

Victorian Government Annual Report 2020

Royal Commission into Institutional
Responses to Child Sexual Abuse



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Authorised and published by the Victorian Government, 1 Treasury Place, Melbourne.

December 2020



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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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Our thanks

The enormous harm of institutional child sexual abuse has affected many Victorians and those who love them. We have only been able to take steps to right these wrongs because of the strength and bravery of victims and survivors coming forward. The Victorian Government acknowledges everyone who has been affected by this shameful chapter in Australia's history – and thanks them for their courage in telling their stories to make sure these mistakes never happen again.

Introduction

This report is the third 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 represents the government's continued commitment to prevent and respond to child sexual abuse. The government is taking strong action to make sure no child is let down by the system, and the wrongs of the past are never repeated. The government is working hard to ensure the needs of victims and survivors are treated with the priority and support they deserve.

The Victorian Government welcomed the release of the Royal Commission's Final Report in December 2017. The [Victorian Government response](#) to all the recommendations of the Royal Commission was published on 11 July 2018. The Victorian Government's [first Annual Report](#) was published on 6 March 2019 and the [second Annual Report](#) was published on 18 December 2019.

This report describes the action that the Victorian Government has taken to prevent and respond to child sexual abuse from December 2019 to December 2020. It also describes work that is in progress, and work that is planned to build on these reforms.

The coronavirus (COVID-19) pandemic has created significant challenges for everyone in the community. The Victorian Government has redirected some resources to respond to critical priorities, such as keeping all Victorians safe and healthy. The report discusses how programs and initiatives have been adapted to continue to provide critical services during the pandemic. The report also notes that some activities planned for this year have been delayed while the Victorian Government focuses on responding to the pandemic.

Despite these challenges, in this period, the Victorian Government has implemented several key reforms. For example, the Victorian Government introduced to Parliament reforms that empower Victoria to participate with other jurisdictions in the sharing of negative assessment information relating to a Working with Children Check and will ensure that any person refused a Working with Children Check interstate can be assessed appropriately if they apply for one in Victoria.

Important reforms are also underway to ensure the safe treatment of children and young people in the Youth Justice system. In May 2020, the Victorian Government launched the Youth Justice Strategic Plan 2020-30. The Strategic Plan is

committed to reducing reoffending through an improved diversionary system and responding to the unique needs of the children and young people who come in contact with this system.

The protection of children was also promoted through reforms introduced to Parliament to expand the powers of the Victorian Registration and Qualifications Authority to regulate school boarding premises and ensure they are child safe environments.

The report also identifies actions that are planned for the future. This includes the implementation of recommendations of the Child Safe Standards review, development and launch of Child Link that will facilitate information sharing between organisations to promote child wellbeing and safety, introduction of a Bill to make significant reforms to tendency and coincidence evidence in criminal proceedings, and work on reforms coming out of the Victorian Law Reform Commission's committal system review.

The Victorian Government continues to work with the Australian Government and state and territory governments to progress recommendations that require national action. Further information about the cooperative work between governments that is underway is available in the [Australian Government's Annual Progress Report 2020](#).

The Victorian Government is at the forefront of strong action to prevent and respond to child sexual abuse. The Victorian Government has implemented all of the recommendations of the landmark Victorian Parliamentary Inquiry into the Handling of Child Abuse by Religious and Other Non-Government Organisations, *Betrayal of Trust* (2013). The inquiry explored how religious and other non-government organisations in Victoria have historically responded to the possibility of criminal abuse of children in their care. The report of the inquiry made recommendations under three broad themes – prevention, response, and access to justice – and placed Victoria ahead of the curve in responding to the Royal Commission. The recommendations of the Royal Commission are instrumental in guiding further reforms to better protect children from abuse.

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 lasting change in institutions and the community to ensure children’s rights are respected, including under Victoria’s Charter of Human Rights, and their safety and best interests are paramount.

Child Safe Standards

Victoria’s Child Safe Standards require organisations to promote child safety by embedding the protection of children in the organisation’s everyday thinking and practice. The Standards were a key response to the Betrayal of Trust report and were implemented progressively starting in 2016. They broadly align with the ten Child Safe Standards recommended by the Royal Commission, which informed the [National Principles for Child Safe Organisations](#) (Table 1).

The final report of the Victorian Government’s [Review of Victoria’s Child Safe Standards](#) was published in December 2019. In order to understand if Victoria’s Child Safe Standards

have been implemented in a way that promotes child safe culture, the review considered:

- more than 1000 survey responses and written submissions
- the outcomes from consultations with community stakeholders and government agencies, and
- children’s own perceptions of safety in institutional settings.

The review found that people who responded to the survey strongly support Victoria’s Child Safe Standards and consider the Standards have improved organisational culture and safety for children. There was also strong support to align Victoria’s Child Safe Standards with the National Principles.

The review made 15 recommendations for changes to Victoria’s Child Safe Standards and the regulatory scheme that supports them, all of which were endorsed by the Victorian Government. Work is underway to align Victoria’s Child Safe Standards with the National Principles (Table 2).

Table 1. National Principles for Child Safe Organisations

| |
|--|
| 1. Child safety and wellbeing is embedded in organisational leadership, governance and culture. |
| 2. Children and young people are informed about their rights, participate in decisions affecting them and are taken seriously. |
| 3. Families and communities are informed and involved in promoting child safety and wellbeing. |
| 4. Equity is upheld and diverse needs respected in policy and practice. |
| 5. People working with children and young people are suitable and supported to reflect child safety and wellbeing values in practice. |
| 6. Processes to respond to complaints and concerns are child focused. |
| 7. Staff and volunteers are equipped with the knowledge, skills and awareness to keep children and young people safe through ongoing education and training. |
| 8. Physical and online environments promote safety and wellbeing while minimising the opportunity for children and young people to be harmed. |
| 9. Implementation of the national child safe principles is regularly reviewed and improved. |
| 10. Policies and procedures document how the organisation is safe for children and young people. |

Table 2. Examples of work underway to align Victoria’s Child Safe Standards with the National Principles

| RECOMMENDATION SUMMARY | WORK UNDERWAY |
|--|--|
| <p>2 & 3 Replace Victoria’s Child Safe Standards with standards and action areas that will align with the National Principles</p> | <p>Work to align Victoria’s Child Safe Standards with the National Principles is underway and the new standards are due to be completed in early 2021.</p> |
| <p>4 Ensure the concept of ‘child empowerment’ is retained</p> | <p>Consultations are occurring with key stakeholders, including children and young people, to ensure child empowerment is appropriately embedded in the new standards.</p> |
| <p>5 Ensure cultural safety for Aboriginal children is included as a stand-alone focus</p> | <p>Consultations are occurring with Aboriginal stakeholders to determine how to best make cultural safety for Aboriginal children a focus of the new standards.</p> |

Online safety

The Royal Commission recommended that governments implement measures to improve child safety online, including mitigating the risk of sexual abuse online.

The Victorian Government has created the [Protect website](#), which provides resources and guidance that support education staff to create child safe online environments. In 2020, the Victorian Government also provided specific advice to government schools about how to maintain child safe online environments when engaging in remote and flexible learning.

The Office of the eSafety Commissioner launched the [eSafety Toolkit for Schools](#) on 20 February 2020. The Toolkit is designed to support schools to create safer online environments. The resources are backed by evidence and support a nationally consistent approach to preventing and responding to online safety issues. The Toolkit was developed in consultation with a range of government and non-government education sector representatives across every state and territory.

The Victorian Government is continuing work to develop resources to improve online safety in school contexts through the Bully Stoppers online toolkit. The [Bully Stoppers online toolkit](#) was developed in partnership with national and international experts. It provides evidence-based, practical advice and resources to empower school leaders, teachers, parents and students to understand what to do when they see bullying, or if they are being bullied for any reason.

Improving institutional responding and reporting (Volume 7)

The Victorian Government is working to ensure that when child sexual abuse occurs, it is reported, and complaints are handled appropriately by both government and non-government institutions. The Victorian Government is committed to ensuring independent oversight of reporting and complaint handling by institutions.

Reporting child abuse

In 2020, Victoria completed its expansion of [mandatory reporter groups](#) in line with the Royal Commission’s recommendation. School counsellors and people in religious ministry are now mandatory reporters to Child Protection (Table 3).

In Victoria, [people in religious ministry must now report to Child Protection if they form a reasonable belief a child has been physically or sexually abused](#). This reporting requirement applies even where the information that led to the belief was learned during confession.

[Resources](#) were developed to support these additional groups to understand their new reporting obligations, and information sessions were also held for people in religious ministry in early 2020.

Earlier this year, the Victorian Government also updated mandatory reporting modules and guidance for school and early childhood staff on the [Protect website](#) to ensure mandatory reporters understand their role and meet their obligations.

Table 3. Victorian mandatory reporters

| PRE-ROYAL COMMISSION | FROM MARCH 2019 | FROM FEBRUARY 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"> • Care services workers • Youth justice workers • Early childhood workers • Registered psychologists | <ul style="list-style-type: none"> • School counsellors • People in religious ministry |

Institutional reporting and complaint handling

Victoria’s Reportable Conduct Scheme closely aligns with the reportable conduct scheme recommended by the Royal Commission. It 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. Victoria’s Reportable Conduct Scheme is overseen by the Commission for Children and Young People.

In March 2020, amendments were made to the [Child Wellbeing and Safety Regulations 2017](#) requiring youth organisations that provide overnight camps for children as part of their main activities to comply with the Reportable Conduct Scheme.

Recordkeeping and information sharing (Volume 8)

The Victorian Government continues work to improve the identification and prevention of, and responses to, incidents and risks of child sexual abuse. One key area is improving recordkeeping and information sharing between key agencies and institutions with responsibility for children’s wellbeing and safety, and between relevant professions. This work is vital to identifying, preventing and responding to child abuse.

Retention of records by institutions

The Public Record Office Victoria (PROV) issued a Retention and Disposal Authority for Records of Organisational Response to Child Sexual Abuse Incidents and Allegations in 2019. The authority specifies those records that must be retained permanently and sets out minimum retention periods for other records. For example, records relating to reporting and investigations must be retained for 99 years and records relating to training and development must be retained for 45 years. In 2020, PROV have also reviewed 120 Retention and Disposal Authorities and updated and re-issued more than 30 which did not set this minimum retention requirement. All Victorian public offices must comply with these authorities.

Guidance for institutions on recordkeeping

PROV is the Victorian Government representative on the Council of Australasian Archives and Records Authorities Working Group. This Working Group gathers Australian Government and state and territory archives and records bodies to consider the complexities and issues relating to the Royal Commission’s recommendations on the custody and disposal of, and access to, records. In September 2019, the Council published a record-keeping guideline for institutions engaged in child-related work. PROV similarly published guidance focussing on Victorian requirements. In January 2020, PROV released a free online training module for institutions to use to increase staff understanding of good recordkeeping practices. PROV also consulted with advocacy and support organisations to redevelop its [published guidance](#) for care leavers seeking access to their records.

The Recordkeeping Standards and Specifications set by PROV, which are mandatory for all Victorian public offices, have been amended to ensure consistency with the Royal Commission’s recommendations. In April 2020, PROV released a [free online recordkeeping assessment tool](#), which institutions can use to measure their compliance with PROV Standards, including those related to the Royal Commission’s recommendations.

Sharing information about teachers and students

The Australian Institute for Teaching and School Leadership is working on the development of a Best Practice Framework for Teacher Registration, which includes Information Sharing, Suitability to Teach and Mutual Recognition. The Victorian Government and the Victorian Institute of Teaching are participating in this work. Following further direction from the Australian Government in relation to this Framework, Victoria expects to undertake an audit of its registration practices against the best practice standard to identify any gaps and areas that need to be addressed.

The Victorian Government is considering changes to strengthen the disclosure and collection of information arrangements between:

- the Victorian Institute of Teaching
- State and Territory Government Departments
- Australian Government Departments
- any Australian Government, State or Territory public authority
- any municipal council or equivalent body, or
- an employer of a registered teacher

to promote the safety and wellbeing of a child or group of children.

This will implement two recommendations of the [National Review of Teacher Registration](#).

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') to share information with each other to promote the wellbeing and safety of children in partnership with children and their families.

Currently, frontline services, including Child Protection, integrated family services (such as CHILD First), maternal and child health services, and Victoria Police, can share information under CISS.

In 2020, the Victorian Government consulted on options to authorise universal health, education and justice services to participate in CISS. This included schools, early childhood services and public hospitals. This expansion of CISS in Phase 2 (estimated at 7,500 organisations employing some 370,000 workers) will improve early identification of risk and support for children and their families and increase collaboration and integration between services. Phase 2 of CISS was due to commence in 2020 but has been delayed until 2021 due to the Victorian Government's prioritisation of the response to the coronavirus (COVID-19) pandemic.

In 2020, the Victorian Government continued its support for workforces to prepare for and establish child information sharing reforms through training and resources. As at 30 August 2020, 12,655 professionals have registered for training, either face-to-face or online, on information sharing. In addition, since the launch of an enquiry line in September 2018, the Victorian

Government has responded to 427 queries via the enquiry line and inbox about information sharing and Multi-Agency Risk Assessment and Management (MARAM), which aims to increase the safety and wellbeing of Victorians by ensuring relevant services can effectively identify, assess, and manage risk. Professionals were also supported through the release of toolkits in 2020 that provide practical and easy-to-adapt resources to use when sharing information.

Information sharing to promote child wellbeing and safety will also be facilitated by a digital register known as Child Link. Child Link will bring together data from existing systems and services to provide key professionals access to a single source of factual information about children in their care. The Proof of Concept for Child Link was successfully delivered in 2020 and the pilot phase has commenced, which involves the development of the Child Link system and pilot testing with a limited group of Child Link users. Child Link will become available for authorised key professionals progressively from December 2021.

Advocacy, support and therapeutic treatment services (Volume 9)

The Victorian Government continues work to improve how sexual assault service systems respond to the specific needs of individual victim survivors, including Aboriginal and Torres Strait Islander victims and survivors. This work advances the Victorian Government's goal to deliver an integrated and evidence-based advocacy, support and therapeutic support service to meet the needs of victims and survivors of child sexual abuse.

Services for victims and survivors of institutional child sexual abuse

The Royal Commission emphasised that the most effective way to support victims and survivors of institutional child sexual abuse is to tailor supports to the needs of the individual.

The Victorian Government funds 19 agencies across the state to provide [sexual assault support services](#), as well as funding the Sexual Assault Crisis Line. Victoria's sexual assault support services work with a victim or survivor to ensure the supports provided meet the specific needs of that individual. For example, a victim or survivor might receive specialist counselling for child sexual abuse, as well as help navigating their legal options and support while giving evidence in court.

The Victorian Government has strengthened the capacity of sexual assault support services to respond to an increase in demand for their services. The increase in demand is in part due to raised awareness of child sexual abuse as a result of the Royal Commission and recent high-profile sexual assault cases.

Dedicated support for Aboriginal and Torres Strait Islander victims and survivors

The Royal Commission highlighted the need for culturally informed healing approaches for Aboriginal and Torres Strait Islander victims and survivors. The Royal Commission recognised the intergenerational traumas resulting from colonisation and the Stolen Generations, and that western models of support may not be appropriate or effective.

An Aboriginal community-led sexual assault support service model is being developed in Victoria. The model will use culturally safe healing approaches and be available to all Aboriginal and Torres Strait Islander victims and survivors of sexual assault, including victims and survivors of institutional child sexual abuse. The model is informed by the [Nargneit Birrang Aboriginal Holistic Healing Framework for Family Violence](#), released by the Victorian Government on 20 December 2019, which includes the following design principles:

- **Self-determination**
- **Safety**
- **Connection to culture, Country and community**
- **Recognising the effects of colonisation**
- **Trauma-informed healing**
- **Building resilience**

In addition, the Victorian Government has contracted the Victorian Aboriginal Community Controlled Health Organisation to design, test and deliver a training package and practice tools to support all Aboriginal community sector workforces when working with victims and survivors of sexual assault. The development of the training and tools will be guided by an Aboriginal sexual assault support service working group, which includes Aboriginal Elders and Aboriginal community members from across Victoria.

Trauma-informed delivery of mainstream services

The Royal Commission described the benefits of integrating a trauma-informed approach into all health and human services, not just specialist sexual assault services. The Royal Commission noted that if a service is trauma-informed, it will be safe, person-centred, and empowering for all service users, and will minimise the risk of re-traumatising victims and survivors.

The Victorian Government is committed to adopting a trauma-informed approach in the delivery of its health and human services. Work to identify policy frameworks or strategies that require a trauma-informed approach is ongoing. Some key Victorian policy and practice frameworks that include a trauma-informed approach are:

- MARAM
- [The Victorian suicide prevention framework 2016-2025](#)
- [Korin Korin Balit-Djak: Aboriginal health, wellbeing and safety strategic plan 2017-2027](#)
- [Best Interests Case Practice Model](#)

Children with harmful sexual behaviours (Volume 10)

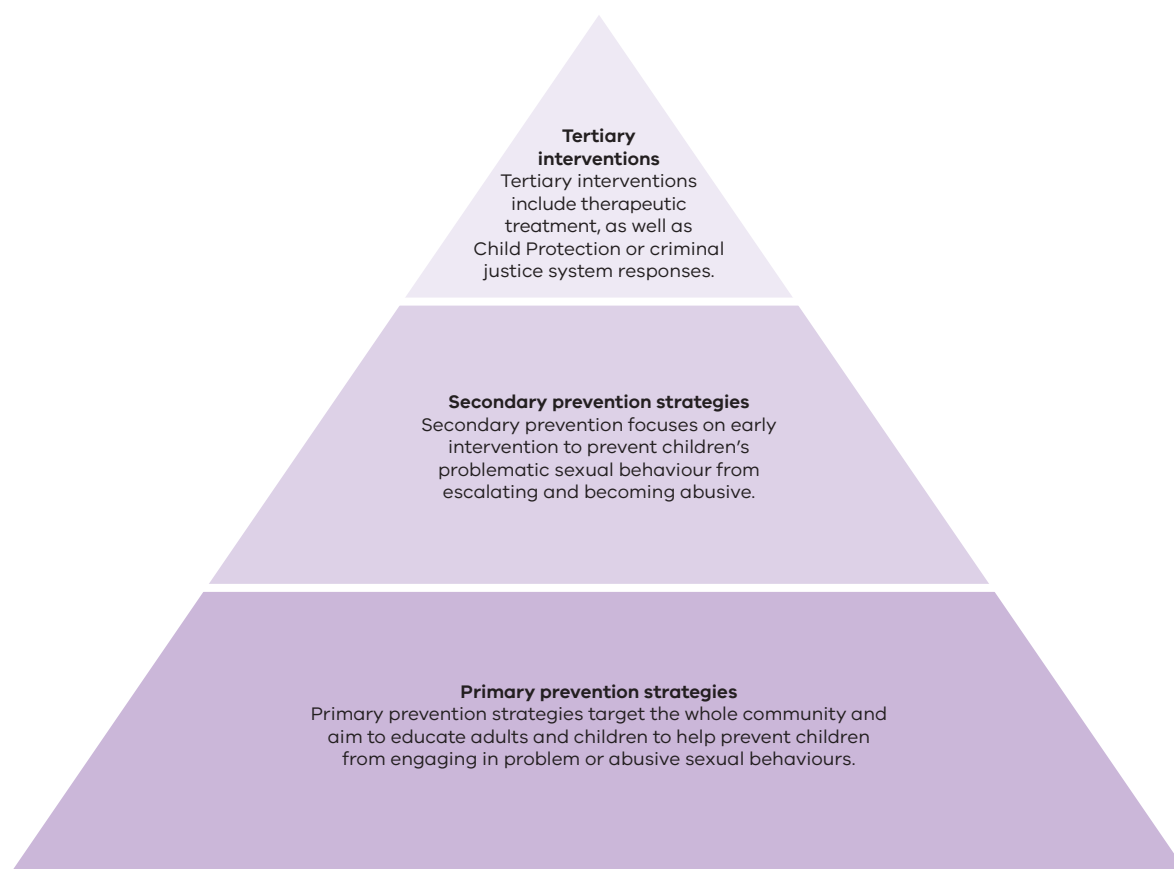
The Victorian Government provides a trauma-informed and child-centred approach to preventing, identifying and responding to children with problem or abusive sexual behaviours. This approach is in line with the Royal Commission's recommendations and focuses on:

- preventing problem or abusive sexual behaviours occurring
- intervening early when these behaviours first emerge, and
- enabling children to access assessment and therapeutic intervention.

Prevention and intervention strategies

Victoria continues to implement state-wide, trauma-informed and child-centred approaches for children with problem or abusive sexual behaviours. This includes a wide range of primary and secondary prevention strategies, and tertiary interventions, as defined in Figure 1.

Figure 1. Victorian Government strategies and interventions for children displaying problem and abusive sexual behaviours



Key primary prevention strategies include compulsory sexuality education 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 resources relating to sexual health, anti-bullying and sexual assault.

Another important primary prevention strategy is the Respectful Relationships initiative. This supports leaders, educators, and school communities to promote and model respect and equality and teaches children how to build healthy relationships, resilience, and confidence. Over 1,480 Victorian Government, Catholic, and independent schools have signed on to Respectful Relationships, to embed a culture of respect and equality across the entire school community. All Government and Catholic schools also teach respectful relationships education through the Victorian Curriculum to build students' social and emotional skills, including seeking out help, resilience, and problem solving.

The Victorian Government supports schools to deliver this curriculum through the optional

Resilience, Rights and Respectful Relationships teaching and learning materials, developed by education experts.

Victoria's secondary prevention strategies for children displaying problem and abusive sexual behaviours include a state-wide sexually abusive behaviour treatment service response, which provides assessment and therapeutic treatment to children under 18 years who engage in problem or abusive sexual behaviours.

Victoria's tertiary interventions include court-ordered Therapeutic Treatment Orders requiring a child and their family to attend a sexually abusive behaviour treatment service if they are unlikely or unable to access it voluntarily.

National Strategy to Prevent Child Sexual Abuse

The Victorian Government 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 this strategy should address the issue of children with problem or abusive sexual behaviours.

Contemporary out-of-home care (Volume 12)

The Victorian Government is working to strengthen existing mechanisms to prevent child sexual abuse in out-of-home care. It is also 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 emphasised the important role of education in preventing child sexual abuse and recommended tailored education about sexual health and healthy relationships for children and young people in out-of-home care.

The Victorian Government is funding a Sexual Health Nurse Educator as part of the McKillop Family Services' pilot, 'Power to Kids: Respecting Sexual Safety'. This program aims to address the risk of child sexual exploitation, dating violence, and problem or abusive sexual behaviours in out-of-home care. Stage one of the pilot took place across four residential care homes in 2019. The Sexual Health Nurse Educator acted as a coach to residential care staff, teaching them to recognise and respond to child sexual abuse, child sexual exploitation, and problem or abusive sexual behaviours. The Sexual Health Nurse Educator also developed and adapted resources and activities for residential care staff to use with children and young people, consulted with young people on sexual health and safety, and attended care team meetings.

The evaluation of Stage 1 of the pilot, published in mid-2020, highlighted the integral role of the Sexual Health Nurse Educator in improving staffs' knowledge of sexual health and safety, and confidence in discussing these topics in an evidence-informed way with the children and young people in their care.

Aboriginal and Torres Strait Islander children

The Wungurilwil Gapgapduir: Aboriginal Children and Families Agreement and Strategic Action Plan (Wungurilwil Gapgapduir) is a landmark partnership between the Aboriginal community, the Victorian Government, and community services organisations. Wungurilwil Gapgapduir, which means 'strong families' in Latji Latji, was released in 2018 and makes a commitment to improving outcomes for Aboriginal children and young people. It includes actions to support Aboriginal children in care to build connections to culture, Country and community, and supports implementation of the Aboriginal Child Placement Principle.

The Victorian Government is supporting the continued transfer of responsibility for Aboriginal children in care to Aboriginal Community Controlled Organisations. This change is an important step in achieving self-determination for Aboriginal communities. The change aims to provide better outcomes for all Aboriginal children and young people in out-of-home care by engaging culturally safe and connected supports.

Supporting young people leaving care

The Royal Commission recognised the importance of support during the transition from out-of-home care to independence, especially for young people who may have experienced child sexual abuse.

Since November 2019, all eligible young people in care are referred to Better Futures three months before they turn 16. Better Futures aims to support young people through their transition to independence and is available until their 21st birthday.

Better Futures support is tailored to a young person's individual needs and goals (Table 4). Young people may receive flexible funding, case work, and/or access to Home Stretch. Home Stretch provides an allowance that enables a young person to stay with their carer until age 21, or support with living costs until age 21 if they choose independent or semi-independent housing.

Table 4. Examples of how Better Futures flexible funding may be used

| GOAL | FLEXIBLE FUNDING MIGHT BE USED FOR... |
|---|--|
| I am Aboriginal and want to connect with my culture | Cultural activities that support connections with culture and community, including return to Country |
| I did well in my VCE and want to go to university | Textbooks, compulsory field trips, and travel expenses |
| I'm keen to access therapy | Counselling not covered by Medicare |
| I live in rural Victoria but there's a job I want in town | Interview and work clothing, travel to and from the interview |
| I'm ready to move into my own home | Furniture and whitegoods |

Better Futures workers can also support young people who have experienced sexual abuse, including abuse that occurred while in care, to access specialist sexual assault counselling, advocacy, and legal services.

Data collection for the evaluation of Better Futures, including Home Stretch, is underway. Initial findings are expected in early 2021.

Schools (Volume 13)

The Victorian Government continues 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 these Child Safe Standards, including by updating the [Protect website](#), and providing further templates and guidance.

As discussed in volume 6, the Child Safe Standards review is complete and work is underway to amend the Standards to align with the National Principles.

As discussed in volume 8, the Victorian Government is currently considering changes to implement the recommendations of the National Review of Teacher Registration.

Boarding schools

The Victorian Parliament passed the [Education and Training Reform Amendment \(Regulation of Student Accommodation\) Act 2020](#) in November 2020. This expands the powers of the Victorian Registration and Qualifications Authority (VRQA) to regulate school boarding premises and ensure they are child safe environments. The changes will also:

- enable regulations to be made that prescribe minimum standards for the registration of a school boarding premises with the VRQA
- set out the processes for reviewing compliance with the minimum standards, including with Victoria's Child Safe Standards, and
- provide the VRQA with the necessary compliance and enforcement powers to ensure school boarding premises satisfy the minimum standards.

Draft amendment regulations and a regulatory impact statement are now being prepared for public consultation. The new regulatory scheme is scheduled to commence on 18 June 2021.

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

All levels of Victorian sport, recreation, arts, cultural and creative industry organisations, from grassroots through to state governing bodies, play an important role in preventing, detecting and eliminating child abuse within the community. The Victorian Government is working closely with the sport and active recreation sector and the arts sector to enhance child safety practices and promote cultural change through several initiatives that are managed by Creative, Sport and Visitor Economy (CSVE) groups including Sport and Recreation Victoria (SRV) and Creative Victoria (CV).

Child safe Victorian Government supported organisations

It is a Victorian Government requirement that all organisations funded by the Victorian Government have the right systems, processes and culture in place to prevent abuse and respond properly to allegations of abuse within the organisation. Sport, recreation, arts, cultural and creative industry organisations that provide services to children must comply with Victoria's Child Safe Standards.

The Victorian Government requires that all recognised and funded state governing sport and active recreation bodies:

- meet legislative requirements of the Child Safe Standards
- implement and maintain policies relating to child safety, and
- adhere to and promote the [Fair Play Code](#).

The Victorian Government invests in several initiatives to support organisations to meet the requirements of the Child Safe Standards, including:

Targeted child safe resources for sport and recreation organisations

The Victorian Government has a strong and successful partnership with Vicsport, the peak body for sport and active recreation in Victoria. With Victorian Government support, Vicsport invests significant resourcing to support child safety in the community through:

- delivery of an annual Child Safe Sport Forum, providing updates and insight on topical issues and high-level compliance information to the sport sector

- coordination of a Child Safe Sport Working Group consisting of select State Sporting Associations (SSAs) and SRV to consider strategic matters, share information, identify ongoing challenges or concerns and recognise ways to work collaboratively on child safety
- regular Child Safe workshops for SSAs to discuss issues and share ideas and information on Child Safe policy
- one-on-one support to all Victorian sport and active recreation organisations to identify and implement appropriate steps to comply with Victoria's Child Safe Standards, and
- ongoing administration of a Child Safe Sport Help Desk, offering assistance in the form of cultural change methods, policy development, change management and communication support for all Victorian sport and active recreation organisations and clubs.

A key support mechanism assisting state- and community-level sporting organisations to prevent and respond to child abuse is the [Play by the Rules](#) platform. The national platform is supported by all Australian state and territory sport and recreation departments, and provides tools, courses, information and advice to support local communities in making sporting environments safe for children.

In 2019, the platform was accessed over 43,000 times by Victorians seeking additional information to support a safe, fair and inclusive sporting environment.

Fair Play Code

In 2017 the Victorian Government introduced the [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 from grassroots through to high performance.

The [Fair Play Code](#) embeds child safety within each of the five guiding principles of Fairness, Safety, Respect, Integrity and Responsibility.

The Fair Play Code Self-Assessment Tool for organisations providing services to children in sporting environments further highlights the need to implement and monitor child safe policies and practices. The Tool assists governing boards, administrators and volunteers to prioritise child safety in decision-making.

All recognised and funded state governing sport and active recreation bodies are required to adhere to and promote the [Fair Play Code](#).

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 for these children and young people very seriously. It is working to prevent child sexual abuse from occurring in detention environments and, where it does occur, to ensure effective responses.

Youth Justice Strategy

In May 2020, the Victorian Government launched the [Youth Justice Strategic Plan 2020-30](#), underpinned by the landmark [Armytage and Ogloff Review](#). The Strategic Plan is committed to reducing reoffending through an improved diversionary system and responding to the unique needs of the children and young people who come in contact with this system.

The Strategic Plan focuses on four key reform directions for Youth Justice in Victoria (Table 5).

Table 5. Key reform directions, Youth Justice Strategic Plan 2020-30

1. improving diversion and supporting early intervention and crime prevention
2. reducing reoffending and promoting community safety by supporting children and young people to turn their lives around
3. strengthening partnerships with children and young people, families, and all services and professionals who support their rehabilitation and positive development
4. investing in a skilled, safe, and stable Youth Justice system and safe systems of work

Child Safe Standards in Youth Justice

The Victorian Government has implemented policies and practices to ensure it complies with the Child Safe Standards so that children and young people within Youth Justice precincts, and those under community supervision, are safe. In February 2019, the Youth Justice community workforce were issued with a Practice Guideline that outlines Victoria's Child Safe Standards, Reportable Conduct Scheme, and Mandatory Reporting obligations. The Practice Guideline advises Youth Justice staff what they must do to promote the safety of children and young people, prevent abuse, and appropriately respond to allegations of abuse.

In 2019, Youth Justice trained its custodial staff in the Child Safe Standards and Reportable Conduct Scheme, which is also now included in mandatory induction programs for new staff. Training is also being implemented across the Youth Justice community workforce in 2020.

Mental health services for young people in custody

A guiding principle for Youth Justice custodial health service delivery is that young people in custody should receive health services equivalent to those available in the general community through the public health system.

The Primary Health and Mental Health Service, which operates 24 hours a day, seven days a week, is the first point of contact for Youth Justice custodial staff who identify concerns with a young person's mental health. This service offers access to psychiatric nursing and counselling services.

The Custodial Forensic Youth Mental Health Service program (Custodial FYMHS), delivered by Orygen Youth Health, provides specialist, multi-disciplinary mental health services to young people in Youth Justice custody. Custodial FYMHS is comprised of a multi-disciplinary team of consultant psychiatrists, psychiatric registrars, and allied health clinicians (specialising in psychology, occupational therapy, social work, and psychiatric nursing), all of whom undertake assessment, treatment, and case management liaison with young people in Youth Justice. The service operates at the two Youth Justice Centres five days a week and on call.

Mental health services for young people involved with Youth Justice in the community

The Community Forensic Youth Mental Health Service (Community FYMHS) was introduced in 2019. The service aims to improve the mental health outcomes of those with serious mental illness to support early intervention and divert these young people away from the criminal justice system. It provides secondary consultation and capacity building support to the Child and Adolescent Mental Health Service (CAMHS) and Child and Youth Mental Health Service (CYMHS), both located in Melbourne. This enables these services to better adapt and respond to the specific needs of a young person who demonstrates offending behaviours and is at risk of serious offending or re-offending behaviours.

In addition to Community FYMHS, the Youth Justice Mental Health Initiative (YJMHI) improves access to mental health services for young people supervised by Youth Justice and strengthens the mental health capability of Youth Justice staff.

Supporting children and young people with harmful sexual behaviours

During their involvement with Youth Justice, young people have access to cognitive behavioural interventions to help:

- change the way they think about offending
- understand the situations that make them vulnerable to exploitation, and support them to solve problems, and
- identify different, positive solutions to challenging situations.

Through coordination of services and engagement of young people and their families, Youth Justice aims to address behaviours that have the potential to compromise community safety. If a young person displays potential or early indications of harmful sexualised behaviour while in custody, they will receive a brief psychoeducational or therapeutic intervention to address their needs.

Improving processes in Youth Justice custodial facilities for young people

The Victorian Government continues to progress important reforms to ensure that the state's Youth Justice custodial facilities continue to be safe for young people and staff. All new custodial staff receive seven weeks of induction training before they commence working in the units.

As part of induction, staff learn about key policies to support child safety.

The Department of Justice and Community Safety is piloting the use of body scanners to replace mandatory unclothed searches for all young people in Parkville Youth Justice Centre. This pilot was introduced to align with the Youth Justice custodial operating philosophy's "least restrictive environment" principle. Following the pilot at the Parkville Youth Justice Centre, it is envisaged that a body scanner will also be introduced at the Malmsbury Youth Justice Centre.

Cultural safety for Aboriginal and Torres Strait Islander young people

Aboriginal young people carry greater levels of vulnerability and complexity than non-Aboriginal young people. The 2019 Annual Survey of Young People involved with Youth Justice showed that Aboriginal young people were more likely to be victims of abuse, trauma or neglect, be subject to a previous or current child protection order and experience family violence at greater rates than non-Aboriginal young people.

Protecting cultural rights and ensuring cultural safety is critical for the social and emotional wellbeing of Aboriginal young people in the

justice system. Aboriginal Liaison Officers work to ensure Aboriginal young people have ongoing access to their culture and community, provide advice to non-Aboriginal staff about their work with Aboriginal young people and directly support young people where required. Aboriginal Liaison Officers have continued to work in both Parkville and Malmsbury Youth Justice Precincts during coronavirus (COVID-19) and are providing face-to-face cultural support to Aboriginal children and young people. This keeps children healthy and connected to culture.

The Victorian Aboriginal Child Care Agency (VACCA) is providing the Aboriginal Youth Through-Care Project which focusses on the provision of culturally based transition support and continuity of care.

To increase social and emotional wellbeing for Aboriginal children and young people during coronavirus (COVID-19), Youth Justice has partnered with Aboriginal community organisations to deliver a cultural strengthening care and wellbeing package. The package includes a suite of cultural programs for young people through group online yarning circles and mentoring with Elders and role models. It also includes culturally themed care items to promote feelings of safety and wellbeing.

Community-based programs for Aboriginal and Torres Strait Islander children

The Victorian Government is taking action to address the over-representation of Aboriginal

young people in Victoria's Youth Justice system. This includes enhancing programs and services to support Aboriginal young people on community-based orders through a range of culturally informed programs and initiatives.

These programs are currently delivered through 14 funded agencies, 13 of which are Aboriginal Controlled Community Organisations and one a community-based agency. The suite of programs provides preventative, early intervention and case management services for Aboriginal children and young people at risk of Youth Justice involvement, or subject to a Youth Justice Order.

Koori Youth Justice Taskforce

The Koori Youth Justice Taskforce audited the case files of 296 Aboriginal children and young people involved with the Youth Justice system over a six-month period. The review considered aspects of their care, education, health, connection to culture and safety, and how this can be improved in the future.

The Department of Justice and Community Safety partnered with the Commission for Children and Young People to implement the Koori Youth Justice Taskforce. A key component of the Taskforce included individual care team case planning for Aboriginal young people who had multiple and complex needs. Youth Justice continues the coordination and completion of the care team actions arising from the Taskforce individual case planning sessions for Aboriginal young people.

Working with Children Checks Report (2015)

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

The majority of the recommendations in the Royal Commission's WWCCs Report relate to the implementation of National Standards for WWCCs. In June 2019, Victoria endorsed these National Standards, noting at that time Victoria's *Working with Children Act 2005* already aligned with, or exceeded, most of the standards.

In October 2020, the Victorian Government passed reforms in Parliament that give effect to recommendation 3(a)(i) of the Royal Commission's WWCCs Report, which called on states and territories to establish a central database that is readily accessible to all jurisdictions to record WWCC decisions.

Once they commence in early 2021, these reforms will enable the sharing of information relating to individuals who have been refused a WWCC with the WWCC National Reference System, a database established and maintained by the Australian Criminal Intelligence Commission. The System will be accessible to all WWCC screening agencies across the country.

These reforms empower WWCC Victoria to participate with other jurisdictions in the sharing of negative assessment information with the System and ensure that any person refused a WWCC interstate can be assessed appropriately if they apply for a WWCC in Victoria.

The Victorian Government continues 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, in recognition of the harm caused by child sexual abuse and related matters in institutional contexts.

Redress

The National Redress Scheme for Institutional Child Sexual Abuse (the Scheme) was established on 1 July 2018 and will operate until June 2028. The Victorian Government was one of the first states to join the Scheme and has been participating in it since its commencement.

The Scheme is administered by the Australian Government and is legislated under the *National Redress Scheme for Institutional Child Sexual Abuse Act 2018 (Cth)* (the Act).

People who have experienced institutional child sexual abuse and are deemed eligible by the Scheme can access a redress payment, counselling and psychological care, and a direct personal response such as an apology. All applications for redress are assessed by independent decision makers.

If a person resides in Victoria and accepts counselling and psychological care as a component of their redress offer, they can access services through the RESTORE consortium or through a private provider where they have an existing therapeutic relationship. The RESTORE consortium is funded by the Victorian Government and offers a range of delivery options and services in rural, regional and remote areas, including specialist LGBTIQ+ support and support for care leavers. Culturally responsive and safe services are available for Aboriginal and Torres Strait Islander people, including counselling and healing services.

From 1 January to 30 September 2020, the Victorian Government received 367 applications through the Scheme from applicants who had identified a Victorian government institution as responsible for their abuse and returned 355 responses for determination by the independent decision maker. By the end of the second year of the Scheme's operation, 492 applicants had accepted an offer of redress. This is an increase of 383 from 109 in the first year. Of these applicants, 264 accepted the offer to receive a direct personal response and 317 accepted the offer to access counselling and psychological care services from the Victorian counselling service provided by RESTORE.

Victorian Government's advocacy for Scheme improvements

The Victorian Government continues to advocate to the Australian Government for improvements to the transparency and accountability of the Scheme. In March 2020, the Ministers' Redress Scheme Governance Board agreed on a set of performance measures to publicly report against three priority areas: survivor experience, the health of the Scheme, and equity of access.

Another key area of advocacy has been ensuring institutions in Victoria do not avoid their responsibilities to survivors by failing to join the Scheme. Institutions may voluntarily join the Scheme if they can fulfil their obligations and responsibilities under the Act. If an application is made to the Scheme and the institution named has not yet joined, then the application cannot progress. This means that the person cannot access redress under the Scheme.

It is the Victorian Government's expectation that all institutions operating in Victoria that are named in a redress application and have the capacity to join the Scheme do so. In April 2020, the Premier announced that joining the Scheme will become a condition of receiving Victorian Government funding.

On 28 April 2020, Australian Government, state and territory Redress Ministers agreed to extend the deadlines for institutions to join the Scheme by:

- allowing named institutions to provide written confirmation of their intention to join the Scheme before 30 June 2020 with an outer deadline of 31 December. That is, after providing written confirmation of their intention to join, they then have six months in which to do so
- allowing institutions named after 30 June 2020 six months to join the Scheme. At that time there were 280 institutions nationally, and 49 operating in Victoria, that had been named in redress applications but had not joined the Scheme.

Prior to the deadline for joining the Scheme of 30 June 2020, the Attorney-General wrote to all named institutions operating in Victoria, advising them of this decision and also advising them of the Ministers' Redress Scheme Governance Board decision to publicly name institutions who had not indicated their intention to join.

By the 30 June 2020 deadline, all Victorian Government-funded institutions that had been named in redress applications, and many of those not funded by the Victorian Government, had committed to join the Scheme or had completed the onboarding process.

In July 2020, the Australian Government publicly identified four institutions that either declined to join the Scheme or did not signify an intention to join. Three of these, Jehovah's Witnesses, the Lakes Entrance Pony Club and Kenja Communication, operate in Victoria. None of these institutions is funded by the Victorian Government.

Stolen Generations Redress Scheme

The Victorian Government will establish a landmark Stolen Generations Redress Scheme to acknowledge and address the role of past Victorian governments in the forced removal of Aboriginal children from their families, the impacts of which continue to be felt today. Many Stolen Generations survivors also experienced sexual abuse during their time in institutional care, further compounding their trauma.

A 2018 survey found many Stolen Generations members continue to suffer health, social and economic disadvantage, with up to 70 per cent relying on welfare and more than 50 per cent living with disability or a chronic health condition.

The Victorian Government is committed to the Stolen Generations Redress Scheme being entirely community-led and designed, with Stolen Generations survivors being consulted on Scheme design. A range of redress options will be considered, including redress payments, counselling support and a funeral or memorial fund. The funding may also go towards helping survivors tell their stories and ensuring they are appropriately supported in making redress applications.

The Stolen Generations Redress Scheme will sit alongside other initiatives supporting Stolen Generations members, including [Connecting Home Limited](#) and the [Koorie Family History Service](#).

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. These ground-breaking reforms work to make civil litigation a more effective means of providing justice for survivors.

In 2015, Victoria became the first jurisdiction in Australia to completely remove the statute of

limitations for civil claims founded on child abuse. Amendments to the [Limitation of Actions Act 1958](#) removed the limitation period for all relevant child abuse claims regardless of the time or context of the alleged abuse. Before this reform, time limitations were one of the major barriers faced by victims of child abuse who wished to pursue legal action. Limitation periods often discouraged victims from bringing their claims in court, and the expiration of a limitation period was commonly used against victims in negotiations, including to reduce the settlement amount offered. This reform implemented a key recommendation of Betrayal of Trust and the Royal Commission.

While the removal of limitation 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 previous barriers, which led to survivors accepting inadequate settlements and releasing institutions from future liability. To remedy this, the Victorian Parliament passed amendments to the Limitation of Actions Act to allow a court to set aside past judgments and previously settled causes of action relating to child abuse concluded after a limitation period had expired, where it is just and reasonable to do so. The amendments, which commenced in September 2019, allow the court to take into account any amounts paid or payable as compensation, damages or costs under a previous judgment relating to the cause of action or the previous voided settlement agreement, where the court is satisfied that it is just and reasonable to do so.

The Victorian Government has since introduced legislation to pave the way for all victims of institutional child sexual abuse to have access to the compensation they deserve. The [Justice Legislation \(Drug Court and Other Matters\) Act 2020](#), passed by Parliament in November 2020, builds on the earlier reforms of the [Children Legislation Amendment Act 2019](#), by expanding the pool of eligible applicants to cover survivors who entered into agreements between 1 July 2015 and 1 July 2018.

The Victorian Government is continuing to implement an administrative guideline that requires Victorian Government departments, Court Services Victoria, and Family Safety Victoria to ensure that non-government organisations receiving government funding to provide services to children are incorporated and insured against child abuse. The Funding Guideline for Services to Children helps to ensure that organisations are capable of being identified and held financially responsible where they are responsible for child abuse, and to improve access to justice for survivors.

Criminal Justice Report (2017)

The Victorian Government continues to reform the criminal justice system's response to child sexual abuse, including institutional child sexual 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 reforms

Reforms to prosecution engagement with victims

As part of the Victorian Government's ongoing commitment to victims, the Office of Public Prosecutions (OPP) is continuing to find ways to reduce the risk of re-traumatisation of victims through the criminal justice process. In 2020, the OPP rolled out training to all staff in the legal practice designed to help them understand how trauma impacts victims of crime and how this might manifest during the trial process. The training was delivered by an external provider and covered:

- the impact of trauma on victims
- how impacts might manifest for victims, and
- the principles of a trauma-informed approach when dealing with victims.

A further training session was offered to all staff which focused specifically on survivors of institutional sexual abuse. This session covered the types of trauma commonly experienced by these victims and how that trauma continues to impact their lives. The training also outlined the social and mental health impacts of trauma and the differences in trauma experiences by gender.

These training sessions were supplemented by a series of micro-learning modules directed towards improving engagement with victims and understanding triggers and re-traumatisation. The training was made available to all staff who have dealings with victims and witnesses. The OPP is also exploring ways in which some of these modules could be made available to barristers at the private Bar who prosecute child sexual abuse matters on behalf of the Director of Public Prosecutions (DPP).

The OPP is also exploring options to revamp its dedicated victims' website to make the content more accessible to users and easier to navigate.

Following the publication in 2019 of the report of the Centre for Innovative Justice entitled

Communicating with Victims about Resolution Decisions: A Study of Victims' Experiences and Communication Needs, the OPP continues to work on implementing the five recommendations made. This includes the development of 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.

In late 2019 the OPP introduced a new electronic record of victim engagement (ROVE) that documents all communication between solicitors and victims, or social workers and victims. As the ROVE is a single platform accessible to both solicitors and social workers it has proved a useful internal tool to support the OPP's multidisciplinary approach to victim engagement that was first piloted in 2018.

The multidisciplinary approach is now firmly embedded across the trial divisions of the OPP and allows solicitors and social workers to work collaboratively in order to better meet the support and information needs of victims. The ROVE itself contains built-in prompts to remind solicitors of their obligations under the *Victims Charter Act 2006* throughout the course of the prosecution.

A project is currently underway to develop a way to use the ROVE to conduct random audits of its compliance with the prosecution's obligations to victims under the Victims Charter Act.

Complaints processes and review of decisions to discontinue a prosecution

The OPP has formalised its complaints process which is now clearly published on the OPP's general website and victims' website. Any person directly affected by an act, omission, or decision of the OPP may make a formal complaint. This includes victims of crime, family members of victims of crime, witnesses, defence solicitors, barristers, investigative agencies such as Victoria Police, the courts, accused persons, and family members of accused persons.

In late 2018, the DPP piloted a new Discontinuance Review Framework, which has now been adopted and is available on the OPP's website.

The Discontinuance Review Framework provides an additional opportunity for victims to have input prior to the DPP reviewing a decision to discontinue a prosecution. If a decision is made to

discontinue a prosecution, it is not final until the victims are asked if there is anything further to be considered in an internal review.

Any additional information provided by victims is considered by the DPP before the final decision is made. Victims are informed of the final decision before it is announced in court.

Victorian Law Reform Commission's review of committal system

The Royal Commission made several recommendations to reduce the trauma experienced by victims of child sexual abuse when giving their evidence in criminal proceedings and to expedite the finalisation of such proceedings.

In October 2018, the Victorian Government asked the Victorian Law Reform Commission (VLRC) to consider whether Victoria should maintain, abolish, replace or reform the way accused persons are committed to stand trial. The VLRC was also asked to examine best practice for supporting victims and means of reducing trauma to victims and witnesses. The VLRC consulted widely during its review, and its findings were delivered in a report to the Attorney-General on 31 March 2020.

Some of the report's key recommendations relating to improving the experience of victims were:

- replacing the test for committal with a power to discharge the accused
- retaining cross-examination in the lower courts, subject to additional limits and safeguards
- ensuring early and ongoing involvement of experienced legal practitioners
- reforming charging practices and disclosure requirements, and
- improving case management in the lower courts.

The Victorian Government is committed to implementing reforms to improve the committal and indictable pre-trial process in line with the policy intent of the VLRC's recommendations. This seeks to improve efficiencies in the criminal trial process and reduce the trauma experienced by victims while ensuring fair trial rights.

The report has now been tabled in Parliament and the Victorian Government will carefully consider its findings and recommendations. As part of this process, stakeholders will be consulted on the specific proposals in the report.

Protections for witnesses giving evidence

Improved protections for witnesses giving evidence in child sexual abuse prosecutions

On 1 July 2020, reforms to the *Criminal Procedure Act 2009* came into effect that strengthen protections for child complainants in sexual offence proceedings. The *Justice Legislation Miscellaneous Amendments Act 2020* clarified that no committal hearing can be held and no witnesses may be cross-examined in any proceeding in which a child is a complainant for a sexual offence charge. This will be the case even if the proceeding also involves an adult complainant.

The reform builds on changes to the Criminal Procedure Act introduced in March 2019, which abolished committal hearings in sexual offence proceedings involving child and cognitively impaired complainants. These changes implement Royal Commission recommendations to expedite the finalisation of sexual offence proceedings involving vulnerable complainants and reduce their exposure to uncertainty and distress.

Recorded evidence and alternative arrangements

The Victorian Government is continuing to work closely with the courts and other justice entities to increase the uptake and quality of audio-visual links across the justice system. Building on the previous investment in the 2019-20 Victorian Budget, this broad and continuing work has improved audio-visual links capacity, delivering upgrades to 27 courts across eight Magistrates' Court sites and 26 police stations.

In response to coronavirus (COVID-19), a rapid expansion in audio-visual links and other remote hearing capability has occurred across the Supreme, County, Magistrates' and Children's Courts of Victoria. This includes ensuring the quality of audio-visual links equipment can be relied upon to conduct online hearings, offer remote solutions for court users, and hear a higher volume of matters. Commercially provided videoconferencing software, such as the Cisco WebEx platform, are being used across jurisdictions to support court operations. Judicial training in the use of videoconferencing software has also been undertaken. Consideration is being given to further opportunities for technological enhancement to increase the availability of remote court attendance and assistance.

Support services for witnesses

As part of an initiative to increase court capacity, the Victorian Government has funded additional judges and magistrates and has also enhanced the [Child Witness Service](#) to support additional child witnesses going through the courts. This funding allows the recruitment of additional staff, phased over four years, to meet rising demand for specialised support for victims and their families. In 2018-19, an additional four staff members were recruited. In 2019-20, another five staff members were recruited, bringing the cumulative number to nine. The recruitment of further Child Witness Service support staff during the next two financial years is under review.

The Child Witness Service provides specialist support to child witnesses and their families to prepare them for the role of being a witness, support them throughout the criminal trial process, provide debriefing support post-trial and offer referrals to specialist and other community services.

Intermediaries Pilot Program

Intermediaries are skilled communication specialists from a range of professional backgrounds that are engaged as independent and impartial officers of the court to address communication needs of certain witnesses.

The experience of giving evidence in criminal justice processes is highly traumatising for most victims of crime. For child witnesses and adults with a cognitive impairment it is particularly distressing, with a high chance of the system contributing to people feeling re-victimised.

Many routinely face systemic barriers to justice because police and the courts are ill-equipped to meet their communication needs. The methods used to question these witnesses are particularly difficult for people with communication challenges and can compromise their evidence. It is all too often assumed that their evidence is unreliable, so prosecutions do not proceed, and the justice system does not hear these victims' voices.

The role of an intermediary is to assess and facilitate communication between vulnerable people and the police or courts. This helps police, lawyers and the judiciary to plan their questioning so that the victim can understand, participate, feel more confident, and provide better quality evidence. This improves access to justice and makes the trial fairer and more efficient. In some cases, an intermediary will be the difference between a vulnerable person being able to participate in the criminal justice system or not.

Case Study: More appropriate engagement for a man with disabilities

Jason was an 18-year-old man who was a complainant in a sexual offence by an older male. He had a diagnosis of mild intellectual disability and moderate-severe language disorder. Jason left school in Year 7 and spent time in and out of home care throughout his teens. Jason lived in rural Victoria with few supports and was extremely anxious about travelling outside of his community. The allegations included indecent acts and sexual penetration of a child under the age of 16, as well as grooming and supply of a drug of dependence to a child.

The intermediary travelled to the country to assess Jason, who covered his head with his jumper and hid behind his sibling, refusing to engage. Eventually Jason answered some simple closed questions and stated that he didn't want to enter the building so the informal assessment took place in a carpark. Jason left after 15 minutes. The intermediary organised to meet with Jason a second time, to gather some more information and attempt to develop rapport. Jason was able to remain in that assessment for a little over 15 minutes before walking out. Jason was highly anxious and largely monosyllabic in his responses to questions.

An assessment report was prepared, and discussed at the ground rules hearing, where all recommendations were accepted by the Judge. Ground rules for Jason's Special Hearing included giving evidence later in the morning consistent with his sleep cycle; he was able to wear a hood that covered his face and to face away from the camera; questions were to be very simple requiring only short responses of one to three words; he was offered breaks every 15 minutes; provision was made for him to use visual aids or the intermediary to communicate his answers if needed; a visual timeline was developed to help orient him when answering questions; and the duration of questioning was limited to one hour or less. Jason was able to give his evidence clearly, with little need for intermediary intervention and left the remote witness facility exclaiming "I did it!".

The Intermediaries Pilot Program experiences high demand. From 1 January to 31 October 2020, the program received 395 requests from Victoria Police and the courts and assisted 353 clients. Since it was established in July 2018, the program has received a total of 1032 requests for its services.

Victim services reforms

Support services for victims of crime

The Victorian Government is assisting victims by providing case management, recovery support, and additional capacity for the Victims of Crime Helpline. The increased capacity of the Helpline provides victims of crime with telephone support, assessments and referrals to the Victims Assistance Program and to other services.

Impact of coronavirus (COVID-19) on victim services

During coronavirus (COVID-19), there has been no service disruption to the Victims of Crime Helpline nor to the localised service providers of the Victim Assistance Program. The Helpline is successfully operating with staff working from home and continues to operate 8 am to 11 pm, seven days per week.

The Intermediaries Pilot Program continues to operate in police and courts settings throughout the coronavirus (COVID-19) pandemic, triaging matters to distinguish priority cases and assessing safety concerns. For example, the program's use of WebEx to support victims and witnesses virtually has maintained the service during lockdown restrictions and ensured social distancing requirements could be observed. Intermediaries continue to attend police sites for the Video, Audio and Recorded Evidence (VARE), to assess witnesses' communication and assist police and witness communication in the VARE. During stage 4 restrictions intermediaries have been conducting assessments via a virtual platform and attending ground rules hearings via WebEx. As restrictions are lowered intermediaries will resume face-to-face court assessments at the police sites or the Child Witness Service.

The Child Witness Service offers virtual support for child witnesses participating in plea and sentence hearings. This flexible option for victims allows the two coronavirus (COVID-19) compliant Child Witness Service remote witness rooms to be prioritised for witnesses who need to give evidence in hearings or urgent matters.

Reforms to criminal law

Reforms to the failure to disclose offence, mandatory reporting and confessional privilege

On 17 February 2020, reforms in the *Children Legislation Amendment Act 2019* to the failure to disclose offence in the *Crimes Act 1958*, mandatory reporting laws in the *Children, Youth and Families Act 2005*, and confessional privilege in the *Evidence Act 2008* commenced by proclamation. These reforms require religious ministers to report or disclose relevant information received in confession under the mandatory reporting laws and failure to disclose offence. This also means religious confessions privilege in the *Evidence Act 2008* does not apply in proceedings for the failure to disclose offence or failure to make a mandatory report offence.

The Victorian Government will consider the principles developed by the Council of Attorneys-General 2019 working group on confessional privilege to determine whether further reforms to Victorian legislation are required.

Admissibility of tendency and coincidence evidence

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 multiple children by an individual. The Royal Commission made several recommendations relating to the admissibility of tendency and coincidence evidence. Tendency and coincidence evidence can link different complainants, allowing their cases to be heard together and bolstering their credibility. Permitting the use of this evidence in more cases is expected to increase the number of successful prosecutions for child sexual offending.

In November 2019, the Council of Attorneys-General approved a draft Model Bill designed to increase the admissibility of tendency and coincidence evidence in the Uniform Evidence Law. The Model Bill was developed by a Council of Attorneys-General working group, which included Victoria, in consultation with judicial, legal and other stakeholders across jurisdictions.

The Model Bill aims to increase the admissibility of tendency evidence in child sexual offence prosecutions by introducing:

- a rebuttable presumption that tendency evidence of an accused person's sexual interest in children has significant probative value, and
- guidance on considering that presumption.

It also includes reforms to increase the admissibility of tendency and coincidence evidence in all criminal proceedings, for example by lowering part of the test for admissibility under the Evidence Act.

Victoria proposes to introduce legislation to implement the Model Bill in 2021.

Improving professional responses

Supporting the police workforce

Victoria Police has published in-field guidance to support frontline members when they receive a report of child abuse or a sexual offence. The guidance is available on mobile devices. It is designed to prompt members on the key issues to consider when attending an incident, and the steps that must be undertaken as part of the initial response including the notification of specialist investigators. Foundational training has also been reviewed to ensure it addressed all the issues raised by the Royal Commission. Some minor updates were made in order to strengthen this training, including:

- incorporating the 'Reporting sexual offences to police' booklet into training materials
- provision of comprehensive guidelines for when police receive the initial report of a sexual crime, and
- guidelines for first responders to the scene of a sexual crime.

Victoria Police has also completed a review of the mandatory training delivered through the Centre for Crime Investigation at the Victoria Police Academy, for members responsible for investigating sexual offences and child abuse, including on the taking of recorded statements. This was in order to ensure that the training effectively addressed all the issues raised by the Royal Commission. Minor updates to strengthen specialist training has occurred in the following areas:

- interviewing children
- the impact of childhood abuse and likelihood of trauma transfer to adulthood, and
- introduction to child development/brain and memory.

Additional training in victim management, rapport building, engagement, and interview skills has also been introduced into specialist training packages, including case studies and role play to support members' awareness and understanding of putting policy into practice.

Detectives within the Family Violence Investigation Units also continue to complete specialist sexual offence investigator training in recognition of the correlation between crime themes of sexual offences, child abuse, and family violence.

Improving victim survivors' experiences within the justice system

Victoria Police published its revised booklet 'Reporting sexual offences to police', which provides information on avenues to report, what to expect during an investigation, including consultation and decision-making, going to court and giving evidence.

The booklet has also been translated into 20 languages, with an easy English version also made available.

Guidance on historical sexual offences has also been updated to support members and prosecutors with the laying of correct charges early.

The Victoria Police Manual has been also been updated to:

- reflect 2019 amendments to the *Victim Charter Act 2006*, to ensure that the victim survivor is consulted prior to the withdrawal or downgrading of charges or the acceptance of a plea, and
- provide clear guidance on options available with regards to pre-recording of evidence. Alternatives to attending court in person include video conference, pre-recording evidence and closed-circuit television. Victoria Police discusses these options with the witness to determine the most appropriate option on a case-by-case basis.

Victoria Police also supports victims and survivors to have a support person with them throughout their engagement with police, as well as using interpreters or translators to aid in their understanding and engagement with the criminal investigation.

Encouraging reporting to police

Channels to report

In Victoria there are multiple channels to report current, historical and/or institutional child sexual abuse to police in person, over the telephone (general and specialist telephone numbers) or online.

Online reporting is an important pathway and removes some of the barriers faced with telephone or in-person reporting, such as fears of follow-up questions and feeling judged by the person taking the report. Crime Stoppers is further enhancing their online reporting to help victims feel more comfortable in reporting.

When using the various available channels to report child sexual abuse, victim survivors are also provided information about what to expect next from police.

Blind reporting

In 2020 Victoria Police has strengthened its approach to blind reporting, which refers to the practice of reporting information to police without giving the alleged victim's name or other identifying details, through the development of clear guidelines in the Victoria Police Manual. These guidelines stipulate that after receiving a report of child sexual abuse anonymously or from a third party, police practice is to create an Intelligence Report to record the information provided in the report.

If more information is required to assist an investigation, police will then contact the report's original source in the first instance in order to work collectively with the support agency or institution to support the victim survivor to be open to contact from police.

Judicial education

The Judicial College of Victoria delivered several education programs in 2019/2020 to assist judicial officers to understand the impacts of trauma, including child sexual abuse.

The College and the County Court of Victoria ran a conference on 'The Brain: Time, Trauma and Memory'. A session with Dr Patrick Tidmarsh focused on the myths and misconceptions of sexual offences to allow juries and judges to accurately assess the material presented in cases.

Trauma was the focus of the College's 2019 Koori Twilight series, exploring the links between intergenerational trauma, collective trauma and family violence. The College invited Western Australia State Coroner Ros Fogliani to talk about intergenerational trauma to a judicial audience in the context of the 2017 Inquest into the Deaths of 13 Children and Young Persons in the Kimberley Region.

The College's 'Intimate Terrorism of Family Violence' program covered empowering practice with victims. This included interactive sessions, to provide judicial officers with an understanding of the impact of trauma on the behaviour of people affected by family violence. The program also assisted judicial officers to develop strategies for sensitive and empowering communication in the courtroom. Further sessions looked at intergenerational trauma from the perspective of Aboriginal communities including a recital of Tammy Anderson's play *I Don't Wanna Play House*, which explores and documents deeper issues of physical and emotional violence, child abuse, displacement and trauma.

Delivered in Moorabbin in January 2020, the Specialist Family Violence program looked at:

- trauma-informed practice to enhance a person's ability to take part in the court process and promote recovery, and
- communicating with victims to gain an understanding of the impact of trauma on their behaviour.

The bi-yearly Drug Court education program held in February 2020 examined 'The Power of Words' with a practical and interactive session exploring complex trauma and how judicial officers can adopt a trauma-informed approach when working within the Drug Courts.

