

# FINAL REPORT

Beyond the Royal Commission



**Royal Commission**  
into Institutional Responses  
to Child Sexual Abuse

VOLUME 17

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# FINAL REPORT

Volume 17  
Beyond the  
Royal Commission

## Content warning

This volume contains information about child sexual abuse that may be distressing. We also wish to advise Aboriginal and Torres Strait Islander readers that information in this volume may have been provided by or refer to Aboriginal and Torres Strait Islander people who have died.

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# Preface

## The Royal Commission

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The Letters Patent provided to the Royal Commission required that it ‘inquire into institutional responses to allegations and incidents of child sexual abuse and related matters’. In carrying out this task, the Royal Commission was directed to focus on systemic issues, be informed by an understanding of individual cases, and make findings and recommendations to better protect children against sexual abuse and alleviate the impact of abuse on children when it occurs. The Royal Commission did this by conducting public hearings, private sessions and a policy and research program.

## Public hearings

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A Royal Commission commonly does its work through public hearings. We were aware that sexual abuse of children has occurred in many institutions, all of which could be investigated in a public hearing. However, if the Royal Commission was to attempt that task, a great many resources would need to be applied over an indeterminate, but lengthy, period of time. For this reason the Commissioners accepted criteria by which Senior Counsel Assisting would identify appropriate matters for a public hearing and bring them forward as individual ‘case studies’.

The decision to conduct a case study was informed by whether or not the hearing would advance an understanding of systemic issues and provide an opportunity to learn from previous mistakes so that any findings and recommendations for future change the Royal Commission made would have a secure foundation. In some cases the relevance of the lessons to be learned will be confined to the institution the subject of the hearing. In other cases they will have relevance to many similar institutions in different parts of Australia.

Public hearings were also held to assist in understanding the extent of abuse that may have occurred in particular institutions or types of institutions. This enabled the Royal Commission to understand the ways in which various institutions were managed and how they responded to allegations of child sexual abuse. Where our investigations identified a significant concentration of abuse in one institution, the matter could be brought forward to a public hearing.

Public hearings were also held to tell the stories of some individuals, which assisted in a public understanding of the nature of sexual abuse, the circumstances in which it may occur and, most importantly, the devastating impact that it can have on people’s lives. Public hearings were open to the media and the public, and were live streamed on the Royal Commission’s website.

The Commissioners' findings from each hearing were generally set out in a case study report. Each report was submitted to the Governor-General and the governors and administrators of each state and territory and, where appropriate, tabled in the Australian Parliament and made publicly available. The Commissioners recommended some case study reports not be tabled at the time because of current or prospective criminal proceedings.

We also conducted some private hearings, which aided the Royal Commission's investigative processes.

## Private sessions

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When the Royal Commission was appointed, it was apparent to the Australian Government that many people (possibly thousands) would wish to tell us about their personal history of sexual abuse as a child in an institutional setting. As a result, the Australian Parliament amended the *Royal Commissions Act 1902* (Cth) to create a process called a 'private session'.

Each private session was conducted by one or two Commissioners and was an opportunity for a person to tell their story of abuse in a protected and supportive environment. Many accounts from these sessions are told in a de-identified form in this Final Report.

Written accounts allowed individuals who did not attend private sessions to share their experiences with Commissioners. The experiences of survivors described to us in written accounts have informed this Final Report in the same manner as those shared with us in private sessions.

We also decided to publish, with their consent, as many individual survivors' experiences as possible, as de-identified narratives drawn from private sessions and written accounts. These narratives are presented as accounts of events as told by survivors of child sexual abuse in institutions. We hope that by sharing them with the public they will contribute to a better understanding of the profound impact of child sexual abuse and may help to make our institutions as safe as possible for children in the future. The narratives are available as an online appendix to Volume 5, *Private sessions*.

We recognise that the information gathered in private sessions and from written accounts captures the accounts of survivors of child sexual abuse who were able to share their experiences in these ways. We do not know how well the experiences of these survivors reflect those of other victims and survivors of child sexual abuse who could not or did not attend a private session or provide a written account.

## Policy and research

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The Royal Commission had an extensive policy and research program that drew upon the findings made in public hearings and upon survivors' private sessions and written accounts, as well as generating new research evidence.

The Royal Commission used issues papers, roundtables and consultation papers to consult with government and non-government representatives, survivors, institutions, regulators, policy and other experts, academics, and survivor advocacy and support groups. The broader community had an opportunity to contribute to our consideration of systemic issues and our responses through our public consultation processes.

## Community engagement

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The community engagement component of the Royal Commission's inquiry ensured that people in all parts of Australia were offered the opportunity to articulate their experiences and views. It raised awareness of our work and allowed a broad range of people to engage with us.

We involved the general community in our work in several ways. We held public forums and private meetings with survivor groups, institutions, community organisations and service providers. We met with children and young people, people with disability and their advocates, and people from culturally and linguistically diverse communities. We also engaged with Aboriginal and Torres Strait Islander peoples in many parts of Australia, and with regional and remote communities.

## Diversity and vulnerability

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We heard from a wide range of people throughout the inquiry. The victims and survivors who came forward were from diverse backgrounds and had many different experiences. Factors such as gender, age, education, culture, sexuality or disability had affected their vulnerability and the institutional responses to the abuse. Certain types of institutional cultures and settings created heightened risks, and some children's lives brought them into contact with these institutions more than others.

While not inevitably more vulnerable to child sexual abuse, we heard that Aboriginal and Torres Strait Islander children, children with disability and children from culturally and linguistically diverse backgrounds were more likely to encounter circumstances that increased their risk of abuse in institutions, reduced their ability to disclose or report abuse and, if they did disclose or report, reduced their chances of receiving an adequate response.

We examined key concerns related to disability, cultural diversity and the unique context of Aboriginal and Torres Strait Islander experience, as part of our broader effort to understand what informs best practice institutional responses. We included discussion about these and other issues of heightened vulnerability in every volume. Volume 5, *Private sessions* outlines what we heard in private sessions from these specific populations.

## Our interim and other reports

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On 30 June 2014, in line with our Terms of Reference, we submitted a two-volume interim report of the results of the inquiry. Volume 1 described the work we had done, the issues we were examining and the work we still needed to do. Volume 2 contained a representative sample of 150 de-identified personal stories from people who had shared their experiences at a private session.

Early in the inquiry it became apparent that some issues should be reported on before the inquiry was complete to give survivors and institutions more certainty on these issues and enable governments and institutions to implement our recommendations as soon as possible. Consequently, we submitted the following reports:

- *Working With Children Checks* (August 2015)
- *Redress and civil litigation* (September 2015)
- *Criminal justice* (August 2017)

## Definition of terms

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The inappropriate use of words to describe child sexual abuse and the people who experience the abuse can have silencing, stigmatising and other harmful effects. Conversely, the appropriate use of words can empower and educate.

For these reasons, we have taken care with the words used in this report. Some key terms used in this volume are set out in the Final Report Glossary, in Volume 1, *Our inquiry*.

## Naming conventions

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To protect the identity of victims and survivors and their supporters who participated in private sessions, pseudonyms are used. These pseudonyms are indicated by the use of single inverted commas, for example, ‘Roy’.

As in our case study reports, the identities of some witnesses before public hearings and other persons referred to in the proceedings are protected through the use of assigned initials, for example, BZW.

## Structure of the Final Report

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The Final Report of the Royal Commission into Institutional Responses to Child Sexual Abuse consists of 17 volumes and an executive summary. To meet the needs of readers with specific interests, each volume can be read in isolation. The volumes contain cross references to enable readers to understand individual volumes in the context of the whole report.

In the Final Report:

The **Executive Summary** summarises the entire report and provides a full list of recommendations.

**Volume 1, *Our inquiry*** introduces the Final Report, describing the establishment, scope and operations of the Royal Commission.

**Volume 2, *Nature and cause*** details the nature and cause of child sexual abuse in institutional contexts. It also describes what is known about the extent of child sexual abuse and the limitations of existing studies. The volume discusses factors that affect the risk of child sexual abuse in institutions and the legal and political changes that have influenced how children have interacted with institutions over time.

**Volume 3, *Impacts*** details the impacts of child sexual abuse in institutional contexts. The volume discusses how impacts can extend beyond survivors, to family members, friends, and whole communities. The volume also outlines the impacts of institutional responses to child sexual abuse.

**Volume 4, *Identifying and disclosing child sexual abuse*** describes what we have learned about survivors’ experiences of disclosing child sexual abuse and about the factors that affect a victim’s decision whether to disclose, when to disclose and who to tell.

**Volume 5, *Private sessions*** provides an analysis of survivors' experiences of child sexual abuse as told to Commissioners during private sessions, structured around four key themes: experiences of abuse; circumstances at the time of the abuse; experiences of disclosure; and impact on wellbeing. It also describes the private sessions model, including how we adapted it to meet the needs of diverse and vulnerable groups.

**Volume 6, *Making institutions child safe*** looks at the role community prevention could play in making communities and institutions child safe, the child safe standards that will make institutions safer for children, and how regulatory oversight and practice could be improved to facilitate the implementation of these standards in institutions. It also examines how to prevent and respond to online sexual abuse in institutions in order to create child safe online environments.

**Volume 7, *Improving institutional responding and reporting*** examines the reporting of child sexual abuse to external government authorities by institutions and their staff and volunteers, and how institutions have responded to complaints of child sexual abuse. It outlines guidance for how institutions should handle complaints, and the need for independent oversight of complaint handling by institutions.

**Volume 8, *Recordkeeping and information sharing*** examines records and recordkeeping by institutions that care for or provide services to children; and information sharing between institutions with responsibilities for children's safety and wellbeing and between those institutions and relevant professionals. It makes recommendations to improve records and recordkeeping practices within institutions and information sharing between key agencies and institutions.

**Volume 9, *Advocacy, support and therapeutic treatment services*** examines what we learned about the advocacy and support and therapeutic treatment service needs of victims and survivors of child sexual abuse in institutional contexts, and outlines recommendations for improving service systems to better respond to those needs and assist survivors towards recovery.

**Volume 10, *Children with harmful sexual behaviours*** examines what we learned about institutional responses to children with harmful sexual behaviours. It discusses the nature and extent of these behaviours and the factors that may contribute to children sexually abusing other children. The volume then outlines how governments and institutions should improve their responses and makes recommendations about improving prevention and increasing the range of interventions available for children with harmful sexual behaviours.

**Volume 11, *Historical residential institutions*** examines what we learned about survivors' experiences of, and institutional responses to, child sexual abuse in residential institutions such as children's homes, missions, reformatories and hospitals during the period spanning post-World War II to 1990.

**Volume 12, *Contemporary out-of-home care*** examines what we learned about institutional responses to child sexual abuse in contemporary out-of-home care. The volume examines the nature and adequacy of institutional responses and draws out common failings. It makes recommendations to prevent child sexual abuse from occurring in out-of-home care and, where it does occur, to help ensure effective responses.

**Volume 13, *Schools*** examines what we learned about institutional responses to child sexual abuse in schools. The volume examines the nature and adequacy of institutional responses and draws out the contributing factors to child sexual abuse in schools. It makes recommendations to prevent child sexual abuse from occurring in schools and, where it does occur, to help ensure effective responses to that abuse.

**Volume 14, *Sport, recreation, arts, culture, community and hobby groups*** examines what we learned about institutional responses to child sexual abuse in sport and recreation contexts. The volume examines the nature and adequacy of institutional responses and draws out common failings. It makes recommendations to prevent child sexual abuse from occurring in sport and recreation and, where it does occur, to help ensure effective responses.

**Volume 15, *Contemporary detention environments*** examines what we learned about institutional responses to child sexual abuse in contemporary detention environments, focusing on youth detention and immigration detention. It recognises that children are generally safer in community settings than in closed detention. It also makes recommendations to prevent child sexual abuse from occurring in detention environments and, where it does occur, to help ensure effective responses.

**Volume 16, *Religious institutions*** examines what we learned about institutional responses to child sexual abuse in religious institutions. The volume discusses the nature and extent of child sexual abuse in religious institutions, the impacts of this abuse, and survivors' experiences of disclosing it. The volume examines the nature and adequacy of institutional responses to child sexual abuse in religious institutions, and draws out common factors contributing to the abuse and common failings in institutional responses. It makes recommendations to prevent child sexual abuse from occurring in religious institutions and, where it does occur, to help ensure effective responses.

**Volume 17, *Beyond the Royal Commission*** describes the impacts and legacy of the Royal Commission and discusses monitoring and reporting on the implementation of our recommendations.

Unless otherwise indicated, this Final Report is based on laws, policies and information current as at 30 June 2017. Private sessions quantitative information is current as at 31 May 2017.



# Summary

This volume describes the impact of the Royal Commission during its five-year life and the potential impact of our work beyond 2017.

## Impact during the life of the Royal Commission

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There have been many responses by governments and institutions to the problems revealed by the Royal Commission.

The key recommendations of our *Working With Children Checks* report included: that state and territory governments amend their Working With Children Checks laws to implement the standards identified in the report, and to enable Working With Children Check clearances from other jurisdictions to be recognised and accepted; and that the Australian Government facilitate a national model for Working With Children Checks, including by establishing a centralised database.

State and territory governments have given in-principle support for a nationally consistent Working With Children Checks scheme. Some jurisdictions told us that they are, or will be, reviewing existing schemes in the light of our recommendations, and some states and territories have enacted legislation to implement our recommended standards.

In our *Redress and civil litigation* report, we recommended that the Australian Government establish a single national redress scheme, as the most effective structure for ensuring justice for survivors. We also made detailed recommendations about how the scheme should be operated.

On 4 November 2016, the federal Minister for Social Services, the Hon. Christian Porter MP, and the Attorney-General, Senator the Hon. George Brandis QC, announced a national redress scheme for survivors of child sexual abuse in institutional contexts. The scheme is to commence in 2018 and operate for 10 years, with provisions for review and extension.

There has also been implementation activity in relation to our recommendations concerning civil litigation. Some states and territories have introduced legislation to remove any limitation period for a claim for damages brought by a person where that claim is founded on personal injury resulting from sexual abuse of the person in an institutional context when the claimant is or was a child.

In relation to the duty of institutions, Victoria has legislated to reverse the onus of proof. In civil litigation, once it is proved that the sexual abuse occurred and was committed by an individual associated with a relevant institution, the breach of the duty of the institution to care for the child will be presumed unless the organisation proves that it took reasonable precautions to prevent the abuse.

Victoria has also legislated in relation to the identity of an appropriate institutional defendant. This legislation provides for an entity that is not capable in law of being sued to nominate a legal person that is capable of being sued as the appropriate defendant for the purposes of the claim.

The inquiry's private sessions process, which included providing counselling and support to survivors, had a profound impact on many of those who took part. We were told in private sessions and in correspondence that followed that, were it not for the Royal Commission, some survivors would never have disclosed their experience of child sexual abuse. Of those survivors who discussed in a private session who they disclosed to, one in 10 (10.3 per cent) told us they disclosed for the first time to the Royal Commission. We also heard that for some survivors, engaging with the Royal Commission had encouraged them to seek redress and advocate for others affected by child sexual abuse. This in turn has contributed to increased demand for support services for victims and survivors. Our inquiry also had an impact in relation to police investigation of child sexual abuse offences.

## Beyond the Royal Commission

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The Royal Commission's impact will depend primarily on the implementation of the recommendations made in this Final Report, as well as those made in our earlier reports. In this volume, we recommend how the implementation of recommendations should be monitored and reported on (see Recommendations 17.1 to 17.4).

Our work has advanced the knowledge and understanding of child sexual abuse from a research perspective. We put in place a number of strategies early in the life of the inquiry's research program, with the expectation that the program would contribute to this previously under-researched area and provide a foundation for future research as well as evidence-based practice models.

The collection and publication of victim and survivor stories of institutional child sexual abuse has provided accounts of events that have remained largely hidden in our nation's history. We hope that the act of sharing these narratives with the public will contribute to a better understanding of the profound impact of child sexual abuse and that survivors will feel validated, heard, encouraged and strengthened by their publication.

We recommend that the Australian Government host and maintain the Royal Commission website for the duration of the national redress scheme for victims and survivors of institutional child sexual abuse (Recommendation 17.5). At the conclusion of this period, the website will be archived by the National Library of Australia.

We have heard and considered survivor concerns about existing honours or memorials to alleged perpetrators of child sexual abuse, and facilities dedicated to or named after perpetrators. In this volume we suggest ways of addressing these concerns. We consider that institutions should review their existing institutional honours, dedications and memorials to make sure that they do not honour perpetrators of child sexual abuse. Institutions should respond fully to requests from survivors in relation to such matters, including as part of providing appropriate redress.

We discuss the value of memorials that honour and recognise victims and survivors of child sexual abuse. Memorials can provide symbolic reparation and public recognition to victims and survivors in ways that can contribute to healing. There are precedents for funding memorials and oral history projects arising from previous inquiries and we discuss the views of some victims and survivors and advocacy groups in this regard. We recommend that the Australian Government commission a memorial (see Recommendation 17.6). We also consider oral history projects that have arisen from previous inquiries and suggest such a project to further record and document the life stories of victims and survivors of child sexual abuse in an institutional context in Australia.

# Recommendations

The following is a list of the recommendations made in this volume.

## Monitoring and reporting on implementation (Chapter 2)

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### An initial government response

#### **Recommendation 17.1**

The Australian Government and state and territory governments should each issue a formal response to this Final Report within six months of it being tabled, indicating whether our recommendations are accepted, accepted in principle, rejected or subject to further consideration.

### Ongoing periodic reporting

#### **Recommendation 17.2**

The Australian Government and state and territory governments should, beginning 12 months after this Final Report is tabled, report on their implementation of the Royal Commission's recommendations made in this Final Report and its earlier *Working With Children Checks*, *Redress and civil litigation* and *Criminal justice* reports, through five consecutive annual reports tabled before their respective parliaments.

#### **Recommendation 17.3**

Major institutions and peak bodies of institutions that engage in child-related work should, beginning 12 months after this Final Report is tabled, report on their implementation of the Royal Commission's recommendations to the National Office for Child Safety through five consecutive annual reports. The National Office for Child Safety should make these reports publicly available. At a minimum, the institutions reporting should include those that were the subject of the Royal Commission's institutional review hearings held from 5 December 2016 to 10 March 2017.

## 10-year review

### **Recommendation 17.4**

The Australian Government should initiate a review to be conducted 10 years after the tabling of this Final Report. This review should:

- a. establish the extent to which the Royal Commission's recommendations have been implemented 10 years after the tabling of the Final Report
- b. examine the extent to which the measures taken in response to the Royal Commission have been effective in preventing child sexual abuse, improving the responses of institutions to child sexual abuse and ensuring that victims and survivors of child sexual abuse obtain justice, treatment and support
- c. advise on what further steps should be taken by governments and institutions to ensure continuing improvement in policy and service delivery in relation to child sexual abuse in institutional contexts.

## Preserving the records of the Royal Commission (Chapter 2)

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### **Recommendation 17.5**

The Australian Government should host and maintain the Royal Commission website for the duration of the national redress scheme for victims and survivors of institutional child sexual abuse.

## A national memorial to victims and survivors of child sexual abuse in institutional contexts (Chapter 2)

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### **Recommendation 17.6**

A national memorial should be commissioned by the Australian Government for victims and survivors of child sexual abuse in institutional contexts. Victims and survivors should be consulted on the memorial design and it should be located in Canberra.

# 1 Impact during the life of the Royal Commission

## 1.1 Overview

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The Royal Commission was created in response to a perceived need for a national inquiry to examine the sexual abuse of children in institutions. Allegations of the sexual abuse of children in institutional contexts had previously emerged in public inquiries in Australia at both a state and national level. At the national level, three major inquiries had examined the maltreatment of children, including sexual abuse. In May 1997, the Human Rights and Equal Opportunity Commission reported in respect of the treatment of Aboriginal and Torres Strait Islander children (*Bringing them home* report). In August 2001, the Community Affairs References Committee of the Senate reported in relation to the abuse of child migrants in residential care (*Lost Innocents: Righting the Record – Report on child migration*). Subsequently there were two further reports from the committee, the *Forgotten Australians* report in August 2004 and *Protecting vulnerable children* report in March 2005. Following these and a number of state inquiries, and with the continuing emergence of allegations of child sexual abuse in institutions, this Royal Commission was established.<sup>1</sup>

Early in our inquiry it became apparent that some issues should be reported on before the Royal Commission was complete, to give survivors and institutions more certainty on these issues and enable governments and institutions to implement our recommendations as soon as possible. Consequently, we submitted the following reports:

- *Working With Children Checks* (August 2015)
- *Redress and civil litigation* (September 2015)
- *Criminal justice* (August 2017).

Our final recommendations in relation to these topics are included in the list of recommendations contained in the Executive Summary of this Final Report.

This chapter summarises progress towards implementation of the recommendations made in these reports and also discusses the Royal Commission's contribution to the visibility and understanding of child sexual abuse in institutional contexts, in Australia and overseas.

## 1.2 Implementation of the *Working With Children Checks* report recommendations

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Our *Working With Children Checks* report was tabled on 17 August 2015. In the *Working With Children Checks* report we discussed how Working With Children Checks aim to prevent people from working or volunteering with children if records indicate that they may pose an unacceptable level of risk. Pre-employment screening of this type has been in operation in New South Wales since 2000 and subsequently in every jurisdiction.

### 1.2.1 *Working With Children Checks* report recommendations

In our report, we identified weaknesses with the current approaches. Each of the eight Working With Children Checks schemes in Australia operates independently of the others. The schemes are inconsistent, complex and there is unnecessary duplication across them. The schemes are not integrated and there is inadequate information sharing and monitoring of Working With Children Checks cardholders.

The key recommendations in the report included that within 12 months of its publication:

- state and territory governments should amend their Working With Children Checks laws to implement the standards identified in the report and to enable clearances from other jurisdictions to be recognised and accepted<sup>2</sup>
- the Australian Government facilitate a national model for Working With Children Checks, including by establishing a centralised database, operated by CrimTrac, that is readily accessible to all jurisdictions to record Working With Children Check decisions.<sup>3</sup>

At the March 2017 public hearing in our *Case Study 51: Institutional review of Commonwealth, state and territory governments (Institutional review of Commonwealth, state and territory governments)*, representatives of the governments gave evidence about the status of implementation of the Working With Children Checks standards and establishment of a centralised database.

State and territory governments have given in-principle support for a nationally consistent scheme.<sup>4</sup> Some jurisdictions told us that they are, or will be, reviewing existing schemes in light of our recommendations.<sup>5</sup>

Ms Leanne Close, Deputy Secretary at the Criminal Justice Group in the federal Attorney-General's Department, confirmed that in February 2017 the Australian Government convened a new working group to facilitate coordination and greater national consistency of Working With Children Checks schemes across the states and territories.<sup>6</sup> Ms Close advised that the working group is looking at ways to reach agreement in respect of policy and legal issues raised by our recommendations. The working group agreed, between the Australian Government and state and territory governments, to establish a sub-working group on standardisation.<sup>7</sup>

Progress towards implementation of the recommended standards, in terms of legislative reform, is summarised in the following sections.

## 1.2.2 State and territory responses

### New South Wales

We recommended that state and territory governments ensure that persons who have been convicted and have received a sentence of full-time custody for the conviction in relation to certain offences (for example, murder of a child, indecent or sexual assault of a child, child pornography-related offences, incest where the victim was a child) should be permanently excluded from an appeal against an adverse Working With Children Checks decision.<sup>8</sup> In August 2015, New South Wales enacted legislation reflecting this recommendation.<sup>9</sup>

We also recommended that state and territory governments amend their Working With Children Checks laws to cover defined categories of child-related work.<sup>10</sup> This included requiring Working With Children Checks for adults residing in the homes of authorised carers of children.<sup>11</sup> In response, New South Wales also enacted legislation to ensure that persons in the state who reside on a property of an authorised carer or on a property where home-based education and care services or family day care services are provided; or who hold a key position in an agency providing out-of-home care and adoption services, have a Working With Children Check clearance that has been properly verified online.<sup>12</sup>

### Victoria

In November 2016, Victoria enacted amendments to the *Working with Children Act 2005* (Vic).<sup>13</sup> The amendments implemented a number of our recommendations,<sup>14</sup> including:

- amending the definition of direct contact to include other forms of contact<sup>15</sup>
- removing the element of ‘supervision’ to establish that, for the purposes of the Working With Children Check, whether or not a person’s contact with a child is supervised is irrelevant<sup>16</sup>
- amending the definition of child-related work to include kinship care<sup>17</sup>
- including charges for serious offences that have been finally dealt with other than by way of conviction or finding of guilt as charges that can be considered for the purposes of applications and reassessments<sup>18</sup>
- enabling the Secretary to the Victorian Department of Justice and Regulation to require the production of certain information, where an applicant is suspected of engaging in child-related work without a current Working With Children Check.<sup>19</sup>

## South Australia

We recommended that the South Australian Government, within 12 months of the publication of the *Working With Children Checks* report, replace its criminal history assessments with a scheme that incorporates the standards set out in the report.<sup>20</sup>

In November 2016, South Australia enacted the *Child Safety (Prohibited Persons) Act 2016* (SA). The Act implemented recommendations made by Child Protection Systems Royal Commission in South Australia,<sup>21</sup> as well as recommendations we made. At the time of this report it has not yet come into operation.

In establishing a single central assessment unit to undertake all Working With Children Checks on application by an employee, and implementing checks that are portable and valid for five years, the Act was said to reflect South Australia's support for our recommendations concerning Working With Children Checks.<sup>22</sup>

## Tasmania

In November 2015, Tasmania enacted legislation amending the *Registration to Work with Vulnerable People Act 2013* (Tas) to implement a number of our recommendations, including by:

- removing the need for a person to register simply because they deal with a vulnerable person's record or make a decision about a vulnerable person<sup>23</sup>
- removing the ability of some applicants to commence work in a regulated activity<sup>24</sup>
- establishing the types of information that can be taken into consideration in assessing the risk of harm a person poses to vulnerable people<sup>25</sup>
- providing the Registrar with the ability to move quickly to suspend registration and to stop a person from engaging in a regulated activity if there are sufficient grounds for determining a person's registration should be suspended<sup>26</sup>
- providing the Registrar with new powers regarding compliance with and administration of the Act<sup>27</sup>
- providing for reporting bodies to advise the Registrar where a person has engaged in behaviour that indicates a person poses a risk of harm to vulnerable people<sup>28</sup>
- providing clearer direction to people about the period a person can engage in a regulated activity without registration.<sup>29</sup>

## 1.3 Implementation of the *Redress and civil litigation* report recommendations

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Our *Redress and civil litigation* report was tabled on 14 September 2015. In the report we found that the civil litigation systems and redress processes had not provided justice for many survivors. We recognised that it cannot now be made feasible for many of those who have experienced institutional child sexual abuse in the past to seek common law damages. We made detailed recommendations for the establishment of a national redress scheme to provide redress for past institutional child sexual abuse.

We also made recommendations to reform aspects of civil litigation. These reforms are intended to make civil litigation a far more effective means of providing justice for survivors, particularly for those who are victims of institutional child sexual abuse in the future.

By reporting as early as possible on redress and civil litigation, we sought to give survivors and institutions more certainty on these issues and enable governments and institutions to implement our recommendations to improve civil justice for survivors as soon as possible.<sup>30</sup>

In our *Redress and civil litigation* report, we stated that we would watch with interest the consideration of the report's recommendations. We foreshadowed that we might hold a public hearing before the end of 2017 to examine the implementation of the recommendations and progress on achieving justice for victims through the provision of redress and civil litigation.<sup>31</sup>

### 1.3.1 Redress recommendations

Our first recommendation, which guided our other recommendations on redress, stated:

A process for redress must provide equal access and equal treatment for survivors – regardless of the location, operator, type, continued existence or assets of the institution in which they were abused – if it is to be regarded by survivors as being capable of delivering justice.<sup>32</sup>

We recommended that redress for survivors include the elements of:<sup>33</sup>

- direct personal response
- counselling and psychological care
- monetary payments.

We made detailed recommendations about each of these elements and how they should be provided.<sup>34</sup>

As noted, we recommended that the Australian Government establish a single national redress scheme as the most effective structure for ensuring justice for survivors.<sup>35</sup> We also recommended that if this did not take place, the next best option for ensuring justice for survivors would be for each state and territory government to establish a redress scheme covering government and non-government institutions in the relevant state or territory.<sup>36</sup> We made detailed recommendations about how the redress scheme should operate.<sup>37</sup>

We also recommended how institutions might operate interim arrangements for redress while awaiting decisions by governments on a national redress scheme or state and territory redress schemes.<sup>38</sup>

In May 2016, the Australian Government established a taskforce to consider the redress recommendations from the *Redress and civil litigation* report. On 4 November 2016, the federal Minister for Social Services, the Hon. Christian Porter MP, and the Attorney-General, Senator the Hon. George Brandis QC, announced a national redress scheme for victims of child sexual abuse in institutional contexts. Minister Porter indicated that states and territories and institutions would be able to opt into the scheme on the basis that they fund the cost of their eligible redress claims.<sup>39</sup>

The Australian Government has indicated that it will establish and operate the redress scheme based on four principles, namely:<sup>40</sup>

- a three-pronged approach to outcomes, involving individual monetary payments, trauma-informed and culturally adapted counselling over the life of the scheme, and personal and direct contact with responsible institutions
- a responsible entity-pays scheme, led and operated by the Australian Government and open nationally for any state or territory government or non-government institution to opt in
- a best-practice scheme where participating entities will abide by agreed processes and design rules instituted by the Australian Government
- a scheme informed by an independent advisory council of specialists, including survivor groups, and legal and psychological experts.

The scheme was to start in 2018 and operate for 10 years, with provisions for review and extension. The scheme is to provide survivors with access to a monetary payment of up to \$150,000. Minister Porter stated that there are ‘very few’ ways in which the scheme deviates from the recommendations in our *Redress and civil litigation* report.<sup>41</sup>

On 16 December 2016, the Australian Government announced the establishment of the Independent Advisory Council on Redress to provide advice on:

the governing principles that underpin the scheme, the scheme’s design including eligibility and processes of application, assessment, counselling and personal response, how best to encourage participation in the scheme, and the interaction between the Commonwealth scheme and other redress schemes.<sup>42</sup>

## State and territory responses to redress recommendations

At the March 2017 public hearing in our *Institutional review of Commonwealth, state and territory governments* case study, one of the issues examined was the responses of the Australian Government and state and territory governments to our *Redress and civil litigation* report.

Ms Barbara Bennett, Deputy Secretary of the federal Department of Social Services, gave evidence outlining developments in relation to the national redress scheme.<sup>43</sup> Ms Bennett told the public hearing that, at the time of the hearing, the advisory council had met twice and had begun to work through the design and implementation issues not covered in Minister Porter’s announcement.<sup>44</sup> Ms Bennett also told the public hearing that the Australian Government was continuing to have discussions with the states and territories.<sup>45</sup>

Representatives of each state and territory government told the public hearing about the steps that their governments had taken in relation to our recommendations on redress and in response to the Australian Government’s announcement of the national redress scheme.<sup>46</sup>

Representatives of the governments of New South Wales, Victoria, Queensland, the Australian Capital Territory and the Northern Territory expressed support for a national redress scheme. They referred to their ongoing engagement with the Australian Government in relation to what is proposed, but stated a need for more detail before their jurisdictions could indicate whether they would opt in to the Australian Government’s scheme.<sup>47</sup>

Ms Caroline Mealor, Deputy Chief Executive of the Attorney-General's Department in South Australia, indicated South Australia's support for a national redress scheme but on the basis that funding would be provided by the Australian Government and that South Australia would not be a funder of last resort. Ms Mealor also referred to South Australia's ongoing engagement with the Australian Government in relation to what is proposed.<sup>48</sup>

Mr Simon Overland, Secretary of the Department of Justice in Tasmania, told the public hearing that Tasmania did not have a position about opting into the national scheme. Mr Overland said Tasmania was in discussions with the Australian Government about the national scheme.<sup>49</sup>

The public hearing in the *Institutional review of Commonwealth, state and territory governments* case study was held days before the Western Australian election on 11 March 2017.

Mr David Smith, Acting Director-General of the Department of the Premier and Cabinet in Western Australia, told the public hearing that there was then no government position on opting in to a national scheme and that this would be considered by the new government after the election.<sup>50</sup>

## Institutional responses to redress recommendations

We held public hearings in a number of our institutional review case studies between December 2016 and March 2017. During these public hearings, we asked leaders of the institutions being examined what they had done in relation to our recommendations on redress. We also asked whether they would opt in to the Australian Government's national redress scheme.

Ms Melinda Crole, interim CEO of YMCA Australia gave evidence in *Case Study 47: Institutional review of YMCA NSW (Institutional review of YMCA NSW)* about the redress scheme developed by YMCA Australia, which started in September 2016.<sup>51</sup> In relation to the Australian Government's announcement of the national redress scheme, Ms Crole told the public hearing that YMCA supported a national redress scheme but needed to know the detail to determine whether to opt in. Ms Crole also indicated that YMCA would be meeting with the Australian Government to discuss the national scheme.<sup>52</sup>

In *Case Study 48: Institutional review of Scouts and Hunter Aboriginal Children's Service (Institutional review of Scouts and Hunter Aboriginal Children's Service)*, Mr Neville Tomkins, Chief Commissioner for Scouts Australia New South Wales branch and Scouts Australia's National Coordinator for Redress, gave evidence that the organisation's National Executive Committee supported the Royal Commission's recommendations in relation to redress and the Australian Government's establishment of a national redress scheme.<sup>53</sup> Mr Andrew Smith, General Manager of Scouts New South Wales, gave evidence in relation to the development of guidelines for the provision of redress on an interim basis.<sup>54</sup>

Leaders of a number of religious institutions were asked about redress in the institutional review public hearings.<sup>55</sup> We discuss this evidence in more detail in Volume 16, *Religious institutions*.

For example, in *Case Study 50: Institutional review of Catholic Church authorities*, Mr Francis Sullivan, CEO of the Truth, Justice and Healing Council, told the public hearing that the Catholic Church does not have the ability to opt in to the national scheme as one body;<sup>56</sup> practically speaking, each bishop, provincial or major superior would need to opt into the scheme. During the case study, each archbishop, bishop and religious superior who gave evidence told us that they would opt in to the national redress scheme.<sup>57</sup>

In *Case Study 52: Institutional review of Anglican Church institutions (Institutional review of Anglican Church institutions)*, we heard evidence that the Anglican Church of Australia is developing a national Anglican redress scheme and is considering whether to opt in to the national redress scheme. We also heard that the church's Province of Victoria is developing a Provincial redress scheme as an interim measure before the implementation of either the Anglican redress scheme or the national scheme.<sup>58</sup> The Bishop and Archbishops who gave evidence expressed different levels of support for the national redress scheme and the possibility of allowing survivors to choose to approach the institution directly for redress.<sup>59</sup>

## National redress scheme

The Australian Government Budget Papers, published on 9 May 2017, stated that:

The Government will provide \$33.4 million in 2017–18 to establish the Commonwealth Redress Scheme for Survivors of Institutional Child Sexual Abuse (the Scheme). The Scheme has been designed in close consultation with the Independent Advisory Council on Redress appointed by the Prime Minister in December 2016. The Scheme will commence in March 2018 and start receiving applications from 1 July 2018 from people who were sexually abused as children in Commonwealth institutions. The Commonwealth will continue to engage with States, Territories and non-government institutions to encourage them to join the Scheme to promote a nationally consistent approach to redress. Redress payments will be exempt from income tax.<sup>60</sup>

On 26 October 2017, legislation to establish the Commonwealth Redress Scheme was introduced into Parliament in the Commonwealth Redress Scheme for Institutional Child Sexual Abuse Bill 2017 (Cth). In announcing the introduction of the Bill, Minister Porter stated that 'Assuming bi-partisan support for passage of this Bill, applications for redress to the Scheme can be made from 1 July 2018 and applications will be assessed by expert independent decision makers based on their consideration of individual cases' and confirmed extensive consultations and negotiations were being conducted with 'state and territory governments and non-government institutions, such as churches and charities, to ensure the Redress Scheme provides comprehensive coverage for survivors across Australia'.<sup>61</sup>

### 1.3.2 Civil litigation recommendations

In Australia, the process for obtaining civil justice for personal injury is by an award of damages through successful civil litigation. Redress schemes may provide a suitable alternative to civil litigation for some or even many claimants, but they do not offer monetary payments in the form of compensatory damages obtained through civil litigation.

In considering civil litigation, we focused on the issues that appeared to be particularly difficult for survivors. We recommended reforms in the following four areas:

- limitation periods
- duty of institutions
- identifying a proper defendant
- model litigant approaches.

Our recommended reforms in these areas are discussed in the following sections.

#### Limitation periods

In relation to limitation periods, we recommended that:<sup>62</sup>

- state and territory governments introduce legislation to remove any limitation period that applies to a claim for damages brought by a person where that claim is founded on the personal injury of the person resulting from sexual abuse of the person in an institutional context when the person is or was a child
- limitation periods should be removed with retrospective effect
- courts' existing jurisdictions and powers to stay proceedings be preserved
- state and territory governments implement these recommendations as soon as possible.

## State and territory responses to limitation periods recommendations

Table 17.1 outlines the legislative action taken by those states and territories that have implemented these recommendations.

**Table 17.1 – Legislative action by states and territories to implement recommendations on limitation periods**

Jurisdiction	Legislative action
New South Wales	<i>Limitation Amendment (Child Abuse) Act 2016</i> (NSW) Commenced 17 March 2016
Victoria	<i>Limitation of Actions Amendment (Child Abuse) Act 2015</i> (Vic) Commenced 1 July 2015
Queensland	<i>Limitation of Actions (Child Sexual Abuse) and Other Legislation Amendment Act 2016</i> (Qld) Relevant amendments commenced 1 March 2017
Australian Capital Territory	<i>Justice and Community Safety Legislation Amendment Act 2016</i> (No 2) (ACT) Relevant amendments commenced 26 August 2016
Northern Territory	<i>Limitation Amendment (Child Abuse) Act 2017</i> (NT) Commenced 15 June 2017

The Victorian amendments commenced before publication of the Royal Commission's recommendations.

At the time of writing, Western Australia, South Australia and Tasmania have not implemented our recommendations in relation to limitation periods.

Mr Smith, Acting Director-General of the Western Australian Department of the Premier and Cabinet, told the public hearing in the *Institutional review of Commonwealth, state and territory governments* case study that the then Liberal–National Government – now Opposition – in Western Australia had committed to introduce legislation to remove the relevant limitation periods if re-elected and that he understood that the then Labor Opposition – now Government – had also committed to introduce relevant legislation.<sup>63</sup>

Ms Mealor, of the South Australian Attorney-General's Department, told the public hearing in the same case study that South Australia did not intend to remove its limitation period and outlined its reasons for not doing so.<sup>64</sup> A private members bill, the Limitation of Actions (Institutional Child Sexual Abuse) Amendment Bill 2016 (SA), remains before the House of Assembly where the second reading debate was adjourned on 29 September 2016.

Mr Overland, of the Tasmanian Department of Justice, told the public hearing in the same case study that the Tasmanian Government had announced its intention to introduce amendments to the *Limitation Act 1974* (Tas) to implement the Royal Commission's recommendations and that the bill was scheduled to be introduced into the Tasmanian Parliament in the second half of 2017.<sup>65</sup>

At Commonwealth level, a Legal Services Direction given by the Attorney-General, Senator Brandis, directs Australian Government agencies from 4 May 2016 to not plead a defence based on an expired limitation period in a 'time-barred child abuse claim' where damages are claimed as a result of sexual abuse of the claimant in an institutional context while they were a minor.<sup>66</sup>

## Duty of institutions

In October 2016, after we published our *Redress and civil litigation* report, the High Court of Australia reconsidered vicarious liability in *Prince Alfred College Inc v ADC* (*Prince Alfred College*).<sup>67</sup> As we discussed in our report, while an institution could be vicariously liable for torts committed by its employees while acting in the course of their employment, Australian law had generally taken the view that child sexual abuse would not be found to have occurred 'in the course of employment'.

We discussed the decision of Vanstone J at first instance in the South Australian Supreme Court in our *Redress and civil litigation* report.<sup>68</sup> After publication of our report, Vanstone J's decision was the subject of appeal to the Full Court of the Supreme Court of South Australia,<sup>69</sup> whose decision was then the subject of appeal to the High Court.<sup>70</sup>

Although the High Court determined the appeal on the basis that the plaintiff should not have been granted an extension of time in which to institute proceedings against the college,<sup>71</sup> it discussed its earlier decision in *New South Wales v Lepore*<sup>72</sup> and the principles governing the liability of an employer for the intentional criminal act of an employee.

The majority in *Prince Alfred College* suggested that the vicarious liability of an employer might extend to a criminal offence (such as child sexual abuse) committed by an employee if the employment not only provided the opportunity for the abuse but also was the 'occasion' for the abuse.<sup>73</sup> In their joint judgment, French CJ, Kiefel, Bell, Keane and Nettle JJ stated:

in cases of this kind, the relevant approach is to consider any special role that the employer has assigned to the employee and the position in which the employee is thereby placed vis-à-vis the victim. In determining whether the apparent performance of such a role may be said to give the 'occasion' for the wrongful act, particular features may be taken into account. They include authority, power, trust, control and the ability to achieve intimacy with the victim. The latter feature may be especially important. Where, in such circumstances, the employee takes advantage of his or her position with respect to the victim, that may suffice to determine that the wrongful act should be regarded as committed in the course or scope of employment and as such render the employer vicariously liable.<sup>74</sup>

The High Court's decision in *Prince Alfred College* represents an expansion of vicarious liability in Australian law. However, we are satisfied that the reforms we recommended in our *Redress and civil litigation* report in relation to the duty of institutions remain necessary. In Australia, an institution's vicarious liability remains limited to the conduct of employees, but we have examined many cases where abuse has been committed or is alleged to have been committed in an institutional context by perpetrators or alleged perpetrators who were not employees of the institution.

It is also clear from the High Court's decision in *Prince Alfred College* that proving the employment provided the 'occasion' for the commission of the abuse is unlikely to be straightforward in many cases. In relation to the circumstances in *Prince Alfred College*, French CJ, Kiefel, Bell, Keane and Nettle JJ stated:

In the present case, the appropriate enquiry is whether Bain's role as housemaster placed him in a position of power and intimacy vis-à-vis the respondent, such that Bain's apparent performance of his role as housemaster gave the occasion for the wrongful acts, and that because he misused or took advantage of his position, the wrongful acts could be regarded as having been committed in the course or scope of his employment. The relevant approach requires a careful examination of the role that the PAC [Prince Alfred College] actually assigned to housemasters and the position in which Bain was thereby placed vis-à-vis the respondent and the other children.<sup>75</sup>

The relevant circumstances of the abuse, such as where it occurred, would need to be considered. French CJ, Kiefel, Bell, Keane and Nettle JJ stated:

Depending on all the facts and circumstance of a given case, it is at least conceivable that unlawful acts committed by a housemaster in a boarding house would be seen to attract vicarious liability, whereas some or all of other such unlawful acts committed by the housemaster elsewhere in or beyond the school would not. In the course of argument for the respondent it was conceded that acts outside the school might well fall into a different category from those which took place in the boarding house.<sup>76</sup>

Further, the precise content of the role assigned by the employer to the employee would need to be considered. French CJ, Kiefel, Bell, Keane and Nettle JJ stated:

because of the dearth of evidence no conclusion could be drawn about Bain's role, a matter critical to the question of vicarious liability. It could not be assumed that the position in which Bain was placed by his assigned role provided the 'occasion' for the offending. The evidence on the respondent's case was that no other housemaster was present in dormitories after lights out and that the prefects were given the role of supervising the boys after that time. This raised a real question about what the role of housemaster entailed, a question which could not fairly be answered given the loss of relevant evidence.<sup>77</sup>

Detailed evidence of the role the employer assigned to the employee may be unavailable, particularly in cases involving historical abuse. This may be so even where the employee has been convicted of the abuse, as was the case in *Prince Alfred College*.<sup>78</sup>

Given these difficulties, in spite of the High Court's expansion of vicarious liability in Australian law in *Prince Alfred College*, we are satisfied that the reforms we recommended in our *Redress and civil litigation* report in relation to the duty of institutions remain necessary. *Prince Alfred College* may enable some survivors to recover damages from institutions for past child sexual abuse in circumstances where they would not have been able to do so before the High Court's decision. However, we remain satisfied that the liability of institutions for child sexual abuse committed in future in an institutional context by persons associated with the institution should be placed on a clearer statutory basis, both as to the duty for certain institutions and in relation to the onus of proof.

In our *Redress and civil litigation* report we recommended that state and territory governments introduce legislation to impose a non-delegable duty on certain institutions for institutional child sexual abuse despite it being the deliberate criminal act of a person associated with the institution.<sup>79</sup> A non-delegable duty would impose liability on the institution without requiring proof that it was negligent.

We also recommended that, irrespective of whether state and territory parliaments legislate to impose a non-delegable duty, state and territory governments should introduce legislation to make institutions liable for institutional child sexual abuse by persons associated with the institution unless the institution proves it took reasonable steps to prevent the abuse.<sup>80</sup> This would effectively reverse the onus of proof for institutions in civil litigation alleging that the institution was negligent, so that if a survivor proved that they were abused in an institution, it would be for the institution to prove that it took reasonable steps to prevent the abuse.

## State and territory responses to duty of institutions recommendations

Victoria amended the *Wrongs Act 1958* (Vic) to introduce a new Part XIII in relation to organisational liability for child abuse. The *Wrongs Amendment (Organisational Child Abuse) Act 2017* (Vic) commenced on 1 July 2017. The amendments apply to abuse that occurs on or after 1 July 2017.<sup>81</sup>

Sections 91(1) and 91(2) of the *Wrongs Act 1958* (Vic) ‘imposes a duty of care’ on a relevant organisation to take reasonable care to prevent the abuse of a child by an individual associated with the relevant organisation while the child is under the care, supervision or authority of the relevant organisation.

Section 91(3) of the *Wrongs Act 1958* (Vic) reverses the onus of proof so that, once it is proved that the abuse occurred and that it was committed by an individual associated with the relevant organisation, breach of the duty of care will be presumed unless the relevant organisation proves that it took reasonable precautions to prevent the abuse.

In August 2016, the Queensland Government released an issues paper in relation to the Royal Commission’s civil litigation recommendations.<sup>82</sup> The issues paper listed a number of questions in relation to the non-delegable duty and the reverse onus of proof. Mr David Mackie, Director-General of the Queensland Department of Justice and Attorney-General, told the public hearing in the *Institutional review of Commonwealth, state and territory governments* case study that following the end of the consultation period in October 2016 the Queensland Attorney-General determined that further responses were required from some stakeholder groups, particularly churches and educational institutions, and that further consultation was being pursued.<sup>83</sup>

In July 2017, the New South Wales Government released a consultation paper in relation to a number of the Royal Commission’s civil litigation recommendations, including the recommendations in relation to the duty of institutions.<sup>84</sup> The consultation paper lists a number of discussion questions in relation to the non-delegable duty and the reverse onus of proof. The consultation period ends in September 2017.

In relation to the other states and territories, we heard evidence from the relevant representatives in the *Institutional review of Commonwealth, state and territory governments* case study that:

- the Northern Territory Government was hoping to have options developed for consideration by Cabinet in the middle of 2017 and for the work to be finished by the end of 2017<sup>85</sup>
- the Australian Capital Territory Government had not progressed work on these issues but was following developments in New South Wales and Victoria with great interest<sup>86</sup>
- the Tasmanian Government had given priority to other reforms, including limitation periods, but was monitoring the work of other jurisdictions<sup>87</sup>
- the Western Australian Government had not formed a policy position on the duty of institutions before it entered the caretaker period on 1 February 2017 ahead of the election on 11 March; the issue was expected to be considered by the new government following the election and Western Australia was watching closely what happens in other jurisdictions<sup>88</sup>
- the South Australian Government had not done any work in relation to the issues and may not consider them before this Final Report was due.<sup>89</sup>

## Identifying a proper defendant

In our *Redress and civil litigation* report, we discussed the difficulties survivors have encountered in trying to identify a proper defendant to sue. The structure of religious bodies often means that there is no legal entity against whom a claim can be prosecuted. We recognised that the same difficulty would arise whenever the assets of any institution are held in a manner that makes them unavailable in a civil action, for example, because the assets are held in trust.<sup>90</sup>

We recommended that state and territory governments introduce legislation to provide a ‘proper’ defendant. This would ensure that where a survivor wants to commence proceedings for damages in respect of institutional child sexual abuse where the institution is alleged to be an institution with which a property trust is associated, then unless the institution nominates a ‘proper’ defendant to sue that has sufficient assets to meet any liability arising from the proceedings, the property trust is a ‘proper’ defendant to the litigation.<sup>91</sup>

We also recommended that the Australian Government and state and territory governments consider whether they fund any unincorporated bodies to provide children’s services. If so, we recommended that they consider requiring these children’s service providers to maintain insurance that covers their liability in respect of institutional child sexual abuse claims.<sup>92</sup>

## State and territory responses to identifying a proper defendant

Victoria introduced legislation in relation to identifying a ‘proper’ defendant in its amendments to the *Wrongs Act 1958* (Vic) which commenced on 1 July 2017. In claims relying on the duty in section 91 of the *Wrongs Act 1958* (Vic), outlined above in relation to the duty of institutions, section 92 provides that an entity that is not capable in law of being sued may nominate a legal person who is capable of being sued as the appropriate defendant for the purposes of the claim.

This legislation facilitates the nomination by an institution of an appropriate defendant. The explanatory memorandum stated that, in response to the Victorian *Betrayal of trust: Inquiry into the handling of child abuse by religious and other non-government organisations* report in 2013 and our *Redress and civil litigation* report, some unincorporated organisations have proactively set up entities for child abuse plaintiffs to sue, or have pledged to nominate entities to act as a ‘proper’ defendant.<sup>93</sup> The new laws are intended to facilitate these arrangements. If a nomination is made, it is expected that defendants would assist plaintiffs via correspondence to identify the correct entity to sue.<sup>94</sup>

The Queensland Government’s issues paper released in August 2016 raised the issue of identifying a ‘proper’ defendant.<sup>95</sup> As discussed in relation to the duty of institutions, further consultation is being pursued in relation to the issues paper.<sup>96</sup>

Similarly, the New South Wales Government’s consultation paper released in July 2017 raised our recommendations in regard to identifying a ‘proper’ defendant. The paper lists a number of discussion questions in relation to the recommendations and other possible options for reform.<sup>97</sup>

## Model litigant approaches

In our *Redress and civil litigation* report, we recommended that government and non-government institutions that receive, or expect to receive, civil claims for compensation concerning institutional child sexual abuse should adopt guidelines for responding that are designed to minimise potential re-traumatisation of claimants and to avoid unnecessarily adversarial responses.<sup>98</sup>

We also recommended that the guidelines include an obligation on the institution to assist claimants and their legal representatives in identifying the proper defendant to a claim. We recommended institutions publish the guidelines or otherwise make them available to claimants and their legal representatives.<sup>99</sup>

In our *Redress and civil litigation* report, we discussed:

- the *Common guiding principles for responding to civil claims involving allegations of child sexual abuse* adopted in Victoria by the Department of Human Services and the Department of Education and Early Childhood Development<sup>100</sup>
- the 18 Guiding Principles introduced by the New South Wales Government in November 2014 to guide how its agencies respond to civil claims for child sexual abuse<sup>101</sup>
- the South Australian Government's announcement that common law claims that arise from sexual abuse in state care would be litigated compassionately or that survivors could apply for ex gratia payments pursuant to the *Victims of Crime Act 2001* (SA) as an alternative to litigation.<sup>102</sup> The announcement followed the report of the taskforce to examine redress, which was established under recommendation 40 of the report of the Commission of Inquiry into Children in State Care.

## State and territory responses to model litigant recommendations

In August 2016, the Queensland Government introduced guidelines for responding to civil litigation involving child sexual abuse, which are published on the Department of Justice and Attorney-General website.<sup>103</sup> These guidelines set out 'how the State of Queensland and all agencies should respond to civil litigation against the State brought by claimants who have been sexually abused as children and are intended to ensure a compassionate and consistent approach by government and to make civil litigation less traumatic for victims'.<sup>104</sup>

We heard evidence from the relevant representatives in the *Institutional review of Commonwealth, state and territory governments* case study that:

- the Northern Territory Government was yet to produce guidelines but it noted the work done in other jurisdictions and hoped to have guidelines available as soon as possible which would also take account of any recommendations of the Royal Commission into the Protection and Detention of Children in the Northern Territory<sup>105</sup>
- the Australian Capital Territory Government had not adopted guidelines in addition to its existing model litigant guidelines but would look at what New South Wales, Victoria and Queensland have done<sup>106</sup>
- the South Australian Government was reviewing its model litigant guidelines to see whether to insert a new section dealing with child sexual abuse claims<sup>107</sup>
- the Tasmanian Government did not have model litigant guidelines and had no intention to draft any<sup>108</sup>
- the Western Australian Government did not have model litigant guidelines.<sup>109</sup>

## Institutional responses to model litigant approaches and proper defendant recommendations

We held public hearings in a number of institutional review case studies between December 2016 and March 2017. While most of our recommendations in relation to civil litigation were directed at governments, we asked leaders of the non-government institutions being examined about what they had done in relation to our recommendations on model litigant approaches.

Ms Crole, YMCA Australia interim CEO, gave evidence in the *Institutional review of YMCA NSW* case study that, of the four applications received under the scheme at the time of the public hearing, two had come through civil litigation where the claimants then chose to pursue redress, although they retained the option of pursuing civil litigation.<sup>110</sup> Ms Crole referred to the changes in member associations of the YMCA that may affect the availability of an entity to sue, but said that the redress scheme is available in these circumstances.<sup>111</sup> Ms Crole indicated that liability is left to individual member associations, and if a member association ceases to exist there would be no entity to sue.<sup>112</sup>

In the *Institutional review of Scouts and Hunter Aboriginal Children's Service* case study, Mr Andrew Smith, General Manager of Scouts New South Wales, gave evidence about the development of guidelines for the organisation. Mr Smith said that he was very mindful of the Royal Commission's recommendation about having suitable guidelines documented and made available, and he told the public hearing that there was a well-developed draft document prepared with the organisation's lawyers to give effect to the recommendation.<sup>113</sup> Mr Smith discussed Scouts New South Wales' engagement of new lawyers to assist it in managing claims, including to provide a timely and consistent response to survivors.<sup>114</sup>

Leaders of a number of religious institutions were asked in the institutional review public hearings about their responses to our recommendations in relation to model litigant approaches, including assisting claimants to identify a proper defendant.<sup>115</sup> We discuss this evidence in more detail in Volume 16, *Religious institutions*.

In relation to the Catholic Church, in November 2015, the Truth, Justice and Healing Council published a set of guidelines on how Catholic Church authorities should respond when claims of child sexual abuse are brought against them. The Guidelines for Church Authorities in Responding to Civil Claims for Child Sexual Abuse (Council Civil Claims Guidelines) became effective on 1 January 2016 and were designed to promote 'justice and consistency' in the way that the Catholic Church handles child sexual abuse claims and conducts litigation.<sup>116</sup>

The Council Civil Claims Guidelines include a commitment by the Catholic Church to ‘assist the claimant to identify the correct defendant to respond to the legal proceedings’.<sup>117</sup> A number of bishops in the Catholic Church told us they have made themselves available as the defendant in civil proceedings.<sup>118</sup> Other Catholic Church authorities gave evidence that they will nominate the trustees of their particular authority as the proper defendant in civil claims.<sup>119</sup> Some Catholic Church authorities told us that they are yet to make firm decisions regarding the question of identifying a defendant against which proceedings may be brought.<sup>120</sup>

During the public hearing in the *Institutional review of Anglican Church institutions* case study, we heard that with the exception of the Diocese of Wangaratta, Anglican Church authorities have not developed or adopted any model litigant guidelines. Mr Garth Blake SC, Chair of the Anglican Professional Standards Commission, told us it was ‘something we could do and I’m aware the Catholic Church has produced some guidelines. There is no reason why, I think, we couldn’t do something similar’.<sup>121</sup>

In relation to the issue of identifying a proper defendant, we heard evidence that some Anglican dioceses, particularly in Victoria, have taken steps to incorporate as legal entities.<sup>122</sup> We heard that as a matter of practice in the Anglican Church, where a diocese is an unincorporated body and there have been claims of child sexual abuse, the diocese has sought to put forward a proper defendant to respond.<sup>123</sup>

During the public hearing in *Case Study 56: Institutional review of Uniting Church in Australia (Institutional review of Uniting Church in Australia)*, we heard that the Uniting Church at a national level has developed principles for responding to civil claims for institutional child sexual abuse that follow those set out in our *Redress and civil litigation* report. This included the principle that the Royal Commission endorsed about the government being the funder of last resort. This was agreed to and endorsed by the Uniting Church’s synods.<sup>124</sup>

We heard in *Case Study 33: The response of The Salvation Army (Southern Territory) to allegations of child sexual abuse at children’s homes that it operated* that the Salvation Army Southern Territory pleaded the absence of a proper defendant between 2008 and 2010.<sup>125</sup>

During the public hearing in *Case Study 49: Institutional review of The Salvation Army, Australia Eastern Territory and Australia Southern Territory (Institutional review of The Salvation Army)*, The Salvation Army Southern Territory and The Salvation Army Eastern Territory confirmed that they had decided they would not seek to defend any claim by a survivor on this proper defendant basis.<sup>126</sup>

## 1.4 Implementation of the *Criminal justice* report recommendations

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Our *Criminal justice* report was released on 14 August 2017. The report noted that a criminal justice response is important to survivors not only in seeking justice for them personally but also in encouraging reporting of, and preventing, child sexual abuse.

Our recommendations in the report focused on those aspects of the contemporary responses of the criminal justice system that we believe require further reform.

Our first recommendation, which guided our other recommendations on criminal justice, stated that, in relation to child sexual abuse, including institutional child sexual abuse, the criminal justice system should be reformed to ensure that the following objectives are met:<sup>127</sup>

- the criminal justice system operates in the interests of seeking justice for society, including the complainant and the accused
- criminal justice responses are available for victims and survivors
- victims and survivors are supported in seeking criminal justice responses.

We made recommendations in areas including sentencing standards in historical cases, tendency and coincidence evidence and joint trials, grooming children and those around them, failure to report and the religious confessional, and failure to protect a child in an institution.

At the time of writing, there had already been some progress towards implementation of some of these recommendations.

On 1 September 2017, the New South Wales Attorney General, the Hon. Mark Speakman SC, MP released a discussion paper considering the recommendations made in our *Criminal justice* report.<sup>128</sup> This discussion paper covers the Royal Commission's legislative recommendations with the aim of seeking stakeholder views about what, if any, reforms are required in the state.

On 13 September 2017, the federal Minister for Justice, the Hon. Michael Keenan MP, introduced the Crimes Legislation Amendment (Sexual Crimes Against Children and Community Protection Measures) Bill 2017 (Cth).

The Bill was said to be intended to target all aspects of the child sex offender cycle, from the time of an offence to bail, sentencing and post-imprisonment; combat the evolving use of the internet in child sexual abuse; and address community concern that the sentencing for child sex offences is not commensurate to the seriousness of these crimes.<sup>129</sup> In his second reading speech, the Minister stated that the Bill ‘contains the most comprehensive and significant Commonwealth child sex offender reforms since the introduction of the Criminal Code in 1995’ and that the Bill ‘is consistent with a number of recommendations made by the Royal Commission’ in its *Criminal justice* report.<sup>130</sup>

On 14 September 2017, the Senate referred the Bill for inquiry and report by the Senate Legal and Constitutional Affairs Legislation Committee by 16 October 2017.

## 1.5 Other impacts

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The work of the Royal Commission has also had an impact in terms of other legislative and regulatory changes, changes to institutional policies and procedures (including in relation to redress schemes and the provision of support services), and through the provision of counselling and support as part of our private sessions process. More generally, it is possible to document the Royal Commission’s significant contribution to the visibility and understanding of child sexual abuse in institutional contexts, both in Australia and overseas. The nature of these impacts and some examples are discussed in this section.

In addition, Appendix A provides a list of developments that took place during the Royal Commission compiled from media reports, public statements and testimony at Royal Commission hearings. The list presents some examples of how governments, institutions and individuals have been addressing aspects of child sexual abuse in institutional contexts. It is not exhaustive.

### 1.5.1 Other legislative or administrative changes

A number of other legislative or regulatory changes have resulted, at least in part, from the work of the Royal Commission. For example, in the Australian Capital Territory, the *Reportable Conduct and Information Sharing Legislation Amendment Act 2016* (ACT) was enacted to allow, among other things, more effective sharing of information between entities working towards the protection of children. The explanatory statement to the Bill noted that evidence before the Royal Commission and other inquiries demonstrated that the territory’s existing information sharing regime was a barrier to the effective protection of children.<sup>131</sup>

In Victoria, the *Child Wellbeing and Safety Amendment (Oversight and Enforcement of Child Safe Standards) Act 2016* (Vic) introduced oversight and enforcement powers for the Commission for Children and Young People to ensure that all organisations to which the state's child safe standards apply are meeting the requirements. The Bill was stated to be in alignment with the approach of the Royal Commission in building the capacity of organisations in relation to compliance with these standards.<sup>132</sup>

The Australian Government, in introducing the National Disability Insurance Scheme Amendment (Quality and Safeguards Commission and other Measures) Bill 2017 (Cth), referred to recent inquiries, including the Royal Commission, as documenting 'the weaknesses of the current safeguarding arrangements for disability services, many of which result from a disconnection between quality assurance and oversight regulatory functions'.<sup>133</sup>

Access to institutional records can be of critical importance to victims and survivors of child sexual abuse. As part of its response to the Royal Commission, in 2014 the New South Wales Government doubled the resources allocated to the processing of care-leavers' applications for their records.<sup>134</sup>

### 1.5.2 Changes to institutional policies and procedures

The Royal Commission – particularly our public hearings – was a catalyst for changes to institutional policies and procedures aimed at preventing and improving responses to child sexual abuse.

We heard evidence in our inquiry about many changes in institutional policies and procedures to respond to concerns about child sexual abuse being investigated by the Royal Commission. Some examples are set out in this section.

#### Religious institutions

In the *Institutional review of Uniting Church in Australia* case study, the Uniting Church confirmed the ongoing implementation of its National Child Safety Framework, which it developed to provide an overarching and nationally consistent framework for child safety for the church and its institutions.<sup>135</sup>

In the *Institutional review of Australian Christian Churches* case study, representatives from Australian Christian Churches and Hillsong Church told us that they had taken steps to address our findings. These included:<sup>136</sup>

- making it mandatory, rather than optional, for affiliated churches to adopt and adhere to child protection policies set by the Australian Christian Churches
- implementing a condition that credentialed ministers and pastors be ineligible for renewal if they have failed to complete child protection training in the previous three years
- amending the grievance procedure to ensure that children and adults with disability can make a complaint, and are assisted to document the complaint
- making monitoring of complaints a permanent agenda item at both national and state executive meetings
- amending a document entitled ‘Ministerial Code of Conduct’ to set out expectations of credentialed ministers in handling allegations of sexual abuse, including consequences of a breach, and specific reference to conflicts of interest.

In March 2016, Archbishop Christopher Prowse, the Catholic Archbishop of Canberra and Goulburn, announced the establishment of the Institute for Professional Standards and Safeguarding, a response to the Royal Commission’s ‘focus on the Catholic Church’.<sup>137</sup>

In October 2016, the Anglican Diocese of Melbourne announced that it would set up an independent body to investigate sexual abuse complaints, partly in response to the Royal Commission and the *Betrayal of trust* report.<sup>138</sup>

In November 2016, the Catholic Church established a Catholic Professional Standards agency to set, audit and report the compliance of diocese and religious orders with child safe and vulnerable adult protection standards. This new agency began operation in early 2017. The agency is intended to ensure that professional standards apply across all aspects of Catholic Church activities. It audits the performance of bishops and religious leaders on how their services comply with the standards.<sup>139</sup>

Child safe initiatives in the major religious organisations are discussed in more detail in Volume 16, *Religious institutions*.

## Schools

In June 2016, Marist Schools Australia (MSA) introduced new child protection standards.<sup>140</sup> These reference the work of the Royal Commission (and the Victorian Inquiry into the Handling of Child Abuse by Religious and other Non-Government Organisations) in highlighting the multiplicity of child protection laws in Australia and that, historically, there have been inadequate and inconsistent approaches to child protection in many organisations.<sup>141</sup> The standards aim to improve the way that Marist schools prevent and respond to child abuse, and to 'develop further a culture within each MSA-governed school wherein protecting children from abuse is embedded in the everyday thinking and practice of leaders, staff, and volunteers'.<sup>142</sup>

In October 2016, Geelong Grammar School appointed a survivor liaison coordinator to provide outreach and support to survivors of child sexual abuse at the school. The responsibilities of the role include to:<sup>143</sup>

- connect with survivors of historical child sexual abuse, to listen to them and to provide support by arranging counselling with an independent counsellor or other counsellor
- encourage other survivors of historical child sexual abuse at the school to come forward, so guidance and support can be provided
- be a point of contact for those who have any concerns about historical child sexual abuse and want to talk to someone about them
- support those former members of staff who were not themselves guilty of any abuse, but who feel anguish that they did not do enough to stop abuse earlier.

In February 2017, the Geelong Grammar School principal, Mr Stephen Meek, wrote to inform community members about the school's response to the Royal Commission. He noted, among other things, the role of the survivor liaison coordinator and that school policies had been updated to reflect the new child safe standards introduced in Victoria in January 2017. He also noted that the school continued to provide an independent counsellor for anyone in the school community who wanted counselling or support on the issue of child sexual abuse.<sup>144</sup>

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

In the *Institutional review of Scouts and Hunter Aboriginal Children's Service* case study, we heard evidence from representatives of Scouts about a number of policy developments which were said to demonstrate that the organisation had undertaken significant work to improve its child safe approach.

For example, Mr Smith, General Manager of Scouts NSW, gave evidence that Scouts NSW has a Child Protection Team to provide a single point of contact for management of any allegations or concerns in relation to child protection.<sup>145</sup> He said Scouts has a 'Two Deep Leadership' policy, which provides that Scout leaders are never to be alone with a youth member.<sup>146</sup> Mr Christopher Bates, Chief Commissioner of Scouts Australia, confirmed that there is a national Scouts database on which any person who has been alleged to be involved in any child protection matters may have their name flagged.<sup>147</sup>

In November 2014, the Australian Olympic Committee announced that all coaches, staff and officials would have to undergo a mandatory Working With Children Check before they could join the Australian Olympic Team at the 2016 Rio Games. It was reported that, concerned by the revelations at the Royal Commission, the committee would introduce the policy 'to protect all members of our Olympic Teams and create a child safe environment'.<sup>148</sup> This followed the public hearing in *Case Study 15: Response of swimming institutions, the Queensland and NSW Offices of the DPP and the Queensland Commission for Children and Young People and Child Guardian to allegations of child sexual abuse by swimming coaches*.<sup>149</sup>

In June 2017, Tennis Australia embarked on a national education and information campaign aimed at strengthening measures to safeguard children, in part because the 'Royal Commission identified that we needed to improve our procedures and process in relation to child safety within the tennis family'.<sup>150</sup>

### 1.5.3 Awareness of child sexual abuse

Our public hearings have brought widespread attention to the nature and extent of institutional child sexual abuse.

This attention has increased public awareness of child safety in institutions that provide services to children. Facilitated by the media, our work helped further public and institutional understanding of the nature, scope and impact of child sexual abuse in institutional contexts.<sup>151</sup>

Public statements by high-profile institutional leaders, including from the Catholic Church, highlight the contribution we have made to public awareness of child sexual abuse. For example, in February 2017, the Archbishop of Perth, Archbishop Timothy Costelloe, expressed gratitude that ‘the Royal Commission is finally bringing this terrible scandal to light and probing, in a systematic and detailed way, into the possible causes of such a disaster’.<sup>152</sup> He stated:

The sense of shock and disgust in relation to the publication of the statistics concerning child sexual abuse in the Catholic Church in Australia, and for us here in the West in our own state, and particularly in the Archdiocese of Perth, is palpable, justified and confronting. Both those within the Catholic Church and those outside it are asking how this revolting and insidious evil could have been so prevalent, so long unacknowledged, and so badly handled.<sup>153</sup>

The Archbishop of Sydney, Archbishop Andrew Fisher, reflected in a 2017 pastoral message on the ‘distressing and shameful cases of sexual abuse told to the Royal Commission by courageous survivors’ and stated that the Catholic Church was ‘grateful for the patient study and professional guidance of the Royal Commission’ in this regard.<sup>154</sup>

Following his attendance at the public hearing in *Case Study 44: The response of the Catholic Dioceses of Armidale and Parramatta to allegations of child sexual abuse against a priest*, the Bishop of Armidale, Bishop Michael Kennedy, issued a pastoral statement containing his ‘personal reflections’. He stated to parishioners:

It is my hope that by reading this you may come to an understanding of my own depth of sorrow and shame for the failings of our Church and Diocese and that you might be informed of the changes that have been taking place in the Diocese to ensure that our parishes are safe places for all the children and vulnerable in our care.<sup>155</sup>

### 1.5.4 Impact of private sessions for attendees

As discussed in Volume 5, *Private sessions*, many survivors told us how important it was to them to tell their story to a Commissioner who in their eyes, represented the ‘highest authority in the land’. Many felt that the Australian Government and the people of Australia were finally taking them seriously and that what they had to say about their experiences of child sexual abuse was valued – that it mattered and they mattered. The opportunity to be heard, as one survivor told us, was overwhelming. “‘If you’re ready to talk, we’re ready to listen.” Those simple closing words in one of the Commission’s information videos reduced me to tears.’<sup>156</sup>

For some survivors, telling their story to a Commissioner in a private session was the first time they had disclosed the abuse. Of the survivors who discussed in a private session who they disclosed to, one in 10 (10.3 per cent) disclosed for the first time to the Royal Commission.<sup>157</sup> Others told us it was the first time in their life they felt they had been heard by someone in a position of authority.

Survivors in prison, for example, told us that although there were other avenues to disclose, they felt there was a risk with these services that other prisoners would find out about them being victims, and that this was a risk they were not prepared to take. Many survivors said they had kept silent or blocked out memories or thoughts of the sexual abuse for a long time. More than two-thirds (68.3 per cent) of survivors who were in prison at the time of their private session told Commissioners details of the people they disclosed to. Of those, one in three (31.4 per cent) told their story for the first time to the Royal Commission. Like other survivors, prisoners often came forward hoping that telling their story might change the lives of children living now. Many said that the existence and profile of the Royal Commission had encouraged them to come forward. These survivors often said they felt the timing was right to tell their story and that they had confidence they would be taken seriously. They told us that the Royal Commission had prompted them to think about the effect the abuse had had on their lives.

Many survivors reported that private sessions were a powerful experience.<sup>158</sup> ‘Marlene’ told us about how attending a private session gave her the opportunity to finally tell her story and be heard:

I grew up with such dominating fear and I couldn’t understand why. If it wasn’t for the Royal Commission we’d all go to our graves with those horrors in our memory and nobody knowing about them. I think it’s a miracle really, I don’t know what other word to use. All these people that have these memories are getting set free.<sup>159</sup>

We received correspondence from survivors who attended a private session, many of whom told us about the impact of their engagement with Royal Commission. One survivor wrote:

I kept a secret about my abuse for over 50 years. I was hesitant to get in touch with the inquiry but I am glad I did ... [the] team made me feel at home ... I hope other[s] would come forward ... I know there were many ... Thanks again, I have now told my kids and they understand why I was such an arse. We have decided to get legal advice ...<sup>160</sup>

Another survivor wrote:

I feel relieved my story has now been heard after all the years of being frightened to say anything as I was always told 'kids should be seen and not heard'. I have been treated with respect, empathy and understanding by all parties involved in shedding light on the misjustices I experienced which has assisted in me being able to open up and tell my story as it actually happened.<sup>161</sup>

We were told in correspondence that after attending a private session some survivors have taken action including seeking legal advice to make a redress claim, making a complaint to police, writing to institutions to seek redress, writing to government authorities to suggest memorials and healing ceremonies, and volunteering as advocates for victims and survivors of child sexual abuse.

### 1.5.5 Impact of public hearings

As discussed, our public hearings brought widespread attention to the nature and extent of institutional child sexual abuse, particularly within communities whose children were abused.

The Loud Fence movement, for example, arose out of the local community's response to the evidence heard at the Royal Commission's public hearing into Catholic Church authorities in Ballarat. Locals were invited over social media to tie a brightly coloured ribbon on the front fences of the St Alipius primary school, within the Diocese of Ballarat, to show support for the victims and survivors of child sexual abuse who suffered there and at other institutions.

People who could not attend the site were asked to tie ribbons on their letterboxes, at their workplace doors and at their local institutions to discourage the silence surrounding child sexual abuse.

In the years following the public hearing in Ballarat, Loud Fences have appeared at other sites of institutional child sexual abuse around Australia and the world. This included at the sites of other institutions that were the subject of Royal Commission public hearings, such as Geelong Grammar School and the Catholic Church in Armidale.

In an interview in February 2016, Ms Belinda Coates, Deputy Mayor of Ballarat, said that her city was also showing its support for survivors of child sexual abuse through a crowdfunding effort to pay for the costs of survivors to travel to Rome for the Royal Commission hearings.<sup>162</sup> Ms Coates accompanied survivors to Rome as a representative of the Ballarat community. In March 2016, the \$110,000 raised through crowdfunding was matched by the Victorian Government to fund the work of the Ballarat Centre Against Sexual Assault (Ballarat CASA) in running a dedicated Ballarat Survivors group for survivors of child sexual abuse.<sup>163</sup> Other government members voiced their support for survivors of child sexual abuse in the community. In a media release, the Hon. Daniel Andrews, Premier of Victoria, stated 'Now more than ever we need to support the Ballarat community as it recovers'.<sup>164</sup> Ms Sharon Knight, Member for Wendouree, also stated 'Too many people across Ballarat have been impacted by the scourge of institutional abuse and it's vital that we support the community during this difficult time'.<sup>165</sup>

Before departing for Rome, Ballarat survivor Mr Peter Blenkiron told local news outlets that he believed the Royal Commission's public hearings may have flow-on effects for the community. 'Being a part of the inquiry and bearing witness to this evidence is all about a small shift in the reclamation of power that can create big changes, not just for the individual, but their supporters which flows on to a power shift for our community to heal', Mr Blenkiron said.<sup>166</sup>

### 1.5.6 Increased demand for support services

Organisations working directly with victims and survivors have told us that the Royal Commission, including through the private sessions process, has encouraged people to talk about child sexual abuse. For many, the reluctance to talk – a product of the stigma attached to the issue – has been alleviated. Survivors are now encouraged to seek support.

For example, Ms Karen Willis, Chief Executive of Rape and Domestic Violence Services Australia, said that the Royal Commission has helped to remove the shame felt by victims of child sexual abuse. She said that more people are calling the service as a result.<sup>167</sup>

The Blue Knot Foundation (formerly Adult Survivors of Child Abuse) supports survivors of childhood abuse and trauma and their families through a telephone and email helpline. The foundation recorded an increase in demand for its support services during the inquiry.

Significant growth in the use of its helpline since 2013 has led the Blue Knot Foundation to expand its service from four hours a day, five days a week, to eight hours a day, seven days a week. From 1 July to 30 December 2013, it reported an average of 225 occasions of service per month, a 66 per cent increase from the previous reporting period. In the 1 January to 30 June 2017 reporting period, this had risen to an average of 481 occasions of service per month. From 1 January 2016 to 30 June 2017, 76 per cent of helpline service users were adult survivors of childhood trauma or abuse, of whom 62 per cent were adult survivors of childhood sexual abuse (for service users who disclosed the type of their experience of abuse).

### 1.5.7 Apologies

Many survivors of child sexual abuse in an institutional context told us how important it is to them, and their sense of achieving justice, that the institution makes a genuine apology that acknowledges the abuse and its impacts. Some told us that a genuine apology contributed to their healing process. Some felt that apologies were more valuable than monetary compensation.

Our *Redress and civil litigation* report discusses how a genuine apology can play an important therapeutic and restorative role for victims. In the report, we recognise that apologies by institutions, whether they are government or non-government, are an important and necessary form of redress for many survivors of institutional child sexual abuse. We also acknowledge that, for some survivors, no apology could repair the impact of institutional child sexual abuse on their lives and for some, insincere apologies are more damaging than no apology.

Many institutions have come to recognise the traumatic and destructive impact of child sexual abuse. Since our public hearings began, many institutions have taken responsibility for past wrongs and have apologised for the hurt and suffering they caused children in their care. Some institutions delivered public apologies as a result of what was found in our work, including in public hearings. We have also heard of institutions issuing private apologies to victims and survivors.

### 1.5.8 Police investigations

Our work has also had an impact on the investigation of child sexual abuse and related offences by law enforcement agencies. The Royal Commission and the federal and state and territory police departments entered into a memorandum of understanding, which provided for the exchange of information managed by specialist units in each jurisdiction.

More formal exchanges included referrals to law enforcement agencies of evidence of criminal offences that came to our attention. In some cases, this included Royal Commission summonses served for information required for investigations, including public and private hearings.

If we received information relating to a potential contravention of Australian law, we made referrals to police in cases where the alleged perpetrator could have been alive and the survivor wished us to report the matter. There were many cases where the alleged perpetrator was either known to be, or was almost certainly, deceased. If there was a prospective risk to any child a referral was made irrespective of the wish of the survivor. As of 31 July 2017, we had made 2,252 referrals to police, and police had laid charges in a number of cases. Of those 2,252 referrals, 1,129 related to child sexual abuse in religious institutions.

The number of referrals saw some law enforcement agencies creating triage units to manage them. The referrals were then allocated to regional sex crimes units or specialist investigation teams such as the Sex Crimes Squad and Child Abuse Squad in the State Crime Command of the New South Wales Police Force and the SANO Task Force in Victoria, set up following the *Betrayal of trust* report.<sup>168</sup>

# Endnotes

- 1 Appendix I of Volume 1, *Our Inquiry*, provides a description of reports, including public inquiries, directly relevant to the Royal Commission into Institutional Responses to Child Sexual Abuse.
- 2 Royal Commission into Institutional Responses to Child Sexual Abuse, *Working With Children Checks*, Sydney, 2015, Recommendation 1.
- 3 Royal Commission into Institutional Responses to Child Sexual Abuse, *Working With Children Checks*, Sydney, 2015, Recommendation 3.
- 4 Transcript of G Furness, M Coutts-Trotter, G Wilson, D Mackie, J Kerr, M De'Ath, S Overland & E White, Case Study 51, 7 March 2017 at 26362:28–47–26363:1–24.
- 5 See, for example, Queensland: Transcript of D Mackie, Case Study 51, 7 March 2017 at 26376:20–4; Tasmania: Transcript of M De'Ath, Case Study 51, 7 March 2017 at 26374:14–19; Northern Territory: Transcript of J Kerr, Case Study 51, 7 March 2017 at 26387:24–8.
- 6 Transcript of L Close, Case Study 51, 7 March 2017 at 26347:17–21.
- 7 Transcript of L Close, Case Study 51, 7 March 2017 at 26347:26–36.
- 8 Royal Commission into Institutional Responses to Child Sexual Abuse, *Working With Children Checks*, Sydney, 2015, Recommendation 29.
- 9 *Child Protection (Working with Children) Act 2012* (NSW) s 26, inserted by the *Child Protection Legislation Amendment Act 2015* (NSW).
- 10 See Royal Commission into Institutional Responses to Child Sexual Abuse, *Working With Children Checks*, Sydney, 2015, Recommendation 12.
- 11 Royal Commission into Institutional Responses to Child Sexual Abuse, *Working With Children Checks*, Sydney, 2015, Recommendation 12b.
- 12 *Child Protection (Working with Children) Act 2012* (NSW) as amended by *Child Protection Legislation Amendment Act 2015* (NSW).
- 13 *Working with Children Amendment Act 2016* (Vic).
- 14 See Explanatory Memorandum, *Working with Children Amendment Bill 2016* (Vic), p 1.
- 15 Royal Commission into Institutional Responses to Child Sexual Abuse, *Working With Children Checks*, Sydney, 2015, Recommendation 7a.
- 16 Royal Commission into Institutional Responses to Child Sexual Abuse, *Working With Children Checks*, Sydney, 2015, Recommendation 9.
- 17 Royal Commission into Institutional Responses to Child Sexual Abuse, *Working With Children Checks*, Sydney, 2015, Recommendation 12.
- 18 Royal Commission into Institutional Responses to Child Sexual Abuse, *Working With Children Checks*, Sydney, 2015, Recommendation 17.
- 19 Royal Commission into Institutional Responses to Child Sexual Abuse, *Working With Children Checks*, Sydney, 2015, Recommendation 33.
- 20 Royal Commission into Institutional Responses to Child Sexual Abuse, *Working With Children Checks*, Sydney, 2015, Recommendation 2.
- 21 Child Protection Systems Royal Commission South Australia, *The life they deserve: Child Protection Systems Royal Commission Report*, Government of South Australia, Adelaide, 2016.
- 22 South Australia, Legislative Council, 18 October 2016, *Debates*, p 5054 (K Maher, Minister for Employment, Minister for Aboriginal Affairs and Reconciliation, Minister for Manufacturing and Innovation, Minister for Automotive Transformation, Minister for Science and Information Economy).
- 23 *Registration to Work with Vulnerable People Act 2013* (Tas) s 6, as amended by *Registration to Work with Vulnerable People Amendment Act 2015* (Tas). See: Clause notes, *Registration to Work with Vulnerable People Amendment Bill 2015* (Tas), p 1; Royal Commission into Institutional Responses to Child Sexual Abuse, *Working With Children Checks*, Sydney, 2015, Recommendations 6 and 24.
- 24 *Registration to Work with Vulnerable People Act 2013* (Tas) s 18, as amended by *Registration to Work with Vulnerable People Amendment Act 2015* (Tas). Clause notes, *Registration to Work with Vulnerable People Amendment Bill 2015* (Tas), p 1; Royal Commission into Institutional Responses to Child Sexual Abuse, *Working With Children Checks*, Sydney, 2015, Recommendation 3.
- 25 *Registration to Work with Vulnerable People Act 2013* (Tas) s 28, as amended by *Registration to Work with Vulnerable People Amendment Act 2015* (Tas). See: Clause notes, *Registration to Work with Vulnerable People Amendment Bill 2015* (Tas), p 2; Royal Commission into Institutional Responses to Child Sexual Abuse, *Working With Children Checks*, Sydney, 2015, Recommendations 17, 18, 19, 20, 21, 32 and 33.
- 26 *Registration to Work with Vulnerable People Act 2013* (Tas) s 49A. See: Clause notes, *Registration to Work with Vulnerable People Amendment Bill 2015* (Tas), p 4; Royal Commission into Institutional Responses to Child Sexual Abuse, *Working With Children Checks*, Sydney, 2015, Recommendation 25.
- 27 *Registration to Work with Vulnerable People Act 2013* (Tas) Pt 6A. See: Clause notes, *Registration to Work with Vulnerable People Amendment Bill 2015* (Tas), pp 4–5; Royal Commission into Institutional Responses to Child Sexual Abuse, *Working With Children Checks*, Sydney, 2015, Recommendations 32 and 33.
- 28 *Registration to Work with Vulnerable People Act 2013* (Tas) Pt 7A. See: Clause notes, *Registration to Work with Vulnerable People Amendment Bill 2015* (Tas), p 5; Royal Commission into Institutional Responses to Child Sexual Abuse, *Working With Children Checks*, Sydney, 2015, Recommendation 19c.

- 29 *Registration to Work with Vulnerable People Act 2013* (Tas) s 15, as amended by *Registration to Work with Vulnerable People Amendment Act 2015* (Tas). See: Clause notes, *Registration to Work with Vulnerable People Amendment Bill 2015* (Tas), p 7; Royal Commission into Institutional Responses to Child Sexual Abuse, *Working With Children Checks*, Sydney, 2015, Recommendation 14a(iii), 14b.
- 30 Royal Commission into Institutional Responses to Child Sexual Abuse, *Redress and civil litigation*, Sydney, 2015, p 82.
- 31 Royal Commission into Institutional Responses to Child Sexual Abuse, *Redress and civil litigation*, Sydney, 2015, p 90.
- 32 Royal Commission into Institutional Responses to Child Sexual Abuse, *Redress and civil litigation*, Sydney, 2015, Recommendation 1.
- 33 Royal Commission into Institutional Responses to Child Sexual Abuse, *Redress and civil litigation*, Sydney, 2015, Recommendation 2.
- 34 Royal Commission into Institutional Responses to Child Sexual Abuse, *Redress and civil litigation*, Sydney, 2015, Recommendations 4 to 25.
- 35 Royal Commission into Institutional Responses to Child Sexual Abuse, *Redress and civil litigation*, Sydney, 2015, Recommendation 26.
- 36 Royal Commission into Institutional Responses to Child Sexual Abuse, *Redress and civil litigation*, Sydney, 2015, Recommendation 27.
- 37 Royal Commission into Institutional Responses to Child Sexual Abuse, *Redress and civil litigation*, Sydney, 2015, Recommendations 43 to 75.
- 38 Royal Commission into Institutional Responses to Child Sexual Abuse, *Redress and civil litigation*, Sydney, 2015, Recommendations 76 to 84.
- 39 Transcript of C Porter, Press conference, National Redress Scheme, Perth, 4 November 2016.
- 40 Transcript of C Porter, Press conference, National Redress Scheme, Perth, 4 November 2016.
- 41 Transcript of C Porter, Press conference, National Redress Scheme, Perth, 4 November 2016.
- 42 Senator the Hon. G Brandis QC, *Redress of survivors of institutional child sexual abuse: Members of independent advisory council announced*, media release, Independent Advisory Council on Redress Terms of Reference, Canberra, 16 December 2016.
- 43 Transcript of B Bennett, Case Study 51, 7 March 2017 at 26282:46–26285:10.
- 44 Transcript of B Bennett, Case Study 51, 7 March 2017 at 26284:45–26285:2.
- 45 Transcript of B Bennett, Case Study 51, 7 March 2017 at 26285:20–4.
- 46 Transcript of Panel 2.1, Case Study 51, 7 March 2017 at 26288:9–26310:8.
- 47 Transcript of A Cappie-Wood, Case Study 51, 7 March 2017 at 26288:47–26289:20, 26292:18–37; Transcript of G Wilson, Case Study 51, 7 March 2017 at 26297:4–20, 26298:3–10; Transcript of M Hogan, Case Study 51, 7 March 2017 at 26298:35–26299:7; Transcript of J Field, Case Study 51, 7 March 2017 at 26301:16–40; Transcript of M Day, Case Study 51, 7 March 2017 at 26300:4–16.
- 48 Transcript of C Mealor, Case Study 51, 7 March 2017 at 26302:39–26303:1, 26305:19–26306:8.
- 49 Transcript of S Overland, Case Study 51, 7 March 2017 at 26306:44–26307:16.
- 50 Transcript of D Smith, Case Study 51, 7 March 2017 at 26309:45–26310:8.
- 51 Transcript of M Crole, Case Study 47, 5 December 2016 at 24442:40–24451:7.
- 52 Transcript of M Crole, Case Study 47, 5 December 2016 at 24453:25–40.
- 53 Transcript of N Tomkins, Case Study 48, 6 December 2016 at 24517:35–46.
- 54 Transcript of A Smith, Case Study 48, 6 December 2016 at 24509:1–24517:20.
- 55 For example: Royal Commission into Institutional Responses to Child Sexual Abuse, *Report of Case Study No 49: Institutional review of The Salvation Army, Australia Eastern Territory and Australia Southern Territory*, Sydney, 2016; Royal Commission into Institutional Responses to Child Sexual Abuse, *Report of Case Study No 50: Institutional review of Catholic Church authorities*, Sydney, 2017; Royal Commission into Institutional Responses to Child Sexual Abuse, *Report of Case Study No 52: Institutional review of Anglican Church institutions*, Sydney, 2017; Royal Commission into Institutional Responses to Child Sexual Abuse, *Report of Case Study No 53: Institutional review of Yeshiva Melbourne and Yeshiva Bondi*, Sydney, 2017; Royal Commission into Institutional Responses to Child Sexual Abuse, *Report of Case Study No 54: Institutional review of Church of the Jehovah's Witnesses and its corporation, the Watchtower Bible and Tract Society of Australia*, Sydney, 2017; Royal Commission into Institutional Responses to Child Sexual Abuse, *Report of Case Study No 55: Institutional review of Australian Christian Churches and affiliated Pentecostal churches*, Sydney, 2017; Royal Commission into Institutional Responses to Child Sexual Abuse, *Report of Case Study No 56: Institutional review of Uniting Church in Australia*, Sydney, 2017.
- 56 Transcript of J Sullivan, Case Study 50, 20 February 2017 at 25697:18.
- 57 Transcript of C Prowse, Case Study 50, 21 February 2017 at 25740:1; Transcript of D Hurley, Case Study 50, 21 February 2017 at 25775:40–5; Transcript of J Porteous, Case Study 50, 21 February 2017 at 25787:1–3; Transcript of C Saunders, Case Study 50, 21 February 2017 at 25799:25; Transcript of V Long Van Nguyen, Case Study 50, 21 February 2017 at 25805:11–16; Transcript of A Tarabay, Case Study 50, 21 February 2017 at 25804:43–5; Transcript of P Clinch, Case Study 50, 22 February 2017 at 25855:39–44; Transcript of P Carroll, Case Study 50, 22 February 2017 at 25881:35–42; Transcript of G Chambers, Case Study 50, 22 February 2017 at 25923:13–16; Transcript of B McCoy, Case Study 50, 22 February 2017 at 25924:6–9; Transcript of T Costelloe, Case Study 50, 24 February 2017 at 26151:22.
- 58 Transcript of A Hywood, Case Study 52, 22 March 2017 at 27154:7–12; Transcript of P Freier, Case Study 52, 22 March 2017 at 27154:6–24, 27155:22–37.

59 Transcript of S Macneil, Case Study 52, 22 March 2017 at 27156:13–22; Transcript of G Davis, Case Study 52,  
 22 March 2017 at 27157:21–6; Transcript of P Freier, Case Study 52, 22 March 2017 at 27155:39.  
 60 Commonwealth of Australia, *Budget paper No 2 – Budget measures 2017–18*, Canberra, 2017, p 146.  
 61 The Hon. Christian Porter MP, *Legislation introduced for the Commonwealth Redress Scheme*, media release,  
 Commonwealth Minister for Social Services, Canberra, 26 October 2017.  
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## 2 Beyond the Royal Commission

### 2.1 Overview

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The ongoing impact of the Royal Commission will depend on the implementation of the recommendations made in this Final Report and our earlier reports. This chapter discusses how the implementation of our recommendations should be monitored and reported on to help ensure that governments and institutions are held publicly accountable for their responses to these recommendations.

This chapter also discusses the nature of what we learned from our experience in working with survivors of child sexual abuse, and how this knowledge might be shared and applied by others. We also discuss the effects of our commissioned research and practice model, and ways to build on the knowledge generated through these programs.

Australian society must never go back to a state of denial about the nature, cause and impact of child sexual abuse in institutional contexts. To help ensure present and future generations publicly recognise and remember the suffering of victims and survivors of institutional child sexual abuse in Australia, we discuss in this chapter the value of commissioning a national memorial dedicated to victims and survivors.

### 2.2 Implementation of our recommendations

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#### 2.2.1 An initial government response

Once tabled in the Australian Parliament, and the parliaments of all nine jurisdictions, this Final Report will become a public document. Royal Commission reports are not self-executing documents. In this Final Report we have provided findings and recommendations about the best ways to ensure that child sexual abuse in institutional contexts is prevented and institutional responses are improved.

Implementation is a matter for others – governments, institutions and the broader community. In particular, without the commitment of governments to the implementation of our recommendations, the full benefit of the considerable investment made in the Royal Commission will not be realised.

As a first step we ask the Australian Government and state and territory governments to issue a formal response to this Final Report, within six months of it being tabled. At a minimum, the community is entitled to expect responses to indicate whether our recommendations are accepted, accepted in principle, rejected or subject to further consideration. Ideally, governments should prepare responses indicating, in some detail, how they intend to respond.

#### **Recommendation 17.1**

The Australian Government and state and territory governments should each issue a formal response to this Final Report within six months of it being tabled, indicating whether our recommendations are accepted, accepted in principle, rejected or subject to further consideration.

### **2.2.2 Monitoring and reporting on implementation**

Some of our recommendations could be implemented without delay. Institutions should immediately move towards implementation, or fuller implementation, of our recommended Child Safe Standards. There is no need for institutions to wait until state and territory governments legislate to require all institutions that engage in child-related work to meet these standards. For example, institutions that do not already have a policy and procedure that sets out how they respond to complaints of child sexual abuse should be able to establish these relatively quickly.

Monitoring and reporting on progress towards implementation of our recommendations are vital. Oversight of implementation would help support real progress towards preventing child sexual abuse in institutional contexts and improving responses to it when it does occur. It would also help to ensure that governments and institutions are accountable to the public for taking the actions we recommend.

### 2.2.3 Ongoing periodic reporting

We recommend that the Australian Government and state and territory governments monitor and report on their implementation of the Royal Commission's recommendations, including through an annual report tabled before their respective parliaments. This annual reporting obligation should extend for five years from the report being tabled and apply to the recommendations made in this Final Report and the earlier *Working With Children Checks*, *Redress and civil litigation* and *Criminal justice* reports.

The mechanics of reporting are matters for governments to determine. Governments might agree to produce a consolidated annual report on implementation, for example, through the recommended new National Office for Child Safety, the Council of Australian Governments or a particular government agency in each jurisdiction. Governments could monitor and report through parliamentary committees,<sup>1</sup> central agencies, departments of education or community services, ombudsmen or children's commissioners.

At federal level, we recommend in Volume 6, *Making institutions child safe* that the Australian Government establish a statutory National Office for Child Safety to develop and lead the national coordination of our recommended National Framework for Child Safety and Child Safe Standards (see Recommendation 6.16).

The National Office for Child Safety would have the function of public reporting to the Australian Parliament on the progress of implementation and effectiveness of the National Framework for Child Safety and associated initiatives such as the Child Safe Standards (Recommendation 6.17). The functions of the national office could be extended to include reporting to Parliament on the implementation of the recommendations of the Royal Commission more generally.

Major institutions and peak bodies of institutions that engage in child-related work should report on their implementation of our recommendations in annual reports to the National Office for Child Safety. Public reporting would help make institutions and their leaders accountable for their actions to their members and clients, as well as the public. At a minimum, these institutions should include those that were the subject of our institutional review hearings held from 5 December 2016 to 10 March 2017.<sup>2</sup>

We also encourage non-government groups to provide information and make submissions on implementation activity, including to the National Office for Child Safety or other bodies responsible for monitoring and reporting on the implementation of our recommendations. Parallel monitoring and reporting processes would help make governments and institutions publicly accountable, and support them to make positive changes for children and survivors of child sexual abuse.

### **Recommendation 17.2**

The Australian Government and state and territory governments should, beginning 12 months after this Final Report is tabled, report on their implementation of the Royal Commission's recommendations made in this Final Report and its earlier *Working With Children Checks*, *Redress and civil litigation* and *Criminal justice* reports, through five consecutive annual reports tabled before their respective parliaments.

### **Recommendation 17.3**

Major institutions and peak bodies of institutions that engage in child-related work should, beginning 12 months after this Final Report is tabled, report on their implementation of the Royal Commission's recommendations to the National Office for Child Safety through five consecutive annual reports. The National Office for Child Safety should make these reports publicly available. At a minimum, the institutions reporting should include those that were the subject of the Royal Commission's institutional review hearings held from 5 December 2016 to 10 March 2017.

## **2.2.4 10-year review**

In addition to ongoing periodic reporting on the implementation of our recommendations, we also recommend a 10-year review of implementation and its effectiveness.

The 10-year review should be conducted by an independent expert panel or committee or by the recommended National Office for Child Safety, in consultation with the national centre guiding best practice advocacy and support and therapeutic treatment (see Recommendation 9.9).

### **Recommendation 17.4**

The Australian Government should initiate a review to be conducted 10 years after the tabling of this Final Report. This review should:

- a. establish the extent to which the Royal Commission's recommendations have been implemented 10 years after the tabling of the Final Report
- b. examine the extent to which the measures taken in response to the Royal Commission have been effective in preventing child sexual abuse, improving the responses of institutions to child sexual abuse and ensuring that victims and survivors of child sexual abuse obtain justice, treatment and support
- c. advise on what further steps should be taken by governments and institutions to ensure continuing improvement in policy and service delivery in relation to child sexual abuse in institutional contexts.

### 2.2.5 ‘Follow the money’ power

Many of the services for children that present a high potential risk for child sexual abuse are delivered by not-for-profit or private institutions under various forms of funding agreement with government.

External accountability bodies, particularly auditors-general, have in some jurisdictions been given so-called ‘follow the money’ power to scrutinise directly the conduct of private institutions that receive government funds. Such expansion in external oversight has been recommended in a number of reports by oversight bodies.<sup>3</sup> Various previous inquiries and reports have observed that a lack of external oversight of the financial management and performance of contracted agencies has led to deficiencies in accountability and unacceptable risks to clients of funded services.<sup>4</sup>

A counter argument has been that not-for-profit bodies in particular are already ‘over-monitored’ by funding agencies,<sup>5</sup> and that the mounting effect of the compliance burden has the potential to result in ‘multiple accountabilities disorder’,<sup>6</sup> driving a culture based on risk management rather than child wellbeing. While not specifically directed at ‘follow the money’ power, the following observation from Anglicare Victoria in its submission to our *Issues paper 4: Preventing sexual abuse of children in out-of-home care* (2013) is salient:

We contend that too great a shift towards ‘suspicion’ has the potential to erode the invaluable caring relationships fostered between children/young people, carers and staff. Whilst regulation is critical (and has led to significant improvement in the quality of care provided by organisations), over-regulation has the potential to make the act of ‘caring’ unduly intrusive and institutionalised, which can both deter valuable carers, and undermine the best interests of children. In this regard, it is imperative that [out-of-home care] programs maintain a balanced approach of sensible risk management coupled with holistic support to children/young people and their carers.<sup>7</sup>

Nevertheless, the large size and increasing professionalisation of many not-for-profit institutions, as well as the identifiable high risk of environments such as foster care, make a compelling argument for the expansion of external audit functions and, arguably, of the jurisdiction of other external accountability bodies such as the ombudsman in states and territories where those bodies do not already have ‘follow the money’ power.

Such an expanded role for external accountability bodies is likely to be important over the medium to longer term in assessing the degree to which funded agencies have implemented the recommendations of the Royal Commission in a manner that improves the safety and wellbeing of children.

## 2.3 Building on our experience

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### 2.3.1 Model of operation

The structure and operations of the Royal Commission have provided a model that may assist future inquiries and the ongoing development of trauma-informed approaches to support disclosure of and effective responses to child sexual abuse.

The time and resources dedicated to the Royal Commission allowed us to develop and refine a model for conducting an inquiry of this sensitive nature. In Volume 1, *Our inquiry* we describe in detail the ‘three pillars’ of our inquiry, namely: case studies, private sessions, and policy and research. We explain how these pillars have worked together to bring forward different sources of evidence and information to guide our final conclusions.

In Volume 1, *Our inquiry* we also outline how our operating model enabled these pillars to function effectively, particularly in engaging with communities, supporting survivors to come forward and managing our resources. We sought to gather information about institutional responses to child sexual abuse from a variety of sources. This included engaging with victims and survivors, advocacy and support groups, institutions, members of the public, support services and government representatives. Our processes were designed to ensure the concerns and voices of these diverse groups were heard and taken into account.

Our scope required us to examine and respond to a highly personal and sensitive issue, with the potential for re-traumatisation of survivors and secondary victims, and vicarious trauma of Royal Commission staff. We were committed to implementing a trauma-informed approach to all our work, meaning we aimed to attend to the effects and likely presentations of trauma. We endeavoured to provide stable, reliable and safe processes with support from trained staff who understood the impacts of child sexual abuse. We aimed to develop a flexible, responsive, diverse and fully integrated system for collecting information and for supporting victims and survivors to share their experiences in the way they chose. We received regular feedback from all types of stakeholders along the way and we adjusted our approach where possible to meet community needs and individual circumstances.

Our model of operation was developed with the goal of being a trauma-informed inquiry. We share it here to offer some insights to others who may wish to build on this approach.

Our experience leads us to highlight three key operational areas for attention:

- **Community and stakeholder engagement** – We developed proactive, targeted engagement strategies, which aimed to connect us with as many people as possible from a wide cross-section of the community. We adopted different methods to reach survivors and stakeholders and ensure that they could provide input to our work and have trust and confidence in our processes. A team of engagement officers built networks and maintained professional connections with affected groups. We endeavoured to inform, support and link people with services during engagement activities rather than only seek their participation. We also invited recognised leaders from governments, peer support networks, service sectors and communities to speak with us through different mechanisms.
- **Counselling and support for survivors to come forward** – We established an in-house counselling team to support survivors before, during and after their private session. Our assessment and intake process employed trained counsellors, taking enquiries by telephone and working collaboratively with the in-house counselling team to ensure continuity of support from start to finish. We matched counsellors to the survivors' requests where possible such as Aboriginal counsellors, male or female counsellors, or counsellors with particular skills working with children, or expertise in communicating with people with intellectual disability. In addition, the Australian Government funded independent counselling and support services during the term of the Royal Commission. Survivors could be referred to these services at any time.
- **Staff wellbeing** – We developed a comprehensive support framework that helped Royal Commission staff to build resilience and recognise the early signs of vicarious trauma, and provided appropriate strategies and activities to manage wellbeing.

These key operational areas are discussed in more detail in Volume 1, *Our inquiry*.

We have been told these elements of our inquiry have been adapted by inquiries in other jurisdictions. We heard that the Independent Inquiry into Child Sexual Abuse in England and Wales, the Scottish Child Abuse Inquiry, the Child Protection Systems Royal Commission in South Australia, and the Royal Commission into the Protection and Detention of Children in the Northern Territory have used aspects of our approach.

### 2.3.2 Advancing the state of knowledge on child sexual abuse

The work of the Royal Commission has advanced the state of knowledge on child sexual abuse through research undertaken and the collection and publication of victims' and survivors' stories of institutional abuse.

We undertook 101 research projects between January 2013 and June 2017. We worked with over 70 consortia from more than 30 institutions across multiple disciplines including law, psychology, psychiatry, history, epidemiology, social policy, criminology and social work, using a wide variety of research methods. The reports of many of these projects were published on the Royal Commission website.

We endeavoured to commission research that was methodologically sound and adhered to academic standards for peer review. As a pillar of our work, research has informed our understanding of the problem of child sexual abuse in institutional settings and has helped to shape our conclusions and policy recommendations. This research is embedded throughout this Final Report. This process has demonstrated the importance of rigorous research in the development of evidence-based policy.

Our research agenda has contributed to the state of knowledge on child sexual abuse and interrogated issues that may otherwise have remained hidden. Through our research program, we heard from populations who are often not consulted. We have drawn conclusions about what is known in the existing evidence base surrounding child sexual abuse. We have also contributed to the creation of new knowledge about child sexual abuse. We published 21 new primary research studies with data collected or extracted by or for this Royal Commission.

Over the duration of the inquiry, thousands of people came forward and told us about their experiences. Their stories helped us to identify the problems that need to be addressed and make the most persuasive case for changes in how institutions respond to child sexual abuse. We decided to publish, where possible and with consent, individual survivors' experiences as de-identified narratives drawn from private sessions. As discussed in Volume 1, *Our inquiry*, these narratives are presented as an account of the events that have remained largely hidden in our nation's history. Many survivors will read these narratives and relate to the experiences of others; some may recognise their own story. We hope that survivors will feel validated, heard, encouraged and strengthened by the publication of these narratives.

We also hope that by sharing these narratives with the public they will contribute to a better understanding of the profound impact of child sexual abuse and may help to make our institutions as safe as possible for children in the future. Their publication will be a lasting reminder of this time in Australia's history when we listened to the voices of thousands of Australians who experienced child sexual abuse in institutional contexts. We hope these narratives serve as a resource for researchers, survivors, support groups and journalists around the world.

## Research program

A number of strategies were put in place early in the life of the research program, with the anticipation that the research would become a legacy of the Royal Commission and generate future research in this area. These strategies included preferring to contract research to academics rather than consultants, providing liberal intellectual property provisions and publishing open-access research online.

We have heard from researchers that further studies are underway that build on the studies we commissioned. This includes the dissemination of commissioned research in additional publications, at national and international conferences, in training workshops and through online media. Some examples of these ongoing contributions to research on child sexual abuse are discussed in this section.

## Publications

A number of external publications, including journal articles and books have been produced based on our commissioned research. These include:

- Articles on organisational culture, the implementation of reforms, delayed reporting, prosecutions and the historical understandings of child sexual abuse have been published in highly influential academic journals, such as the international journal *Child Abuse & Neglect*.
- Our research is also the subject of two forthcoming special journal issues. A special issue of *Child Abuse & Neglect* will include articles drawing on research contracted by the Royal Commission, articles reflecting on the Royal Commission and commentaries by international experts. A special issue of *Australian Social Policy Journal* will contain articles that provide insights into the work of the Royal Commission, its historical context, its social and cultural significance, and its implications for justice.
- A number of books and book chapters on organisational culture, mandatory reporting, oversight and regulation and historical understandings of child sexual abuse have been published.

## **Conferences and workshops**

Our research has been disseminated at national and international conferences, including the International Conference of the International Childhood and Youth Research Network and the Australasian Conference on Child Abuse and Neglect.

In 2017, the Academy of the Social Sciences in Australia held a workshop for researchers, advocates and practitioners to discuss the social and historical significance of the Royal Commission. During the workshop, participants explored the role of the social sciences in generating a knowledge base for the work of the Royal Commission, and discussed the possible implications of the inquiry for social science research. The workshop discussions will be published as an edited volume focused on global understandings of childhood abuse, historical injustices and public inquiries.<sup>8</sup>

## **Training resources and practice guidelines**

The results of commissioned research have been used to produce a number of training resources and practice guidelines for government and non-government bodies. Commissioned research has been used to produce practice guides for Child Family Community Australia and the Institute of Child Protection Studies.

A series of professional development workshops that focused on commissioned research concerning children and young peoples' perceptions of safety in institutions was delivered to government departments and bodies, including the Victorian departments of Health and Human Services and Education and Training, the New South Wales Department of Family and Community Services, and the Australian Institute of Family Studies.

Commissioned research was also used in Victoria by the Commission for Children and Young People and the departments of Health and Human Services and Education and Training to develop training resources, and by the Centre for Excellence in Child and Family Welfare to develop practice resources. Resources produced by the New South Wales Office of the Children's Guardian and the Commissioner for Children and Young People, Western Australia also made use of commissioned research findings.

## Practice knowledge

The trauma-informed approach employed across all aspects of the Royal Commission's operations may be useful to government and non-government agencies who respond to victims and survivors and others affected by childhood trauma. This could include agencies such as Centrelink, health and mental health services, drug and alcohol services, some courts and tribunals, Legal Aid and Community Legal Centres, counselling and case management services and complaints bodies such as ombudsman's offices.

The practice knowledge of our counselling and support team (which assisted in promoting and implementing the trauma-informed approach across our activities) was collated and these learnings formed the basis of information sessions presented in all states and territories in the final months of the inquiry. These information sessions were presented to agencies that supported people to come forward to the Royal Commission and share their story of institutional child sexual abuse.

### 2.3.3 Preserving the records of the Royal Commission

We received inquiries from stakeholders regarding access to information on our website once the inquiry concluded. This includes case study reports, transcripts, exhibits and policy and research papers. This information may be useful for victims and survivors seeking redress. We recommend that the Australian Government host and maintain the Royal Commission website for the duration of the national redress scheme for victims and survivors of institutional child sexual abuse. After this period concludes, the website will be archived by the National Library of Australia.

More generally, the operation of the Royal Commission has led to the collection of a significant body of information about the nature, cause and impact of child sexual abuse in institutional contexts and the experiences of victims and survivors.

The Royal Commission's program of research, discussed in Volume 1, *Our inquiry*, resulted in the publication of numerous research reports on the Royal Commission's website. These reports will be valuable for future research into child sexual abuse. Only aggregated or de-identified data was published. Information provided by people attending private sessions is protected from future use or disclosure by the provisions of the *Royal Commissions Act 1902* (Cth).<sup>9</sup>

After the inquiry concludes, an Australian Government agency will be the custodian of the Royal Commission's records. Once the records are no longer required to be readily available for the purposes of the Australian Government, or within 15 years of the records coming into existence, they will be dealt with in accordance with the relevant National Archives of Australia records authority.<sup>10</sup> Records will then be transferred into the custody of the National Archives. However, the *Royal Commissions Act 1902* (Cth) provides that, for the purposes of the *Archives Act 1983* (Cth), a record that contains private session information does not become open to access for 99 years.<sup>11</sup>

#### **Recommendation 17.5**

The Australian Government should host and maintain the Royal Commission website for the duration of the national redress scheme for victims and survivors of institutional child sexual abuse.

### **2.3.4 Providing survivors with access to records**

The information provided by people about their experiences of child sexual abuse in an institutional context forms part of Royal Commission records.

In Volume 8, *Recordkeeping and information sharing* we observed that access to records has been a recurring concern for survivors of child sexual abuse in a range of institutional contexts, over many decades. Survivors have raised issues including a lack of support and guidance, excessive delays, prohibitive costs, inconsistencies in law and practice, refusal to release records and redaction of records. These can all affect survivors' wellbeing and ability to hold institutions to account. We noted that good records and recordkeeping practices can help to promote an environment in which evidence is created and retained for use in complaint handling, redress efforts, civil litigation and criminal proceedings. In Volume 8, we recommend that individuals' existing rights to access, amend or annotate records about themselves be recognised to the fullest extent (see Recommendation 8.4, Principle 5).

In our *Redress and civil litigation* report, we noted, with respect to a redress scheme, that the overwhelming preference of survivors, and survivor advocacy and support groups was that any application for redress should be as simple as possible to minimise the risk of re-traumatisation. We noted that an application process must obtain the information necessary to assess eligibility and determine the amount of any monetary payment. However, it should do this as efficiently as possible and in a manner that ensures applicants have a good opportunity to put forward the best application they can. We recommended that a redress scheme should rely primarily on a written application and that support should be funded to assist applicants to apply for redress.<sup>12</sup>

It is likely that the information many survivors provided to the Royal Commission would be of use to those survivors who want to apply for redress. It may also be of use to survivors who want to make a civil claim or a criminal complaint. In recognition of this and to avoid re-traumatisation and minimise the need for survivors to retell their stories to multiple people, during the inquiry we provided access to certain records to the person who gave the information or to their authorised representative. We returned or provided copies of documents that had been given to us as part of a private session or written account, provided copies of transcripts of interviews or evidence given at public hearings, and granted access to listen to audio recordings of private sessions over the duration of the Royal Commission.

The government agency that becomes the custodian of the Royal Commission's records, including records that contain information provided by survivors, should maintain ongoing access to these records for survivors and their authorised legal representatives or treating medical practitioners.

## 2.4 Withdrawing honours and dedications

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In private sessions, some survivors expressed concerns about honours or memorials to perpetrators of child sexual abuse, and facilities dedicated to or named after perpetrators.

'Liam' told us that he decided to disclose the abuse he suffered when he saw a memorial dedicated 'in loving memory' to the abuser. He said 'I thought, this is not right, this can't be right ... I thought, it can't have just been me'.<sup>13</sup>

We heard that some survivors had tried to get dedications and honours to perpetrators changed. 'Kath' told us that she had worked with others to remove the affirmative and honorific references to clergy who had been found to have sexually abused children in Catholic schools. She said, 'I wasn't doing it for me, I was doing it for the victims, who had suicided often, and I was doing it for their mothers and their families because I just thought, "How dare they?"'<sup>14</sup>

### Australian honours

Australian honours, such as the Companion, Officer, Member or Medal of the Order of Australia, may be withdrawn by the Governor-General. For example, in February 2015, the Governor-General revoked the award of an Order of Australia to Rolf Harris.

Currently, there appears to be no publicly available information on the process for withdrawing honours. However, we have been advised that the Australian Honours and Awards Secretariat handles requests for withdrawal.

The secretariat is located at Government House, Canberra, and was first established within the Office of the Official Secretary to the Governor-General in 1975 when a distinctive Australian honours system was instituted. It supports the Governor-General in the independent administration of the Australian honours system.

In the United Kingdom, there is an ad hoc committee (the Honours Forfeiture Committee) convened under the United Kingdom Cabinet Office, which considers cases referred to the Prime Minister where an individual's actions raises the question of whether they should be allowed to continue to be a holder of an honour. Recommendations are made to the Queen, who has the sole authority to rescind an honour.

We consider that information about the mechanism for requesting the withdrawal of Australian honours should be made more publicly accessible and suggest that the Australian Honours and Awards Secretariat examine ways in which this could be done.

## Non-government honours and dedications

Non-government institutions may have their own forms of honours – life memberships, honorary professorships, honorary chairs, and awards of many kinds. In addition, buildings or other facilities may be named or dedicated to certain individuals.

Some institutions have already taken steps to rename some facilities. For example, in March 2015, Knox Grammar School announced that it would rename the Paterson Centre for Ethics and Business Studies as the Knox Cultural Centre. In March 2016, Xavier College in Melbourne announced that it would remove the name of Father Paddy Stephenson from its sports centre after claims emerged that he abused students and would rename the facility the Xavier Sports Centre.

The *Redress and civil litigation* report recommended that appropriate redress for survivors should include a 'direct personal response' (Recommendation 2). The report states that a direct personal response should include 'an opportunity to meet with a senior representative of the institution'.<sup>15</sup> It also should include an opportunity for the survivor to ask the institution to take appropriate steps in relation to withdrawing honours or dedications.

We suggest that governments and institutions should review existing institutional honours, dedications and memorials to make sure they do not honour perpetrators of child sexual abuse. They should also respond fully to requests from survivors in relation to such matters, including as part of providing appropriate redress.

## 2.5 A national memorial

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Memorials can provide symbolic reparation and public recognition to victims and survivors in ways that can contribute to healing.<sup>16</sup> Memorials honour those who have suffered and provide opportunities to remember the past and think about the future. They provide a specific place for families and wider society to reflect on the trauma of survivors and mourn the victims lost.

They may also serve to educate future generations about what occurred in a society's history and provide a space for public awareness and remembrance. We heard in private sessions that some survivors felt that remembering was one way to help prevent child sexual abuse and protect children in the future.

To that end, we recommend that the Australian Government fund a national memorial in consultation with victims and survivors of child sexual abuse in an institutional context.

### **Recommendation 17.6**

A national memorial should be commissioned by the Australian Government for victims and survivors of child sexual abuse in institutional contexts. Victims and survivors should be consulted on the memorial design and it should be located in Canberra.

This section considers the views we heard from survivors and their advocacy groups about suitable memorials, and also looks at memorials that have arisen from previous inquiries and institutional memorials that have been instigated during the Royal Commission.

### 2.5.1 Views of survivors and advocacy and support agencies

It is essential that survivors of child sexual abuse have input into any memorial design and process. Although not specifically asked in private sessions, some survivors did speak about memorials during their private sessions and their counselling sessions. Survivors had a range of differing views about the form a memorial might take. Suggestions included:

- plaques, monuments, and memorials at institutions or in towns
- symbols such as a statue of a child
- the conversion of institutional sites into museums, memorials, precincts, drug and alcohol rehabilitation centres and community centres
- memorial gardens or playgrounds
- services such as a well-funded survivor centre and place of healing
- a national day for victims and survivors.

Some survivors told us they did not want a memorial at all and thought the money should instead be spent on helping survivors seek redress.

We also heard from some advocacy and support organisations about memorials in submissions to issues papers. Their suggestions included the establishment of an annual commemorative day and the establishment of a museum or exhibit. There were also suggestions that the memorial to victims and survivors of child sexual abuse be contextualised within a national institution such as the National Museum or National Library.

### 2.5.2 Community support and remembrance

Community and grassroots memorials for victims and survivors of child sexual abuse have emerged around the country. As discussed in Chapter 1, the Loud Fence movement was created in 2015 in response to our public hearing in Ballarat. In an interview, founder Ms Maureen Hatcher said, ‘so many people I knew were shocked and saddened by what they were hearing and were saying they wanted to do something but didn’t know what. I knew there had to be something’.<sup>17</sup> Since then, the Loud Fence movement has received strong support from survivors and supporters wanting to commemorate institutional child sexual abuse and has spread from Ballarat to Geelong, Warrnambool, Shepparton, Lismore, Sydney and Brisbane, as well internationally, including to Vatican City in Rome.

In Bankstown, Sydney, Care Leavers Australasia Network (CLAN) established a National Orphanage Museum exhibiting a collection of items from children's homes around Australia donated by care-leavers. These items – including old cots, suitcases, badges, signs, kitchenware and photographs of orphanages and homes – form an ongoing testimony and memorial to Australia's history of institutional care, and the abuse, including sexual abuse, that many care-leavers suffered while growing up in these institutions. CLAN has also taken displays from this museum to regional towns and centres around Australia, including Goulburn, to spread awareness of and support for survivors.<sup>18</sup>

Launched in 2013, the Parramatta Female Factory Precinct (PFFP) Memory Project, is a 'social history and contemporary art project', centred on the historic institutions of the PFFP, including Parramatta Girls' Training School, which was examined in *Case Study 7: Child sexual abuse at the Parramatta Training School for Girls and the Institution for Girls in Hay*. The PFFP Memory Project aims to bring together former residents with artists, historians and researchers 'to document, record and interpret the history, heritage and legacy of institutional "care" so that past injustices are not repeated'. In May 2014, the PFFP Memory Project held the E.M.D (Exposed to Moral Danger) exhibition. The exhibition displayed installation works, audio, video, paintings and drawings resulting from a year-long collaboration between artists and 'Parragirls' (former residents of the Parramatta Girls Home). The collections of works evoked 'the reality of being Exposed to Moral Danger within the confines of the institution as evidenced in testimonies given to the Royal Commission into Institutional Responses to Child Sexual Abuse'.<sup>19</sup>

## Institutional memorials for victims and survivors of child sexual abuse in Australia

A number of independent memorials to those affected by child sexual abuse have been established at the site, or former site, of the institution where the abuse took place. For example, Marist College Canberra held a healing ceremony on its grounds in November 2016 to unveil a memorial plaque in recognition of the sexual abuse suffered by children at the hands of Marist Brothers at the school. Some institutions are in the process of consulting with survivors to create a memorial. In November 2014, the New South Wales Minister for Family and Community Services announced the intention to build a memorial at the site of the former Parramatta Girls' Home. The Department of Family and Community Services consulted on the memorial with former residents, which included discussion groups, face-to-face visits, a site visit, telephone calls and email correspondence to determine the design of the memorial.

## Memorials arising from previous inquiries

Three previous inquiries in Australia have made recommendations about memorials. A number of memorials have been created as a result of these recommendations. The recommendations of previous inquiries and some examples of memorials that were established as a result are outlined at Appendix B.

### 2.5.3 Oral history projects

According to the National Library of Australia, ‘oral history’ refers to the use of sound recording technology to record interviews and, where possible, prepare transcripts of these interviews in print or electronic form. These interviews may describe our nation’s ‘cultural, intellectual and social life’.<sup>20</sup>

Collecting the oral histories of victims and survivors of institutional child sexual abuse in a systematic and extensive manner would help to prevent these important stories from being lost to history. It may also contribute to changing the historical record concerning the actions and nature of institutions in Australia. While the Royal Commission has collected the life stories of many victims and survivors of institutional child sexual abuse in Australia through private sessions, not all victims and survivors were able to attend to share their story with us. Other oral history projects that record and document the life stories of victims and survivors of child sexual abuse in an institutional context in Australia would be useful for maintaining this history. These projects would require the resources to conduct their interviews in a way that is trauma-informed and provides participants with appropriate and ongoing support to tell their stories. For more information on our trauma-informed approach, see Volume 1, *Our Inquiry*.

There is a precedent in Australia for inquiries to recommend the funding of an oral history project to collect and share the life stories and histories of those who have suffered as a result of government policies and institutions’ actions. The *Bringing them home* report, for example, recommended that the Australian Government fund agencies ‘to record, preserve and administer access to the testimonies of Indigenous people affected by the forcible removal policies who wish to provide their histories in audio, audio-visual or written form’.<sup>21</sup>

In response to this recommendation, the Australian Government announced that the National Library of Australia would be funded to develop and manage an oral history project. The Bringing Them Home Oral History Project ran from 1998 to 2002 and sought to collect and preserve the life stories of Indigenous people and others, such as missionaries, police and administrators involved in or affected by the process of child removals. The funding also covered the publication of a book based on these oral histories.

The *Forgotten Australians* report recommended that governments provide funding for memorials including ‘an oral history project to collect the life-stories of former residents in institutional and out-of-home care’.<sup>22</sup> The *Lost Innocents* report also recognised the importance of collecting the oral histories of Former Child Migrants.

In response to the recommendations made in these reports, the National Library undertook an oral history project to record the lives and experiences of Forgotten Australians and Former Child Migrants. Funded by the former federal Department of Families, Housing, Community Services and Indigenous Affairs, the oral history project interviewed over 200 people. The project also interviewed advocates and associated professionals, including welfare officers, employees of institutions and administrators. Interviews were conducted across Australia and were preserved and made publicly available at the National Library of Australia, including in booklet form.

#### 2.5.4 Message to Australia

An ongoing legacy of our work will be the *Message to Australia*. Survivors who attended a private session or provided a written account were invited to send a brief handwritten message to the Royal Commission about their past and their hopes for a safer future for Australian children.

Contributors were given editorial guidelines to help them prepare their message. These guidelines advised that messages containing identifying information or offensive language would be redacted or not published.

We published these in *Message to Australia*, a commemorative book on permanent display in the National Library of Australia and in state and territory libraries.

The book, which received more than 1,000 contributions, is a tribute to survivors' courage in coming forward to tell their stories and provides a public record of their experience.

The presence of the book in libraries across Australia ensures that difficult conversations about child sexual abuse continue and acts as a reminder of the ongoing need to hold institutions to account for the care and safety of our children.

# Endnotes

- 1 See for example, Parliament of the Commonwealth of Australia, Joint Select Committee on Oversight of the Implementation of Redress related Recommendations of the Royal Commission into Institutional Responses to Child Sexual Abuse.
- 2 These involved YMCA NSW, Scouts and Hunter Aboriginal Children's Service, The Salvation Army, the Catholic Church in Australia, the Anglican Church, Yeshivah Melbourne and Yeshiva Bondi, Jehovah's Witnesses, Australian Christian Churches and the Uniting Church in Australia.
- 3 New South Wales Parliament, Legislative Council, General Purpose Standing Committee No 2, *Child protection*, New South Wales Parliament, Sydney, 2017, p xii, recommended the expansion of the powers of the Auditor-General to 'include audits of all non-government organisations who have been provided with state funding to deliver child protection services'; New South Wales Parliament, Legislative Assembly, Public Accounts Committee, *Efficiency and effectiveness of the Audit Office of New South Wales*, New South Wales Parliament, Sydney, 2013, p 42, recommended the *Public Finance and Audit Act 1983* (NSW) be amended to enable the Auditor-General to 'follow the dollar'.
- 4 P Cummins, D Scott & B Scales, *Report of the Protecting Victoria's Vulnerable Children Inquiry*, Department of Premier and Cabinet, Melbourne, 2012, p 490. See also Independent Commission Against Corruption, *Funding NGO delivery of human services in NSW: A period of transition – Position paper*, Sydney, 2012; New South Wales Ombudsman, *Response to ICAC consultation paper 'Funding NGO delivery of human services in NSW: A period of transition'*, Sydney, 2012; New South Wales Auditor-General, *Transferring out-of-home care to non-government organisations: Department of Family and Community Services*, Audit Office of New South Wales, Sydney, 2015; P Shergold, *Service sector reform: A roadmap for community and human services reform – Final report*, Victorian State Government, Melbourne, 2013; *Our children are our future: Improving outcomes for children and young people in out of home care*, Melbourne, 2005.
- 5 T Carmody, *Taking responsibility: A Roadmap for Queensland Child Protection*, Queensland Child Protection Commission of Inquiry, Brisbane, 2013, p 445.
- 6 JS Koppel, 'Pathologies of Accountability: ICANN and the Challenge of "Multiple Accountabilities Disorder"', *Public Administration Review*, vol 65, no 1, 2005, pp 94–108.
- 7 Anglicare Victoria, Submission to the Royal Commission into Institutional Responses to Child Sexual Abuse, *Issues paper No 4: Preventing the sexual abuse of children in out-of-home-care*, 2013.
- 8 Academy of the Social Sciences in Australia, *The Royal Commission into Institutional Responses to Child Sexual Abuse*, 2017, [www.assa.edu.au/event/the-royal-commission-into-institutional-responses-to-child-sexual-abuse-institutional-cultures-policy-frameworks-and-social-change/](http://www.assa.edu.au/event/the-royal-commission-into-institutional-responses-to-child-sexual-abuse-institutional-cultures-policy-frameworks-and-social-change/) (viewed 31 July 2017).
- 9 *Royal Commissions Act 1902* (Cth) s 6OH.
- 10 National Archives of Australia, *Records Authority – Department of the Prime Minister and Cabinet – Royal Commission Administration*, (No 2010/00039583).
- 11 *Royal Commissions Act 1902* (Cth) s 6OM.
- 12 Royal Commission into Institutional Responses to Child Sexual Abuse, *Redress and civil litigation*, Sydney, 2015, pp 361–4, Recommendations 51–55.
- 13 Name changed, private session, 'Liam'.
- 14 Name changed, private session, 'Kath'.
- 15 Royal Commission into Institutional Responses to Child Sexual Abuse, *Redress and civil litigation*, Sydney, 2015, p 8.
- 16 United Nations Human Rights Council, *Report of the Special Rapporteur in the field of cultural rights, Farida Shaheed: Memorialization process*, United Nations, Geneva, 2014.
- 17 *The Courier*, 'Loud Fence: End of an era for symbol of popular support', *The Courier*, 2017, [www.thecourier.com.au/story/4688582/loud-fence-end-of-an-era-for-symbol-of-popular-support/](http://www.thecourier.com.au/story/4688582/loud-fence-end-of-an-era-for-symbol-of-popular-support/) (viewed 5 October 2017).
- 18 Care Leavers Australasia Network, *CLAN National Orphanage Museum*, 2017, [www.clan.org.au/reference/museum](http://www.clan.org.au/reference/museum) (viewed 11 August 2017); L Thrower, 'History of orphanages', *Goulburn Post*, 2012, [www.goulburnpost.com.au/story/297441/history-of-orphanages/](http://www.goulburnpost.com.au/story/297441/history-of-orphanages/) (viewed 11 August 2017).
- 19 Parramatta Female Factory Precinct Memory Project, *Memory to action*, <https://www.pffpmemory.org.au/memory-projects-1> (viewed 6 September).
- 20 National Library of Australia, *Oral history and folklore*, 2017, [www.nla.gov.au/what-we-collect/oral-history-and-folklore](http://www.nla.gov.au/what-we-collect/oral-history-and-folklore) (viewed 6 September 2017).
- 21 Human Rights and Equal Opportunity Commission, *Bringing them home: Report of the National Inquiry into the Separation of Aboriginal and Torres Strait Islander Children from Their Families*, Commonwealth of Australia, Sydney, 1997.
- 22 Senate Community Affairs References Committee, *Forgotten Australians: A report on Australians who experienced institutional or out-of-home care as children*, Commonwealth of Australia, Canberra, 2004, pp 330–2.

# APPENDICES

# Appendix A Developments during the life of the Royal Commission

The following is a list of developments we understand have taken place during the life of the Royal Commission, compiled from media reports, public statements and testimony at Royal Commission hearings.

The purpose is to present some examples of how governments, institutions and individuals have recently addressed aspects of child sexual abuse in institutional contexts through, for example, educational initiatives and changes in institutional policies and procedures.

The list does not purport to be a comprehensive account of relevant changes that have taken place over this period. However, these examples illustrate the way that momentum for positive change has been building in the community.

It is important to recognise the valuable contributions of many others in highlighting the problem of child sexual abuse in institutional contexts. The Royal Commission was created in response to the perception that there was a need for a national inquiry to examine the sexual abuse of children in institutions. It was preceded by other inquiries that considered issues raised by our Terms of Reference.

At the federal level, multiple major inquiries have examined the maltreatment of children, including sexual abuse, in Australian institutions during the 20<sup>th</sup> century, resulting in the *Bringing them home*, *Lost Innocents*, *Forgotten Australians* and *Protecting vulnerable children* reports.<sup>1</sup>

At the state level, there have been a number of inquiries that have examined the sexual abuse of children,<sup>2</sup> including, in Victoria, the Inquiry into the Handling of Child Abuse by Religious and Other Non-Government Organisations and, in New South Wales, the Special Commission of Inquiry into matters relating to the police investigation of certain child sexual abuse allegations in the Catholic Diocese of Maitland–Newcastle. A full list of inquiries and reports relevant to the Royal Commission is contained in Volume 1, *Our inquiry*, Appendix I.

It is also important to recognise the invaluable work of institutional reformers, advocacy groups, victims and survivors.

## Legislative developments

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### Civil litigation

#### Statutes of limitations for child abuse

##### Commonwealth

A Legal Services Direction given by the Attorney-General, Senator the Hon. George Brandis QC, provides that, from 4 May 2016, Commonwealth agencies are directed not to plead a defence based on an expired limitation period in a 'time-barred child abuse claim' where damages are claimed as a result of sexual abuse of the claimant in an institutional context while they were a minor.<sup>3</sup>

##### New South Wales

The *Limitation Amendment (Child Abuse) Act 2016* (NSW) commenced in March 2016, removing previous restrictive limitation periods on actions for damages related to child abuse. The amending legislation inserted section 6A of the *Limitation Act 1969* (NSW), which provides that there is no limitation period in an action for damages that relates to death or personal injury resulting from child abuse (sexual, serious physical, or any other abuse in connection with sexual or serious physical abuse).<sup>4</sup> This provision is not limited to institutional child sexual abuse.

##### Victoria

In 2015, Victoria enacted the *Limitation of Actions Amendment (Child Abuse) Act 2015* (Vic), which removed limitation periods for actions relating to death or personal injury resulting from child abuse.

##### Queensland

The Queensland Government enacted changes to the *Limitation of Actions Act 1974* (Qld)<sup>5</sup> in response to Recommendations 85 to 88 in our *Redress and civil litigation* report, to remove limitation periods that apply to claims for damages in respect of child sexual abuse in institutional contexts.<sup>6</sup> These amendments commenced on 1 March 2017. The amendments apply retrospectively and are not limited to institutional sexual abuse. Additionally, the Queensland Government released an issues paper in August 2016 seeking feedback on how the recommendations from our *Redress and civil litigation* report might operate in Queensland. This paper considers whether changes should extend beyond child sexual abuse, for example, to physical abuse.<sup>7</sup>

## Tasmania

A draft Bill to retrospectively abolish any limitation period for a personal injury claim arising from physical or sexual abuse when the plaintiff was a minor was the subject of public consultation as at August 2017. The Bill was not expected to be limited to institutional child sexual abuse. It was expected to be introduced in the Tasmanian Parliament in October 2017.<sup>8</sup>

## Australian Capital Territory

The Australian Capital Territory Legislative Assembly passed the *Justice and Community Safety Legislation Amendment Act 2016 (No 2)* (ACT) in 2016 which inserted a new Division 2.2A into the *Limitation Act 1985* (ACT) that applied to personal injury resulting from the institutional sexual abuse of a child.

## Northern Territory

In June 2017, the Northern Territory Government enacted the *Limitation Amendment (Child Abuse) Act 2017* (NT) which amended the *Limitation Act* (NT) by removing limitation periods that applied to claims for damages in respect of child abuse, including sexual abuse, serious physical abuse and psychological abuse arising from sexual or serious physical abuse.<sup>12</sup>

## Duty of institutions and identifying a proper defendant

### New South Wales

The New South Wales Government released a consultation paper in July 2017 in which it sought input from survivors of institutional child abuse, organisations providing services to children, legal professionals and any other interested members of the public on expanding the duties of institutions to prevent child abuse, ensuring that survivors can easily identify proper defendants for claims for damages in respect of child sexual abuse in institutional contexts, and requiring institutions to hold insurance cover for child abuse.<sup>13</sup> Submissions on this consultation paper were due by 4 September 2017.<sup>14</sup>

### Victoria

New laws were introduced in Victoria, including a stand-alone duty of care created under the *Wrongs Amendment (Organisational Child Abuse) Act 2017* (Vic). These changes came into force on 1 July 2017.<sup>15</sup> Under the new duty, organisations must take 'reasonable precautions' to prevent the abuse of a child by an individual associated with the organisation while the child is under the care, supervision or authority of the organisation.

The Victoria Government was also consulting on Recommendations 94 and 95 of our *Redress and civil litigation* report to identify the proper defendant for claims for damages in respect of child sexual abuse in institutional contexts, as well as similar recommendations from the Parliament of Victoria's Inquiry into the Handling of Child Abuse by Religious and Other Non-Government Organisations. The inquiry's report, *Betrayal of trust* included the suggestion of using an organisation's funding as leverage to require that organisation to hold insurance cover for child abuse.

## Queensland

The Queensland Government's 2016 issues paper considered how recommendations from our *Redress and civil litigation* report might be implemented in Queensland, including those about identifying a proper defendant in civil claims for damages in respect of child sexual abuse in institutional contexts and reversing the onus of proof to hold institutions liable for sexual abuse committed by persons associated with the institution (Recommendations 91 to 93).<sup>16</sup>

## Northern Territory

The Deputy CEO of the Department of the Attorney-General and Justice of the Northern Territory stated in a public hearing that the next recommendations of the Royal Commission to be worked on by the Northern Territory were those regarding non-delegable duty, reverse onus of proof and identifying the proper defendant. It was hoped that the package of work would be finished by the end of 2017.<sup>17</sup>

## Model litigant principles

### New South Wales

On 3 November 2014, the New South Wales Government introduced measures to help support survivors of institutional child sexual abuse,<sup>18</sup> including guiding principles on how its agencies should respond to claims for damages in respect of child sexual abuse.<sup>19</sup> Understanding that litigation can be a traumatic experience, the principles stated that claims were to be resolved as quickly as possible, with the majority to be resolved within two years.<sup>20</sup> The Memorandum of the Premier of New South Wales, M2016-03 *Model litigant policy for civil litigation and guiding principles for civil claims for child abuse*, sets out the policy and principles.<sup>21</sup>

### Queensland

Guidelines under existing model litigant principles were tabled in Queensland Parliament in 2016.<sup>22</sup> They addressed Recommendations 96 to 99 of our *Redress and civil litigation* report and set out how state agencies should respond to claims for damages in respect of child sexual abuse.<sup>23</sup> These guidelines were intended to ensure a compassionate and consistent approach by government to make the process of litigation less traumatic for victims and survivors.<sup>24</sup>

## Working With Children Checks

### Commonwealth

A meeting of the Commonwealth working group on Working With Children Checks (WWCC) in February 2017 agreed to prioritise a database to share risk assessments of WWCC applicants, and to allow an easier exchange of alerts about decisions to reject, suspend or cancel WWCC and other adverse findings about a person's employment. State and territory governments have given in-principle support for a nationally consistent WWCC scheme.<sup>25</sup>

### New South Wales

In September 2015, reflecting recommendations from the Royal Commission's *Working With Children Checks* report, the New South Wales Government passed the *Child Protection Legislation Amendment Act 2015* (NSW). The Act introduced changes to the *Child Protection (Working With Children) Act 2012* (NSW), including a new section 26 that specified that people convicted as adults of certain offences involving children may not apply for a review or enabling order of a decision to refuse or cancel a WWCC.

In May 2017, the New South Wales Government released a discussion paper on the statutory review of the *Child Protection (Working With Children) Act 2012* (NSW) to determine any remaining policy issues not addressed or amended since 2013 in response to changing community expectations and issues raised by the Royal Commission.<sup>26</sup>

### Victoria

The *Working with Children Amendment Act 2016* (Vic) came into effect on 1 August 2017.<sup>27</sup> The amendments make the WWCC application process more rigorous while addressing five recommendations of the Royal Commission's *Working With Children Checks* report. Under the reforms, any criminal charges laid against an applicant for serious sexual, violent or drug offences will be considered as part of WWCC assessments, regardless of whether they resulted in a conviction or a finding of guilt.

The Premier of Victoria announced that from 1 May 2017, new kinship carers approved by the Victorian Child Protection Service would be required to apply for a check within 21 days of a child being placed in their care.<sup>28</sup>

### Queensland

In September 2016, the Premier of Queensland requested that the Queensland Family and Child Commission undertake a review of the blue card system (the Queensland equivalent of the WWCC) and of foster carer approval and monitoring processes, including examining how the Royal Commission's recommendations regarding WWCC could best be implemented.<sup>29</sup> An options paper invited submissions by 31 March 2017.<sup>30</sup> Meanwhile, the Queensland Government has given in-principle support for a national WWCC scheme, identifying privacy and technology – that is, the means of ensuring data can be securely transmitted electronically – as unsettled issues.

On 7 September 2017, the Queensland Family and Child Commission's review of the blue card system was tabled in the Queensland Parliament.<sup>31</sup> The review recommended the blue card system be extended to include commercial children's services, gym and play facilities, overnight camps, children's transport services and children's photographers.<sup>32</sup>

## **Tasmania**

In November 2015, Tasmania enacted legislation amending the *Registration to Work with Vulnerable People Act 2013* (Tas) to implement a number of the recommendations of our *Working With Children Checks* report.

## Further legislation

### Reportable conduct schemes

In-principle agreement was reached by the Council of Australian Governments (COAG) in April 2016, in relation to the introduction of nationally consistent reportable conduct schemes. In July 2017, schemes were established in Victoria and the Australian Capital Territory. Until this time, New South Wales was the only jurisdiction with a reportable conduct scheme.

## **New South Wales**

The NSW Ombudsman agencies – including the Office of the Children's Guardian and the New South Wales Police Force – have undertaken significant work to share information and best practice with other jurisdictions on the state's reportable conduct scheme.<sup>33</sup>

In response to *Case Study 14: The response of the Catholic Diocese of Wollongong to allegations of child sexual abuse, and related criminal proceedings, against John Gerard Nestor, a priest of the Diocese*<sup>34</sup> and to sustained advocacy from the NSW Ombudsman, the *Ombudsman Act 1974* (NSW) was amended in November 2015.<sup>35</sup> The new provision, section 25GA, enables designated agencies and the ombudsman to provide the child who was allegedly subject of the conduct forming the basis of a reportable allegation, and their parents or carers, with information about the progress of the investigation into the alleged conduct, the findings of the investigation, and any action taken in response.

In February 2016, the NSW Ombudsman tabled a report to the Parliament of New South Wales highlighting that there was a compelling case for the reach of the New South Wales reportable conduct scheme to be extended to align with the state's *Working With Children Checks* scheme.<sup>36</sup> The New South Wales Government indicated that it would respond to the ombudsman following release of our Final Report.

## Queensland

The Independent Member for Cairns, Mr Robert Pyne, introduced the Child Protection and Educational Legislation (Reporting of Abuse) Amendment Bill 2017 into the Queensland Parliament in March 2017.<sup>37</sup> The Bill proposed to make ministers of religion – for example, priests, pastors, bishops, rabbis or imams – mandatory reporters.<sup>38</sup> Introducing the Bill, Mr Pyne said that, while it was not a direct response to the Royal Commission, it followed ‘the widespread and worldwide revelations of childhood sexual abuse by religious representatives over decades’ and was intended to be complementary with laws in other states.<sup>39</sup> The Queensland Parliament’s Education, Tourism, Innovation and Small Business Committee is due to report on the Bill by 9 March 2018.<sup>40</sup>

## Australian Capital Territory

From 1 July 2017, as part of the Australian Capital Territory Government’s response to the Royal Commission, a reportable conduct scheme came into effect to improve oversight of organisations that provide services to children.<sup>41</sup>

## Child safe standards

### Victoria

The *Child Wellbeing and Safety Amendment (Child Safe Standards) Act 2015* (Vic) introduced compulsory minimum safety standards for organisations that provide services for children.<sup>42</sup> The Victorian child safe standards responded to the findings presented in the *Betrayal of trust* report by helping organisations to prevent child abuse and improve responses to allegations of child abuse.

In February 2016, the Victorian Government announced that the Commission for Children and Young People (CCYP) would oversee the implementation of the child safe standards. On 1 January 2017, the *Child Wellbeing and Safety Amendment (Oversight and Enforcement of Child Safe Standards) Act 2016* (Vic) came into operation. It provided the CCYP with the functions and powers to ensure organisations were meeting the child safe standards.<sup>43</sup>

In May 2017, Victoria introduced compulsory minimum child safe standards for organisations to help protect children from abuse.<sup>44</sup>

## Sexual offences

### Commonwealth

In September 2017, the Minister for Justice, the Hon. Michael Keenan MP, announced the Australian Government's new laws for child sex offences. In a media release, the minister announced that under the new laws, 'sex offenders will spend longer in jail, be less likely to be granted bail and parole, face mandatory minimum sentences and be closely supervised following their release'. Minister Keenan also said that the new offences and penalties would 'combat the growing role that technology plays in enabling the abuse of children online through "grooming" and live streamed child sexual abuse, while also targeting the administrators and providers of services that facilitate child abuse material'. Under the new laws, penalties would also be increased.<sup>45</sup>

### Victoria

The *Crimes Amendment (Sexual Offences) Act 2016* (Vic) came into force on 1 July 2017. The Act modernised and simplified numerous sexual offences, including sexual offences against children.<sup>46</sup>

## Government and government agency initiatives

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### Australian Defence Force

During the public hearing in *Case Study 40: The response of the Australian Defence Force to allegations of child sexual abuse (Australian Defence Force)*, Vice Admiral Raymond Griggs, the Australian Defence Force's Vice Chief, apologised to victims and survivors of child sexual abuse that took place within the Australian Defence Force (ADF).<sup>47</sup>

At the subsequent public hearing in *Case Study 51: Institutional review of Commonwealth, state and territory governments*, Vice Admiral Griggs made a detailed statement about the ADF's responses to the Royal Commission's findings.<sup>48</sup> He gave evidence that he had issued a directive to all adult defence personnel who have contact with cadets and other non-ADF members and non-Australian Public Service employees under the age of 18. This directive included advice on the legal age of consent and special care provisions. Vice Admiral Griggs said that he had issued a direction that no cadet under the age of 18 was to receive any blame for being in an intimate relationship with an adult.

Following the publication of the *Australian Defence Force* case study report in August 2017, the Department of Defence released a three-page fact sheet on its response to issues raised during the public hearing.<sup>49</sup> This fact sheet summarised how the Department of Defence had enhanced youth safety policies and embedded a zero tolerance approach to abuse.

## Department of Veterans' Affairs

During the *Australian Defence Force* public hearing, we noted that the Department of Veterans' Affairs (DVA) compensation guidelines, which operated on the balance of probabilities, were not correct as they excluded any possibility that a claim could succeed unless there was corroborating evidence.<sup>50</sup> Since the public hearing, the DVA has confirmed that the Military Rehabilitation and Compensation Commission would accept a single statutory declaration from claimants as evidence that child sexual abuse occurred.<sup>51</sup>

## Mental Health Commissions of Australia

On 16 June 2017, the Mental Health Commissions of Australia made a consensus statement to the Royal Commission identifying several 'essential elements' required to ensure that the services and systems established in response to the recommendations of the Royal Commission are responsive to children and adults who have experienced child sexual abuse. They emphasised the need for ongoing support for victims and survivors of child sexual abuse and identified a 'significant gap' in current service provision.<sup>52</sup>

## New South Wales Government

In 2014, the New South Wales Government stated that, as part of its response to the Royal Commission, it had doubled the resources allocated to the processing of care-leavers' applications for their care records. In a submission to the Royal Commission, the New South Wales Government stated that 'This has resulted in applications being processed within an average time of less than one month in 2015–16, compared to over six months in some cases prior to 2014. Also in 2015 there has been a 78 per cent increase in the number of applications for care-leavers' records on the previous year, which can largely be attributed to publicity associated with the Royal Commission'.<sup>53</sup> In correspondence with the Royal Commission, the New South Wales Crown Solicitor's Office advised that this investment had resulted in faster processing times for care-leaver records. The number of completed applications rose from 428 in 2013–14 to 855 in 2016–17.<sup>54</sup>

The New South Wales Government also launched the *See, Understand and Respond to Child Sexual Abuse – a Practical Kit* for child protection workers in May 2017.<sup>55</sup> This kit provides advice and resources to support work with children, families, communities and suspected offenders.

## New South Wales Children's Champions scheme

The *Criminal Procedure Amendment (Child Sexual Offence Evidence Pilot) Act 2015*,<sup>56</sup> enacted in November 2015, paved the way for a pilot program in New South Wales that would better support victims of child sexual assault through the courts.<sup>57</sup> In particular, it provided that, in some circumstances, evidence given by child complainants would be able to be pre-recorded. The Act also created the role of a 'Children's Champion' who may serve as a witness intermediary to assist child complainants to deal with police and the courts.

The Act inserted a new Part 29 into the *Criminal Procedure Act 1986* (NSW), which outlines the pilot scheme.<sup>58</sup> The changes were to operate from 31 March 2016 until 31 March 2019 in the district courts in Newcastle and Sydney. Children under 18 who give evidence in cases involving sexual offences are eligible to participate. There is a presumption under the scheme that children aged under 16 will have their evidence pre-recorded, unless a court orders otherwise.

New South Wales Attorney-General, the Hon. Mark Speakman, reported on the findings of an independent evaluation of the Child Sexual Offence Evidence Pilot conducted by the University of Sydney and University of New South Wales in a media release in October 2017. Key findings included that 'Children's Champions' were 'highly skilled and valued and have helped child sexual assault complainants to give evidence'.<sup>59</sup>

According to the media release, in the first 12 months of the pilot program, more than 760 complainants and witnesses participated, with most receiving assistance from Children's Champions during police interviews and testimony for the court. Almost 60 court hearings were pre-recorded.<sup>60</sup>

## NSW Department of Justice

In September 2017, the NSW Department of Justice released a discussion paper in response to the 85 recommendations of the Royal Commission's *Criminal justice* report.<sup>61</sup> The discussion paper examined what changes would need to be made to New South Wales laws to implement these recommendations.

## NSW Office of the Children's Guardian

The NSW Office of the Children's Guardian launched the SAFE book and workshop series on 14 October 2016.<sup>62</sup> Using cartoon characters, the four books aim to teach children aged two to six about inappropriate adult behaviour and their right to disclose feelings of fear and discomfort.

In discussing the series, the New South Wales Children's Guardian, Ms Kerry Boland, said that she recalled a case study at the Royal Commission in which 'a child was groomed and assaulted in a childcare centre. The child's drawings indicated this may have been happening, but no one picked up on this message'.

As a result, the Office of the Children's Guardian surveyed early childhood educators on what they thought 'child safe' meant, and Ms Boland was dismayed at the findings.<sup>63</sup> According to Ms Boland, 'We had the expectation that, by now, people would take what a child said seriously, yet a third of respondents said that, following a child's revelation, they would "wait and see". Our view is that this is a missed opportunity'. SAFE series workshops have now been held in towns and cities across New South Wales.<sup>64</sup>

## Commissioner for Children and Young People Western Australia

In May 2016, the Commissioner for Children and Young People Western Australia launched a range of resources to support organisations in developing child safe strategies. These resources aim to assist agencies to identify and manage any risks that affect the safety and wellbeing of children and young people, including child sexual abuse.<sup>65</sup>

## Association and council responses

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### Australian Olympic Committee

After the public hearing in *Case Study 15: Response of swimming institutions, the Queensland and NSW Offices of the DPP and the Queensland Commission for Children and Young People and Child Guardian to allegations of child sexual abuse by swimming coaches*, the Australian Olympic Committee mandated that all coaches, staff and officials must undergo a Working With Children Check from November 2014.<sup>66</sup> The Australian Olympic Committee President, Mr John Coates, said the policy had been introduced 'to protect all members of our Olympic teams and create a child safe environment'.<sup>67</sup>

## Australian Sports Commission

In September 2017, the Australian Sports Commission announced plans to develop a national child safe sport framework, including advisory toolkits for sporting organisations.<sup>68</sup> In a media release, the CEO of the Australian Sports Commission, Ms Kate Palmer, said ‘I congratulate the 43 national sporting organisations who voluntarily took part in this assessment process over 12 months because it demonstrates a collaborative approach to the extremely important issue of child safety in sport’.<sup>69</sup>

## Medical Council of New South Wales

During the public hearing in *Case Study 27: The response of health care service providers and regulators in New South Wales and Victoria to allegations of child sexual abuse*, the Medical Council of New South Wales gave evidence that it was improving the way the regulator and health complaints system responded to complaints of child sexual abuse received from victims, survivors and mandatory reporters.<sup>70</sup>

On 30 June 2016, the council implemented new procedures for all staff to improve the management of complaints and calls regarding child sexual abuse. Changes included the creation of a new complaint category (inappropriate sexual contact involving a child) and the requirement that such complaints are properly reported to police and recorded by council staff.<sup>71</sup>

## Scouts Australia New South Wales

During the public hearing in *Case Study 48: Institutional review of Scouts and Hunter Aboriginal Children’s Service*, Scouts Australia New South Wales told us that the organisation had made a number of changes to the way it approaches child safety. These included:

- creating a National Flag Database of individuals considered not suitable for membership with the Scouts, including people who have allegedly been involved in child protection matters. This database would be rolled out nationally to allow branches to investigate whether somebody is suitable to become a member of the Scouts<sup>72</sup>
- developing the ‘Two Deep Leadership’ policy, whereby any supervision of a child involves at least two leaders or a leader and another adult to provide that a Scout leader is never alone with a youth member<sup>73</sup>
- developing recruitment policy that requires six verifications – interview, references, restrictions considered, Working With Children Check, criminal record check and Scouts Australia New South Wales index of member behavioural management files.<sup>74</sup>

In November 2016, the National Executive Committee of Scouts Australia New South Wales approved a new National Child Protection Policy and Prescribed Procedures.<sup>75</sup> The policy was accredited and developed in conjunction with the not-for-profit child protection organisation Child Wise.<sup>76</sup>

## Tennis Australia

In June 2016, Tennis Australia created a new executive position, Head of Integrity and Compliance, to lead the organisation's integrity and compliance strategy, including liaising and cooperating with the Royal Commission.<sup>77</sup>

To help prevent child abuse and encourage past victims and survivors to report incidents, Tennis Australia launched a hotline in June 2017.<sup>78</sup> After an audit by the Australian Childhood Foundation, Tennis Australia introduced further measures to improve child safety, such as bans on 'overly physical' contact.<sup>79</sup>

## YMCA

In *Case Study 47: Institutional review of YMCA NSW (Institutional review of YMCA NSW)*, we heard YMCA NSW made significant changes to its organisational structure and governance to change the organisation's culture and achieve a strong focus on child safety throughout its operations.<sup>80</sup> YMCA NSW told us it has created positions focused on supporting child safety within the organisation, including a Child Protection Manager, and appointed new board members, including one with expertise in child protection.<sup>81</sup>

We heard YMCA NSW has overhauled its human resources management, staff education and training, and complaints process. A new electronic human resource management system has been put in place to ensure all staff have completed the required pre-screening employment checks and induction and training, including training in child safety.<sup>82</sup> Recruitment processes include clear statements about child safety and checks at various stages. A range of training is available for staff at all levels of the institution, including training on child safe policies, safeguarding children (for which online modules are provided by the Australian Childhood Foundation), safe behaviours and critical incident management. Performance management requires staff behaviour to align with the institution's values, including providing safe environments for children.<sup>83</sup>

YMCA NSW established an independent whistleblowing service for staff wishing to disclose concerns. By December 2016, 28 reports had been made via this service. We were told that YMCA NSW had also developed procedures for alerting parents to new policies and had updated its crisis response procedures.<sup>84</sup> This was accompanied by a 'see something, say something' campaign to encourage reporting of concerns by staff, parents and clients, including children.<sup>85</sup> YMCA Australia coordinates a yearly child safety self-assessment and an independent audit of each of its state bodies every three years.<sup>86</sup> All child protection policies are reviewed annually by the YMCA NSW Policy Working Group.

In the public hearing for the *Institutional review of YMCA NSW*, Ms Melinda Crole, interim CEO of YMCA Australia, said that the organisation had reached out to the world alliance of YMCAs to explain its new policies and processes regarding child safety.<sup>87</sup>

## Responses by religious institutions

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### Anglican Church of Australia

#### Safe Ministry to Children Canon 2017

In a bill for the Safe Ministry to Children Canon 2017, the General Synod introduced new regulations to facilitate minimum child safe standards. The bill was passed in September 2017 and aims to establish a code of conduct and minimum standards for a safe ministry. The bill requires that compliance would be audited by an independent person every three years with audit reports to be publicly available on the General Synod website. The bill provides a timetable for provisions to begin coming into force as of January 2018.<sup>88</sup>

#### Anglican Dioceses of Melbourne and Bendigo

In a media release, the Anglican Diocese of Melbourne announced in October 2016 that it would establish an independent body to investigate sexual abuse complaints, based on a company structure with its own board of directors. The move is part of new Anglican Church legislation aimed at improving transparency, independence, and avenues of redress for victims, partly in response to the Royal Commission and to the 2013 Victorian Inquiry into the Handling of Child Abuse by Religious and Other Non-Government Organisations.<sup>89</sup>

Melbourne Registrar Mr Ken Spackman said in the same media release that ‘each of the five Victorian Anglican dioceses had incorporated, which meant that for each diocese there was a body legally accountable for abuse, and each had conducted independent audits of abuse cases’. He noted that ‘several Royal Commission hearings heard “horrific evidence of persistent child abuse by (Anglican) clergy and others” that caused incalculable damage to survivors and their families, and called into question the conduct of diocesan bishops at the time’.<sup>90</sup>

During the public hearing for *Case Study 52: Institutional review of Anglican Church institutions (Institutional review of Anglican Church institutions)* in March 2017, we received evidence that the dioceses of Melbourne and Bendigo had established the company, called Kooyoora Ltd. The initial members of the corporation will be the Bendigo Anglican Diocesan Corporation Ltd and the Melbourne Anglican Diocesan Corporation Ltd.<sup>91</sup> The Diocese of Wangaratta has indicated that it intends to be a client of the corporation.<sup>92</sup>

## Australian Christian Churches

In November 2015, the National Conference of the Australian Christian Churches (ACC) announced the implementation of their ‘Safer Churches’ strategy that ‘actively addressed many of the points that emerged at the Royal Commission hearing in October 2014’.<sup>93</sup> The strategy consists of three core documents: a Child Protection Policy that outlines broad principles to guide the ACC approach to child safety and their protection from harm; the Safer Churches Guidelines which outlines what is either recommended or required of churches affiliated with the ACC to implement the Child Protection Policy; and the Safer Churches Manual which provides in-depth information on how the guidelines can be implemented. During *Case Study 55: Institutional review of Australian Christian Churches and affiliated Pentecostal churches*, Pastor Wayne Alcorn, President of the ACC, gave evidence that the ACC makes the adoption of the Child Protection Policy by affiliated churches a condition of their accreditation.<sup>94</sup> Pastor Alcorn also gave evidence of how the ACC have developed an implementation kit for affiliates to understand how to implement the ‘Safer Churches’ strategy. These guidelines set out, for example, processes for reporting concerns about child sexual abuse and responding to conflicts of interest in handling child sexual abuse allegations.<sup>95</sup>

## Catholic Church in Australia

### Catholic Professional Standards Ltd

On 23 November 2016, the Australian Catholic Bishops Conference and Catholic Religious Australia launched a new company, Catholic Professional Standards Limited, on the recommendation of the Truth, Justice and Healing Council (the Council).

In its submission to us in relation to the *Institutional review of Catholic Church authorities* hearing, the Council stated that the purpose of the company is to ‘set professional standards and to monitor and report on their implementation within the Catholic Church (in Australia)’.<sup>96</sup> According to the Council, while each Catholic Church authority will retain responsibility for what occurs within its own jurisdiction, they will all be required to enter into a contract with Catholic Professional Standards Limited agreeing to ensure that their various entities meet the professional standards set by the company.<sup>97</sup> The Council told us that each Catholic Church authority will have their compliance with the standards audited by the company and the results will be made public.<sup>98</sup>

Mr Francis Sullivan, CEO of the Truth, Justice and Healing Council, told us that the establishment of the Catholic Professional Standards body was ‘the most significant and far reaching change’ undergone by the Catholic Church in Australia in the past four years of its engagement with the Royal Commission.<sup>99</sup>

## Archdiocese of Brisbane

In March 2017, the Catholic Archdiocese of Brisbane published the Safeguarding Children and Vulnerable Adults Policy on its website with a foreword by the Archbishop of Brisbane, Archbishop Mark Coleridge. The archdiocese released documentation to support parishes with the implementation of the policy. The policy applies to clergy, employees, students on placement and volunteers, and provides a ‘best practice standard’ for safeguarding children and vulnerable adults.<sup>100</sup>

## Archdiocese of Canberra and Goulburn

In March 2016, the Catholic Archdiocese of Canberra and Goulburn launched an Institute for Professional Standards and Safeguarding.<sup>101</sup> In his statement provided as part of *Case Study 50: Institutional review of Catholic Church authorities*, the Archbishop of Canberra and Goulburn, Archbishop Christopher Prowse, told us, ‘I have instigated and aim to fully implement a governance structure that brings our survivors of sex abuse from the margins into the centre of our pastoral response’. Archbishop Prowse said that the Institute for Professional Standards and Safeguarding was established for the purpose of ‘ensuring the delivery of effective and consistent service related to safeguarding and professional standards throughout all Archdiocesan agencies and ministries’.<sup>102</sup>

## Archdiocese of Melbourne

The Archbishop of Melbourne, Archbishop Denis Hart, announced on 18 November 2016 that the cap on compensation under the Melbourne Response would increase from \$75,000 to \$150,000 from 1 January 2017. In a statement he told us that additional payments will be made to survivors of child sexual abuse who have already been through the Melbourne Response and received payments. Survivors, according to Archbishop Hart, will receive a monetary payment by way of top-up, being the difference between what they would have received if a cap of \$150,000 was in place at the relevant time, less payments already received and adjusted for inflation.<sup>103</sup>

## Archdiocese of Perth

In April 2014, the Catholic Archbishop of Perth, Archbishop Timothy Costello, spoke to media about establishing Safeguarding Officers in each of the Archdiocese's parishes. Ms Andrea Musulin, appointed to oversee the appointment of Safeguarding Officers in every parish, said that the archdiocese has been 'looking carefully at each of the ... Standards for a Child-Safe Organisation, as laid down by the Royal Commission. One of the standards we have chosen to take on board is to establish Safeguarding Officers in every parish. Parishes will very soon be receiving a short DVD and pamphlets inviting parishioners to give careful consideration to volunteering to become Safeguarding Officers. Under my leadership, they will be given the task of taking all of these national standards into the parish and ensuring that they are adhered to'.<sup>104</sup>

Ms Musulin gave evidence about the work of the Safeguarding Officers during the *Institutional review of Catholic Church authorities* hearing in March 2017. She said that the Archdiocese of Perth had over 200 such officers at that time. She told us that the officers are required to sit a full two-day training workshop before commencing in their role and ongoing mandatory training after that.<sup>105</sup>

## Archdiocese of Sydney

In September 2015, the Archbishop of Sydney, Archbishop Anthony Fisher, announced a new child protection office as part of a widespread Archdiocesan review. In a media release, the Archbishop announced the new Safeguarding and Ministerial Integrity Office, which, along with the Vicar General of the Archdiocese, will work 'to achieve best practice when dealing with child protection, education, training, working with parishes and responding pastorally to survivors of abuse'.<sup>106</sup> In the same month, the Archdiocese of Sydney also published its response to the findings of *Case Study 8: Mr John Ellis's experience of the Towards Healing process and civil litigation*, accepting the criticisms regarding the response of the Archdiocese, and that of the Professional Standards Office (NSW), to Mr John Ellis in regards to his experience with the Towards Healing complaint handling process. It stated that 'the Archdiocese also sought to improve how it responded to victims of abuse generally both in pastoral processes such as Towards Healing and in litigation building on learnings from the Ellis matter'.<sup>107</sup>

## Australian Province of the Society of Jesus (Australian Jesuits)

On 8 August 2016, the Australian Jesuits commenced a partnership with the Australian Childhood Foundation (ACF). The ACF is an independent, national, not-for-profit organisation that works to prevent child abuse and reduce the harm it causes to children, families and the community. During the *Institutional review of Catholic Church authorities* hearing, the Jesuits told us that over the next three years, the Province will seek to have all its Jesuits, lay personnel and volunteers undertake the ACF's Safeguarding Children Program – a voluntary accreditation scheme for organisations who have a duty of care to children and young people.<sup>108</sup>

## The Salvation Army

In October 2015, following the public hearing in *Case Study 33: The response of The Salvation Army (Southern Territory) to allegations of child sexual abuse at children's homes that it operated*, Commissioner Floyd Tidd, then Territorial Commander of the Australian Southern Territory of The Salvation Army, made a statement to the media that The Salvation Army was 'currently reviewing all of the 418 claims which have been previously settled by The Salvation Army and survivors'. Commissioner Tidd said that 'If, as a result of the review, any claims are identified as being assessed unfairly relative to other settled claims, The Salvation Army will re-open those claims in the interim period between now and the time when a national redress scheme commences'.<sup>109</sup>

During *Case Study 49: Institutional review of The Salvation Army, Australian Eastern Territory and Australian Southern Territory (Institutional review of the Salvation Army)*, Commissioner Tidd gave evidence about the outcome of the claims review. He told us that of the 422 claims reviewed, 198 were reassessed and 73 were granted top-ups, totalling \$960,000. The average top-up was \$13,239. Commissioner Tidd told us that the claims were not reassessed if The Salvation Army felt they had been managed consistently in the first instance.<sup>110</sup>

In the *Institutional review of The Salvation Army* public hearing, Commissioner Tidd told us that The Salvation Army in Australia (both the Southern Territory and the Eastern Territory) are committed to the national redress scheme.<sup>111</sup> We noted that both territories plan to amalgamate as part of the Australian One Project, with the goal of uniformity in all policies and procedures. Commissioner Tidd told us he is meeting with representatives of the Australian Government to work out how The Salvation Army at a national level participates in the proposed scheme.<sup>112</sup>

During our *Institutional review of The Salvation Army*, The Salvation Army gave evidence that it had taken steps to put in place policies and procedures to make The Salvation Army a child safe institution. This included creating of an independent Professional Standards Unit within The Salvation Army Southern Territory and the Centre of Restoration within The Salvation Army Eastern Territory to handle and review reports and claims of abuse. The Salvation Army Eastern Territory also gave evidence that they had established a 'Safe Salvos' model to help implement the Royal Commissions' 10 Child Safe Standards.<sup>113</sup> 'Safe Salvos' focuses on 'ensuring that all ministries and services run by The Salvation Army are "safe", i.e. free from abuse and harm'.<sup>114</sup>

## Uniting Church

In August 2015, the Uniting Church in Australia announced that it had developed a National Child Safety Policy Framework to assist Uniting Church entities to develop child safe policies. The policy is intended to apply ‘to all entities and individuals associated with the Uniting Church in Australia who engage in child related services or activities’. The framework was informed by the Royal Commission’s *Interim Report*, released in 2014. According to the framework it is expected that all ‘Uniting Church entities will develop and regularly review appropriate policies and processes which are consistent with this framework’.<sup>115</sup> The framework was reviewed in 2016, by which time two audits had been performed to look at consistency in implementation. In the public hearing in *Case Study 56: Institutional review of Uniting Church in Australia*, Mr Stuart McMillan, President of the National Assembly of the Uniting Church, told us that the church had ‘brought forward that review of that particular framework because of the work of the Commission’.<sup>116</sup>

In March 2017, a revised framework, which addressed the Royal Commission’s Child Safe Standards, was approved by the Uniting Church Assembly Standing Committee. Mr McMillan gave evidence that the improvements in the revised framework included a stronger emphasis on children and family and their involvement in processes and policies of the Uniting Church, and on equity and diversity.<sup>117</sup>

## Yeshiva Bondi and Yeshivah Melbourne

The public hearing in *Case Study 22: The response of Yeshiva Bondi and Yeshivah Melbourne to allegations of child sexual abuse made against people associated with those institutions (Yeshiva Bondi and Yeshivah Melbourne)* made an impact overseas, with the board of Merkos L’Inyonei Chinuch, the educational arm of Chabad-Lubavitch in New York, announcing in February 2015 that it would review child protection procedures and protocols to see how they could be improved and enhanced for better implementation and enforcement.<sup>118</sup> Chabad is estimated to be the largest Jewish religious organisation in the world.

The New South Wales Jewish Board of Deputies established a task force on child protection in March 2015 to focus on the welfare of children in institutional settings.<sup>119</sup> President Jeremy Spinak said, ‘We can’t simply say, “Well, the Royal Commission’s over, there’s nothing left to do”. The solemn comments made following the commission hearings will count for naught if we don’t follow up with serious, meaningful grassroots change.’ In our *Case Study 53: Institutional review of Yeshiva Bondi and Yeshivah Melbourne*, it was explained that the purpose of the task force is to ensure the development of policies, protocols and procedures to create a foundational framework to apply to all Jewish institutions in New South Wales that are in any way related to children.<sup>120</sup> We were told that the task force has also been holding consultations with schools, the New South Wales Rabbinical Council and other relevant organisations to develop a foundational set of principles concerning child protection that all Jewish institutions will be expected to

comply with.<sup>121</sup> While the Jewish Board of Deputies does not possess the power to bind other Jewish organisations to comply with the protocols and policies it prepares, we were told that it is the board's intention to seek to influence various organisations to adopt them.<sup>122</sup>

In evidence to the Royal Commission, Rabbi Chaim Tzvi Groner of the Yeshivah Melbourne Centre explained that in response to the *Yeshiva Bondi and Yeshivah Melbourne* case study, the Yeshivah Centre Melbourne undertook a governance review with a view to increasing accountability and transparency of community leadership.<sup>123</sup> This has led to the development of a conflict of interest policy.<sup>124</sup> We were told that the Yeshivah Centre Melbourne has undertaken a process of community consultation and policy development similar to that done by the New South Wales Jewish Board of Deputies.<sup>125</sup>

## Educational institutions

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### Australian Catholic University

In 2017, the Australian Catholic University announced a proposal for a Safeguarding Children web portal. The university's Institute of Child Protection Studies plans to launch a website providing information to workers in youth organisations 'drawing on our recent research, particularly that [which] the Royal Commission itself has commissioned'. The Safeguarding Children portal would provide links to research, plus checklists, videos and animated features. There would also be survey facilities, so that users could assess their practice, measure changes, and compare their organisation with others.<sup>126</sup>

### Boarding school industry

In March 2015, two industry peak bodies that support student boarding, Boarding Australia and the Australian Boarding Schools Association, issued a joint media release where they announced they would undertake a review of their practices and protocols 'in embracing the current Royal Commission into Institutional Responses to Child Sexual Abuse'. They announced they were working to develop and implement the Australian Standard in Boarding Schools Management that was at the time under development by Standards Australia. They stated that to achieve the standard, 'boarding organisations would be required to show evidence of their commitment to protection, safety and wellbeing of boarders, as well as enhancing staff skills, parent engagement and organisational management'.<sup>127</sup>

## Geelong Grammar School

In a letter from the Principal of Geelong Grammar School, Mr Stephen Meek, on 21 October 2016, the school announced that it had appointed a Survivor Liaison Coordinator to provide outreach and support to survivors of child sexual abuse at the school. The role was to include connecting with survivors of historical child sexual abuse and providing support by arranging counselling and restorative engagement.<sup>128</sup> In a letter published on the school's website in February 2017, Mr Meek said that the school had established a Recognition Committee to consult with the community and support 'those who have suffered in the past' and that the school's policies had been updated to reflect the child safe standards introduced in Victoria in January 2017. The school also said that it would continue to provide an independent counsellor for anyone in the school community who wanted counselling or support on the issue of child sexual abuse.<sup>129</sup>

## Institutions managed by the Christian Brothers

Following the public hearing in *Case Study 11: Congregation of Christian Brothers in Western Australia response to child sexual abuse at Castledare Junior Orphanage, St Vincent's Orphanage Clontarf, St Mary's Agricultural School Tardun and Bindoon Farm School*, the Christian Brothers undertook to re-examine cases of former students at these institutions whose claims for damages in respect of child physical, sexual or psychological abuse at the institutions in the 1950s, 1960s and early 1970s had been 'settled on demonstrably unjust and unreasonably low terms'. In a public statement released in May 2016, the Christian Brothers Oceania announced that by 24 May 2016 they had received 164 requests for re-examination of past settled proceedings relating to physical, sexual or psychological abuse at the Western Australian institutions. Of these, 147 had been finalised and new settlements had been reached. This accounted for 91 per cent of requests for new settlements since May 2014.<sup>130</sup>

## Knox Grammar School

In 2015, Sydney's Knox Grammar School renamed the 'Paterson Centre for Ethics and Business Studies' as the 'Knox Cultural Centre'.<sup>131</sup> This decision coincided with the public hearing of *Case Study 23: The response of Knox Grammar School and the Uniting Church in Australia to allegations of child sexual abuse at Knox Grammar School in Wahroonga, New South Wales*, which heard evidence that former headmaster Dr Ian Paterson had failed to respond appropriately to allegations of child sexual abuse and to act in the best interests of students at the school during his time as headmaster of the school.<sup>132</sup> The decision to change the name of the centre came after an online petition was launched by former students of the school, who called for the centre to be renamed 'so as to more appropriately reflect the values of Knox Grammar School and to respect the victims of abuse who have suffered greatly over the years'.<sup>133</sup>

## Marist Schools Australia

In June 2016, Marist Schools Australia released new child protection standards (MSA Standards), noting the inadequacies and inconsistencies in child protection in organisations that were highlighted by the Royal Commission and the *Betrayal of trust* report.<sup>134</sup> The MSA Standards aim to improve the way Marist Schools Australia prevents and responds to child abuse by developing an institutional culture where protecting children from abuse is embedded in the everyday thinking and practice of staff and volunteers.<sup>135</sup>

## St Patrick's College in Ballarat

In December 2016, St Patrick's College in Ballarat said it would consider removing names from honour boards, buildings and awards if the individuals named behaved outside the school's child protection regulations.<sup>136</sup> In June 2016, the school had drawn a black line through the name of Gerald Ridsdale, a former priest convicted of more than 100 charges of child sexual abuse. A plaque was also added beneath the honour board, which reads, 'The black line above stands both as a symbol of respect to the bravery of victims and survivors, and for the college's deep remorse'.<sup>137</sup>

## Sydney Catholic Schools

In March 2017, Sydney Catholic Schools launched an updated Child Safe Communities Framework, distributing it to 152 Sydney Catholic school principals. According to the Executive Director of Sydney Catholic Schools, Dr Dan White, the framework 'incorporates the recommended advice from the Royal Commission' and will work to facilitate a 'culture of keeping children safe and secure in Catholic schools in the Archdiocese of Sydney'.<sup>138</sup>

## Xavier College in Melbourne

In a letter from Father Chris Middleton, Rector of Xavier College, Melbourne, the school announced that it had commissioned a memorial to be erected in May 2016 to acknowledge the sexual and other abuse that occurred at the school. The memorial, designed in consultation with survivors, consists of two plaques, one in the school chapel and one in the school grounds.<sup>139</sup> The school also created and screened a documentary film *Sustaining the hope: A memorial to survivors at Xavier College* in 2017.<sup>140</sup>

## Residential care

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### Fairbridge Farm settlement

A settlement of the class action against the Fairbridge Foundation, the State of New South Wales, and the Australian Government was approved by the Supreme Court of New South Wales in August 2015.<sup>141</sup> At \$24 million, the compensation fund is believed to be the largest for survivors of mass child abuse in Australian legal history. The legal action was the first of its kind in New South Wales.<sup>142</sup>

The settlement followed moves by the New South Wales Government, which also formally apologised to survivors,<sup>143</sup> to abolish limitation defences in claims for damages related to child abuse.<sup>144</sup> The class action, begun in 2009, alleged the three entities allowed a system of institutional abuse to develop and persist at Fairbridge Farm in Molong, New South Wales, over many decades.<sup>145</sup> The school took in more than 1,200 children during its operation from 1937 to 1974.<sup>146</sup> Many suffered sexual and physical abuse, and developed lifelong psychiatric and physical injuries as a result.<sup>147</sup> The settlement fund started compensating 258 claimants in June 2016 and distribution has since been completed.<sup>148</sup>

### Neerkol Children's Home and Catholic Diocese of Rockhampton

Following our *Case Study 26: The response of the Sisters of Mercy, the Catholic Diocese of Rockhampton and the Queensland Government to allegations of child sexual abuse at St Joseph's Orphanage, Neerkol*, the Diocese of Rockhampton outlined some of the steps taken to increase child safety in the diocese. In June 2016, the diocese released a Safeguarding Children and Vulnerable Adults Policy that applies to all who work in the pastoral structure of the diocese.<sup>149</sup> The policy is underpinned by four key domains: 'safe recruitment and selection processes; code of ethical behavior; safe activities and environments; and responding to concerns, allegations and disclosures'.<sup>150</sup> The diocese also appointed a Diocesan Safeguarding Manager and established a free call response line to receive calls concerning allegations and complaints of abuse against church personnel in the diocese.<sup>151</sup>

### Parramatta Training School for Girls

Between December 2014 and February 2015, the NSW Department of Family and Community Services (FACS) consulted with former residents of the Parramatta Training School for Girls about a suitable memorial to the women who experienced abuse, including child sexual abuse, as children at the home. It was felt that the memorial must send the message 'never again'. In response to feedback from these former residents, FACS arranged a visit to the

site of the former home in 2015 for about 60 women, as well as their families and friends. Former residents shared ideas about a memorial and the future use of the site. Subsequently, artists and designers submitted expressions of interest and a design has since been selected. Construction is expected to start in 2018.<sup>152</sup>

## Retta Dixon Home

Following our public hearing of *Case Study 17: The response of the Australian Indigenous Ministries, the Australian and Northern Territory governments and the Northern Territory police force and prosecuting authorities to allegations of child sexual abuse which occurred at the Retta Dixon Home*, the head of Australian Indigenous Ministries, Reverend Trevor Leggott, announced in a statement that the Australian Indigenous Ministries proposed to sell a property in Winmalee, New South Wales to help fund compensation for survivors of child sexual abuse at the Retta Dixon Home in Darwin.<sup>153</sup> Reverend Leggott also offered an apology to victims of child sexual abuse at the home. In February 2017, it was announced that 71 former residents of the home, many of them children of the Stolen Generations, would be compensated in what their lawyer described as the largest class action in the Northern Territory's history.<sup>154</sup>

## Support services

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### Australian Child Foundation

According to the National Manager of Safeguarding Children at the Australian Childhood Foundation, Ms Monique Blom, the Royal Commission and other related inquiries, such as the Victorian Inquiry into the Handling of Child Abuse by Religious and Other Non-Government Organisations, have had a 'massive impact' on the work and reach of the foundation: 'We probably work with 290 [child-related] organisations currently in our system on child-safety standards, all the way up to accreditation'.<sup>155</sup>

### Ballarat Centre Against Sexual Assault

In March 2016, the Victorian Government announced a grant of \$110,000 to the Ballarat Centre Against Sexual Assault (Ballarat CASA) to match the funds remaining from crowdfunding efforts that sent survivors to Rome for Royal Commission public hearings. In a media release, the Victorian Premier Daniel Andrews said that the money would allow the Ballarat CASA to continue its work in supporting survivors of child sexual abuse in Ballarat and Western Victoria. The Premier said Ballarat CASA had reported a 27 per cent increase in people accessing its services since the establishment of the Royal Commission.<sup>156</sup> In July 2016, Ballarat CASA

established a women's support group for survivors of sexual abuse, including child sexual abuse. Ballarat CASA Manager, Ms Shireen Gunn, said the aim of the group was to link women to support services in the wake of further revelations of historical abuse of women in children's homes and to break down the isolation, stigma and shame associated with sexual abuse.<sup>157</sup>

## Blue Knot Foundation

In January 2013, additional Australian Government funding for the Blue Knot Foundation – the leading national organisation supporting adult survivors of childhood trauma – allowed the foundation's helpline to expand from four hours each weekday to eight hours a day, seven days a week. Use of the helpline – by survivors, their loved ones, health and other professionals, service personnel and others – has continued to increase since.

From the first half of 2013 to the first half of 2017, with the same hours of operation, the average number of occasions of service provided by the helpline per month more than doubled to 481. Between 1 January 2016 and 30 June 2017, 76 per cent of helpline service users were adult survivors of childhood trauma or abuse, of whom 62 per cent were survivors of childhood sexual abuse (for those who disclosed their abuse type).<sup>158</sup>

## Bravehearts

The demand for workshops and training conducted by Bravehearts – a national advocacy organisation focused on child sexual assault – has increased significantly during the term of the Royal Commission's inquiry. The training focuses on how to better identify and respond to child sexual abuse and other harm. In 2011, Bravehearts trained 375 people; in 2014, it trained 2,180 people.<sup>159</sup>

The expansion in Bravehearts' work in Victoria follows new laws implementing mandatory reporting – the *Wrongs Amendment (Organisational Child Abuse) Act 2017* (Vic)<sup>160</sup> and the *Children Legislation Amendment (Reportable Conduct) Act 2017* (Vic)<sup>161</sup> – both of which came into effect on 1 July 2017. Bravehearts also partnered with Ernst & Young in establishing an initiative called ChildPlace Health and Safety, a child protection risk management service.<sup>162</sup> This initiative aims to operate as an extension of workplace health and safety policies.<sup>163</sup> Many schools around Australia have begun similar programs.

## Care Leavers Australasia Network

In October 2017, Care Leavers Australasia Network (CLAN) organised a series of silent protests outside New South Wales Parliament House and Victoria's Parliament House over the failure of these state governments to commit to the national redress scheme for survivors of child sexual abuse.<sup>164</sup> CLAN's Executive Officer, Ms Leonie Sheedy, told ABC 24, 'We're trying to encourage the New South Wales Premier and other Premiers around Australia to opt in to the national redress. Care-leavers, they're dying ... They're dying without justice or redress'.<sup>165</sup> Ms Sheedy said that, 'For the National Redress Scheme to be effective, it needs to be a fully national scheme involving all governments, churches and charities'.<sup>166</sup>

## Child Wise

Child Wise have advised that all aspects of their service provision have increased since the start of the Royal Commission. According to Ms Lucy Romano, Senior Manager of Child Wise, since mid-2016 there has been more interest from a wide range of organisations wanting to become child safety ambassadors. Increased calls to the Child Wise Starting Point National Helpline about concerns for children coincided with increasing media coverage of the Royal Commission. We were told that Child Wise reviewed its services in 2017 to ensure that it remains abreast of legislative requirements and meets community expectations.<sup>167</sup>

## Rape and Domestic Violence Services Australia

Ms Karen Willis, Executive Officer of Rape & Domestic Violence Services Australia, said that the Royal Commission had helped to remove the shame felt by victims of child sexual abuse. Ms Willis said that more people have called the service as a result.<sup>168</sup>

## Tzedek

In 2012, Mr Manny Waks, a campaigner for survivors of child sexual abuse within the Jewish community, established Tzedek, a support and advocacy group for Jewish victims and survivors of child sexual abuse.<sup>169</sup> As the only dedicated Australian advocacy and support group for Jewish victims and survivors of child sexual abuse, Tzedek offered assistance to individuals wishing to participate in the Royal Commission, supporting them to tell their story directly to the Royal Commission or through Tzedek's written submissions and oral evidence. Tzedek received funding from the Royal Commission for the purposes of assisting victims, which provides greater access to support services for victims/survivors of child sexual abuse.<sup>170</sup>

## Referrals and prosecutions

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At the commencement of our inquiry, the Royal Commission and state, territory and federal police forces agreed on the exchange of information, including evidence of criminal offences that came to the attention of the Royal Commission, and summonses for material required for investigation.

The vast number of information referrals from the Royal Commission to law enforcement agencies saw some law enforcement agencies creating triage units to manage them. The referrals were then allocated to regional sex crimes units or specialist investigation teams such as the SANO Task Force in Victoria<sup>171</sup> (set up following the 2013 Victorian Inquiry into the Handling of Child Abuse by Religious and Other Non-Government Organisations<sup>172</sup>) and the Sex Crimes Squad and Child Abuse Squad within the State Crime Command of the NSW Police Force.

As at 31 July 2017, the Royal Commission had made 2,252 referrals to police, and police had laid charges in a number of these cases.

### Willingness to report sexual assault

In an interview conducted in April 2013, Director of the NSW Bureau of Crime Statistics and Research, Dr Don Weatherburn, said that the sharp jump in reported rates of sexual assault crime in New South Wales (an increase of 130 percent in 20 years) may be in part related to the publicity surrounding the Royal Commission. He said, 'Some of the stigma associated with the reporting is falling away and that may be bringing more victims out into the light of day. Most of those increases have come from increased reporting of child sexual assault'.<sup>173</sup>

On 8 June 2016, Dr Weatherburn said in a radio interview that a portion of the modest rise in crime figures for indecent assaults and acts of indecency in the previous two years could be attributed to historical cases 'coming out of the Royal Commission'.<sup>174</sup>

## Redress schemes

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### Commonwealth redress scheme

In May 2016, the Australian Government established a task force to consider the redress recommendations from the *Redress and civil litigation* report. On 4 November 2016, the federal Minister for Social Services, the Hon. Christian Porter MP, and the Attorney-General, Senator Brandis, announced a national redress scheme for victims of child sexual abuse in institutional contexts. Minister Porter indicated that state and territory governments and institutions would be able to opt into the scheme on the basis that they fund the cost of their eligible redress claims.<sup>175</sup>

The Australian Government Budget Papers, published on 9 May 2017, stated that, ‘The Government will provide \$33.4 million in 2017–18 to establish the Commonwealth Redress Scheme for Survivors of Institutional Child Sexual Abuse (the Scheme). The Scheme has been designed in close consultation with the Independent Advisory Council on Redress appointed by the Prime Minister in December 2016’.<sup>176</sup> The scheme is to commence in 2018 and operate for 10 years, with provisions for review and extension.

The scheme will aim to provide survivors of child sexual abuse in an institutional context with a monetary payment, psychological counselling and, if requested, a direct personal acknowledgement and response from the responsible institution. From March 2018, a telephone helpline and website are expected to be available to provide information to survivors and their families about the scheme. These services will also connect survivors with legal and community support services. Redress via the scheme will include individual payments of up to \$150,000. Applications will be assessed by an expert panel against a range of factors and criteria.<sup>177</sup>

On 26 October 2017, legislation to establish the Commonwealth Redress Scheme was introduced into Parliament in the Commonwealth Redress Scheme for Institutional Child Sexual Abuse Bill 2017 (Cth).

### State and territory responses to national redress scheme

Representatives of the governments of New South Wales, Victoria, Queensland, the Australian Capital Territory and the Northern Territory expressed support for a national redress scheme.<sup>178</sup>

Ms Caroline Mealor, Deputy Chief Executive of the Attorney-General’s Department in South Australia, indicated the South Australian Government’s support for a national redress scheme, but on the basis that funding would be provided by the Australian Government, stating that the South Australia Government was not in a position to become a funder of last resort.<sup>179</sup> Mr Simon Overland, Secretary of the Department of Justice in Tasmania, told the *Institutional*

*review of Commonwealth, state and territory governments* public hearing that the Tasmanian Government did not have a position about opting into the national scheme, but was in discussions with the Australian Government regarding the matter.<sup>180</sup> Mr David Smith, Acting Director-General of the Department of the Premier and Cabinet in Western Australia, stated in the same public hearing that at that time there was no Western Australian Government position on opting in to a national scheme and that this matter would be considered by the new government after the state election in March 2017.<sup>181</sup>

## Anglican Church of Australia

In our *Institutional review of Anglican Church institutions*, we heard evidence that the Anglican Church of Australia is developing a national Anglican redress scheme.<sup>182</sup> On 6 September 2017, the Anglican Church announced it will set up an independent company to handle complaints and compensation claims of survivors of child sexual abuse, 'enabling the church to join the Commonwealth redress scheme when it is announced'.<sup>183</sup> According to a media release by the General Synod of the Anglican Church of Australia, this independent company will 'coordinate and manage redress for survivors of child sexual abuse through participation in the Commonwealth redress scheme as well as for survivors of abuse who are unable or unwilling to use the Commonwealth scheme'.<sup>184</sup>

## Scouts Australia New South Wales

During the public hearing in our *Institutional review of Scouts and Hunter Aboriginal Children's Service*, Mr Andrew Smith, General Manager of Scouts Australia New South Wales, gave evidence that Scouts Australia New South Wales was developing guidelines for the provision of redress on an interim basis while waiting for the Australian Government's establishment of a national redress scheme.<sup>185</sup>

## YMCA

In September 2016, interim CEO of YMCA Australia, Ms Melinda Crole, announced the details of the organisation's redress scheme for survivors of child sexual abuse.

Ms Crole gave evidence in our *Institutional review of YMCA NSW* about the redress scheme developed by YMCA Australia, which commenced in September 2016.<sup>186</sup> Under the scheme, the organisation issues to survivors a personal apology as well as the offer of a monetary component of up to \$90,000 and up to \$5,000 for counselling. As at 30 June 2017, nine survivors had contacted the scheme and six had completed the redress process. The average payout for survivors who had completed the process at this time was \$47,700, plus an additional amount of \$5,000 for counselling or psychological care.<sup>187</sup>

## Community

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### Loud Fence movement

The original Loud Fence was established in May 2015 at the site of the former St Alipius Boys' School in Ballarat.<sup>188</sup> The community was invited to tie 'loud' (brightly coloured) ribbons to the front fence of the school as a show of support for victims of child sexual abuse. The initiative spread across Australia and the world, with ribbons appearing at Westminster Abbey, London, at St Patrick's Cathedral, New York, and in the Vatican City, Rome.<sup>189</sup>

### Interrelate art exhibition

Survivors who gave testimony to the Royal Commission have painted, written and sculpted their experiences as a form of expression and their artworks have been featured in an exhibition on the NSW Central Coast established in September 2017. Counselling service Interrelate has organised the exhibition of artworks, poetry and videos. Interrelate clinical specialist, Ms Mellita Bate, said in an interview that, 'Many of our Royal Commission clients have used art therapy in their recovery process to communicate and repair traumatic memories'.<sup>190</sup> This collection will be featured at Family Relationship Centres around New South Wales and there are plans for a national showcase.<sup>191</sup>

### Parragirls Past, Present

*Parragirls Past, Present*, a multimedia art exhibition and experience premiered in September 2017 at The Big Anxiety festival in Sydney. In collaboration with media artists and EPICentre, a high resolution 3D immersive environment, *Parragirls Past, Present* 'rewrites the public history of the former child welfare institution, unsettling myth and memory'. The immersive experience follows as the 'Parragirls' (former residents of the Parramatta Girls Home) 'seek out traces to substantiate what really happened in the home up until the early 1980s'. This exhibition also involved a self-guided audio walk of the Parramatta Girls Home and a virtual reality project at one of the festival's hubs in Parramatta. A further Parragirls project, 'The Public Secret', appeared as part of the festival in the exhibition *Group Therapy* at UNSW Galleries.<sup>192</sup>

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## Appendix B Examples of memorials created after previous inquiries

Memorials acknowledge and recognise the events of the past. For child sexual abuse survivors, memorials are part of an apology. Internationally, there are a large number of memorials that acknowledge historical tragedies. This appendix provides some examples of memorials established as a result of recommendations made in three previous inquiries in Australia.

### Bringing them home

The *Bringing them home* report recommended that the Aboriginal and Torres Strait Islander Commission with the Council for Aboriginal Reconciliation:

- arrange for a national ‘Sorry Day’ to be held each year to commemorate the history of forcible removals and their effects. The first Sorry Day was held in 1998
- seek proposals for further commemorating the individuals, families and communities affected by forcible removal at the local and regional levels. These proposals were to be implemented when a widespread consensus within the Indigenous community has been reached.

Table B.1 outlines examples of memorials produced to commemorate the Stolen Generations.

**Table B.1 – Examples of memorials commemorating the Stolen Generations**

Place	Memorial	Inscription
Brisbane, Qld (1998)	The ‘Bringing them home’ plaques in Brisbane commemorate the experiences of the Stolen Generations. In 1998, a ceremony was held at which the people of Brisbane, as well as civic, religious and community leaders, acknowledged the hurt and sorrow caused to these children and their families, sought their forgiveness, and pledged themselves to the process of reconciliation and cultural understanding.	‘They took the children away, Our souls will cry no more, For now we are going home  ‘In the years 1900–1971, as a matter of government policy, Aboriginal and Torres Strait Islander children were forcibly removed from their families and cultures by representatives of the State with the support of the wider community including Christian churches. Some members of these Stolen Generations were placed in state or church institutions, others were fostered or adopted by white Australians.  ‘On this site in 1998, a ceremony was held at which the people of Brisbane, civic, church and community leaders acknowledged the hurt and sorrow caused to these children and their families, sought their forgiveness, and pledged themselves to the process of reconciliation and cultural understanding.’

Place	Memorial	Inscription
Sydney, NSW (1999)	Located in Sydenham Green, Sydenham, Aboriginal artist Joe Hirst created the installation of a stone and ceramic wall with stone water bowls to commemorate the Stolen Generations.	<p>‘We may go home, but we cannot relive our childhoods. We may reunite with our mothers, fathers, sisters, brothers, aunties, uncles, communities, but we cannot re-live the 20, 30, 40 years that we spent without their love and care, and they cannot undo the grief and mourning they felt when we separated from them.</p> <p>‘We can go home to ourselves as Aboriginals, but this does not erase the attacks inflicted on our hearts, minds, and bodies by caretakers who thought their mission was to eliminate us as Aboriginals.’</p>
Nowra, site of former Bomaderry Children’s Home, NSW (2001)	Memorial plaque and Stolen Generation Memorial Garden Project led by Nowra Aboriginal artist and community leader, Jason Groves, in conjunction with TAFE Illawarra.	<p>‘This plaque and memorial garden is dedicated to “all” the Aboriginal children of the “Stolen Generation” who were residents here at Bomaderry, the former “United Aborigines Missions” (U.A.M). Also to honor and respect the children who are now deceased. This site is the birthplace of the “Stolen Generation” here in New South Wales.’</p>

### Lost Innocents

The *Lost Innocents* report recommended that Australian governments provide funding for the establishment of suitable memorials commemorating Former Child Migrants. Table B.2 outlines examples of memorials produced.

**Table B.2 – Examples of memorials commemorating Former Child Migrants**

Place	Memorial	Inscription
Hobart, Tas (2005)	Statue of a young boy and girl in transit, dedicated to the 295 children removed from their families in Britain and sent to Tasmania under the British and Commonwealth child migration schemes.	‘This memorial is dedicated to 295 innocent children removed from their families and loved ones and sent to Tasmania between 1912 and 1972, under British and Commonwealth Child Migration Schemes.’
Fremantle, WA (2004)	<p>Located at the WA Maritime Museum and sponsored by the Department of Community Development WA, this memorial was unveiled by Minister Shelia McHale, who said:</p> <p>‘The statue, a representation of a boy aged 12 and a girl aged 10 with expressions of awe and wonder on their faces, aptly captures the emotional journey.’</p> <p>‘These children are now adults and some are no longer with us, but their children and grandchildren can know their loved ones are remembered for the part they played in our community and history.’</p>	<p>Plaque 1</p> <p>‘This memorial is jointly funded by the Commonwealth and Western Australia Governments and is dedicated to the Maltese boys and girls who left their homeland to brave an unknown future in Western Australia.</p> <p>‘Hardships were endured, benefits were derived.</p> <p>‘These child migrants provided valuable contributions to Australian society in diverse ways as parents, workers, and citizens.</p> <p>‘Australia is better for their coming.’</p> <p>Plaque 2</p> <p>‘This memorial is jointly funded by the Commonwealth and Western Australian Government and is dedicated to the British boys and girls who left their homeland to brave an unknown future in Western Australia.</p> <p>‘Hardships were endured, benefits were derived.</p> <p>‘These child migrants provided valuable contributions to Australian society in diverse ways as parents, workers and citizens.</p> <p>‘Australia is better for their coming.’</p>

Place	Memorial	Inscription
Adelaide, SA (2001)	A plaque was unveiled at the Migration Museum in South Australia.	<p>'This plaque is dedicated to the innocent children sent to Australia from their homelands under the British Child Migration Schemes, from the late 19<sup>th</sup> Century to the mid 20<sup>th</sup> Century.</p> <p>'The South Australian Government acknowledges the contributions to this State of the British Child Migrants who have made this place their home, and wishes them well in their search for their families and their identity, and in their endeavours to re-connect with their homeland.'</p>

### Forgotten Australians

In 2004, the *Forgotten Australians* report recommended that 'the Commonwealth and State Governments, in conjunction with the Churches and agencies, provide funding for the erection of suitable memorials commemorating care leavers', such as:

- memorial gardens constructed in conjunction with local councils
- the placement of plaques at the site of former institutions
- the construction of heritage centres on the site of former institutions.

The report further recommended that the Australian Government fund an oral history project to collect the life stories of former residents in institutional and out-of-home care. The report urged the National Museum of Australia to consider establishing an exhibition, preferably permanent, related to the history and experiences of children in institutional care, and that such an exhibition have the capacity to tour as a travelling exhibition. Table B.3 outlines examples of memorials produced to commemorate the Forgotten Australians.

**Table B.3 – Examples of memorials produced to commemorate the Forgotten Australians**

Place	Memorial	Inscription
Brisbane, Qld (2004)	The Historic Abuse Network Memorial, also known as the Child Abuse Memorial, was unveiled in central Brisbane with the support of the Brisbane City Council and Queensland Council. The bronze, life-size statue is of a barefoot boy, with tattered suitcase in hand.	‘In memory of all the children who suffered and of those who did not survive abuse in Church and State children’s institutions and homes in Queensland. “For there is nothing hidden, except that it should be made known; neither was anything made secret, but that it should come to light.” (Mark 4:2)’
The Royal Botanic Garden Sydney, NSW (2009)	The New South Wales Government held a healing service in the Royal Botanic Garden, Sydney on 19 September 2009, with more than 700 people attending. The service included the unveiling of a stone plinth at the Twin Ponds site.	‘For Forgotten Australians.  ‘In this place, we remember the many thousands of NSW children who grew up in care in the decades leading up to the 1990s – in orphanages, in Children’s Homes and foster homes, in institutions. We remember the lonely, the frightened, the lost, the abused – those who never knew the joy of a loving family, who suffered too often at the hands of a system meant to provide for their safety and wellbeing. We rejoice in their courage and strength. This corner of the Gardens is dedicated to their memory.’
Peace Park, Adelaide, SA (2010)	Consists of four large stainless steel daisies, each in a different state of opening, as symbols of hope and healing for children (now adults) who suffered harm in out-of-home care. The tallest of the daisies is more than six metres. The memorial was unveiled by several children of former care-leavers at a ceremony that was attended by about 200 people.	‘In honour of children who suffered abuse in institutional and out of home care. We have grown though awareness and unity. We celebrate our courage, strength and resilience. We are no longer forgotten. Dedicated to the future protection and nurturing of all children.’

Place	Memorial	Inscription
Southbank Promenade, Melbourne, Vic (2010)	The memorial recognises all Victorian Forgotten Australians who, as children, spent time in Victorian orphanages, children's homes or foster care during the 20 <sup>th</sup> century.	'This artwork reflects the constellations above Victoria at 11am on 16 November 2009, when Prime Minister Kevin Rudd made his national apology to the "Forgotten Australians". Wattle blossoms represent the one thousand most visible stars and planets, one for every one hundred children who were in Victorian state care. Here we remember those thousands of children who were separated from their families and grew up or spent time in Victorian orphanages, children's homes and foster homes last century. Many were frightened, abused and neglected. We acknowledge the many shattered lives and the courage and strength of those who survived. Unveiled 25 <sup>th</sup> October 2010 and developed with the support of the Australian and Victorian Governments and the City of Melbourne.'
Perth Cultural Centre, Perth, WA (2010)	The memorial was jointly funded by the Australian Government and Western Australian Government. It was created by local artist Judith Forrest, in collaboration with author Terri-Ann White. Modelled on a children's fortune-telling game made of folded paper, it shows lines as if from an old exercise book, and the corners and flaps bear the words of Forgotten Australians about their experiences and their present situations.	<p>'This memorial is jointly funded by the Western Australian and Commonwealth Governments and is dedicated to all Western Australians who experienced institutional or out-of-home care as children.</p> <p>'This memorial brings the "Forgotten Australians" out of the shadows and into the light. Their most enduring legacy will be that the people now and in the future will know their stories and build upon them a platform for better care.</p> <p>'There is a strong thread that links the way a child is raised with the person they become in adulthood. This memorial stands as a reminder of that thread to all who create policies that affect children.'</p>



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