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**THE LEGISLATIVE ASSEMBLY FOR THE
AUSTRALIAN CAPITAL TERRITORY**

TENTH ASSEMBLY

**Fourth Annual ACT Progress Report on the Implementation of the Recommendations of the
Royal Commission into Institutional Responses to Child Sexual Abuse**

**Presented by
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Chief Minister
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THE ACT GOVERNMENT FOURTH ANNUAL PROGRESS REPORT

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

Final Report (December 2017)

Working with Children Checks (August 2015)

Redress and Civil Litigation (September 2015)

Criminal justice (August 2017)

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OVERVIEW

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

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

The Royal Commission has previously released:

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

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

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

In 2021, progress was made in the ACT across a number of key areas:

- ACT public schools are now supported by a revised complaints management system (recommendation 7.7) which aims to deliver a more comprehensive response to child sexual abuse cases, with enhanced links to external agencies, greater certainty for survivors, and ongoing support assistance for risk and trauma;
- The Education Directorate has also established a centralised approach for investigating online cyber incidents (recommendation 6.23), and a review of record keeping processes has confirmed they are consistent with recommendation 8.4;
- Further, the Education Directorate has developed an Information Sharing Toolkit for school staff (recommendation 8.6);
- The ACT Government has agreed to the *National Strategy to Prevent and Respond to Child Sexual Abuse*. The objective of the Strategy is to reduce the risk, extent and impact of child sexual abuse and related harms in Australia through a range of measures including improving public

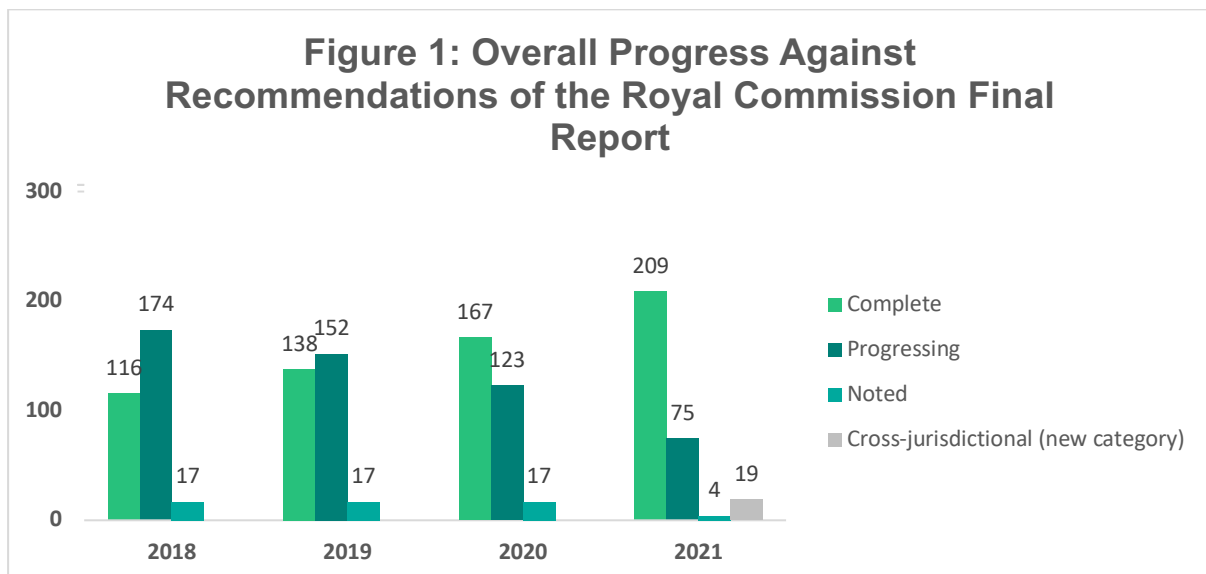
awareness, working towards a national response to children with harmful sexual behaviours, improvements to prevention and intervention and improving the evidence base;

- The ACT Government has also agreed to *Safe and Supported: The National Framework for Protecting Australia’s Children 2021–2031*. The goal for the National Framework is to make significant and sustained progress in reducing the rate of child abuse and neglect and its intergenerational impacts;
- A range of system improvements have been implemented at the Bimberi Youth Detention Centre consistent with recommendations 15.3 to 15.9. This includes installing additional CCTV cameras and repositioning existing cameras to protect privacy while addressing safety concerns;
- Significant new funding commitments have been made to support services for vulnerable children and victims of domestic, family and sexual violence, including the Functional Family Therapy – Child Welfare program to support children in out of home care and a range of measures to support community services through the COVID-19 health emergency.

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

Work is continuing in a range of areas, including development of a Child Safe Standards scheme, collaborative work with other governments on a national information sharing scheme, services and therapeutic interventions to meet the needs of children with harmful sexual behaviours. We have also consulted extensively with a broad range of stakeholders in working towards an updated strategy for whole-of-system reform of the ACT out of home care system. Building on the successes of *A Step Up for Our Kids 2015-2020*, the *Next Steps for Our Kids Strategy 2022-2030* will deliver an integrated service response that supports all children and young to be safe, strong, connected and able to live their best life.

As of March 2022, 209 recommendations are complete, 75 are in progress and 4 are noted. 19 require cross-jurisdictional action to complete.



As per recommendation 17.2, the ACT has committed to provide an Annual Progress Report for five years following publication of the Final Report in December 2017. In December 2018, we publicly released our first annual Progress report responding to the recommendations of the Royal Commission.

This is the ACT's fourth Annual Progress Report. Work continues to finalise delivery on recommendations, incorporate others into ongoing business-as-usual processes and engage with other jurisdictions and national processes to deliver ongoing improvements in child safety.

The ongoing impacts of the COVID-19 public health emergency, including the Delta and Omicron outbreaks, have changed some planned approaches to implementing the recommendations of the Royal Commission's Final Report. Certain pieces of work have been delayed while other projects have been rearranged to allow work to continue in a socially distanced manner.

Despite these challenges, significant progress was achieved in 2021 and the ACT is committed to learning from the experiences of the brave survivors who came forward and to delivering on the Royal Commission's recommendations.

FINAL REPORT – PROGRESS

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

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

Implementation continues across all of these domains.

At the end of 2021, the ACT has completed 209 of the 307 relevant recommendations. Work on an additional 75 recommendations is in progress and 4 recommendations are noted.

19 recommendations require cross-jurisdictional action to complete. This is a new category introduced to better illustrate the ACT's progress and what further work is required. Completion of these recommendations relies on work being undertaken at a national level and may not be entirely within the remit of the ACT Government.

THEME 1: MAKING INSTITUTIONS CHILD SAFE

Trauma-informed health and community services

The needs of victims and survivors and the importance of trauma-informed approaches are reflected in a number of ACT Government strategies and frameworks, such as A Step up for our Kids, the Disability Justice Strategy and the ACT Women's Plan 2016-26.

The Community Services Directorate (CSD) also facilitates awareness of these principles in front-line service delivery, for example through the Foundational Learning Program for new staff in Child and Youth Protection Services, support for Trauma Informed Care Training in the ACT Specialist Homelessness Sector, and by enhancing trauma advice at the Bimberi Youth Justice Centre through the introduction of a Principal Practitioner role.

Child safe schools

The Education Directorate made considerable progress in 2021 to initiate implementation of the National Principles in schools. The Directorate launched phase 1 of the National Child Safe Principles website (www.education.act.gov.au/support-for-our-students/feeling-safe-at-school/national-child-safe-principles). This website provides online resources for schools with guidance on identifying and responding to abuse.

The Education Directorate has also developed a Child Safety Map, which outlines the current work that occurs in schools to keep children safe every day and the Directorate's early approach and key focus areas for implementing the National Principles in schools. The Child Safety Map will be launched in early 2022.

As the new central hub for child safety resources for schools, the National Child Safe Principles website will be expanded over 2022 to include responding to harmful sexual behaviours, staff sexual misconduct and an information sharing toolkit for use by schools.

In 2022, the Directorate will also develop a Child Safe Principles guide for schools and will explore options for delivering staff training to support implementation of the Child Safe Principles. Successful completion of these activities is anticipated to conclude recommendation 7.7, 13.1, 13.6 and contribute towards the completion of recommendations 6.4, 6.5 and 6.6.

eSafety

Improvements to online safety have continued to be a focus in 2021. The Education Directorate has completed recommendation 6.23 following the successful implementation of a new process for responding to online safety incidents. The Directorate now operates a centralised approach for investigating online cyber incidents, based on the Queensland Government's Cyber Safety and Reputation Management Unit model. The new approach harnesses strong relationships with social media companies so that menacing or harassing content about students, teachers or school leaders can be taken down by the carriage service as soon as possible. A Community of Practice has been established to strengthen stakeholder engagement between the Education Directorate and relevant entities including the Office for the eSafety Commissioner, the Australian Federal Police and ACT Policing.

Managing complaints of child sexual abuse in schools

The Education Directorate has implemented recommendation 7.7 following a directorate-wide review of the complaints management system. Improvements to the complaints management system have been implemented, including operating a more comprehensive system to respond to child sexual abuse cases. This includes:

- Systematic improvements to complaints management;
- Child sexual abuse cases to be followed through a comprehensive complaints management system including review and investigation to conclusion;
- Greater links with external agencies as required;
- Certainty for survivors of the process to be undertaken;
- Identification of risk or trauma followed with ongoing support assistance.

Since 2019 non-government schools applying for registration renewal have been asked to provide evidence that the school has developed policies and practices that show the school is responding to the recommendations of the Royal Commission.

Safe and Supported: The National Framework for Protecting Australia's Children 2021-2031

In 2021, the ACT Government agreed to *Safe and Supported: The National Framework for Protecting Australia's Children 2021–2031* (the National Framework), delivering on recommendation 6.15 of the Royal Commission report (<https://www.dss.gov.au/the-national-framework-for-protecting-australias-children-2021-2031>). The National Framework was launched in late 2021 and was developed by all Australian governments in partnership with the Secretariat of National Aboriginal and Islander Child Care (SNAICC) – National Voice for our Children and an Aboriginal and Torres Strait Islander Leadership Group.

The goal for the National Framework is to make significant and sustained progress towards reducing the rate of child abuse and neglect and its intergenerational impacts. The National Framework also embeds the Priority Reforms of the National Agreement on Closing the Gap (<https://www.closingthegap.gov.au/national-agreement>) to transform how governments can support improved outcomes for Aboriginal and Torres Strait Islander children, young people and families.

The new National Framework has four focus areas:

- creating a national approach to early intervention and support for children and families who are vulnerable or facing disadvantage;
- tackling the large number of Aboriginal and Torres Strait Islander children in child protection systems (recommendation 12.20);
- improving information sharing, data development and analysis (recommendation 8.7); and
- strengthening the abilities of the child and family sector workforce.

The National Framework will be implemented through two, five-year Action Plans that will outline real, measurable actions to support improved outcomes for children and families at-risk. The first of these plans is currently under development and is expected to be finalised in 2022.

THEME 2: AN OVERSIGHT SYSTEM THAT RESPONDS TO CHILD SAFETY

An ACT Oversight Body for Child Safe Standards

As noted in the Third Progress Report, the ACT Government has progressed work to introduce an ACT oversight body for child safe standards. In 2019, the ACT Human Rights Commission (HRC) was selected to oversee a child safe standards scheme for the ACT. From November 2019 to February 2020, the Chief Minister, Treasury and Economic Development Directorate consulted with a range of stakeholders on the details and implementation of a Child Safe Standards scheme in the ACT. Consultation with stakeholders is ongoing and the timing of legislation is under consideration by Government.

Records institutions delivering long-term accountability

The ACT's Territory Records Office, in partnership with its counterpart institutions in other jurisdictions, and with professional bodies, completed the ACT Government's commitment to address recommendations 8.1, 8.2 and 8.3 of the Royal Commission report in 2020. These recommendations related to guidance on records relevant to actual or alleged incidents of child sexual abuse and the retention of those records.

The Territory Records Office continues to work towards improvements in recordkeeping practice and access arrangements that advance the principles for records and recordkeeping articulated in Volume 8 of the Royal Commission's report. The Office has led work done by the Council of Australasian Archives and Records Authorities (CAARA) to develop guidelines for records holders on maximising access to care leavers' records. The Territory Records Office also participated in work by Monash University on a Charter of Lifelong Rights in Childhood Recordkeeping in Out-of-Home Care, which was endorsed by CAARA. In addition, the Office has contributed information about records of the Birralee shelter to the Find and Connect web resource for historical resources relating to institutional 'care' in Australia. Birralee operated from about 1957 to 1968 to provide emergency accommodation for children and young people aged up to 16 years.

Record keeping in schools

The Education Directorate completed recommendation 8.4 after conducting a review of record keeping processes and systems. The review demonstrated that existing mechanisms for keeping records align with the five record keeping principles identified by the Royal Commission. Ongoing work is being carried out to ensure all existing and future Directorate policies and procedures provide clear instructions on good record keeping practice. This will further improve the overall quality and consistency of student records.

Record keeping in health services

In 2021, ACT Health Directorate and Canberra Health Services continued to implement the Royal Commission's Volume 8 recommendations about retaining records for at least 45 years if they may support victims and survivors of institutional child sexual abuse taking civil action for the abuse. This has included reviewing and updating record disposal schedules and ensuring awareness of and compliance with record disposal schedules relating to health functions.

The ACT Government has also implemented a disposal freeze which applies to records relevant to child sexual abuse and the Royal Commission's recommendations. In practice, this means that clinical documents such as medical reviews relating to instances of child sexual abuse must be retained in accordance with the *Territory Records Act 2002*.

Mandatory reporting

In response to recommendations of chapter 7 of the Royal Commission report, the ACT has made changes to the *Children and Young People Act 2008* and the *Crimes Act 1900* regarding mandated and voluntary reporters. These changes have been supported by updates to policies, procedures and guidance material such as:

The ACT Government has also implemented a disposal freeze which applies to records relevant to child sexual abuse and the Royal Commission's recommendations. In practice, this means that clinical documents such as medical reviews relating to instances of child sexual abuse must be retained in accordance with.

- the ACT Health Directorate's Internal Child Concern Reporting Policy and Procedure;
- CSD's *Keeping Children and Young People Safe*, a guide for staff about the legislated reporting requirements for both mandated and voluntary reporters, including information about types of abuse and neglect, and how to make a report to the police or Child and Youth Protection Services.

Information sharing in schools

The Education Directorate's Information Sharing and Record Keeping project, which encompassed nine recommendations (8.4 – 8.8, 8.13 – 8.16) was significantly progressed in 2021 with recommendation 8.4 now complete. Recommendations 8.6 and 8.7 have been advanced as far as possible in anticipation of further cross-jurisdictional progress on a national Information Sharing Scheme.

The Directorate has developed a new Information Sharing Toolkit - due for publication in 2022. The Toolkit provides practical guidance for schools on how to share child safety and wellbeing information with school staff and other key organisations. Options for delivering staff training on information sharing are also being explored to further support improved understanding and awareness of information sharing provisions amongst school staff.

Supporting independent review of child protection decisions

In 2021, the ACT Government made progress towards establishing an external review mechanism for child protection decision-making.

A project is underway to propose options and recommendations for a model to externally review child protection decisions that aligns with internal merits review processes and incorporates family-led, trauma-informed, strengths-based, transparent, and restorative approaches. This work has been driven by community feedback and stakeholder engagement.

In July and September 2020, CSD and the ACT Human Rights Commission held two roundtables with ACT stakeholders and colleagues from Queensland and Victoria. The roundtables provided insights into the mechanisms that other jurisdictions use to make child protection decisions, and lessons learnt from implementing those models. At the roundtables, ACT stakeholders welcomed the ACT Government's commitment to improve child protection decision-making processes, including with an external review mechanism. This input provided a valuable foundation for developing a model.

The ACT Government has approved funding of \$100,000 to devise a model of external merits review appropriate for the ACT. A further \$100,000 will be used concurrently to embed improvements in internal decision-making processes and implement practice reform. An expert consultant was procured early in 2022 to undertake work on developing an external merits review mechanism for the ACT.

THEME 3: SERVICES FOR CHILDREN AND YOUNG PEOPLE

Supporting children with harmful sexual behaviours

ACT Health Directorate collaborated with the Australian, state and territory governments to ensure children with harmful sexual behaviours were included in the *National Strategy to Prevent and Respond to Child Sexual Abuse 2021-2030*. Further work to address this theme will be undertaken in consultation with other jurisdictions and the Australian Government in 2022.

In 2021, ACT Health Directorate commenced a Service Mapping Analysis to establish a clear understanding of:

- the current services available for children with harmful sexual behaviours and their families in the ACT;
- demand for these services; and
- what training and clinical supervision is available for health professionals providing these services.

ACT Health Directorate consulted with government and non-government agencies in the ACT that have experience and/or expertise regarding children with harmful sexual behaviours and their families. Seventeen meetings were held with 44 individuals across October and November 2021, conducted via videoconferencing due to COVID-19 restrictions. Insights from these consultations will inform next steps to address the remaining Volume 10 recommendations in health care settings in the ACT.

In consultation with a range of stakeholders, including CYPS, ACT Health, ACT Policing, the ACT Human Rights Commission and interstate Education Departments, the Education Directorate has developed a new guide for responding to students with harmful sexual behaviours. The guide is presented as a 'what you need to do' quick reference guide for schools and 'what you need to know' comprehensive resource. The combination aims to improve schools' responses to students with harmful sexual behaviours whilst also improving awareness and understanding of harmful sexual behaviours. The protocol will be published and accessible to staff in 2022 (recommendation 13.6).

A Step Up for Our Kids

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

The Strategy's vision is: 'Children and young people in care – growing up strong, safe and connected'.

A Step Up for Our Kids introduced extensive reform of the ACT's out of home care sector by designing a therapeutic (recommendation 12.18), trauma-informed system of care (recommendation 9.8), while funding services to prevent the placement of children and young people in care and restoring children and young people to family.

Over the past five years, *A Step Up for Our Kids* has focused on reducing the number of children and young people entering care and lifting expectations for the outcomes experienced by children and young people who are unable to live safely with their biological family (recommendation 12.16).

Stakeholder engagement is building on the evidence base to inform the next iteration of the Strategy. Stage One engagement activities commenced in early 2021 with a focus on engaging people with lived experience.

To support the development of *Next Steps*, the ACT Government released a Listening Report, which summarises the views and feedback from stakeholders and includes suggestions for the next iteration of the reform based on previous and current engagement activities.

The Listening Report can be accessed online, at <https://yoursayconversations.act.gov.au/children-and-family-services-reform/step-our-kids>.

Commissioning work with community sector organisations for the next iteration of the out of home care strategy has commenced. Since April 2021, discussions have occurred with community partners and service users seeking their views and perspectives, with a focus on building on the reform journey of the past five years.

The ACT Government launched *Next Steps* on 3 June 2022.

Supporting children and their families through COVID-19

The ACT Government prioritised targeted efforts to keep children, young people, and their families safe and supported through COVID-19.

On 20 March 2020, the Government announced an economic survival package to support the ACT community through the public health emergency. The package included a \$7 million Community Support Package, which was administered by CSD and designed to support the ACT Government's community partners to respond to the increased service demand for emergency relief in the region.

The ACT Government also provided a \$1.7 million Supporting Children, Young People and their Families and Carers Package to help ease the financial stress for young carers, foster and kinship carers, and young people. The package included one-off payments of \$300 per child or young person to eligible kinship and foster carers, to support ongoing wellbeing and ease financial stress resulting from the COVID-19 pandemic.

The Supporting Children, Young People and their Families and Carers Package supported eligible young people preparing to leave kinship or foster care, or those who had already left care during 2020, to assist with living expenses and housing costs, or to connect them with training and

employment. The ACT Government provided funding support to young carers to meet additional expenses, maintain wellbeing and support educational participation.

Additional funding helped to continue and expand the capacity of the Safe and Connected Youth project, to respond to increased demand for an integrated service for addressing youth at risk of or experiencing homelessness and to address the complexity of cases resulting from the COVID-19 pandemic. One-off grant payments to non-government services providers assisted with direct service delivery, brokerage, and support for young people and their families whose needs were not being met in the existing service system, or where culturally appropriate responses were not available through mainstream services.

THEME 4: TAILORED SUPPORT THROUGH SPECIALIST SERVICES

National Strategy to Prevent and Respond to Child Sexual Abuse

In 2021, the ACT Government agreed to the *National Strategy to Prevent and Respond to Child Sexual Abuse* (National Strategy). The National Strategy was launched in October 2021, addressing several recommendations of the Royal Commission, including 6.1, 6.2, and 8.7.

The National Strategy will drive a long-term, nationally consistent and coordinated approach to preventing child sexual abuse in all settings. This includes within families, online and in institutions. It aims to:

- create positive cultural change;
- support victims and survivors of child sexual abuse;
- prevent abuse from happening.

Functional Family Therapy

In February 2021, Functional Family Therapy – Child Welfare (FFT-CW) was established with ACT Together to stabilise foster and kinship care placements and to support the restoration of children in care back to their parents/birth family.

FFT-CW works with families who are reluctant to engage with services and experience issues such as mental health concerns, a history of abuse, neglect or family violence, and/or substance abuse. It is a strength-based model built on a foundation of acceptance and respect. At its core is a focus on assessment and intervention to address risk, and protective factors within and outside of the family that impact the child and their adaptive development.

This program addresses safety concerns in the family environment with a holistic psychotherapy framework. Families are supported to take practical actions to reduce the risk of their children entering out of home care. The program supports the family to improve home dynamics, decrease dysfunctional behaviour patterns, and reduce the risk of abuse and neglect. This contributes to ensuring that it is safe for children to remain within the family home.

Bimberi Principal Practitioner

In 2020-21, the Principal Practitioner position was embedded in Bimberi Youth Justice Centre to provide forensic, trauma-informed advice, consultation and treatment to young people in Bimberi with complex and challenging presentations. In addition, the Principal Practitioner is leading work to review the services and programs available to young people at Bimberi, to ensure programs and services meet their therapeutic and rehabilitative needs. The work of the Principal Practitioner will build Bimberi's therapeutic capacity and support its movement towards being a more trauma-informed, trauma-responsive and culturally informed service.

Delivering recommendations of the Domestic Violence Prevention Council's Extraordinary Meeting on Children and Young People

In June 2019, the ACT Government responded to the Domestic Violence Prevention Council's report on children, young people and domestic violence, agreeing or agreeing in principle to all recommendations. In August 2021, the ACT Government provided a Progress Report on its implementation of the recommendations.

The Progress Report outlines various actions that contribute to implementing the Council's recommendations. This includes:

- consulting directly with children and young people about their experiences and perspectives of domestic and family violence and their interaction with support services;
- a pilot peer support group for young people experiencing domestic and family violence – Got Your Back;
- developing a suite of documents to guide child protection practitioners to provide therapeutic and trauma-informed support to children, young people, families and carers affected by family violence (recommendation 9.8);
- updating training modules within ACT Government Domestic and Family Violence Training to reflect insights gained from consultations with children and young people, and
- creating a new electronic record system for child protection – Child and Youth Record Information System (CYRIS) to provide CSD staff with access to information that helps them provide case management, risk assessment and support to children, young people and their families (Chapter 12 recommendations).

Aboriginal and Torres Strait Islander children

The ACT Government has made a firm commitment to fully embed the Aboriginal and Torres Strait Islander Child Placement Principle (ATSICPP) into legislation, policy and practice, recognising its importance and its role in reducing the disproportionate representation of Aboriginal and Torres Strait Islander children in the child protection and out of home care systems (recommendation 12.20).

In 2021, the ACT Government commenced foundation, consultation and research work required to ensure the ATSI CPP is appropriately described in the *Children and Young People Act 2008*. The *Our Booris Our Way* Oversight Committee agreed to the ACT Government's draft discussion paper and draft community engagement plan and provided advice on culturally appropriate consultation with the Aboriginal and Torres Strait Islander community. SNAICC will undertake this consultation and engagement with the community in 2022. SNAICC will provide consensus advice to government on legislative, policy and practice changes required to embed the ATSI CPP in the ACT. This critical information will enable the ACT Government to embed the ATSI CPP into the CYP Act, and to improve outcomes for Aboriginal and Torres Strait Islander children and families.

Other progress on embedding the ATSI CPP into policy and practice has had a significant emphasis on ensuring Child and Youth Protection Services (CYPS) staff have cultural knowledge and skills to respond to Aboriginal and Torres Strait Islander children and their families. This includes ensuring all staff receive cultural safety and awareness training and embedding the ATSI CPP in child protection policy and procedures. CYPS continue to review policies and procedures each quarter, to ensure that the ATSI CPP is embedded, applied, and defined in policy and practice. SNAICC has also been engaged to deliver training on the ATSI CPP as mandatory core training for all CYPS staff and CYPS leadership to complete in the first 12 months of employment.

PROGRESS REPORT ON WORKING WITH CHILDREN CHECKS

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

On 10 December 2021, National Cabinet endorsed the workplan to reduce the burden of overlapping regulations. This included agreement to the Working with Children Check (WWCC) item focused on improving national consistency of WWCC and for the Australian Government to consult with states and territories to develop an options paper for National Cabinet consideration in the second half of 2022. More details on the workplan can be found at:

<https://deregulation.pmc.gov.au/priorities/streamlining-overlapping-regulations/workplan>.

This reform work will be progressed under governance arrangements for the National Strategy to Prevent and Response to Child Sexual Abuse (2021-2030) (available online at:

<https://childsafety.pmc.gov.au/what-we-do/national-strategy-prevent-child-sexual-abuse>

specifically through the Information Sharing Working Group established in 2022, with representation from all states and territories.

PROGRESS REPORT ON REDRESS AND CIVIL LITIGATION

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

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

Offers of redress under the scheme

In 2020-21, the ACT Government received 21 requests for information (RFI) from the Scheme Operator, the Department of Social Services, in response to applications to the Scheme. The ACT Government provided responses to all 21 RFIs. Sixteen of these related to applications naming the ACT Government as the responsible institution or where the Scheme Operator believed the ACT government may have relevant information, with the other five related to applications naming pre-self-government institutions. These RFIs require the ACT Government to provide the Scheme Operator with information to assist in the assessment of an application to the scheme.

In 2020-21, three offers of redress were made by the Scheme Operator in response to applications relating to ACT Government institutions, and all three were accepted.

Implementation of institutional redress processes

The ACT remains committed to supporting the delivery of Direct Personal Responses (DPRs) to meet the needs of survivors. The ACT Government received three requests for DPRs in 2020-21.

As of 14 February 2022, the ACT Government has received 82 referrals for counselling. 30 clients have accessed or are accessing counselling through Victims Support ACT.

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

PROGRESS REPORT ON CRIMINAL JUSTICE

In 2021, a further 9 recommendations have been progressed and can now be marked as complete. A total of 71 recommendations from the Criminal Justice Report are now complete.

Intermediaries and Interpreters

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

As of 31 January 2022, the ACT Intermediary Program has received 391 referrals from ACT Policing, 54 referrals from ACT Courts and 12 referrals from ACT Legal Aid. The ACT Program is the only scheme that operates 24/7 in Australia and has been able to allocate an intermediary to all referrals received it has received. The Program currently has eight in-house intermediaries as well as a panel of 15 intermediaries it can call upon for matters that are received both within and outside standard business hours.

The ACT Intermediary Program has received 54 requests from ACT Courts. This includes 30 Supreme and 24 Magistrates Court matters. In that time, 26 ground rules hearings have been completed, in which intermediary recommendations were considered by judicial officers regarding the communication needs of the referred individuals. The majority of these recommendations have become judicial directions, which the parties must adhere to when questioning the witness. Directions made by judicial officers have included frequent breaks, use of simple language and the use of communication aids. Each recommendation made by an intermediary is tailored to the communication needs of the individual which has ensured questioning at court is conducted in a way that meets the communication needs of the individual involved.

Legislative reform of judicial directions

Recommendations 64 and 70 propose jurisdictions consider codifying judicial directions and using legislation to require judges to give directions addressing common misconceptions about child sexual abuse.

After consultation with key stakeholders and consideration of available research, limited evidence has been found to suggest that judicial directions are an effective way to address potential misconceptions about child sexual abuse (particularly compared to alternatives, such as the use of expert evidence). In 2021, stakeholders raised significant concerns about the risk that codification

could increase the complexity of judicial directions in the ACT, and result in increased risk of technical appeals.

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

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

The ACT Government has considered legislative reform of judicial directions, and at this stage does not propose either codification or introduction of legislation to set standard educative directions. The ACT Government will discuss the option of a sexual assault bench book with ACT Courts, noting it is ultimately a decision for the heads of jurisdiction.

NEXT STEPS

Over the next 12 months, the ACT Government will continue to implement the recommendations from the Royal Commission including to:

- Explore the best approach to progress work to give effect to the policy intent of the proposed judicial directions recommendations in the ACT;
- Collaborate with directorates, external stakeholders and the community through the Sexual Assault Prevention and Response (SAPR) Program to advise the government about sexual assault reforms in the ACT more broadly including any intersections with outstanding Royal Commission recommendations. The Program seeks to take an inclusive and intersectional approach to understand and address the sexual violence across the community; it is made up of a Steering Committee as well as the Aboriginal and Torres Strait islander Consultation Committee, the Prevention Working Group, the Response Working Group, the Law Reform Working Group, and the Workplace Reference Group;
- Support Commonwealth agencies in their review of the reporting framework for police services in relation to reporting on child sexual abuse offences.

The work of the Royal Commission and the ACT Government's response may bring up strong feelings and questions. Be assured you are not alone, and that there are many services and support groups available to assist. Some options for advice and support include **1800 Respect**, Lifeline on **13 11 14** and the National Redress Information Line on **1800 146 713**.