

Victorian Government Annual Report 2019

Royal Commission into Institutional
Responses to Child Sexual Abuse



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We, the Victorian Government, acknowledge Aboriginal and Torres Strait Islander people as the First Peoples and Traditional Owners and custodians of the land and waterways upon which our lives depend. We acknowledge and pay our respects to ancestors of this country, Elders, knowledge holders and leaders – past, present and emerging. We extend that respect to all Aboriginal and Torres Strait Islander peoples.

Also available in an accessible format on: www.vic.gov.au/institutionalchildsexualabuse

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Royal Commission into Institutional
Responses to Child Sexual Abuse



Contents

| | |
|---|-----------|
| Our thanks | 4 |
| Introduction | 5 |
| Final Report of the Royal Commission (2017) | 6 |
| Making institutions child safe (Volume 6) | 6 |
| Child Safe Standards | 6 |
| Online safety | 6 |
| Improving institutional responding and reporting (Volume 7)..... | 6 |
| Reporting child abuse..... | 6 |
| Table 1. Victorian Mandatory Reporters..... | 7 |
| Institutional reporting and complaint handling | 7 |
| Recordkeeping and information sharing (Volume 8)..... | 7 |
| Retention of records by institutions | 7 |
| Guidance for institutions on recordkeeping | 7 |
| Supporting institutions to adopt and implement the principles for records and recordkeeping..... | 8 |
| Improving information sharing across sectors | 8 |
| Sharing information about teachers and students..... | 8 |
| Carer registers | 8 |
| Advocacy, support and therapeutic treatment services (Volume 9)..... | 8 |
| Children with harmful sexual behaviours (Volume 10)..... | 9 |
| Table 2. Victorian Government Strategies and Interventions for Children Displaying Problem and Abusive Sexual Behaviours..... | 9 |
| Home-based and residential carers | 10 |
| Table 3. Compulsory Units of Study for Residential Care Workers | 10 |
| Giving children in care a voice | 10 |
| Aboriginal and Torres Strait Islander children..... | 10 |
| Supporting young people leaving care | 11 |
| Schools (Volume 13)..... | 11 |
| Boarding schools..... | 11 |
| Sport, recreation, arts, culture, community and hobby groups (Volume 14) | 11 |
| Targeted child safe resources for sport and recreation organisations | 11 |
| Fair Play Code..... | 12 |
| Supporting sporting organisations to comply with Victoria’s Child Safe Standards..... | 12 |
| Contemporary detention environments (Volume 15)..... | 12 |
| Safe Placement Procedures and Risk Assessments - New case management framework and rehabilitation program..... | 12 |
| Cultural safety for Aboriginal and Torres Strait Islander children | 13 |
| Strengthening of training and practice in Youth Justice Centres | 13 |
| Working with Children Checks Report (2015) | 14 |

| | |
|---|-----------|
| Redress and Civil Litigation Report (2015) | 15 |
| Redress | 15 |
| Civil Litigation..... | 15 |
| Criminal Justice Report (2017) | 16 |
| Prosecution and witness reforms..... | 16 |
| Victim-centric responses..... | 16 |
| Intermediary Pilot Program..... | 16 |
| Case Study 1..... | 17 |
| Dedicated Victims Services..... | 17 |
| Case Study 2..... | 18 |
| Protections for giving evidence..... | 18 |
| Recorded evidence and alternative arrangements..... | 18 |
| Prosecutorial practice | 18 |
| Reforms to Criminal Law | 19 |
| Child sexual abuse offences..... | 19 |
| Tendency and coincidence..... | 19 |
| Reducing delay..... | 19 |
| Improving professional responses..... | 19 |
| Judicial College of Victoria | 19 |
| Victoria Legal Aid..... | 19 |

Our thanks

Institutional child sexual abuse has profoundly affected the lives of many Victorians. The remarkable courage so many have shown by coming forward to tell their stories has ensured that the Victorian community has a clear understanding of child abuse and its terrible, often lifelong, consequences for survivors. The Victorian Government acknowledges all of the survivors of institutional child abuse, their families, and everyone affected by this dark stain on our history.

Introduction

This report is the second Annual Report on the Victorian Government's progress in implementing the recommendations of the Royal Commission into Institutional Responses to Child Sexual Abuse (Royal Commission). This report demonstrates that the government remains at the forefront of strong action to prevent and respond to child sexual abuse. The government is taking responsibility to make sure no child is failed again, and the wrongs of the past are never repeated. The government is also making sure the needs of survivors are treated with the priority and importance that they deserve.

The Victorian Government welcomed the release of the [Royal Commission's Final Report](#) in December 2017 and published its response on 11 July 2018. The government's [first Annual Report](#) was published on 6 March 2019.

This report describes progress made from December 2018 to December 2019.

In this period, the Victorian Government has implemented important reforms to ensure the safety and protection of Victorian children. For example, the government has expanded the groups that are required to report physical and sexual abuse of children to authorities, to include out-of-home care workers, youth justice workers, school counsellors, early childhood workers and registered psychologists.

Further, the Victorian Government introduced landmark reforms to strengthen the protection of children by enacting the *Children Legislation Amendment Act 2019*, which includes people in religious ministry as mandatory reporters to Child Protection. People in religious ministry will be required to report if they reasonably believe that a child has been physically or sexually abused, including where the belief is based on religious confession. The legislation also removes the exemption for religious confessions from the failure to disclose offence in the *Crimes Act 1958*, so that information learned during religious confession about child sexual abuse must be reported.

The protection of children was also promoted through reforms limiting the right of appeal to the Victorian Civil and Administrative Tribunal for people whose Working with Children Check application is rejected if they have been charged with, convicted or found guilty of one of the most serious offences, such as rape or murder.

Important reforms have been made to ensure the safety and appropriate treatment of children and young people in the youth justice system. Youth justice workers will receive appropriate training in trauma-informed care, and on the needs and experiences of children with complex needs, such as mental health problems, and the barriers children face in disclosing sexual abuse. In addition, a new Internal Complaints Management Framework for Youth Justice Centres has been developed to receive and resolve complaints made by children and young people in youth justice precincts.

Finally, the Victorian Government has made significant improvements to victim support, including appointing a Victims of Crime Commissioner with new powers to strengthen compliance with the *Victims Charter Act 2006* and implementation of a Victim Support Dog Program, after a successful pilot with support dog Suzie. Suzie provides comfort and support to victims and witnesses before court appearances and case conferences. This assists in reducing trauma for victims and witnesses.

This report also describes important cultural safety strategies being implemented for Aboriginal and Torres Strait Islander children.

The report identifies actions that are planned for the future. This includes work arising from the review of Victoria's Child Safe Standards' *Final Report*, implementation of the Child Information Sharing Scheme, and action to improve care services.

For those recommendations requiring national action, the Victorian Government continues to work with the Australian Government and states and territories. The cooperative work between governments to progress those recommendations is also described in the [Australian Government's Annual Progress Report 2019](#).

The Victorian Government is committed to taking action to prevent and respond to child sexual abuse. Ongoing reform in Victoria is built on the foundational changes made to implement [Betrayal of Trust](#) and guided by the recommendations of the Royal Commission.

In keeping with the Royal Commission's recommendation, the Victorian Government will publish reports on its progress in implementing recommendations of the Royal Commission every year until 2022.

Final Report of the Royal Commission (2017)

Making institutions child safe (Volume 6)

The Victorian Government is working to achieve cultural change in institutions and the community to ensure children are safe and valued, their rights are respected, and their best interests are paramount in all decision making. Victoria's Child Safe Standards aim to ensure that the safety of children is promoted, child abuse is prevented, and allegations of child abuse are properly responded to and reported. The government is also focused on preventing and responding to online sexual abuse.

Child Safe Standards

The Royal Commission identified 10 Child Safe Standards to form the foundation of a nationally consistent approach to child safety in institutions. These 10 Child Safe Standards are included in the National Principles for Child Safe Organisations. The Council of Australian Governments, including Victoria, endorsed the National Principles in February 2019.

Victoria's Child Safe Standards have been in effect since 2017, and are guided by three overarching principles that require organisations to promote the safety needs of Aboriginal children, children from culturally and linguistically diverse backgrounds, and children with disability.

Victoria's Child Safe Standards broadly align with those recommended by the Royal Commission. They require organisations to place child safety at the forefront of organisational thinking, and embed child safety in everyday practice.

The Victorian Government conducted a review of Victoria's Child Safe Standards to understand:

- whether they have been implemented by organisations to promote a child safe culture;
- whether the regulatory scheme that supports compliance with Victoria's Child Safe Standards is operating effectively; and
- if any adjustments are needed to better align Victoria's Child Safe Standards with those recommended by the Royal Commission.

A wide range of stakeholders were consulted as part of the review, and over 450 survey responses and written submissions were considered. This review is now complete and the Victorian Government has endorsed all 15 recommendations in the review's final report.

Online safety

The Victorian Government is working closely with the Australian Government and other states and territories through the Council of Australian Governments Education Council to ensure that there is a nationally consistent curriculum for online safety education in schools.

Improving institutional responding and reporting (Volume 7)

The Victorian Government has enacted historic reforms to ensure child sexual abuse is reported to the relevant authorities by institutions, their staff and volunteers. The government has expanded the categories of mandatory reporter groups who are required to report to Child Protection authorities, and the organisations that are subject to Victoria's Reportable Conduct Scheme.

Reporting child abuse

In 2019, in line with the Royal Commission's recommendations, Victoria expanded its categories of mandatory reporter groups who are required to report a reasonable belief of physical or sexual abuse to include out-of-home care workers (excluding foster and kinship carers), early childhood workers, youth justice workers, and registered psychologists. On 1 January 2020, school counsellors will become mandatory reporters. On 18 September 2019, the Victorian Parliament enacted the *Children Legislation Amendment Act 2019* to include people in religious ministry as mandatory reporters to Child Protection. This includes when the report is based on a religious confession.

Table 1. Victorian Mandatory Reporters

| PRE-MARCH 2019 | FROM MARCH 2019 | EARLY 2020 |
|---|--|--|
| <ul style="list-style-type: none"> • Police officers • Registered medical practitioners • Nurses, including midwives • Registered teachers • School principals | <ul style="list-style-type: none"> • Out-of-home care workers • Youth justice workers • Early childhood workers • Registered psychologists | <ul style="list-style-type: none"> • School counsellors • People in religious ministry |

A number of resources have been developed to ensure mandatory reporters understand their role and meet their obligations, including mandatory reporting modules for school and early childhood staff. A community education package has also been developed to promote child wellbeing and safety, and to assist organisations in relation to making reports to Child Protection.

Institutional reporting and complaint handling

Victoria's Reportable Conduct Scheme requires organisations that exercise close care, supervision or authority over children to respond to allegations of child-related misconduct made against their workers and volunteers. In 2019, approved education and care services (e.g. kindergartens), children's services (e.g. occasional care providers) and statutory bodies that have responsibility for children (e.g. public museums and galleries) were required to comply with Victoria's Reportable Conduct Scheme. Other organisations such as schools, out-of-home care service providers, and religious bodies are already included in the Scheme.

Recordkeeping and information sharing (Volume 8)

The Victorian Government is continuing its work to improve the identification, prevention and response to incidents and risks of child sexual abuse by improving records and record keeping practices within institutions that care for, or provide services to, children. Information sharing between key agencies and institutions with responsibility for children's wellbeing and safety, and between relevant professions, is vital to identifying, preventing and responding to child abuse.

Retention of records by institutions

The Royal Commission recommended that institutions engaged in child-related work should retain records related to child sexual abuse for at least 45 years. The Public Record Office Victoria (PROV) issued a [Retention and Disposal Authority for Records of Organisational Response to Child Sexual Abuse Incidents and Allegations](#) on 10 July 2019. This requires Victorian public offices to retain child sexual abuse incident or allegation records for 45 or 99 years. In addition, some classes of records must be kept permanently. Over 100 existing Retention and Disposal Authorities are under review to ensure they are consistent with PROV advice.

Guidance for institutions on recordkeeping

The Royal Commission recommended that state and territory records authorities provide guidance to government and non-government institutions on identification, retention and disposal of records that may become relevant to child sexual abuse. PROV is a member of the Council of Australasian Archives and Records Authorities Working Group, which has developed a [record-keeping guideline](#) for government and non-government institutions engaged in child-related work. This was published in September 2019 and will be communicated through record-keeping newsletters and promoted at conferences and events.

In March 2019, the Victorian Government established a cross-sector school records working group to oversee the effective development, coordination, and integration of common records management standards between government and non-government schools. The working group will also agree on an approach to ensure the effectiveness and operational impact of common standards, including the retention periods for records relating to child safety and wellbeing in Victorian schools.

The working group consists of representatives from non-government schools, PROV, the Australian Society of Archivists and the [Victorian Regulation and Qualifications Authority](#).

Supporting institutions to adopt and implement the principles for records and recordkeeping

The Royal Commission recommended that all institutions that engage in child-related work should implement five principles for records and recordkeeping. [Victoria's Recordkeeping Standards and Specifications](#) set by PROV, which are mandatory for all Victorian public offices, have recently been amended to ensure consistency with the Royal Commission principles. One of these important reforms is outlined in the [PROS19/05 Create, Capture and Control Standard](#) which requires that the rights of individuals or groups to correct or add information to the records created and captured by public offices must be upheld to the fullest extent possible. This places power back in the hands of survivors to correct their own personal records, for example, by correcting their date of birth.

Improving information sharing across sectors

The Victorian Government's [Child Information Sharing Scheme](#) (CISS) commenced in 2018. CISS enables authorised professionals working in prescribed organisations (known as 'information sharing entities') who work with children, young people and/or their families to share information with each other to promote children's wellbeing and safety. The list of prescribed organisations includes:

- Child Protection;
- registered community-based child and family services;
- Maternal and Child Health Services; and
- Victoria Police.

From September 2020, CISS will capture a broader range of professionals and organisations delivering universal services, including schools, early childhood services, public hospitals and general practitioners.

The Victorian Government implemented CISS throughout 2019 by facilitating training for prescribed organisations, and developing a range of resources, such as a helpline, to assist organisations to understand CISS.

Sharing information about teachers and students

The Australian Institute for Teaching and School Leadership (AITSL) is conducting research and consultation to support implementation of the recommendations of a National Review of Teacher Registration. The Victorian Government is working with AITSL and other states and territories to strengthen and ensure consistency of teacher registration requirements. The Victorian Government is also considering how it can support information sharing between the Victorian Institute of Teaching and other teacher regulatory authorities to better promote child safety.

Carer registers

The Royal Commission outlined ways to help care service providers make informed decisions about carer suitability.

Victoria maintains a carer register under Part 3.4 of the *Children, Youth and Families Act 2005* that contains information about current foster carers, and out-of-home care residential carers including other providers of services to children in residential care.

As recommended by the Royal Commission, the Victorian Government continues to work with the Australian Government and other states and territories on a national approach to collecting and sharing information about carers.

Advocacy, support and therapeutic treatment services (Volume 9)

The Victorian Government is working to improve how sexual assault service systems respond to the specific needs of individual victim survivors, including the Aboriginal community.

Victoria continues to deliver an integrated and evidence-based advocacy, support and therapeutic treatment service to meet the needs of victims and survivors of child sexual abuse, no matter the context of abuse.

The Victorian Government funds 19 agencies across the state to provide trauma-informed, specialist sexual abuse counselling and advocacy. These [sexual assault support services](#) are available to people of all ages who have experienced sexual abuse, including people who have experienced abuse in institutional settings.

The Royal Commission highlighted the need for support services to be responsive to the specific needs of Aboriginal and Torres Strait Islander victims and survivors of child sexual abuse.

In 2019, consistent with Aboriginal self-determination and the promotion of cultural and emotional safety, work commenced with the Dhelk Dja Partnership Forum, the Koori Caucus, and representatives from Aboriginal Community Controlled Organisations, on a culturally safe sexual assault support model for Aboriginal and Torres Strait Islander victims and survivors.

Children with harmful sexual behaviours (Volume 10)

The Victorian Government provides a trauma-informed and child-centred approach to preventing, identifying and responding to children

with problem or abusive sexual behaviours. This approach is in line with the Royal Commission recommendations and focuses on preventing problem or abusive sexual behaviours occurring, intervening early when these behaviours first emerge, and enabling children to access assessment and therapeutic intervention.

The Victorian Government funds a suite of programs and services aimed at preventing problem or abusive sexual behaviours, or appropriately intervening if and when they occur. These programs and services are outlined in the table below:

Table 2. Victorian Government Strategies and Interventions for Children Displaying Problem and Abusive Sexual Behaviours

| PRIMARY PREVENTION STRATEGIES |
|--|
| <p>Primary prevention strategies target the whole community and aim to educate adults and children to help prevent children from engaging in problem or abusive sexual behaviours.</p> <ul style="list-style-type: none"> • <u>Sexuality education</u> is compulsory in all government schools. Sexuality education can safeguard against sexual abuse, and is included in the Victorian curriculum at both primary and secondary school level. Schools also have access to <u>resources</u> relating to sexual health, anti-bullying and sexual assault. • Respectful relationships education is a core component of the Victorian curriculum and helps children identify their personal rights and responsibilities, teaches positive behaviours, and builds the knowledge and skills necessary for respectful decision-making. The <u>Respectful Relationships</u> initiative supports schools to teach children about respect and positive attitudes and behaviours. |
| SECONDARY PREVENTION STRATEGIES |
| <p>Secondary prevention focuses on early intervention to prevent children's problematic sexual behaviour from escalating and becoming abusive.</p> <ul style="list-style-type: none"> • Victoria's sexually abusive behaviour treatment services provide assessment and therapeutic treatment to children under 18 years who engage in problem or abusive sexual behaviours. Just over 1000 children access these services in Victoria every year. |
| TERTIARY INTERVENTIONS |
| <p>Tertiary interventions include therapeutic treatment, as well as Child Protection or criminal justice system responses.</p> <ul style="list-style-type: none"> • Therapeutic Treatment Orders require the child and their family to attend a sexually abusive behaviour treatment service if they are unlikely to, or are unable to, access it voluntarily. • When a child has been found guilty of a sexual offence and receives a youth justice supervised sentence, the court will include a condition to attend the Male Adolescent Program for Positive Sexuality, an intensive treatment program aimed at preventing reoffending. Girls and young women receive individualised intervention. |

Victoria continues to work closely with the Australian Government and other states and territories on the development of a National Strategy to Prevent Child Sexual Abuse. The Royal Commission recommended that the issue of children with problem or abusive sexual behaviours be included in this national strategy. The Victorian Government will work with the Australian Government and other states and territories to establish a National Centre for the Prevention of Child Sexual Abuse.

Contemporary out-of-home care (Volume 12)

The Victorian Government is strengthening existing mechanisms to prevent child sexual abuse in out-of-home care and assisting out-of-home care service providers to better ensure the safety of children and provide effective responses if abuse does occur.

Home-based and residential carers

The Royal Commission recognised the importance of people meeting particular eligibility requirements before they take on the important role of being a carer.

In Victoria, all prospective carers must undergo a [National Police History Check](#) and a [Working with Children Check](#).

The Royal Commission noted the importance of carers understanding the needs of the children in their care. In particular, carers should understand the impacts of trauma and abuse on children, as well as the principles of trauma-informed care.

Training and information is available to foster and kinship carers through Carer KaFÉ. Courses offered in 2019 included 'Therapeutic Caring', 'Child Sexual Abuse, Sexualised Behaviours and Trauma', and 'Being Heard: Communication in the Care System'. Courses are regularly reviewed and updated to keep training relevant.

Residential care workers providing direct care to children and young people in statutory residential care homes are required to hold, or be undertaking, a Certificate IV in Child, Youth and Family Intervention or another recognised relevant qualification. They must also complete the following units of study:

Table 3. Compulsory Units of Study for Residential Care Workers

Work effectively in trauma-informed care: *practice and contribute to the continuous improvement of trauma-informed care within a service*

Provide primary residential care: *provide for the care and support of clients in residential care and assist their transition from primary/residential care*

Facilitate responsible behaviour: *monitor individuals, respond to behaviours of concern, deal with conflict and support responsibility for behaviour management and change*

Giving children in care a voice

The Royal Commission acknowledged that children in care often face additional difficulties when trying to speak up about issues that affect them.

In 2019, the Victorian Government began piloting a survey to enable children and young people to share their experience while in residential care. This survey, entitled 'Your Voice', is intended to complement the regular cycle of performance audits that assess whether children and young people are receiving appropriate care and support in residential care. If successful, it is anticipated 'Your Voice' will be made available in 2020 to children and young people as part of the regular performance audit cycle.

A Ministerial Youth Advisory Group has been established to hear from young people with experience of Victoria's care services. The group is co-chaired by the Minister for Child Protection and a young person with lived experience of care services, and consists of representatives from a range of cultural backgrounds. The Advisory Group meets every two months.

The Victorian Government is currently reviewing practice frameworks for children in care services and will explore how to strengthen children's participation in care team decisions.

In 2019, the Victorian Government developed the client voice framework for community services. This framework aims to improve the safety and effectiveness of all community services by promoting the opinions, needs, and experiences of people in the design and delivery of these services. Consistent with this framework, the Voice of the Child Project is being developed. This project will ensure children and young people can meaningfully participate in designing the policies and services that affect them.

Aboriginal and Torres Strait Islander children

The Victorian Government continues to expand its [Aboriginal Children in Aboriginal Care Program](#). The Program transfers the responsibility for Aboriginal children who are the subject of a Children's Court protection order from Child Protection to Aboriginal Community Controlled Organisations.

Recent legislative amendments enable the responsibility for a non-Aboriginal sibling to be transferred to the same Aboriginal Community Controlled Organisation as their Aboriginal sibling. This means crucial family and community connections can be maintained.

In 2019 the Victorian Government provided funding to support an additional 200 Aboriginal children to have their case management transferred from Child Protection to an Aboriginal Community Controlled Organisation. Since 2017, there has been a 250 percent increase in the number of Aboriginal children and young people receiving case management from an Aboriginal Community Controlled Organisation.

The Aboriginal Kinship Finding Service commenced in 2019. This is a state-wide service to support the early identification of kinship carers for Aboriginal children subject to Child Protection involvement, enabling connections to family, community and culture.

Supporting young people leaving care

The Royal Commission highlighted the importance of increasing emotional, social and financial supports for young people while they transition out of the care system.

Better Futures, a new way of supporting young people who are transitioning from care, was trialled in Victoria during 2017 and 2018 and will soon be available across the state.

Better Futures provides flexible support to care leavers aged 16 to 21 based on their individual needs. It aims to give care leavers an active voice in their transition planning and offers individualised support across a range of life areas, including education, employment, and community and cultural connections.

Better Futures workers will assist care leavers who experienced sexual abuse, including abuse that occurred while they were in care. Practice advice is being developed to assist Better Futures workers to help young people to access various supports, including specialist sexual assault counselling, advocacy, and legal services. The practice advice will also provide guidance about how eligible care leavers can apply to the National Redress Scheme for survivors of child sexual abuse.

As part of Better Futures, Home Stretch was also rolled out across Victoria during 2019. Home Stretch gives young people the option of continued support for living arrangements beyond the age of 18. Home Stretch provides an allowance for young people in foster, kinship and residential care to support them to either remain with their carer, or to support independent living arrangements, up to age 21.

The Better Futures model, including Home Stretch, will be evaluated between 2020-2024.

Schools (Volume 13)

The Victorian Government is continuing to implement initiatives to prevent child sexual abuse from occurring in schools and, where it does occur, to help ensure effective responses.

Victorian schools must meet Victoria's Child Safe Standards. The Victorian Government continues to support schools to comply with their obligations under the Child Safe Standards, including through updating the PROTECT website, and providing further templates and guidance.

Boarding schools

The Victorian Government has started targeted consultation with schools that have boarding facilities about proposals to strengthen the powers of the Victorian Registration and Qualifications Authority to monitor compliance of such facilities with Victoria's Child Safe Standards.

Sport, recreation, arts, culture, community and hobby groups (Volume 14)

Victorian sport, recreation, arts, culture and community hobby groups play a significant role in preventing and detecting child sexual abuse. The Victorian Government is working with the sport and recreation sector to enhance child safety and achieve cultural change in the community to ensure children are safe.

Targeted child safe resources for sport and recreation organisations

The Victorian Government continues to provide financial support to Vicsport (Sports Federation of Victoria Inc) to produce and provide targeted resources to the sport and recreation sector on child safety and implementing Victoria's Child Safe Standards in sports clubs, associations and leagues. These resources include case studies and stories highlighting what sporting organisations have been doing to address the standards.

With the Victorian Government's support, Vicsport provides a 'helpdesk', which delivers assistance and advice to state sporting associations, regional sport assemblies, regional academies of sport, clubs and associations to assist them with cultural change, policy development, change management and communications to meet obligations in Victoria's Child Safe Standards.

Vicsport convenes an annual industry forum as well as delivering ongoing training on Victoria's Child Safe Standards for state sporting

associations and sporting clubs. The [2019 forum](#) emphasised creating child safe environments in sport, and focused on outcomes, not just compliance, and the change management processes being implemented by sporting groups.

In 2019, the Victorian Government increased its funding for [Play by the Rules](#), a dedicated education and information website for making sport inclusive, safe and fair.

Play by the Rules provides information and free online learning for the community sport and recreation sector throughout Australia on how to prevent and deal with discrimination, harassment and child abuse, and how to develop inclusive and welcoming environments to promote participation. A national child protection [online training course](#) for coaches, administrators, officials, players, parents and spectators is available.

The Victorian Government partners with Play by the Rules to improve the content and uptake of its resources.

Fair Play Code

Last year the Victorian Government released the new [Fair Play Code](#) – a code of conduct for sport and recreation in Victoria. The Fair Play Code outlines the standards of behaviour expected for everyone involved in sport and recreation. At the heart of the code are the five core values that lead to fair play for all – integrity, respect, responsibility, fairness and safety. Compliance with Victoria’s Child Safe Standards is embedded into the code.

Victorian sporting associations are required to adhere to and enforce the code to receive funding from the Victorian Government. The code includes guidance on the responsibilities of those people who are involved in sport and recreation, including dealing with potential breaches of the code. A [self-assessment tool](#) for clubs is available along with the Fair Play Code.

Further tools and resources to promote the code are being developed. The Victorian Government is partnering with regional sports assemblies to roll out information sessions, tools and resources to sports clubs in regional Victoria.

Supporting sporting organisations to comply with Victoria’s Child Safe Standards

The Victorian Government is providing support to state sporting associations to improve the ability of organisations to comply with Victoria’s Child Safe Standards and implement the Fair Play Code, as part of the [Together More Active program](#).

Contemporary detention environments (Volume 15)

Youth detention aims to provide a secure environment for the detention and rehabilitation of children and young people convicted or accused of committing a criminal offence. The Victorian Government takes its responsibility to these children and young people very seriously, and is working to prevent child sexual abuse from occurring in detention environments and, where it does occur, to ensure effective responses.

Safe Placement Procedures and Risk Assessments - New case management framework and rehabilitation program

A new approach to case management was implemented across Youth Justice in February 2019. As part of the new Youth Justice Case Management Framework, the needs of every child and young person who receives a custodial order are now assessed. Assessments identify and target needs related to a child or young person’s offending and risk of reoffending, to help develop individually focused case plans and interventions. Assessment is also undertaken to determine family violence risk, cognitive needs, mental health, and violence and sex offending risk.

The new framework adopts an evidence- and trauma-informed approach to case management. This approach considers complexities such as language and culture, disability, mental health, medical problems, and alcohol and other drug issues. The framework also acknowledges that effective practices require an understanding of the detrimental impact of neglect and child abuse trauma, including sexual assault, on the development of children and young people.

The framework is supported by the introduction of new Youth Offending Programs to target offending behaviour. This includes three new intensive criminogenic programs and three new psychosocial programs, which began in February 2019. The violent offending criminogenic program has also been redeveloped to align with the contemporary evidence base for effective intervention.

Criminogenic programs work to directly address specific offending behaviours including violence, sex offending, family violence, motor vehicle offending, and offending related to the use of alcohol or other drugs. Psychosocial programs are brief interventions available to young offenders, young people on remand and young people on intensive bail. They focus on emotional regulation, anger management, development of communication skills and relationship-building skills.

Cultural safety for Aboriginal and Torres Strait Islander children

The Youth Justice Case Management Framework includes the use of Aboriginal Cultural Plans for Aboriginal children and young people as the first step in the case planning process. The plans provide the basis for intervention and support for Aboriginal children and young people.

Aboriginal children and young people detained in Youth Justice custody have ongoing access to their culture and are strongly connected to Aboriginal family and community through the work of four Aboriginal Liaison Officers and a team leader. Aboriginal Liaison Officers are available 24 hours a day to advise non-Aboriginal staff about their work with Aboriginal young people, inform critical decision making about their care and directly support young people if any urgent situations arise.

Strategies to provide for the cultural safety of Aboriginal young people will also be developed and implemented as part of the development of the Aboriginal Youth Justice Strategy, under the umbrella of *Burra Lotjpa Dunguludja*, the fourth phase of the Aboriginal Justice Agreement.

In line with furthering Aboriginal self-determination, the Aboriginal Justice Caucus is guiding every aspect of the strategy's development. The strategy's long-term goal is to have an Aboriginal community-controlled youth justice system, which will strengthen young peoples' connection to family, community and culture and lead to better justice outcomes. A key feature of the strategy is protecting cultural rights and building a culturally safe and inclusive system.

The Koori Youth Justice Taskforce is auditing the case files of 296 Aboriginal children and young people involved with the youth justice system over a six-month period. This offers a real opportunity to address the overrepresentation of Aboriginal children and young people in youth justice. The review will consider all aspects of their care, education, health, connection to culture and safety, and how this can be improved in the future. Thirteen regional forums have been held throughout Victoria between June and October 2019 to enable community to have their say in the process.

Strengthening of training and practice in Youth Justice Centres

Pre-service training is delivered to all Youth Justice custodial workers and includes dedicated modules on trauma-informed practice, mental health and the Child Safe Standards. The Victorian Government is further strengthening the training provided to staff through the development of a Youth Justice Learning and Development Strategy, which will improve skill development across the workforce.

The new primary health and primary mental health service run by Correct Care Australasia commenced in February 2019 and has added more nursing and General Practitioner services at both custodial centres. Under the new services, there are more trained staff to administer medications, nurse-led primary health care is available 24-hours a day, seven days a week, and an Aboriginal Health Worker is operating across both sites.

The new Custodial Forensic Youth Mental Health Service also commenced in February 2019 and provides specialist clinical mental health assessment, treatment and support services for young people in custody. The service is run by Orygen Youth Health and delivered by a multi-disciplinary team of psychiatrists, psychologists and other allied mental health clinicians.

Working with Children Checks Report (2015)

The Victorian Government is working to strengthen the protection children receive through Working with Children Checks (WWCCs).

The Victorian Government has recently enacted reforms limiting the right of appeal to the Victorian Civil and Administrative Tribunal for people whose WWCC application is rejected on the basis that they, as an adult, have been charged with, convicted or found guilty of a Category A offence. Category A offences are the most serious offences for the purposes of the WWCC and include murder, rape and sexual offences committed by an adult against a child.

The majority of the recommendations in the Royal Commission's WWCCs Report related to the implementation of National Standards for WWCCs. National Standards were endorsed by jurisdictions in November 2018. Victoria was unable to endorse these standards at that time due to caretaker conventions in the lead up to the state election. Victoria's *Working with Children Act 2005* already aligns with, or exceeds, most of the standards.

On 1 September 2019, legislative amendments took effect to more closely align the registration scheme for teachers and early childhood teachers with the *Working with Children Act 2005* to ensure that serious offences and disciplinary findings are dealt with in a similar way under both schemes.

The Victorian Government will continue to work with the Australian Government and other states and territories regarding the implementation of the National Standards.

Redress and Civil Litigation Report (2015)

The Victorian Government is working to ensure effective redress for victims and survivors of child sexual abuse by participating in the [National Redress Scheme for Institutional Child Sexual Abuse](#) and enabling a direct personal response to survivors by institutions through reforms to civil litigation.

Redress

The Victorian Government was one of the first states to opt in to the [National Redress Scheme for Institutional Child Sexual Abuse](#), and has participated in the scheme since it commenced on 1 July 2018.

The scheme is operated by the Australian Government and is governed by a framework for determining applicants' eligibility for redress, and which institution is responsible for payment. Applicants may receive access to counselling, a redress payment, and a direct personal response from the institution responsible for the abuse (for example, an apology).

All applications for redress are determined by independent decision makers. The Victorian Government is responsible for paying redress to a person if a Victorian Government institution is found reasonably likely to be responsible for a person's abuse.

The Victorian Government provides counselling to all applicants residing in Victoria who receive an offer of redress under the scheme. A person is offered a choice of counselling service provider, and a range of delivery options and services in rural, regional and remote areas. Specific services accommodate culturally appropriate counselling for Aboriginal and Torres Strait Islander people, and also consider the disability, gender, sexuality and language needs of applicants.

As at 31 October 2019, the Victorian Government had received 628 applications through the scheme from applicants who had identified a Victorian government institution as responsible for their abuse and returned 641 responses for determination by the independent decision maker. By the end of the first year of the scheme's operation, 109 applicants had accepted an offer of redress. Of these applicants, 64 accepted the offer to receive a direct personal response and 54 accepted the offer to access counselling and psychological care services from the Victorian counselling service provided by [RESTORE](#).

The Victorian Government will continue to advocate to the Australian Government for improvements to the transparency and accountability of the scheme and to reduce delays in processing applications for redress. The Attorney-General brought an Options Paper for progressing these improvements to the Ministers' Redress Scheme Governance Board meeting in November 2019. The Victorian Government has also commenced a review of non-government institutions that have not joined the scheme, which is examining options to encourage organisations that receive government funding to join.

Civil Litigation

The Victorian Government has introduced a suite of reforms to remove a range of hurdles faced by child abuse survivors seeking compensation from organisations associated with their abuse.

Victoria was the first jurisdiction in Australia to remove time limitations to civil claims for damages for child abuse victims and survivors. These ground-breaking reforms ensured victim survivors are not discouraged from bringing their claims in court, and the expiration of a limitation period is not used against victims in negotiations.

While the abolition of limitations periods for child abuse removed a significant barrier to civil litigation for survivors of institutional child abuse, it did not deal with the unjust product of those time limitations, which led to survivors accepting inadequate settlements and releasing institutions from future liability. To remedy this, the Victorian Government introduced a reform to allow a court to set aside past judgments concluded after a limitation period had expired, and settlements reached while a limitation period applied, if it is just and reasonable to do so. This reform was implemented as part of the *Children Legislation Amendment Act 2019* and commenced on 18 September 2019.

The Funding Guideline for Services to Children, which commenced on 1 July 2019, will further improve access to justice for survivors. The Funding Guideline requires nongovernment organisations that receive government funding to provide services to children to be incorporated and insured against child abuse. This reform helps to ensure that relevant organisations are capable of being identified and held financially accountable where they are responsible for child abuse.

Criminal Justice Report (2017)

The Victorian Government continues to reform the criminal justice system's response to child sexual abuse, including institutional child sex abuse. The government recognises the importance of providing support to victims and survivors involved in the criminal justice system and is working to ensure the system operates in the interest of justice, and protects the rights of the complainant and the accused.

Prosecution and witness reforms

Victim-centric responses

Victoria Police provides a victim-centric response to all victims and survivors of sexual offences through its specialist Sexual Offences and Child Abuse Investigative Teams (SOCITs). SOCIT investigators focus on the wellbeing of the victim and safety of the community as their first priority. A primary investigator handles the investigation, providing the victim with a main point of contact within Victoria Police. They ensure the victim is linked to support agencies that offer ongoing specialist support, and keep the victim informed of the progress of the investigation.

Victoria Police has improved how its services are described and communicated to victims by amending the Reporting Sexual Offences to Police booklet. This booklet is provided to victims of sexual offences to explain what they can expect from police, the investigation process and the options that are available to help them consider their decision to report. Victoria Police has also amended the service standards provided to victims in the Victim's Guide to Support Services and the Criminal Justice System.

Victoria Police is updating relevant policies and procedures where necessary to align with the recommendations from the Royal Commission. All relevant training packages are being reviewed to ensure institutional child sexual abuse, in addition to sexual offences and child abuse more broadly, is captured.

Intermediary Pilot Program

The Intermediary Pilot Program (IPP) commenced on 2 July 2018. Intermediaries facilitate communication when a police officer is interviewing a vulnerable witness, or at a criminal hearing to help witnesses communicate evidence to the court. Intermediaries are available for victims of sexual offences and witnesses in homicide matters who have a cognitive impairment or are under 18 when charges are laid.

Forty-one allied health professionals have been appointed to a panel of intermediaries. An intermediary is matched according to the specific needs of complainants and witnesses. In 2018-19, IPP received 387 requests for an intermediary. As at 30 June 2019, IPP had matched 311 of these requests, including 177 requests from police and 134 for court matters.

The initial IPP sites included courts in Melbourne's CBD (the Supreme Court, County Court, Magistrates' Court and Children's Court) and four police SOCIT locations (Box Hill, Fawkner, Frankston and Geelong). The pilot has now been extended to three additional SOCIT locations (Knox, Bendigo and Moorabbin) and two additional court locations (Geelong and Bendigo).

Police and judicial officers receive training on how to utilise intermediaries. The IPP has contributed to the SOCIT Brief Quality Assurance Course at the Victoria Police Academy as well as the delivery of training by the Judicial College of Victoria.

Case Study 1

INTERMEDIARY PILOT PROGRAM

Crystal is a 20 year old woman who had alleged that she had been sexually assaulted by an adult associate from the age of 13. The court appointed an intermediary to assess Crystal's communication needs and to provide recommendations to ensure her evidence would be as complete, coherent and accurate as possible. As a young person with an intellectual disability and mental health issues, Crystal faced significant barriers in being able to communicate to the best of her ability in the court environment.

An informal assessment took place near Crystal's home and was conducted over two sessions to ensure she was comfortable with the intermediary. An assessment report was prepared which included a number of recommendations that were discussed at a ground rules hearing. The judicial officer accepted all the recommendations and subsequently made rules related to the length and timing of Crystal's evidence, providing her with regular breaks, allowing her to cover her face and to turn away from the camera, and ensuring that questions were simply phrased. Provision was also made for Crystal to use visual communication aids including a visual timeline.

The intermediary recommendations ensured that Crystal was able to give clear and coherent evidence. She left the remote witness facility triumphantly exclaiming "I did it!"

**the name has been changed to de-identify the person.*

Dedicated Victims Services

The Victorian Government is increasing the capacity of the Victims of Crime Helpline to support victims of crime by providing telephone support, assessments for referrals to the Victims Assistance Program and referrals to other services. An immediate response framework is being developed to assess how victim services respond to major critical incidents within the Victorian Government's emergency management framework. Finally, improvements have been made to information communication technology capabilities for the victim service system to better monitor service demand and emerging client and service needs.

The Victorian Government is bolstering the Child Witness Service, by recruiting new staff to meet rising demand from the increased number of hearings, and to provide specialised support and reduce trauma for victims and survivors and their families.

Ms Fiona McCormack, former CEO of Domestic Violence Victoria, commenced in the role of Victims of Crime Commissioner in July 2019. The Commissioner received new powers in November 2019 that are aimed at strengthening compliance by criminal justice and victim service agencies with the *Victims Charter Act 2006*.

The Office of Public Prosecutions (OPP) has implemented many new initiatives and continues to work to reduce the risk of re-traumatisation of victims. Following a pilot in 2017, OPP has now embedded Victim and Witness Assistance

Service social workers within all legal practice trial divisions to provide better information and support to victims.

In 2018, OPP engaged the Centre for Innovative Justice (CIJ) at RMIT University to conduct research into victims' experiences of being consulted during the prosecutorial process. CIJ was asked to identify areas where OPP could improve the way it communicates with victims and recommend practical solutions to improve outcomes for victims. The report by CIJ was published in May 2019, and OPP accepted all five recommendations. These recommendations include developing a best-practice guide for communicating with victims throughout the course of a prosecution, and ensuring that individual justice needs are considered when consulting with victims about resolution decisions. For example, when OPP intends to discontinue a prosecution or accept a plea of guilty for a less serious charge.

OPP is committed to continuing its Victim Support Dog Program after a successful pilot in late 2018 in which OPP obtained its own support dog, Suzie. Suzie interacts with victims and witnesses before court appearances and case conferences, and can sit with victims when they give their evidence from a remote witness room, to provide comfort and support. This assists in reducing trauma for victims and witnesses. Child witnesses and sexual assault victims are given high priority for the Victim Support Dog Program (83 per-cent of matters in which Suzie provided support involved sexual assault).

Case Study 2

VICTIM SUPPORT DOG PROGRAM

OPP's court support dog Suzie was requested to provide support to a teenage survivor giving evidence in a case in which her male carer was alleged to have committed multiple sex offences against her.

The survivor, Molly*, travelled to Melbourne from regional Victoria to give evidence at a special hearing. There was an immediate connection between Molly and Suzie, who spent time with her in the waiting room of the remote witness facility and accompanied her into the room she gave evidence from.

An intermediary, who was also on hand to support Molly, said she could not express in words the difference Suzie made with helping Molly give evidence.

"She (Suzie) just lowers the energy in the room," the intermediary said. "Molly did a really good job."

A case worker who travelled to Melbourne with Molly was full of praise for the social worker handling the case and recognised the impact of Suzie.

"If you do this to help all the young people that come through the door then you are doing an amazing job and are a credit to not only your organisation but to yourself as well," the case worker said.

"From the separate room for Molly to compose herself and your patience, encouragement and support not to mention the awesome Suzie and her handler. Thank you very much on an outstanding job."

**the name has been changed to de-identify the person.*

Protections for giving evidence

Recorded evidence and alternative arrangements

The Victorian Government is improving the quality of audio-visual links in the Supreme, County and Magistrates' Courts of Victoria. These upgrades will ensure that vulnerable witnesses are able to give their evidence by video and audio recording of evidence and generally only need to be cross examined in court once, in order to minimise trauma. The Victorian Government is working to:

- improve the reliability and quality of audio-visual links to a further 28 Magistrates' Courts and 26 police stations;
- upgrade the Supreme Court audio-visual technology in all courtrooms. A number of courtrooms have already been upgraded and the project is expected to be complemented by June 2021. This will significantly improve the ability for high definition recording of all court proceedings as well as the display of evidence; and
- provide 148 video conferencing units to Victorian courts, which allow for the separation of vulnerable witnesses from accused persons when giving evidence.

Prosecutorial practice

Victoria Police has implemented a number of reforms to improve its prosecution practices. These reforms include the introduction of an early case allocation model in Melbourne to ensure early allocation to a prosecutor who will follow the case from the beginning to the end of the process. This will ensure a better experience for victims. Victoria Police is now considering extending the model to regional areas.

Victoria Police also implemented amendments made to the *Victims Charter Act 2006* and *Victims of Crime Commissioner Act 2015* in November 2019, to improve communication with victims throughout the investigation and court process. For example, prosecutors and informants will now discuss potential downgrading of charges with victims and survivors prior to the decision being made.

Reforms to Criminal Law

Child sexual abuse offences

The Royal Commission recommended that a failure to report offence should not exempt religious confessions. The Victorian Government implemented this recommendation in the *Children Legislation Amendment Act 2019*, which was enacted by the Victorian Parliament on 18 September 2019.

Under the *Children Legislation Amendment Act 2019*, religious ministers must report or disclose relevant information that was received in confession under both mandatory reporting laws in the *Children, Youth and Families Act 2005* and the failure to disclose offence in the *Crimes Act 1958*. This important legislation also provides that the religious confessions privilege in the *Evidence Act 2008* does not apply in proceedings for the failure to disclose offence or the failure to make a mandatory report offence.

The Council of Attorneys-General (CAG) established a working group on confessional privilege, which was led by New South Wales. The Victorian Government participated in the working group, which aimed to develop a harmonious approach to Royal Commission recommendations relating to confessional privilege, where possible. The working group reported back to CAG out of session in September 2019. At the CAG meeting in November 2019, participants agreed to consider the application of certain principles in their respective legislation.

The remaining recommendations on criminal laws relating to child sexual abuse offences require further consideration by the Victorian Government before a final decision can be made.

Tendency and coincidence

The Royal Commission recognised that one of the most significant issues affecting criminal justice in child sexual abuse cases is how the criminal justice system deals with allegations of sexual offending against an individual by multiple children. The Royal Commission made several recommendations relating to the admissibility of tendency and coincidence evidence, to facilitate greater cross admissibility of evidence and more joint trials. The Victorian Government is participating in a CAG working group, which is considering the test for admissibility of tendency and coincidence evidence in the Uniform Evidence Law. CAG has approved a draft Model Bill reflecting the working group's proposals, after undertaking consultation with judicial, legal and other stakeholders across jurisdictions about the proposed reforms.

Reducing delay

The Victorian Law Reform Commission (VLRC) has been asked to consider whether Victoria should maintain, abolish, replace or reform the way a person is committed to stand trial, as well as best practice for supporting victims and means of reducing trauma to victims and witnesses. VLRC will consult widely in undertaking its review, including with courts, government stakeholders, the legal profession and victims' groups. VLRC will deliver its report by 31 March 2020.

Improving professional responses

Judicial College of Victoria

The Judicial College of Victoria (JCV) has undertaken a range of activities in 2019 to assist judicial officers to understand the impacts of trauma, including child sexual abuse. In June 2019, JCV conducted a one-day program 'Insight into Trauma', which aimed to assist judicial officers develop a trauma-informed approach to courtroom management.

In August 2019, JCV launched its new guide for judicial officers *Victims of Crime in the Courtroom*. The guide is accessible to both the judiciary and broader legal profession. It includes information on the effects of trauma and provides guidance for judicial officers and court staff when interacting with victims. In 2019, as part of its forensic evidence seminar series for judicial officers, JCV included a seminar on injury investigation and reporting of child abuse including child sexual abuse, abusive head trauma and patterns of bruising.

Victoria Legal Aid

Training has been delivered on issues relevant to Children's Court practice to all new Victoria Legal Aid (VLA) Melbourne Children's Court lawyers, VLA lawyers engaging in the youth crime 'Professional Support and Development' pilot (commenced April 2018), and some regional lawyers. The training included information about the impact of trauma in general as well as the specific impact of child sexual abuse on both children and, in later life, adults. All new VLA youth crime lawyers and other lawyers funded by VLA are required to attend youth crime foundation workshops, which include a component on the impact of trauma, and child sex abuse issues (including from the perspective of children who have engaged in abusive sexual behaviours). In 2019, three workshops were run for VLA staff and three workshops were run for other lawyers funded by VLA. VLA criminal lawyers have also been provided with training and resources on the use of intermediaries and ground rules hearings, which apply to child witnesses in sex cases.

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