psychology, social work, speech pathology or occupational therapy, or the person has qualifications, training, experience or skills suitable for the performance of the functions.</p> <p>The functions of an intermediary include assessing an eligible witness's communication and other related needs, and to prepare and provide an assessment report. A witness intermediary will also provide recommendations to the court and any lawyer appearing in the proceeding as to adjustments to be made in the proceeding.</p> <p>The Assessment Report is considered by the judicial officer in order to determine whether an order for the use of a witness intermediary in the proceedings should be made. The Act gives the judicial officer the power to order the use of a witness intermediary if, having considered an Assessment Report, the judicial officer is satisfied that the use of an intermediary will assist the proceeding.</p> <p>Once the use of a witness intermediary order has been made, a grounds rules hearing must be held to enable the court to consider the communication and other related needs of the witness, and gives directions on how the proceeding must be conducted to meet those needs fairly and effectively.</p> <p>The Act provides a witness intermediary must act impartially when performing the functions of the role and requires a witness intermediary to take an oath or affirmation before acting as a witness intermediary in a court proceeding.</p> <p>Supporting Documents:</p> <ul style="list-style-type: none"> The <i>Evidence (Children and Special Witnesses) Amendment Act 2020</i> and Parliamentary package are available on the Tasmanian Parliament website.
60	<p><i>Intermediaries</i></p> <p>State and territory governments should work with their courts administration to ensure that ground rules hearings are able to be held – and are in fact held – in child sexual abuse prosecutions to discuss the questioning of prosecution witnesses with specific communication needs, whether the questioning is to take place via a prerecorded hearing or during the trial. This should be essential where a witness intermediary scheme is in place and should allow, at a minimum, a report from an intermediary to be considered.</p>	Tasmanian Government - Department of Justice	Accepted in principle	<p>Status: Commenced</p> <p>On 17 November 2020, the <i>Evidence (Children and Special Witnesses) Amendment Act 2020</i> received Royal Assent, which fulfilled the Tasmanian Government's commitment to establish a Pilot Intermediary Scheme. The Pilot began on 1 March 2021 and operate for 3 years.</p> <p>The Pilot applies to children and adults with a communication need, who are victims or witnesses in proceedings relating to specified offences, that is, sexual offence matters and homicide matters. Under the Pilot, witness intermediaries are available to Tasmania Police during investigation of crimes, and in proceedings in both the Magistrates Court and Supreme Court.</p> <p>To support the use of intermediaries in court proceedings, the Act amended the <i>Evidence (Children and Special Witnesses) Act 2001</i> by giving the Secretary of the Department of Justice the power to establish and maintain the Intermediaries Panel. A person may be included on the Panel if the person has a tertiary qualification in psychology, social work, speech pathology or occupational therapy, or the person has qualifications, training, experience or skills suitable for the performance of the functions.</p>

				<p>The functions of an intermediary include assessing an eligible witness's communication and other related needs, and to prepare and provide an assessment report. A witness intermediary will also provide recommendations to the court and any lawyer appearing in the proceeding as to adjustments to be made in the proceeding.</p> <p>The Assessment Report is considered by the judicial officer in order to determine whether an order for the use of a witness intermediary in the proceedings should be made. The Act gives the judicial officer the power to order the use of a witness intermediary if, having considered an Assessment Report, the judicial officer is satisfied that the use of an intermediary will assist the proceeding.</p> <p>Once the use of a witness intermediary order has been made, a grounds rules hearing must be held to enable the court to consider the communication and other related needs of the witness, and gives directions on how the proceeding must be conducted to meet those needs fairly and effectively.</p> <p>The Act provides a witness intermediary must act impartially when performing the functions of the role and requires a witness intermediary to take an oath or affirmation before acting as a witness intermediary in a court proceeding.</p> <p>Supporting Documents:</p> <ul style="list-style-type: none"> The <i>Evidence (Children and Special Witnesses) Amendment Act 2020</i> and Parliamentary package are available on the Tasmanian Parliament website.
61	<p><i>Other special measures</i></p> <p>The following special measures should be available in child sexual abuse prosecutions for complainants, vulnerable witnesses and other prosecution witnesses where the prosecution considers it necessary:</p> <ol style="list-style-type: none"> giving evidence via closed circuit television or audiovisual link so that the witness is able to give evidence from a room away from the courtroom allowing the witness to be supported when giving evidence, whether in the courtroom or remotely, including, for example, through the presence of a support person or a support animal or by otherwise creating a more child-friendly environment if the witness is giving evidence in court, using screens, partitions or one-way glass so that the witness cannot see the accused while giving evidence clearing the public gallery of a courtroom during the witness's evidence the judge and counsel removing their wigs and gowns. 	Tasmanian Government - Department of Justice	Accepted	<p>Status: Completed</p> <p>This recommendation is consistent with the special measures available for witnesses currently available and utilised in Tasmania, some of which were introduced by the <i>Evidence (Children and Special Witnesses) Amendment Act 2013</i> into the <i>Evidence (Children and Special Witnesses) Act 2001</i>.</p>

62	<p><i>Courtroom issues</i></p> <p>State and territory government should introduce legislation to allow a child's competency to give evidence in child sexual abuse prosecutions to be tested as follows:</p> <p>a. Where there is any doubt about a child's competence to give evidence, a judge should establish the child's ability to understand basic questions asked of them by asking simple, non-theoretical questions – for example, about their age, school, family et cetera.</p> <p>b. Where it does not appear that the child can give sworn evidence, the judge should simply ask the witness for a promise to tell the truth and allow the examination of the witness to proceed.</p>	Tasmanian Government - Department of Justice	Accepted	<p>Status: For consideration</p> <p>This recommendation has not progressed and requires amendment to the Uniform Evidence Laws and national agreement.</p>
63	<p><i>Use of interpreters</i></p> <p>State and territory governments should provide adequate interpreting services such that any witness in a child sexual abuse prosecution who needs an interpreter is entitled to an interpreter who has sufficient expertise in their primary language, including sign language, to provide an accurate and impartial translation.</p>	Tasmanian Government - Department of Justice	Accepted	<p>Status: Completed</p> <p>This recommendation is consistent with criminal procedure in Tasmanian courts.</p>
Judicial directions and informing juries				
64	<p><i>Reforming judicial directions</i></p> <p>State and territory governments should consider or reconsider the desirability of partial codification of judicial directions now that Victoria has established a precedent from which other jurisdictions could develop their own reforms.</p>	Tasmanian Government - Department of Justice	Noted (subsequently accepted in principle)	<p>Status: For consideration</p> <p>This recommendation will be considered following the publication of the Commission of Inquiry's final report in May 2023.</p>
65	<p><i>Reforming judicial directions</i></p> <p>Each state and territory government should review its legislation and introduce any amending legislation necessary to ensure that it has the following provisions in relation to judicial directions and warnings:</p> <p>a. Delay and credibility: Legislation should provide that:</p> <p>i. there is no requirement for a direction or warning that delay affects the complainant's credibility</p> <p>ii. the judge must not direct, warn or suggest to the jury that delay affects the complainant's credibility unless the direction, warning or suggestion is requested by the accused and is warranted on the evidence in the particular circumstances of the trial</p> <p>iii. in giving any direction, warning or comment, the judge must not use expressions such as</p>	Tasmanian Government - Department of Justice	Accepted in principle	<p>Status: For consideration</p> <p>This recommendation will be considered following the publication of the Commission of Inquiry's final report in May 2023.</p>

	<p>'dangerous or unsafe to convict' or 'scrutinise with great care'.</p> <p>b. Delay and forensic disadvantage: Legislation should provide that:</p> <ul style="list-style-type: none"> i. there is no requirement for a direction or warning as to forensic disadvantage to the accused ii. the judge must not direct, warn or suggest to the jury that delay has caused forensic disadvantage to the accused unless the direction, warning or suggestion is requested by the accused and there is evidence that the accused has suffered significant forensic disadvantage iii. the mere fact of delay is not sufficient to establish forensic disadvantage iv. in giving any direction, warning or comment, the judge should inform the jury of the nature of the forensic disadvantage suffered by the accused v. in giving any direction, warning or comment, the judge must not use expressions such as 'dangerous or unsafe to convict' or 'scrutinise with great care'. <p>c. Uncorroborated evidence: Legislation should provide that the judge must not direct, warn or suggest to the jury that it is 'dangerous or unsafe to convict' on the uncorroborated evidence of the complainant or that the uncorroborated evidence of the complainant should be 'scrutinised with great care'.</p> <p>d. Children's evidence: Legislation should provide that:</p> <ul style="list-style-type: none"> i. the judge must not direct, warn or suggest to the jury that children as a class are unreliable witnesses ii. the judge must not direct, warn or suggest to the jury that it would be 'dangerous or unsafe to convict' on the uncorroborated evidence of a child or that the uncorroborated evidence of a child should be 'scrutinised with great care' iii. the judge must not give a direction or warning about, or comment on, the reliability of a child's evidence solely on account of the age of the child. 			
66	<p><i>Reforming judicial directions</i></p> <p>The New South Wales Government, the Queensland Government and the government of any other state or territory in which Markuleski directions are required should</p>	<p>Tasmanian Government - Department of Justice</p>	<p>Accepted in principle</p>	<p>Status: For consideration</p> <p>This recommendation will be considered following the publication of the Commission of Inquiry's final report in May 2023.</p>

	consider introducing legislation to abolish any requirement for such directions.			
67	<p><i>Improving information for judges and legal professionals</i></p> <p>State and territory governments should support and encourage the judiciary, public prosecutors, public defenders, legal aid and the private Bar to implement regular training and education programs for the judiciary and legal profession in relation to understanding child sexual abuse and current social science research in relation to child sexual abuse.</p>	Tasmanian Government - Department of Justice	Accepted	<p>Status: Completed</p> <p>The recommendation is consistent with the policies, procedures and training of the judiciary and government legal professionals.</p>
68	<p><i>Improving information for judges and legal professionals</i></p> <p>Relevant Australian governments should ensure that bodies such as:</p> <ol style="list-style-type: none"> the Australasian Institute of Judicial Administration the National Judicial College of Australia the Judicial Commission of New South Wales the Judicial College of Victoria <p>are adequately funded to provide leadership in making relevant information and training available in the most effective forms to the judiciary and, where relevant, the broader legal profession so that they understand and keep up to date with current social science research that is relevant to understanding child sexual abuse.</p>	N/A	Noted	
69	<p><i>Improving information for jurors</i></p> <p>In any state or territory where provisions such as those in sections 79(2) and 108C of the Uniform Evidence Act or their equivalent are not available, the relevant government should introduce legislation to allow for expert evidence in relation to the development and behaviour of children generally and the development and behaviour of children who have been victims of child sexual abuse offences.</p>	Tasmanian Government - Department of Justice	Accepted	<p>Status: Completed</p> <p>This recommendation is consistent with Tasmanian evidence laws.</p>
70	<p><i>Improving information for jurors</i></p> <p>Each state and territory government should lead a process to consult the prosecution, defence, judiciary and academics with relevant expertise in relation to judicial directions containing educative information about children and the impact of child sexual abuse, with a view to settling standard directions and introducing legislation as soon as possible to authorise and require the directions to be given. The National Child Sexual Assault Reform Committee's recommended mandatory judicial directions and the Victorian Government's proposed directions on inconsistencies in the complainant's account should be the starting point for the consultation process, subject to the removal of the limitation in the third direction recommended by the National Child Sexual Assault Reform Committee in relation to children's responses to sexual abuse so that it can apply regardless of the complainant's age at trial.</p>	Tasmanian Government - Department of Justice	Accepted	<p>Status: For consideration</p> <p>The Tasmanian Government supports this recommendation.</p>

71	<p><i>Improving information for jurors</i></p> <p>In advance of any more general codification of judicial directions, each state and territory government should work with the judiciary to identify whether any legislation is required to permit trial judges to assist juries by giving relevant directions earlier in the trial or to otherwise assist juries by providing them with more information about the issues in the trial. If legislation is required, state and territory governments should introduce the necessary legislation.</p>	Tasmanian Government - Department of Justice	Accepted	<p>Status: For consideration</p> <p>The Tasmanian Government supports this recommendation.</p>
Delays and case management				
72	<p>Each state and territory government should work with its courts, prosecution, legal aid and policing agencies to ensure that delays are reduced and kept to a minimum in prosecutions for child sexual abuse offences, including through measures to encourage:</p> <ol style="list-style-type: none"> the early allocation of prosecutors and defence counsel the Crown - including subsequently allocated Crown prosecutors - to be bound by early prosecution decisions appropriate early guilty pleas case management and the determination of preliminary issues before trial. 	Tasmanian Government - Department of Justice	Accepted	<p>Status: Commenced</p> <p>The Tasmanian Government has reviewed case finalisations and procedure across the Magistrates and Supreme Courts and determined to implement a package of backlog initiatives, including increased resourcing, procedural and technological reform across the Courts and Corrective services to address the criminal backlogs and improve access to justice.</p> <p><i>Supreme Court</i></p> <p>The Tasmanian Government has implemented a range of strategies in order to assist the Court to overcome the backlog in criminal cases, and return the Court to a situation where cases are finalised in a timely manner:</p> <p>The Government appointed a seventh Judge (Justice Tamara Jago) from November 2021 which restored the Supreme Court to its full statutory complement of seven Judges under the <i>Supreme Court Act 1887</i>. The Court has been operating with one judge less than its full legislative capacity since 1995.</p> <p>The Government previously appointed a number of acting Judges, who were initially appointed in February 2017 for a period of 2 years to sit as required in both trials and appeals. Three of those acting Judges were re-appointed twice for further periods of 2 years. The availability of acting Judges has allowed the Court to respond to fluctuations in its workflow in a flexible and cost-effective manner.</p> <p><i>Magistrates Court</i></p> <p>The <i>Justice Miscellaneous (Court Backlog and Related Matters) Act 2020</i> commenced on 1 July 2021. This Act has been developed and progressed in close consultation with key legal stakeholders, including the Magistrate and Supreme Courts, the Office of the Director of Public Prosecutions and Tasmania Legal Aid.</p> <p>It includes a range of reforms already passed through the Parliament in the Magistrates Court reform package, that have been identified as changes that could be introduced earlier than the commencement of that Act.</p> <p>The reforms in the Court Backlog Act aimed at reducing court backlogs include:</p> <ul style="list-style-type: none"> amendments to the <i>Justices Act 1959</i>, the <i>Criminal Code Act 1924</i> and related Acts to implement preliminary proceedings reforms; minimising unnecessary inefficiencies in the movement of matters between the Magistrates Court and the Supreme Court; amendments to bail provisions to improve efficiencies in the bail process and avoid unnecessary hearings for bail in the Supreme Court; and introducing a number of new minor summary offences that mirror more serious crimes enabling the prosecution to exercise discretion and ensure a matter is dealt with in a way that is appropriate for the nature and scale of the specific offending. <p>Magistrate Duvnjak was appointed on 17 January 2022 to fill the vacancy created by the retirement of Magistrate Hay. Magistrate Katie Edwards was appointed on 27 June 2022, in Burnie, to fill the vacancy left by the appointment of Magistrate Jago (as she was) to the bench of the Supreme Court.</p> <p>The Government also funded the creation of new magistrate's position in the North/North West. Magistrate Evan Hughes was appointed to that position on 11 July 2022. These appointments will assist the Magistrates Court to address existing demand pressures.</p>

73	In those states and territories that have a qualified privilege in relation to sexual assault communications, the relevant state or territory government should work with its courts, prosecution and legal aid agencies to implement any necessary procedural or case management reforms to ensure that complainants are effectively able to claim the privilege without risking delaying the trial.	Tasmanian Government - Department of Justice	Accepted	<p>Status: Completed</p> <p>This recommendation is consistent with the policies, practices and guidelines of the courts, prosecution and legal aid agencies. Procedural and case management improvements will be considered in the context of the pilot witness intermediary scheme.</p> <p>Status: Completed</p>
Sentencing				
74	<p><i>Excluding good character as a mitigating factor</i></p> <p>All state and territory governments (other than New South Wales and South Australia) should introduce legislation to provide that good character be excluded as a mitigating factor in sentencing for child sexual abuse offences where that good character facilitated the offending, similar to that applying in New South Wales and South Australia.</p>	Tasmanian Government - Department of Justice	Accepted	<p>Status: Completed</p> <p>This recommendation is consistent with Tasmanian sentencing laws introduced by the Tasmanian Government in the <i>Sentencing Amendment (Sexual Offences) Act 2016</i>.</p> <p>Supporting Documents:</p> <ul style="list-style-type: none"> The <i>Sentencing Amendment (Sexual Offences) Act 2016</i> and Parliamentary package are available on the Tasmanian Parliament website.
75	<p><i>Cumulative and concurrent sentencing</i></p> <p>State and territory governments should introduce legislation to require sentencing courts, when setting a sentence in relation to child sexual abuse offences involving multiple discrete episodes of offending and/or where there are multiple victims, to indicate the sentence that would have been imposed for each offence had separate sentences been imposed.</p>	Tasmanian Government - Department of Justice	Accepted	<p>Status: Completed</p> <p>The <i>Criminal Code and Related Legislation Amendment (Child Abuse) Act 2019</i> introduced amended the <i>Sentencing Act 1997</i> to:</p> <ul style="list-style-type: none"> require sentencing courts, when setting a sentence in relation to child sexual abuse offences involving multiple discrete episodes of offending and/or where there are multiple victims, to indicate the sentence that would have been imposed for each offence had separate sentences been imposed; and provide that sentences for child sexual abuse offences should take into account current sentencing standards. <p>Supporting Documents:</p> <ul style="list-style-type: none"> The <i>Criminal Code and Related Legislation Amendment (Child Abuse) Act 2019</i> and Parliamentary package are available on the Tasmanian Parliament website.
76	<p><i>Sentencing standards in historical cases</i></p> <p>State and territory governments should introduce legislation to provide that sentences for child sexual abuse offences should be set in accordance with the sentencing standards at the time of sentencing instead of at the time of the offending, but the sentence must be limited to the maximum sentence available for the offence at the date when the offence was committed</p>	Tasmanian Government - Department of Justice	Accepted	<p>Status: Completed</p> <p>The <i>Criminal Code and Related Legislation Amendment (Child Abuse) Act 2019</i> introduced amended the <i>Sentencing Act 1997</i> to:</p> <ul style="list-style-type: none"> require sentencing courts, when setting a sentence in relation to child sexual abuse offences involving multiple discrete episodes of offending and/or where there are multiple victims, to indicate the sentence that would have been imposed for each offence had separate sentences been imposed; and provide that sentences for child sexual abuse offences should take into account current sentencing standards. <p>Supporting Documents:</p> <ul style="list-style-type: none"> The <i>Criminal Code and Related Legislation Amendment (Child Abuse) Act 2019</i> and Parliamentary package are available on the Tasmanian Parliament website.

77	<p><i>Victim impact statements</i></p> <p>State and territory governments, in consultation with their respective Directors of Public Prosecutions, should improve the information provided to victims and survivors of child sexual abuse offences to:</p> <ol style="list-style-type: none"> give them a better understanding of the role of the victim impact statement in the sentencing process better prepare them for making a victim impact statement, including in relation to understanding the sort of content that may result in objection being taken to the statement or parts of it. 	Tasmanian Government - Department of Justice	Accepted	<p>Status: Completed</p> <p>The recommendation is consistent with the Tasmanian Witness Assistance Support and Victims Assistance Services and Director of Public Prosecutions' Guidelines. The Director of Public Prosecutions will engage in discussions with other Australian Directors of Public Prosecutions in relation to areas of national collaboration.</p> <p>Supporting Documents:</p> <ul style="list-style-type: none"> Director of Public Prosecutions - Prosecution Policy and Guidelines are publicly available at https://www.dpp.tas.gov.au/data/assets/pdf_file/0004/629302/DPP-prosecution-guidelines_v7-2.pdf
78	<p><i>Victim impact statements</i></p> <p>State and territory governments should ensure that, as far as reasonably practicable, special measures to assist victims of child sexual abuse offences to give evidence in prosecutions are available for victims when they give a victim impact statement, if they wish to use them.</p>	Tasmanian Government - Department of Justice	Accepted	<p>Status: Completed</p> <p>This recommendation is consistent with the current prosecution policies and procedures.</p> <p>Supporting Documents:</p> <ul style="list-style-type: none"> Director of Public Prosecutions - Prosecution Policy and Guidelines are publicly available at https://www.dpp.tas.gov.au/data/assets/pdf_file/0004/629302/DPP-prosecution-guidelines_v7-2.pdf
Appeals				
79	<p>State and territory governments should introduce legislation, where necessary, to expand the Director of Public Prosecution's right to bring an interlocutory appeal in prosecutions involving child sexual abuse offences so that the appeal right:</p> <ol style="list-style-type: none"> applies to pre-trial judgments or orders and decisions or rulings on the admissibility of evidence, but only if the decision or ruling eliminates or substantially weakens the prosecution's case is not subject to a requirement for leave extends to 'no case' rulings at trial. 	Tasmanian Government - Department of Justice	Accepted in principle	<p>Status: For consideration</p> <p>This recommendation will be considered following the publication of the Commission of Inquiry's final report in May 2023.</p>
80	<p>State and territory governments should work with their appellate court and the Director of Public Prosecutions to ensure that the court is sufficiently well resourced to hear and determine interlocutory appeals in prosecutions involving child sexual abuse offences in a timely manner.</p>	Tasmanian Government - Department of Justice	Accepted in principle	<p>Status: For consideration</p> <p>This recommendation will be considered following the publication of the Commission of Inquiry's final report in May 2023.</p>

81	Directors of Public Prosecutions should amend their prosecution guidelines, where necessary, in relation to the decision as to whether there should be a retrial following a successful conviction appeal in child sexual abuse prosecutions. The guidelines should require that the prosecution consult the complainant and relevant police officer before the Director of Public Prosecutions decides whether to retry a matter.	Tasmanian Office of the Director of Public Prosecutions	Accepted	<p>Status: Completed</p> <p>The Director of Public Prosecutions (DPP) is an independent statutory officer reporting to Parliament through the Attorney-General. The DPP acts independently of the government and of political influence. The DPP is also independent of police and other investigating bodies and Tasmanian Government agencies.</p> <p>In 2015, amendments to the <i>Director of Public Prosecutions Act 1973</i> gave the DPP a statutory power to issue guidelines to prosecutors, persons acting on the DPP's behalf, the Commissioner of Police and prosecutorial agencies with regard to prosecutions and the class of prosecutions which are required to be referred to the DPP.</p> <p>These guidelines apply only to prosecutors employed by the Office unless it is stated, or clearly implied, that they apply to Tasmania Police or other agencies.</p> <p>Supporting Documents:</p> <ul style="list-style-type: none"> Director of Public Prosecutions - Prosecution Policy and Guidelines are publicly available at https://www.dpp.tas.gov.au/data/assets/pdf_file/0004/629302/DPP-prosecution-guidelines_v7-2.pdf
82	<p>State and territory governments should ensure that a relevant government agency, such as the Office of the Director of Public Prosecutions, is monitoring the number, type and success rate of appeals in child sexual abuse prosecutions and the issues raised to:</p> <ol style="list-style-type: none"> identify areas of the law in need of reform ensure any reforms – including reforms arising from the Royal Commission's recommendations in relation to criminal justice, if implemented – are working as intended. 	Tasmanian Government - Department of Justice	Accepted	<p>Status: Completed</p> <p>The Office of the Director of Public Prosecutions monitors issues arising from criminal appeals and provides advice to the Attorney-General in relation to the areas of potential reform and the effectiveness of criminal justice law reform projects.</p> <p>The Director of Public Prosecutions meets regularly with the Attorney-General and the Annual Report of the Director of Public Prosecutions is tabled in the Tasmania Parliament.</p> <p>Supporting Documents:</p> <ul style="list-style-type: none"> Director of Public Prosecutions - Prosecution Policy and Guidelines are publicly available at https://www.dpp.tas.gov.au/data/assets/pdf_file/0004/629302/DPP-prosecution-guidelines_v7-2.pdf Director of Public Prosecutions – Annual Report https://www.dpp.tas.gov.au/annual_report
Juvenile offenders				
83	State and territory governments (other than the Northern Territory) should give further consideration to whether the abolition of the presumption that a male under the age of 14 years is incapable of having sexual intercourse should be given retrospective effect and whether any immunity which has arisen as a result of the operation of the presumption should be abolished. State and territory governments (other than the Northern Territory) should introduce any legislation they consider necessary as a result of this consideration.	Tasmanian Government - Department of Justice	Accepted	<p>Status: Completed</p> <p>The <i>Criminal Code and Related Legislation Amendment (Child Abuse) Act 2019</i> repealed the presumption that a male under the age of 14 years is incapable of having sexual intercourse. The amendment was made with retrospective effect.</p> <p>Supporting Documents:</p> <ul style="list-style-type: none"> The <i>Criminal Code and Related Legislation Amendment (Child Abuse) Act 2019</i> and Parliamentary package are available on the Tasmanian Parliament website.

84	<p>State and territory governments should review their legislation – and if necessary introduce amending legislation – to ensure that complainants in child sexual abuse prosecutions do not have to give evidence on any additional occasion in circumstances where the accused, or one of two or more co-accused, is a juvenile at the time of prosecution or was a juvenile at the time of the offence.</p>	Tasmanian Government - Department of Justice	Accepted in principle	<p>Status: Commenced</p> <p>On 1 March 2014, the <i>Evidence (Children and Special Witnesses) Amendment Act 2013</i> introduced amendments to the <i>Evidence (Children and Special Witnesses) Act 2001</i> to enable prerecording of the entirety of a child witnesses' evidence in child sexual abuse proceedings. That Act also provided that where facilities are available, an affected child's or special witness's evidence given at trial be audio-visually recorded and a judge may order that the audio-visual record be admitted into evidence in any later proceeding to which it is relevant and relieve the affected child or special witness from giving evidence wholly or in part at the later proceeding.</p> <p>On 2 October 2019, the <i>Criminal Code and Related Legislation Amendment (Child Abuse) Act 2019</i> received Royal Assent and strengthened the operation of the <i>Evidence (Children and Special Witnesses) Act 2001</i> to extend the use of pre-recordings for vulnerable witnesses.</p> <p>Supporting Documents:</p> <ul style="list-style-type: none"> The <i>Evidence (Children and Special Witnesses) Amendment Act 2020</i> and Parliamentary package are available on the Tasmanian Parliament website.
Criminal Justice and regulatory responses				
85	<p>State and territory governments should keep the interaction of:</p> <ol style="list-style-type: none"> their legislation relevant to regulatory responses to institutional child sexual abuse their crimes legislation and the crimes legislation of all other Australian jurisdictions, particularly in relation to child sexual abuse offences and sex offender registration <p>under regular review to ensure that their regulatory responses work</p>	Tasmanian Government - Department of Justice	Accepted	<p>Status: Completed</p> <p>The Tasmanian Government supports has undertaken regular review and ongoing monitoring of the effectiveness of its criminal statutes and of all other Australian jurisdictions over the five year annual reporting period.</p>