

# Victorian Government Annual Report 2021

Royal Commission into Institutional  
Responses to Child Sexual Abuse



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

Also available in an accessible format on: [www.vic.gov.au/institutionalchildsexualabuse](http://www.vic.gov.au/institutionalchildsexualabuse)

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## Our thanks

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

## Introduction

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This is the fourth annual report on the Victorian Government's progress in implementing the recommendations of the Royal Commission into Institutional Responses to Child Sexual Abuse (Royal Commission). This report represents the government's continued work to prevent and respond to child sexual abuse. The government is striving to prevent another child from being let down by the system and taking action to prevent past harms being repeated. It is also committed to ensuring victim survivors are prioritised, supported and treated with the dignity they deserve.

The Victorian Government welcomed the release of the Royal Commission's Final Report in December 2017. The Victorian Government response to all of the recommendations of the Royal Commission was published on 11 July 2018. The government's:

- first annual report was published on 6 March 2019
- second annual report was published on 18 December 2019, and
- third annual report was published on 21 December 2020.

This report describes the actions the Victorian Government has taken to prevent and respond to child sexual abuse from December 2020 to December 2021. It also describes work that is in progress and planned to build on these reforms. This year's report highlights some of the positive outcomes from the government's implementation of recommendations so far, including through case studies and data.

The coronavirus (COVID-19) pandemic has created significant challenges for everyone in the community. The Victorian Government has redirected resources to respond to the critical priorities, such as keeping all Victorians safe and healthy.

Despite these challenges, the Victorian Government has implemented several key reforms in 2021. For example, the government introduced both legislative and policy reforms to expand the powers of the Victorian Registration and Qualifications Authority to regulate school boarding premises to ensure they are compliant with Victoria's Child Safe Standards.

Additionally, Victoria was the first Australian jurisdiction to make 'extended care' available

to all young people leaving care. The Victorian Government's landmark Home Stretch program supports a young person to remain living with their carer or to transition to independent living arrangements up to age 21. This support was previously only offered up to the age of 18.

The Victorian Government also allocated ongoing funding of \$9.9 million over four years in the 2021-22 Victorian State Budget to the Intermediary Program, which began as a pilot on 1 July 2018. The program provides supports for all children and young people, as well as adults with cognitive impairment, who are giving evidence in sexual offence and homicide court matters.

The Victorian Government is modernising the *Children, Youth and Families Act 2005*, including enshrining all five elements of the Aboriginal and Torres Strait Islander Child Placement Principle. This work goes towards implementing the Wungurilwil Gaggapduir: Aboriginal Children and Families Agreement and Strategic Action Plan, a landmark partnership between the Aboriginal community, the Victorian Government and community services organisations to improve outcomes for Aboriginal children and young people in care.

As highlighted in previous annual reports, the Victorian Government continues to lead reforms to prevent and respond to child sexual abuse. This includes implementing all 15 recommendations of the landmark Victorian Parliamentary Inquiry into the Handling of Child Abuse by Religious and Other Non-Government Organisations, Betrayal of Trust (2013). A key recommendation of Betrayal of Trust was the introduction of minimum standards for child safety in relevant organisations, resulting in the development and implementation of Victoria's Child Safe Standards (Standards).

The Royal Commission's recommendations continue to play a pivotal role in shaping Victorian reforms to better protect children from abuse. For example, in light of Royal Commission recommendations, the Victorian Government reviewed its Standards and has recently published 11 new Standards. These new Standards closely align with the National Principles for Child Safe Organisations, which reflect the Royal Commission's recommended child safe standards, while also retaining a focus on Aboriginal cultural safety and child empowerment – an important feature of the Standards.

Work also continues to progress between the Victorian Government and the Australian and state and territory governments, to advance joint recommendations that require national action. Further information about the cooperative work between governments that is underway is available in the [Australian Government's Annual Progress Report 2021](#).

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

## Final Report of the Royal Commission (2017)

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### Making institutions child safe (Volume 6)

The Victorian Government is working to embed long-term changes in both institutions and the community that safeguard the rights of children, to ensure the promotion of their safety and support their participation in decisions that affect their lives.

#### National Strategy to Prevent and Respond to Child Sexual Abuse 2021-2030

The Victorian Government has worked closely with the Australian Government and other state and territory governments to develop the National Strategy to Prevent and Respond to Child Sexual Abuse 2021-2030 (National Strategy). [The National Strategy was launched by Prime Minister Scott Morrison on 27 October 2021](#).

The [National Strategy](#) provides a whole-of-nation strategic framework to establish a coordinated and consistent approach to preventing and responding to child sexual abuse in all settings, including in families, online and in institutions. The National Strategy will do this by:

- increasing community awareness and understanding of child sexual abuse
- improving therapeutic responses and support for victim survivors of child sexual abuse and their non-offending family members
- improving the understanding of, and responses to, children with harmful sexual behaviours
- enhancing law enforcement activities and responses to perpetrators, and
- developing a research and evaluation agenda to inform future prevention and response initiatives.

The National Strategy will be implemented via three National Action Plans (2021-2024, 2025-2027, and 2028-2030).

### Reforms to Victoria's Child Safe Standards

The Victorian Government has been a national leader in developing minimum standards for organisations that work with children to create child-safe environments. Victorian organisations that provide services or facilities to, or employ or engage, children and young people must comply with Victoria's Child Safe Standards (Standards). Victoria's seven Standards were phased in between 1 January 2016 and 1 January 2017 – before the Royal Commission recommended its 10 Child Safe Standards. The Royal Commission's Child Safe Standards have since been shaped into the [10 National Principles for Child Safe Organisations](#) (National Principles).

In response to the Royal Commission, Victoria committed to review its Standards. The [Review of the Victorian Child Safe Standards Final Report \(2019\)](#) recommended aligning Victoria's Standards with the National Principles, while retaining a focus on child empowerment and Aboriginal cultural safety. As a result, [11 new Child Safe Standards](#) were published on 1 July 2021, and will come into effect on 1 July 2022. [The new Standards](#) closely align to the 10 National Principles but also include an additional Standard on Aboriginal cultural safety (Standard 1, Table 1).

**Table 1. VICTORIA'S NEW CHILD SAFE STANDARD 1**

Organisations establish a culturally safe environment in which the diverse and unique identities and experiences of Aboriginal children and young people are respected and valued.

In complying with Child Safe Standard 1, an organisation must, at a minimum, ensure:

- 1.1 A child's ability to express their culture and enjoy their cultural rights is encouraged and actively supported.
- 1.2 Strategies are embedded within the organisation which equip all members to acknowledge and appreciate the strengths of Aboriginal culture and understand its importance to the wellbeing and safety of Aboriginal children and young people.
- 1.3 Measures are adopted by the organisation to ensure racism within the organisation is identified, confronted and not tolerated. Any instances of racism are addressed with appropriate consequences.
- 1.4 The organisation actively supports and facilitates participation and inclusion within it by Aboriginal children, young people and their families.
- 1.5 All of the organisation's policies, procedures, systems and processes together create a culturally safe and inclusive environment and meet the needs of Aboriginal children, young people and their families.

### Changes to how Victoria's Child Safe Standards are regulated

In June 2021, the Victorian Parliament passed new laws to strengthen the regulatory framework for the Standards. The new laws come into effect on 1 January 2023. Important changes include:

- providing regulators of the Standards with a suite of contemporary monitoring and enforcement powers to enable regulators to take a proportionate and risk-based approach to regulation
- the introduction of a mechanism to clearly identify the regulator for each sector that is subject to the Standards, providing clarity for organisations about who regulates them, and removing the confusion associated with the current co-regulatory model
- providing the Commission for Children and Young People with a state-wide leadership and capacity building role to ensure consistent child safety outcomes across sectors, and
- facilitating improved information sharing between regulators so non-compliance with the Standards can be more effectively and efficiently identified, making organisations safer for children.

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

The Royal Commission recommended governments across Australia implement long-term safety initiatives that address not just sexual abuse, but a broad range of safety issues for children.

'Safe and Supported: The National Framework for Protecting Australia's Children 2021-2031' (Safe and Supported) was created in collaboration with multiple relevant stakeholders. This included all Australian governments, SNAICC (the national non-government peak body for Aboriginal and Torres Strait Islander children), the National Aboriginal and Torres Strait Islander Leadership Group and non-government organisations across Australia.

Safe and Supported, which was launched on 8 December 2021, sets out governments' 10-year strategy to improve the lives of children, young people and families experiencing disadvantage or who are vulnerable to abuse and neglect. It includes an agreed vision and goal, priority groups, focus areas and underpinning principles.

### Online safety

The Royal Commission recommended governments introduce measures to improve online safety for children to prevent and mitigate the risk of online sexual abuse. Since 2018, the Victorian Government has implemented a School Incident Management System (SIMS) policy which provides a robust approach to the reporting, notification and management of school incidents. The SIMS facilitates a consistent approach to reporting that allows for a timely response to incidents and can prevent further harm. The policy enables major incidents to be escalated for coordinated response, supported by multiple stakeholders including emergency management, legal, media/communications, IT teams and Student Support Services Officers.

Standard Operating Procedures for the Department of Education and Training are to advise principals to notify the eSafety Commissioner and the Department's Cyber Security Team for any cyber safety related matters.

### **Nationally coordinated law enforcement responses to online child sexual abuse**

#### **Operation Griffin**

Operation Griffin brings together Australian and New Zealand heads of law enforcement and child abuse investigation units, to better coordinate responses to child protection. The Australian Federal Police (AFP), state and territory police, Australian Transaction Reports and Analysis Centre, Australian Border Force and the Australian Criminal Intelligence Commission are continuing to work together through Operation Griffin.

Operation Griffin has a number of sub-working groups, all of which have Victoria Police representation.

#### **ThinkUKnow online child safety program**

The ThinkUKnow online child safety program, led by the AFP, engages influencers in a young person's life, including parents, carers, educators and police to raise awareness and deliver education about preventing online child sexual exploitation.

A component of the program includes in-school presentations which are delivered by state and territory police to build positive engagement between children, young people and police, while equipping students with the knowledge and skills to be able to take actionable steps to maintain their safety at all times.

ThinkUKnow continues to receive requests from schools for student presentations. This demand and need for online child safety education is highlighted through the increased numbers of presentations delivered. The AFP and state and territory police delivered 2,226 presentations to an estimated 198,680 students across Australia.

During 2018—2019, Victoria Police was involved in over 500 presentations.

#### **Schools Engagement Model**

Victoria Police launched its new Schools Engagement Model (Model) on 9 December 2021, in partnership with the Victorian Department of Education and Training. The Model provides structured, principles-based guidance for how police engage with schools. The Model features

a range of engagement, from generalised community engagement activities aimed at strengthening relationships and preventing crime, through to activities targeted to behaviours affecting community safety. The Model recognises the unique role that Victoria Police plays within the community. It also acknowledges the many other agencies and community organisations supporting the healthy development of young people. For this reason, the Model encourages partnerships with local organisations and service providers to promote more effective and purposeful engagement between police and schools. This will help avoid relying on police to deliver programs or initiatives more suited to other service providers.

#### **Nationally consistent categorisation of child abuse material**

In February 2021, Victoria Police transitioned from the Australian National Victim Image Library 9 classification model to the Australian Child Abuse Categorisation Schema. Both of these models deal exclusively with child abuse material, being images and video files. All Australian states and territories will be working towards adopting this classification model. The Australian Child Abuse Categorisation Schema streamlines the process of categorisation for investigators and provides greater opportunity to focus on victim identification, allowing investigators to better identify and rescue children who are the victims of sexual abuse. More information on the Schema can be found in the Australian Government's Annual Progress Report 2021.

### **Improving institutional responding and reporting (Volume 7)**

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

#### **Reporting child abuse**

Child Protection is specifically targeted to those children and young people in need of protection, if they have experienced or are at risk of significant harm, and their parents have not protected, or are unlikely to protect them from that harm. Mandatory reporters in Victoria are required to make a report to Child Protection authorities when, in the course of practicing their profession or carrying out duties of their office, position or employment, they have formed a



belief on reasonable grounds that a child is in need of protection from physical injury or sexual abuse. Victoria's mandatory reporter groups were expanded to meet those recommended by the Royal Commission and aligned fully with Royal Commission recommendations when school counsellors and people in religious ministry were included as mandatory reporters in early 2020.

The Royal Commission found that fear of reprisal can prevent the reporting of child abuse. The Victorian Government has responded to the relevant Royal Commission recommendation by introducing the Children, Youth and Families Amendment (Child Protection) Bill 2021 into Parliament. The Bill, amongst other matters, amends the *Children, Youth and Families Act 2005* to include reprisal protections for reporters to Child Protection. This addresses situations in which a reporter may not make a report to Child Protection due to a fear of reprisal from their workplace or family members or others connected to the child and family, despite the existence of confidentiality provisions. This will also protect referrers where they might direct their concerns to The Orange Door or Child and Family Information, Referral and Support Teams (Child FIRST).

The Victorian Government also provides avenues of support where significant concerns for the

wellbeing of children or unborn children are identified. Early support to these children and their families can prevent escalation of risk necessitating Child Protection intervention. The Orange Door and Child FIRST have locations across the state and provide a central point from which children and families can be referred to relevant services based on an individual child's or family's needs.

### **Institutional reporting and complaint handling**

The Royal Commission found that child safe institutions are ones that 'create cultures, adopt strategies and take action to prevent harm to children [and do] not obstruct or prevent the reporting of child sexual abuse' (Final Report, page 134).

The Royal Commission recommended child safety be embedded at all levels of an organisation, and that complaints processes should be accessible and child-focused. As explained in Volume 6, Victoria's 11 new Child Safe Standards (Standards) will come into effect on 1 July 2022 and include Standards that implement recommendations of the Royal Commission regarding institutional responses to complaints (Table 2 and Table 3). The new Standards apply to Victorian organisations that provide services or facilities to, or employ or engage, children and young people.

**Table 2. VICTORIA'S NEW CHILD SAFE STANDARD 2**

**Child safety and wellbeing is embedded in organisational leadership, governance and culture**

In complying with Child Safe Standard 2, an organisation must, at a minimum, ensure:

- 2.1 The organisation makes a public commitment to child safety.
- 2.2 A child safe culture is championed and modelled at all levels of the organisation from the top down and bottom up.
- 2.3 Governance arrangements facilitate implementation of the child safety and wellbeing policy at all levels.
- 2.4 A Code of Conduct provides guidelines for staff and volunteers on expected behavioural standards and responsibilities.
- 2.5 Risk management strategies focus on preventing, identifying and mitigating risks to children and young people.
- 2.6 Staff and volunteers understand their obligations on information sharing and recordkeeping.

**Table 3. VICTORIA'S NEW CHILD SAFE STANDARD 7**

**Processes for complaints and concerns are child-focused**

In complying with Child Safe Standard 7, an organisation must, at a minimum, ensure:

- 7.1 The organisation has an accessible, child-focused complaint-handling policy which clearly outlines the roles and responsibilities of leadership, staff and volunteers, approaches to dealing with different types of complaints, breaches of relevant policies or the Code of Conduct and obligations to act and report.
- 7.2 Effective complaint handling processes are understood by children and young people, families, staff and volunteers, and are culturally safe.
- 7.3 Complaints are taken seriously and responded to promptly and thoroughly.
- 7.4 The organisation has policies and procedures in place that address reporting of complaints and concerns to relevant authorities, whether or not the law requires reporting, and co-operates with law enforcement.
- 7.5 Reporting, privacy and employment law obligations are met.

### Recordkeeping and information sharing (Volume 8)

The Victorian Government is continuing its work to prevent and respond to risks of child sexual abuse by strengthening recordkeeping practices within institutions that care for, or provide services to, children. Information sharing between key agencies and institutions with responsibility for children's wellbeing and safety, and between relevant professions, is vital to identifying, preventing and responding to child abuse.

#### Improving information sharing about teachers

The Royal Commission recommended the improvement of information sharing practices between regulatory authorities to promote the safety and wellbeing of children. On 24 March 2021, changes to the *Education and Training Reform Act 2006* came into effect to significantly strengthen the powers of the Victorian Institute of Teaching (VIT) to request information from, and share information with, relevant authorities about registered teachers. To carry out its regulatory function, the VIT can now request information from, and share information with, a wide range of entities, including:

- Australian and state and territory governments
- public authorities
- municipal councils
- former or current employers of a registered teacher.

#### Improving information sharing across sectors

##### *The Child Information Sharing Scheme*

The Child Information Sharing Scheme (CISS) enables proactive information sharing between prescribed organisations and services and requires organisations to respond to information requests.

Phase one of the CISS commenced in 2018 and allows frontline services, such as Child Protection, integrated family services and Victoria Police, to share information with each other, with the aim of promoting children's wellbeing and safety.

Phase two of the CISS commenced in April 2021 and broadened the range of organisations that can share information to include universal health, education and justice services, such as schools, public hospitals and courts. This expansion applied to an estimated 7,500 organisations, including approximately 370,000 workers. The inclusion of universal services in the scheme should increase collaboration and integration between services and improve both the early identification of risk for children and their families, and the delivery of timely support.

The Victorian Government is committed to monitoring and evaluating the outcomes and effectiveness of the CISS through 2021-2024 to ensure the scheme is working as intended. Further workforces may be included in the CISS in the future.

As of 30 September 2021, 12,102 authorised professionals have completed training on Victoria's information sharing reforms, including

the CISS, either face-to-face or online. A government enquiry line and inbox has also responded to 4,543 queries on Victoria's information sharing reforms.

### Child Link

Information sharing under the CISS will also be facilitated by Child Link. Child Link is a digital tool that combines information from existing source systems to create a single source of information about every child in Victoria, accessible to authorised professionals. Child Link was launched in December 2021 and legally authorised professionals, including maternal and child health nurses, school principals, key school staff and child protection practitioners, will be progressively trained and onboarded throughout 2022. Child Link is designed to ensure that children's privacy and safety is protected, while also providing professionals with the information they need to keep children safe and well.

Child Link will aim to assist professionals to:

- make more informed decisions about the wellbeing, safety and support needs of children in their service
- better identify risks and vulnerabilities and provide the necessary support to prevent any escalation of harm
- provide support earlier by linking information across services
- promote cross-service collaboration to facilitate more holistic support around a child, and
- facilitate smoother transitions between early childhood and education services by responding to gaps in participation.

### Nationalisation of child information sharing

In June 2021, the Victorian Department of Education and Training co-hosted a National Information Sharing Workshop with the Commonwealth National Office for Child Safety to continue ongoing discussions regarding a national child information sharing scheme. Approximately 60 senior government officials from over 20 government agencies took part in the workshop and discussed the purpose and scope of a national scheme.

### Improved recordkeeping within schools

Government schools in Victoria are already required to meet the minimum record retention requirements recommended by the Royal Commission, including records relating to student health, safety and wellbeing, under existing obligations set out in the *Public Records Act 1973*. In order to identify a practical approach to

align non-government schools' record retention requirements with those of government schools, the Victorian Government convened a School Records Working Group.

The Working Group agreed that minimum record retention requirements for child safety and wellbeing records, as set out in relevant Record Retention and Disposal Authorities released by the Public Record Office Victoria, should be implemented in all Victorian schools. These requirements will be included in the directions given to all schools in accordance with the implementation of the new Child Safe Standards in Victorian schools from 1 July 2022.

### Worker and Carer Exclusion Scheme

The Victorian Government is reforming how it regulates social services and will establish a single, streamlined regulatory framework to be administered by a new Social Services Regulator (Regulator). As part of the reforms, a new Worker and Carer Exclusion Scheme will replace the Victorian Carer Register and will be administered by the Regulator.

The Regulator will be empowered to use a suite of compliance tools to assess allegations of harm, abuse and neglect by carers to identify and exclude carers whose past actions show they pose an unjustifiable risk to children in care. Importantly, the Regulator will work collaboratively with other regulators to ensure risks posed by these carers are managed across different sectors and workforces.

Implementation of the reforms will commence in 2023.

All existing screening requirements for carers, such as Working with Children Checks and criminal records checks, will remain. This reform will also enable information sharing arrangements with previously implemented and related schemes, including the Reportable Conduct Scheme, to streamline reporting and administrative processes.

### Advocacy, support and therapeutic treatment services (Volume 9)

Victoria continues to deliver holistic and evidence-based advocacy, support and therapeutic treatment services to meet the needs of victim survivors of child sexual abuse, no matter the context of abuse. The Victorian Government is also continuing its work to improve how sexual assault service systems respond to the specific needs of individual victims and survivors, including those in the Aboriginal community.

## Services for victims and survivors of institutional child sexual abuse

A total of \$49 million over four years was committed to support all victim survivors of family violence and sexual assault in the 2021-22 Victorian State Budget. This includes funding for sexual assault support services to:

- increase intake capacity and respond to the rise in demand for sexual assault services, and
- provide new brokerage funding to support victim survivor recovery, including victim survivors of institutional child sexual abuse.

The 2021-22 Victorian State Budget also committed \$44.1 million over four years to deliver support for children impacted by family violence and sexual assault, which includes funding for additional sexual assault support services specifically for children and young people.

The Victorian Government funds dedicated support, advocacy, and counselling services for pre-1990 care-leavers, including child migrants. Pre-1990 care-leavers, also known as the Forgotten Australians, are people who were placed in institutional care as children before 1990. Many pre-1990 care-leavers experienced abuse during their time in care, including physical, psychological, emotional and sexual abuse. These experiences have had an enduring and detrimental effect on many of their lives. The Victorian State Budget committed \$8.33 million over four years, plus ongoing funding, that includes funding for dedicated support, advocacy, and counselling services for pre-1990 care-leavers, including child migrants.

In 2022, the Victorian Government and Sexual Assault Services Victoria will work together to consider service models and service integration to strengthen access for victim survivors with disability.

## Dedicated support for Aboriginal and Torres Strait Islander victim survivors

The Royal Commission recognised the importance of integrating culturally informed healing practices into the advocacy, support and therapeutic services available to Aboriginal victim survivors of child sexual abuse.

Three new Aboriginal services, led and designed by Aboriginal Community Controlled Organisations (ACCOs) and informed by the [Nargneit Birrang Aboriginal Holistic Healing Framework for Family Violence](#) are being trialled for up to two years in four areas of Victoria. These models offer culturally appropriate services

and support for Aboriginal victim survivors of sexual assault and child sexual abuse, including institutional child sexual abuse.

## Review of the CASA Forum Standards of Practice

All members of Sexual Assault Services Victoria funded to provide sexual assault support services must comply with the [CASA Forum Standards of Practice](#) (CASA Standards of Practice). The CASA Standards of Practice guide sexual assault practitioners to respond effectively and appropriately to the needs of victim survivors of sexual assault, including victim survivors of child sexual abuse. The CASA Standards of Practice outline current best practice for the sexual assault sector and align with the National Association of Services Against Sexual Violence National Standards.

The CASA Standards of Practice will be reviewed in 2022 to ensure they align with Royal Commission recommendations. The review will also consider how the CASA Standards of Practice can better align with [Victoria's Family Violence Multi-Agency Risk Assessment and Management \(MARAM\) Framework](#). The MARAM Framework aims to increase the safety and wellbeing of Victorians by supporting relevant services to effectively identify, assess and manage risk related to family violence.

## The National Centre for the Prevention of Child Sexual Abuse

The Royal Commission recommended the establishment of a national centre to raise awareness, promote help-seeking and develop best practice support for victim survivors of child sexual abuse.

In October 2021, the Australian Government announced that the Blue Knot Foundation, in partnership with the Aboriginal and Torres Strait Islander Healing Foundation and the Australian Childhood Foundation, will establish and deliver the National Centre for the Prevention of Child Sexual Abuse. The National Centre will collaborate with victim survivors, major research organisations, service providers, and state and territory governments in its work.

## Children with harmful sexual behaviours (Volume 10)

In line with Royal Commission recommendations, the Victorian Government has trauma-informed child-centred initiatives in place to help prevent harmful sexual behaviours from occurring, provide early intervention services should they emerge, and intervene appropriately when they occur.

## Sexually Abusive Behaviour Treatment Services

As part of the 2021-22 Victorian State Budget, the government committed \$44.1 million over four years to deliver support for children impacted by family violence and sexual assault, including increased funding for [Sexually Abusive Behaviour Treatment Services \(SABTS\)](#). This additional SABTS funding will be used to extend the capacity of these services to meet the growing demand for expert assessment and therapeutic interventions for children displaying harmful sexual behaviours.

SABTS practitioners follow the CEASE Standards of Practice, which are in broad alignment with Royal Commission recommendations. The CEASE Standards of Practice support informed, inclusive and accessible interventions for children and young people displaying harmful sexual behaviours. Sexual Assault Services Victoria has committed to review the CEASE Standards of Practice in 2022 to ensure they more closely align with Royal Commission recommendations.

## Contemporary out-of-home care (Volume 12)

The Victorian Government is working to strengthen mechanisms to prevent child sexual abuse in care services and provide an effective response if abuse does occur.

### Support for all young people leaving care

[Victoria is the first Australian jurisdiction to make 'extended care' available to all care leavers.](#) From 1 January 2021, eligibility for [Home Stretch](#) support was extended to all young people leaving foster, kinship and residential care from 18 until 21 years of age. From 1 July 2021, Home Stretch support became available to young people leaving foster, kinship and residential care from 16 until 21 years of age, and permanent care from 18 until 21 years of age. [Extended care will soon be covered under Victorian law](#) and has been supported by an investment of almost \$114 million from the Victorian Government (in addition to ongoing funding).

Home Stretch, delivered through the [Better Futures model](#), provides young people with options to:

1. remain with their carer up to the age of 21 years, or
2. receive support up to the age of 21 to transition to alternative living arrangements, such as a share house or independent living (See Case Study 1).

Home Stretch includes an allowance, case work support and flexible funding. The Victorian Government's Youth Expert Advisory Group, which includes young people with lived experience of the care services system, has contributed to the Better Futures and Home Stretch policies.

### CASE STUDY 1 - Home Stretch

*Home Stretch is supporting care leavers like 19-year-old Alkira.*

*Alkira recently enrolled at university to study primary education and was ready to move into independent living. While she works casually, there is a lot to cover on her own. Home Stretch covers most of her rent and will allow her to buy a new laptop for university. [See Alkira's story here](#) (YouTube interview) or [read the transcript here](#).*

### Child abuse data collection and reporting

The Royal Commission recommended having nationally consistent definitions relating to child sexual abuse, as well as nationally consistent data collection requirements for children receiving child protection services. National consistency in definitions will increase the accuracy of reporting by agencies like the Australian Institute of Health and Welfare and the Productivity Commission, which collect and analyse health and welfare data. This creates a reliable evidence base to support better policy and service delivery decisions from which effective prevention strategies can be developed.

National definitions for 'child sexual abuse', 'abuse in care', 'perpetrator', and 'child sexual exploitation' were agreed on by states and territories in late 2019. Victoria's definitions closely align with national definitions and the government will work towards incorporating the new definitions into its data collection and reporting system during the next major client incident policy review, due within the next two years.

'Abuse in care' data is now collected as part of the Child Protection National Minimum Data Set. Victoria and all other Australian jurisdictions committed to providing this data for the inaugural national [Safety of Children in Out-of-Home Care report](#). The report was published on 10 December 2021.

## **Better access to training for home-based carers**

The Royal Commission identified the importance of supporting carers to understand and respond to the needs of the children in their care, including those who have experienced child sexual abuse. It was recommended carers receive training on the impacts of trauma and abuse on children and the principles of trauma-informed care.

Carer KaFÉ provides training to foster and kinship carers based on the principles of therapeutic care, trauma, healing, and connection to culture. In 2021-22, the Victorian State Budget delivered ongoing funding for Carer KaFÉ to enable continued training and support for foster and kinship carers. The 2021-22 Budget also delivered an expansion of these supports to permanent carers, to be delivered over four years.

Carer KaFÉ is in the process of commissioning a review of its carer engagement, education, and training activities to ensure the program embeds best practice. The review will also examine the needs of different carers to determine whether tailored training might better meet the specific needs of each carer cohort. The expansions to Carer KaFÉ are outlined in the Victorian Government's Strong carers, stronger children: 12-month action plan 2021-22.

## **Expansion to therapeutic models of care**

In late 2020, close to \$16 million funding over four years was provided by the Victorian Government to expand Keep Embracing Your Success (KEYS). It is an intensive, trauma-informed, multi-disciplinary transition model of residential care and brings together the mental health and care service systems to provide young people who have complex emotional and behavioural needs with a range of therapeutic interventions, to enable a transition back to home-based care or independent living.

The Strong carers, stronger children: 12-month action plan 2021-22 sets out the ways Victoria will continue improving support for carers and children in their care. For example, ongoing funding has been dedicated to the continuation of the Treatment Foster Care Oregon model of foster care. This model aims to help children with complex behaviours live in long-term, home-based care instead of residential care placements. The model includes a foster carer who is available to provide 24/7 support to the child in their care. The model emphasises the development of interpersonal skills and

participation in positive social activities and offers a range of additional wraparound supports to meet the unique needs of that child.

## **Keeping Aboriginal children connected to culture, Country and family**

The Victorian Government is amending the *Children, Youth and Families Act 2005* to incorporate all five elements of the Aboriginal and Torres Strait Islander Child Placement Principle (ATSICPP) (see Table 4). The ATSICPP aims to enhance and preserve Aboriginal children's connection to culture, Country and community where they cannot remain with their parents. Similarly, the Act will recognise the importance of prevention, participation, partnership, placement and maintaining connection to culture.

The National Framework for Protecting Australia's Children 2009-2020: Fourth Action Plan 2018-2020 sought agreement by all jurisdictions to improve compliance with the ATSICPP through active efforts to implement all of its elements. The Wungurilwil Gagapduir: Aboriginal Children and Families Agreement (Wungurilwil Gagapduir) between the Aboriginal community, the Victorian Government and community service organisations outlines a strategic direction to reduce the number of Aboriginal children in care services. The Wungurilwil Gagapduir Strategic Action Plan (2021-24) identifies the implementation and measurement of the ATSICPP as a priority action.

The *Children, Youth and Families Act 2005* will also enable Aboriginal Community Controlled Organisations (ACCOs) to lead the response to child protection reports relating to Aboriginal children. This will build on the existing Aboriginal Children in Aboriginal Care reforms, which enable an ACCO to take on responsibility for an Aboriginal child's care management and case plan.

These changes reflect the Victorian Government's ongoing commitment to Aboriginal self-determination and recognise the importance of using the expertise of Aboriginal communities to keep children safe, well and connected to culture and community.

**Table 4. VICTORIA'S ENHANCED ABORIGINAL CHILD PLACEMENT PRINCIPLES**

**Prevention principle**

A child has a right to be brought up within the child's family and community.

**Partnership principle**

The Aboriginal community to which the child belongs and/or Aboriginal agency has a right to participate in the making of a significant decision in relation to an Aboriginal child under this Act.

**Participation principle**

The parents and members of the extended family of an Aboriginal child have a right to participate, and to be enabled to participate in an administrative or judicial decision-making process under this Act that relates to that child.

**Connection principle**

An Aboriginal child has a right to develop and maintain a connection with the child's culture, identity, family, community, Country and language.

**Placement principle hierarchy**

As a priority, wherever possible, the child must be placed within the Aboriginal extended family or relatives and, where this is not possible, other extended family or relatives.

If, after consultation with the relevant Aboriginal agency, placement with extended family or relatives is not feasible or possible, the child may be placed with:

- an Aboriginal family from the local community and within close geographical proximity to the child's natural family
- an Aboriginal family from another Aboriginal community, or
- as a last resort, a non-Aboriginal family living in close proximity to the child's natural family.

Any non-Aboriginal placement must ensure the maintenance of the child's culture and identity through contact with the child's community.

**Schools (Volume 13)**

The Victorian Government continues to implement historic reforms and initiatives to prevent sexual abuse from occurring in schools and ensure effective responses where it does occur. These include reforms that commenced on 18 June 2021 that require boarding schools to be registered with the Victorian Registration and Qualifications Authority on substantially the same basis as schools.

**Child Safe Standards within Victorian schools and boarding schools**

As outlined in Volume 6, the Victorian Government has introduced 11 new Child Safe Standards (Standards). The new Standards will help schools and boarding schools protect children from abuse. The government will assist with the implementation of the new Standards by providing guidance, resources and training to staff before they come into effect on 1 July 2022.

**PROTECT resources**

The Victorian Government continues to improve its PROTECT website, which provides resources and guidance for all cross-sector education staff, to ensure all schools have the required information to create child-safe environments. Key changes made to the PROTECT website throughout 2020-2021 included:

- adding information on the requirements in Ministerial Order 870 for boarding schools to create child-safe environments
- adding information on child protection, privacy and information sharing and reporting obligations, to cover information sharing and family violence reforms
- adding information to support schools to comply with the new Standards in relation to international student programs
- updating the Sexuality and Consent Education Policy, strengthening teaching resources on consent education and developing factsheets on sexual consent and school obligations.

## Mandatory reporting eLearning module

The Victorian Government has refreshed its eLearning module for mandatory reporting and other obligations for teachers in government and non-government schools and staff in early childhood and care settings.

The revised information better aligns the module with the most up-to-date guidance on how to identify and respond to child abuse. The module also includes new content about the Child Information Sharing Scheme and Family Violence Information Sharing Scheme. The mandatory reporting module is a compulsory training requirement to be completed by all registered teachers and early childhood and care staff annually.

## Consent education

Sexuality education can safeguard against sexual abuse and is included in the Victorian Curriculum at both primary and secondary school level.

In March 2021, the Victorian Government announced that from Term 2 of 2021, the teaching of consent in an age-appropriate manner would be mandatory in all government schools.

The delivery of age-appropriate sexuality education in Victorian schools is a component of the Health and Physical Education curriculum taught across government, Catholic and many independent schools. The Victorian Government provides optional teaching and learning resources for schools to use in delivering sexuality education. These evidence-based, age-appropriate resources include [Catching on Early](#) and [Catching on Later](#), and aim to support schools to teach the sexuality education components of the curriculum. Consent is covered in the [Catching on Later](#) resource used with students between Year 7 and 10.

The 2020-21 Victorian Budget also invested \$37.5 million to continue the Respectful Relationships initiative for a further four years. Respectful Relationships is a recommendation of the Victorian Royal Commission into Family Violence and is also a key primary prevention strategy for children displaying problem and abusive sexual behaviours. The initiative supports schools to promote and model respect, positive attitudes and behaviours, and teaches students how to build healthy relationships, resilience, and confidence. The whole school approach to Respectful Relationships facilitates schools to embed a culture of respect and gender equality across the entire school community.

More than 1,950 Victorian government, Catholic and independent schools are signed on to the Respectful Relationships whole school approach, including all government schools.

In line with recommendations of the Victorian Royal Commission into Family Violence, the Victorian Curriculum provides the basis for teaching and learning about respectful relationships, through identifying the knowledge, skills and understanding that help students to engage in respectful relationships.

## Complaint handling resources

The Victorian Government has updated its guidance on [Student Sexual Offending and Problem Sexual Behaviour](#).

The government has also developed a fact sheet on sexual consent, disclosures, and school obligations to support schools if they receive disclosure of student sexual offending. The fact sheet includes information about:

- who schools should contact for support
- how schools can communicate with their community about issues of consent and sexual assault, and
- reporting obligations for schools, including in relation to historical allegations of student sexual offending.

## Child safety during the COVID-19 pandemic

During the COVID-19 pandemic, the Victorian Government has continued to support vulnerable students and provide on-site learning for vulnerable children during remote learning.

The Victorian Government has continued to respond to queries about child safety from early childhood and care providers, schools, higher education and training providers and families through a dedicated Department of Education and Training COVID-19 advice hotline. It also published:

- guidance for staff on child safety, reportable conduct and duty of care in remote online learning environments
- a [student-facing web page](#) with information on staying safe online and raising concerns at school
- the [#ihaveyourback](#) campaign in partnership with Melbourne Football Club, promoting upstander behaviour and sharing ways to address cyberbullying
- updated Cybersafety and Responsible Use of Digital Technologies Policy for schools



- a new social media policy that includes measuring and addressing child safety risks, and
- advice to schools on using technologies to support flexible or remote teaching and learning. Schools were advised to use only government-provisioned technologies, particularly those with video-conferencing functions, due to significant challenges associated with appropriately managing privacy, security and safety.

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

Victoria's sport, recreation and arts sectors play an important role in detecting and preventing child abuse. The Victorian Government continues to work in collaboration with these sectors to improve child safety and achieve cultural change within the community to better protect children from harm.

#### **Child Safe Standards within the Victorian sporting sector**

The Victorian Government continues its partnership with Vicsport, the peak body for sport in Victoria, along with state sporting associations and state sport and active recreation bodies, to support all organisations to comply with the requirements of the Victorian Child Safe Standards (Standards).

Through funding agreements between the government, via Sports and Recreation Victoria, and sport sector governing bodies, the government requires these bodies to meet ongoing requirements including:

- implementing and maintaining their own policies and procedures to protect children and young people from harm, and
- complying with the Fair Play Code of conduct, which aims to encourage appropriate standards of behavior to enable every Victorian to be involved in sport that is safe, welcoming and inclusive.

#### **Targeted child safe resources for sport and recreation organisations**

In January 2021, through Vicsport, the Victorian Government supported the development of an extensive suite of resources to assist sport and recreation organisations to proactively implement child safe policies and procedures. These resources included information sheets, templates, guides, presentations and posters.

The free national online Play by the Rules platform, which the government contributes to significantly, continues to be a key support mechanism for state and community-level sporting organisations to learn about preventing and responding to child abuse in sport. During 2020-21, the online Child Protection course offered through the platform was completed by 4,774 Victorians – the second-highest participation rate in the country.

#### **Together More Active**

Together More Active is a Victorian Government funding program that provides support for Victorian sport and active recreation governing bodies to increase participation and enhance sector capability. Funding is open to organisations on the condition they meet several requirements, including being incorporated, complying with the Victorian Government's Fair Play Code, and adhering to the Standards.

Funding is available for a wide range of initiatives and projects, including those aimed at effectively embedding the Standards within an organisation. In 2020-21, 68 per cent of funded state sporting associations indicated they had used Together More Active program funds to provide training for, and/or to promote the Standards to their member clubs, leagues and associations.

Additionally, 21 per cent of funded state sporting associations indicated they used funding obtained through the program to complete child safe related project work in 2020-21, such as updating organisational child safe policies and procedures, and embedding child safe practices within strategic planning.

### **Contemporary detention environments (Volume 15)**

Youth Justice custodial facilities aim to provide a secure environment for the detention and rehabilitation of children and young people convicted or accused of committing a criminal offence. The Victorian Government is committed to the safety of children and young people in Youth Justice custodial facilities and continues its work to prevent all forms of child sexual abuse from taking place in these environments and ensure an effective response if it does.

#### **Child Safe Standards in Youth Justice**

The Victorian Government has implemented policies and practices and is continuing work to ensure Youth Justice services comply with the Child Safe Standards (Standards), so children and

young people within Youth Justice precincts and those under community supervision continue to be safe. Learning and development remains an important avenue for reinforcing the Standards and staff obligations. Youth Justice custodial and community staff are required to attend training programs on the Standards and the [Reportable Conduct Scheme](#). A new Certificate IV in Youth Justice is being introduced to improve training for custodial staff. The program will embed training on the Standards and reporting processes. Additionally, a new Operational Safety Training package has been developed and is being rolled out to support Youth Justice staff to update their relational skills and build de-escalation skills.

### **Introduction of body scanners in place of routine unclothed searches**

In 2020, the Victorian Government undertook a review of unclothed search policies and procedures in Youth Justice facilities. Body scanners have replaced mandatory routine unclothed searches at Parkville Youth Justice Precinct (since 18 August 2020) and Malmsbury Youth Justice Precinct (since 19 February 2021), as part of a deliberate shift away from unclothed searches for detecting contraband. Youth Justice staff who use the body scanner have received training in its use.

Unclothed searches are only undertaken based on the outcome of scans and an assessment of ongoing risk. In such cases, unclothed searches must be authorised by an Operations Manager and recorded in a register. Where unclothed searches are required, they are conducted in such a way that allows the young person to remain partially dressed throughout the entire process. This recognises the negative impact unclothed searches can have on children and young people, particularly those with a background of trauma, and the limited success of this method in locating contraband.

### **Custodial Classification and Placement Unit**

The Classification and Placement Unit in Youth Justice Custodial Services commenced operation in 2018 and assesses and identifies the individual needs of children and young people in custody. It also ensures they are placed in an environment that is consistent with their assessed risks and needs. When making its decisions, the unit considers security, risk management and how best to address the rehabilitative needs of the children and young people under custodial supervision.

### **Youth Justice Key Workers**

Young people in custody are assigned frontline Youth Justice workers as 'key workers' during their time in custody. The key worker is an additional support to that young person, assists them to engage with programs and activities targeted at their rehabilitation, and is another point of contact for the young person. Key workers take a leading role in case management and participate in care team and case management meetings involving the young person. During 2021, additional workplace coaching was provided to Youth Justice workers to support them to undertake the key worker role.

### **Complaints management processes in Youth Justice facilities**

In March 2021, the Victorian Government enhanced the internal complaints process within Youth Justice custodial environments by introducing two additional mechanisms through which young people and their families can give feedback and make complaints about matters related to Youth Justice supervision in custody. These new mechanisms include an email address and dedicated phone line that young people can access internally at no personal cost. This phone line is also accessible to their families and carers.

These new channels for raising complaints sit alongside the established methods of using unit-based feedback boxes, talking to a staff member, the [Independent Visitor Program run by the Commission for Children and Young People](#) and the Victorian Ombudsman.

Complaints that are received via the phone line, feedback box or email inbox are recorded in the Youth Justice Custodial Complaints Register. Complaints made by young people in Youth Justice facilities are acknowledged in person by a member from the designated Custodial Standards and Quality of Care team (CSQC), while complaints received from a family member are acknowledged in writing to the complainant within a week. The CSQC assesses complaints to determine how they should be managed. Concerns regarding physical or sexual assault are escalated immediately to the General Manager according to the Incident Reporting Guidelines. Where appropriate, young people are supported throughout the complaints process by their key worker and their Unit Manager. They also receive assistance throughout any investigation processes.

### **Custodial Forensic Youth Inpatient Unit**

In line with recommendations from the Royal Commission, Youth Justice services provide necessary support to meet young people's needs in custody.

The Custodial Forensic Youth Inpatient Unit is a three-bed ward located on Footscray Hospital grounds, delivered by Orygen Youth Health and accessible to young people with acute mental health needs. The facility provides acute inpatient services through a range of therapeutic interventions and programs to young people in custody.

### **Cherry Creek Youth Justice Precinct**

The Victorian Government has made a capital investment of \$419 million to build a new Youth Justice centre at Cherry Creek, near Werribee. Construction of the centre is currently underway. The design of the Cherry Creek facility has been revised, in line with international best practice, feedback from independent experts, and recommendations from the Armytage/Ogloff and Neil Comrie AO reviews. The new design will allow for the delivery of a more specialised facility that focuses on staff safety and reduces re-offending among young males aged 15-18 years, particularly those on longer term remand. Smaller accommodation units at Cherry Creek will help staff address young people's very complex needs.

The Cherry Creek facility will also include an intensive intervention unit, a specialised health care unit, intensive alcohol and drug treatment, and dedicated mental health beds. Furthermore, the facility will cater to Aboriginal children and young people who require a tailored approach to support their cultural needs.

### **Dedicated supports for Aboriginal children**

Several initiatives are underway to reduce the number of Aboriginal children involved in the youth justice system. This has been backed by \$11.89 million over four years of additional funding in the 2020-21 Victorian State Budget. These initiatives include:

- expansion of the Community Based Aboriginal Youth Justice program, including gender specific responses
- support for Balit Ngulu, a specialist holistic legal service for Aboriginal young people, and
- work with the Koorie Youth Council to amplify the voices of Aboriginal children and young people in policy and programs.

### **Cultural safety for Aboriginal children and young people**

Protecting cultural rights and upholding cultural safety plays an important role in maintaining the social and emotional wellbeing of Aboriginal young people in Victoria's youth justice system.

The Victorian Government continues to expand and develop the Aboriginal workforce within all levels of Youth Justice. A team of four Aboriginal Liaison Officers led by a Team Leader and a Manager of Aboriginal Custodial Operations advocate and respond to the cultural needs of Aboriginal children and young people, support the development of cultural support plans and work to ensure connection to family and community are maintained. They also work alongside the Commonwealth funded Youth Through Care workers to support young people to transition from custody to community.

Aboriginal young people in custody are offered a suite of culturally specific supports and programs to build new and reinforce existing cultural connections. For example, Aboriginal community organisations and Elders are engaged to provide culturally appropriate mentoring to Aboriginal young people in custody.

## Working with Children Checks Report (2015)

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The Victorian Government remains committed to strengthening the protection of children through Working with Children Checks (WWCCs).

The National Standards for WWCCs, endorsed by the Victorian Government in 2019, establish nationally consistent parameters for the screening of persons who propose to engage in child-related work. The National Standards were developed together with the Australian and state and territory governments, with reference to Royal Commission recommendations and existing best practice.

Most of the recommendations in the Royal Commission's WWCCs Report relate to the implementation of the National Standards for WWCCs. The Victorian Government continues to work with the Australian Government and other states and territories regarding the implementation of the National Standards, noting Victoria's WWCC scheme already aligns with, or exceeds, most of these standards.

On 1 February 2021, the *Worker Screening Act 2020* (new Act) commenced, replacing the *Working with Children Act 2005* and creating a broader legislative framework to accommodate both the WWCC and worker screening for the National Disability Insurance Scheme.

Reforms included in the new Act enable Australian jurisdictions to share information in cases where an individual has been refused a WWCC under the WWCC National Reference System. The WWCC National Reference System (NRS) is a central database established and maintained by the Australian Criminal Intelligence Commission that records WWCC decisions and was accessible to all WWCC screening agencies as they continued to onboard during 2021.

Following completion of IT systems changes and testing in late-2021, Victoria connected to the NRS on 16 December 2021 and commenced uploading those decisions where an individual has been refused a WWCC in Victoria. Further IT systems changes will be progressed in 2022 to enable full interoperability with the system. The reforms also enable WWCC Victoria to refuse an applicant from obtaining a Victorian WWCC if a person has been refused a WWCC interstate. Such initiatives align with recommendations in the Royal Commission's WWCCs Report. Compliance with WWCC requirements also continues to be a key element of Victoria's Child Safe Standards.

The Victorian Government continues to work with the Australian Government and other states and territories regarding the implementation of the National Standards, for example, to improve national consistency in the categorisation of WWCC offences that result in an automatic exclusion or presumed exclusion.

## Redress and Civil Litigation Report (2015)

The Victorian Government is working to ensure effective redress for victims and survivors of child sexual abuse, in recognition of the harm caused by child sexual abuse in institutional contexts.

### Redress

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

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

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

The Victorian Government provides counselling to all redress applicants residing in Victoria who receive and accept an offer of counselling and psychological care from the Scheme. A person is offered a choice of counselling service provider and a range of delivery options and services in rural, regional and remote areas. Culturally responsive counselling and healing services are available for Aboriginal and Torres Strait Islander people, as well as specialist services for the LGBTIQ+ community and people who were placed in institutional and other forms of out-of-home care as children.

Between 1 December 2020 and 1 November 2021, the National Redress Scheme in Victoria processed the following applications:

- received 269 applications for redress
- accepted 134 applications for Direct Personal Responses
- accepted 168 applications for counselling and psychological care services.

The Victorian Government continues to actively work with the Australian Government and other state and territory governments to improve the Scheme's operation to ensure a trauma-informed redress experience for survivors.

In June 2021, the Second Anniversary Review of the National Redress Scheme (Review) was publicly released. It made 38 recommendations, which highlight tangible changes that can be made to improve the redress experience for survivors.

In September 2021, the Australian Parliament amended the *National Redress Scheme for Institutional Child Sexual Abuse Act 2018* (Cth) to respond to the first tranche of Review recommendations requiring legislative change. These included the introduction of advance payments, removing the need for a statutory declaration with an application and changing the calculation date that prior payments are indexed.

In November 2021, further amendments were passed that respond to a key recommendation of the Review, the expansion of the Scheme's funder of last resort arrangements. This means that relevant governments can now agree to cover the financial liability for institutions that are defunct (and have no connection to government) or cannot afford to join the Scheme.

The Victorian Government continues to work with the Australian Government and other state and territory governments to respond to the recommendations.

### Stolen Generations Reparations Package

The Victorian Government has commenced work to establish a landmark Stolen Generations Reparations Package (Package), with an initial \$10 million announced in March 2020 for development and implementation of the Package. The Package aims to acknowledge and address the role of past Victorian governments in the forced removal of Aboriginal children from their families, the impacts of which continue to be felt today.

A 2018 survey found many Stolen Generations members continue to suffer health, social and economic disadvantage, with up to 70 per cent relying on government financial assistance and more than 50 per cent living with disability or a chronic health condition. Many Stolen Generations survivors also experienced sexual abuse during their time in institutional care, further compounding their trauma.

The Victorian Government is committed to the Package being community-led and designed. To ensure the Package is designed by and for Stolen Generations members, a Stolen Generations Reparations Steering Committee was established in 2020 to lead engagement on the design of a culturally safe and trauma-informed package. Steering Committee members included Stolen Generations members, their families, and representatives from key support services. The Steering Committee conducted 25 consultation sessions in early 2021, both in person and online across regional Victoria and metropolitan Melbourne, to ensure the views and expectations of the Victorian Stolen Generations community were collected. More than 400 community members participated in the sessions. The Steering Committee has developed a set of recommendations based on the outcomes of consultation sessions.

The Steering Committee has provided its Final Report to the Victorian Government. The Final Report includes comprehensive recommendations around Package design, redress options and broader policy reform work. The Victorian Government is currently working towards finalising the design and implementation of the Package.

In April 2021, based on recommendation from the Steering Committee, a \$300,000 Interim Funeral Fund was established. The Interim Funeral Fund will support families of Stolen Generations members who have passed since 1 January 2021, until the full Package is operational, providing up to \$10,000 for costs of a funeral, headstone or plaque and repatriation.

The Package will sit alongside other initiatives supporting Stolen Generations members, including Victorian Government funded services provided by Connecting Home Limited and the Koorie Family History Service.

## Civil litigation

The Victorian Government has implemented several legislative reforms based on Royal Commission and Betrayal of Trust recommendations. These have come into effect over time and have contributed to an increase in the proceedings and applications related to damages for child abuse that have been filed in the courts since 2015 (see, for example, Case Study 2). The reforms include:

- *Limitation of Actions Amendment (Child Abuse) Act 2015*, which commenced on 1 July 2015. This legislation abolished the limitation period for damages in relation to child abuse claims, allowing victim survivors to sue organisations responsible for their child sexual abuse regardless of how long ago the abuse occurred. Limitation periods had previously presented one of the biggest barriers for victim survivors seeking to access compensation.
- *Legal Identity of Defendants (Organisational Child Abuse) Act 2018*, which commenced on 1 July 2018. This legislation closed an unfair legal loophole which prevented child abuse victim survivors from suing some organisations due to the organisations' legal status. It made it a requirement for organisations to nominate or appoint a legal entity to act as proper defendant in child abuse proceedings and to incur any relevant liability arising out of child abuse. In this way, child abuse cases can no longer be prevented from participating in court proceedings due to organisations failing to nominate proper defendants.
- *Children Legislation Amendment Act 2019*, which commenced on 18 September 2019. This legislation allows a court to set aside a prior judgment or settlement in respect of damages for child abuse if it is just and reasonable to do so.

## CASE STUDY 2: Court sets aside unfair deed of release

WCB v Roman Catholic Trusts Corporation for the Diocese of Sale (No 2) [2020] VSC 639

*The plaintiff in this case, known as WCB, was a former altar boy who suffered abuse by late priest Daniel Hourigan in Gippsland from 1977 to 1980, between the ages of 11 and 14. WCB originally brought a claim against the Bishop of the Catholic Diocese of Sale in 1996, seeking compensation for the post-traumatic stress he suffered from the abuse. When WCB brought the claim, the time limit to bring such a claim to court had expired, placing him at a significant disadvantage in bringing the proceedings. The claim was settled with the Catholic Church directly for \$32,500 and a deed of release was signed, releasing the Church from any further obligation to WCB in this matter. WCB stated that he felt forced into accepting a 'terrible' settlement as 'the Church had all the power [and] I had none.'*

*In 2019, amendments were made to the Limitation of Actions Act 1958 to allow courts to set aside previous settlements in certain historical sexual abuse claims when it is deemed just and reasonable to do so. These amendments enabled WCB to bring a claim against the Roman Catholic Trusts Corporation for the abuse he suffered as a child. The Judge presiding over the case found that the settlement sum of \$32,000 paid to WCB in 1996 was significantly less compensation than the amount he may have received had he not been faced with the issue of the statute of limitations for his claim having expired. Additionally, when WCB originally made his claim in 1996, he had been unable to sue the Catholic Church itself as it was not an incorporated entity. This had put him at further disadvantage. Following legislative reform in 2018 WCB was able to bring a claim against the Catholic Church.*

*The Judge noted that there was evidence that WCB had been subjected to horrendous abuse by Hourigan over two and a half years, and that he continued to suffer as a result of this abuse. Justice Keogh was therefore satisfied that it was just and reasonable to set the deed of release aside, enabling WCB to sue the church for damages.*

*This Supreme Court ruling marked the first case to be decided following the 2019 amendments to the Limitation of Actions Act 1958. Of the outcome, WCB stated, 'This is a fresh chance not just for me, but for many abuse survivors' (Ty Cowie, 'Church's legal defence 'dismantled' after sex abuse pay-off thrown out', The Age, 1 October 2020).*

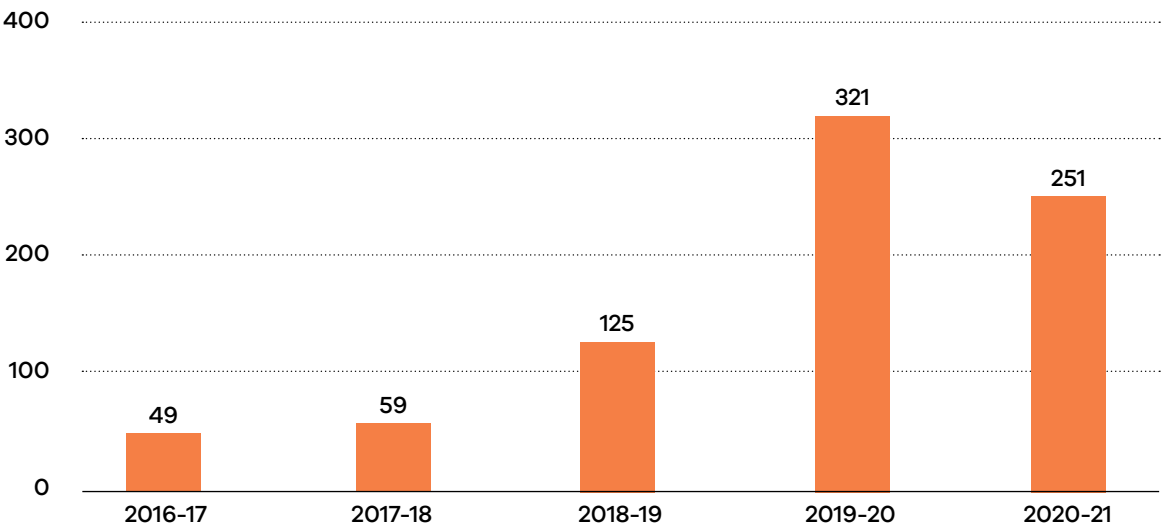
**Administrative guidelines for organisations providing services to children**

In 2019, the Victorian Government introduced an administrative guideline requiring all Victorian government departments to confirm that non-government organisations receiving government funding to provide services to children are incorporated and appropriately insured against child abuse. The Victorian Funding Guideline for Services to Children helps ensure organisations are capable of being identified and held financially accountable where they are responsible for child abuse, and to improve access to justice for survivors.

**Improving access to justice for child abuse victim survivors – impact of the Royal Commission**

The following graph shows a significant increase in the initiation of child abuse damages claims in the Supreme Court of Victoria from the 2018-19 financial year onwards. The data highlights that the ground-breaking reforms implemented by the Victorian Government have been effective in improving access to justice for victim survivors of child sexual abuse.

**Institutional abuse cases started in the Supreme Court of Victoria**





## Criminal Justice Report (2017)

The Victorian Government has been at the forefront of introducing reforms to improve the criminal justice system's response to child sexual abuse, including institutional child sexual abuse. The government recognises the importance of providing support to victims and survivors involved in the criminal justice system and is working to ensure the system operates in the interest of justice and protects the rights of the complainant and the accused.

### Prosecution reforms

#### Stronger laws for victim survivors of sexual violence

The Victorian Government is committed to preventing and improving responses to sexual violence and harm. In November 2021, in responding to the Victorian Law Reform Commission's (VLRC) report 'Improving the Justice System Response to Sexual Offences', the government announced major reforms to consent legislation in Victoria and committed to an affirmative consent model and criminalising stealthing. The government also committed to consider further reforms to inform a 10-year strategy to address sexual violence and harm to be delivered in 2022.

Although the VLRC report was not specifically focused on the experiences of children and young people in the justice system, there were several considerations and recommendations to improve services and collaborative practice for children and young people, including updating the protocol between Child Protection and Victoria Police. The VLRC report was also supportive of the expansion of the Intermediary Program and the Child Witness Service. The Victorian Government will consider these reforms and others in response to the VLRC recommendations through its new 10-year strategy, which is being developed in consultation with victim survivors and other stakeholders. The strategy will include a focus on the needs of children and young people as a priority cohort. Any outstanding or ongoing recommendations from the Royal Commission will also be carefully considered to make sure this work is aligned.

#### Reforms to prosecution engagement with victims

In late 2019, the Office of Public Prosecutions (OPP) introduced a new electronic Record of Victim Engagement (ROVE) that documents all

communication between solicitors and victims, or social workers and victims. The ROVE is an internal tool, accessible to both solicitors and social workers, that supports the OPP's multidisciplinary approach to victim engagement by enabling relevant staff working on a case to have visibility over what advice has been given to the victim. The ROVE also contains built-in prompts to remind solicitors of their obligations under the *Victims' Charter Act 2006* (Victims' Charter) throughout the course of the prosecution. The multidisciplinary approach is now firmly embedded across the trial divisions of the OPP (see, for example, Case Study 3).

The OPP is auditing approximately 200 prosecution files from the 2020-21 financial year against Victims' Charter obligations and OPP decision-making processes, to ensure the ROVE promotes a consistent and high-quality level of support for victim survivors.

#### CASE STUDY 3: Use of multidisciplinary approach by OPP to support complainants

*The OPP's multidisciplinary team supported a young person who had been the victim of child sexual abuse by their music teacher. From the time they had escaped the abusive situation, the young person had not been able to play their musical instrument again.*

*The young person had developed complex mental health issues and found it very challenging to trust anyone in authority. The OPP solicitor and social worker worked closely with the young person's support person to gain their trust. The young person struggled with the idea of going into court, but wanted to read their Victim Impact Statement. The OPP team and police informant worked collaboratively to ensure the young person had the appropriate support needed at court. The young person ultimately did read their Victim Impact Statement aloud and said they felt supported by the whole court, including the judge.*

*The matter concluded in early 2020 and the OPP social worker recently received an email from the young person containing a video of them playing music. The email thanked the social worker for supporting them to reach a place where they could enjoy playing music again.*

## Protections for witnesses giving evidence

### Intermediary Program

In the 2020-21 Victorian State Budget, the Victorian Government allocated \$9.9 million over four years to the Intermediary Program, resulting in the program becoming ongoing after a successful pilot phase.

The Intermediary Program provides support via intermediaries for all children and young people, as well as for adults with cognitive impairment, who are complainants in sexual offence cases and witnesses in homicide court matters. Intermediaries are skilled communication specialists with professional qualifications in speech pathology, psychology, social work, or occupational therapy who assess and facilitate communication between eligible witnesses and the police or courts. This helps ensure communication with the witness is trauma-informed and suitable to their individual needs. Intermediaries help police, lawyers and the judiciary to plan their questioning so the witness can understand, participate, feel more confident, and provide better quality evidence for their case. This improves access to justice and makes the trial fairer and more efficient.

The Intermediary Program experiences high demand and received a total of 1,316 requests for its services during the three-year pilot period that ran from 1 July 2018 to 30 June 2021. 87 per cent of requests received by the program were for complainant witnesses in sexual offence matters, while 73 per cent of requests involved the provision of intermediary assistance to young witnesses under the age of 18. Around 80 per cent of court requests for the Intermediary Program relate to young people who also engage with the Child Witness Service.

### Child Witness Service

The Child Witness Service (CWS) is a Victorian Government-funded initiative that helps child victims and witnesses feel safe and supported throughout the criminal justice process. The CWS offers a specialist case management approach to preparing and supporting children and their families to give evidence from remote witness rooms. This evidence is then televised into courtrooms in the Magistrates', Children's, County and Supreme courts of Victoria. The CWS supports between 500-600 children and young people each year, with 80 per cent of these cases involving a sexual offence. During COVID-19 restrictions, the CWS continued to

provide support to child witnesses and their families using face-to-face, virtual, and other online channels.

Since early 2021, the CWS has enlisted a specially trained Court Dog named Kiki to provide emotional support in the pre-trial stage and during witnessing in court matters. Between 1 January to 31 October 2021, Kiki has supported 70 child witnesses before and after trial, and while they gave evidence.

Additional funding of \$1.8 million across one year was allocated to the Intermediary Program and CWS in the 2020-21 Victorian State Budget, to enable the services to respond to the increased need for support that is anticipated to result from courts receiving increased funding to hear more cases.

### Recorded evidence and alternative arrangements

The 2020-21 Victorian State Budget provided \$0.5 million over one year for the implementation of a new Virtual Court Support Program (VCSP). The VCSP allows the Child Witness Service and the Intermediary Program to provide flexible, COVIDSafe options for victims and witnesses to participate safely in court hearings online. This program applies in all courts where serious indictable offences, like child sexual abuse, are heard, including the Supreme, County, Magistrates' and Children's courts.

The purpose of the project is to increase the availability of COVIDSafe support options to improve eligible witnesses' participation in criminal matters across Victoria by:

- establishing regional arrangements to enable child witnesses to give evidence locally
- improving technological solutions to allow witnesses to give evidence remotely
- managing a bank of portable devices to loan witnesses who do not have adequate equipment to participate in hearings virtually, and
- providing 'on-site' technical troubleshooting to support individual hearings at a local/ regional level.

Additionally, a new facility with eight remote witness rooms, break-out rooms and family waiting rooms will be designed and constructed as part of the VCSP, further enabling victim survivors to deliver evidence in a way that is trauma informed and best suited to their needs.

Building on the previous investment in the 2019-20 Victorian Budget in response to COVID-19, and in addition to the VCSP, a further expansion and upgrade of audio-visual link (AVL) equipment has occurred across the Supreme, County, Magistrates' and Children's courts of Victoria.

For the Magistrates' Court, the AVL project has delivered upgrades to an additional 27 courtrooms across 11 metropolitan court houses and an additional 17 courtrooms across 15 court houses in regional and rural Victoria. In the County Court, there are now 46 courtrooms that have been upgraded with AVL technology.

## System enhancements for victim survivors

### Improving accessibility of information relating to prosecutions

In early 2021, an extensive review of the current OPP website was undertaken with a focus group of victims. The focus group was asked a set of questions about the current website to determine if the information provided was clear and accessible. In response to the feedback provided, the OPP overhauled the website, revising its structure, language and tone. The OPP is also reviewing how it can better support victims to provide feedback on their experiences using the OPP's services.

## Reforms to criminal law

### Empowering victim survivors and families to share their stories

The Victorian Parliament passed reforms via the *Judicial Proceedings Reports Amendment Act 2021* (Act), which received royal assent on 21 September 2021. The Act commenced in stages. On 15 December 2021, it removed an existing prohibition on publishing details likely to identify a deceased person as a victim of sexual offending. This allows families of deceased sexual offence (or alleged sexual offence) victims and others, including the media, to publish details likely to identify a deceased person as a victim of sexual offending if they wish to do so.

This reform, which builds on reforms from late 2020, aims to ensure victim survivors of sexual offending have greater agency over their stories and that these stories can be shared with the dignity and respect they deserve.

The Act also allows family members and others close to the victim to apply for a victim privacy order to protect the identity of a deceased victim of a sexual offence or alleged sexual offence. The court can make such an order in certain limited, appropriate circumstances, where the undue distress to the applicant outweighs the relevant public interests, such as freedom of expression and open justice. The victim privacy order scheme commenced on 15 October 2021.

## Improving professional responses

### Reporting child sexual abuse

A key theme of the Royal Commission was the importance of encouraging the reporting of child sexual abuse allegations. The Royal Commission recommended that victim survivors should be able to report to, or seek advice from, police through a number of different channels. In response, Victoria Police has developed and implemented several initiatives.

Victoria Police's guidance for victim survivors, the Reporting Sexual Offences Booklet, was revised and published in February 2020. This booklet is provided to every victim survivor when they enquire about how to proceed with a sexual assault report.

Victoria Police's website has also been revised to provide greater clarity for victim survivors regarding what to expect from the reporting process.

## WHAT VICTIM SURVIVORS CAN EXPECT WHEN REPORTING AND INTERACTING WITH VICTORIA POLICE

### When reporting to Victoria Police, a victim survivor can expect the following:

- **Care for their wellbeing, safety, dignity and respect.**
- **Information about support services, with help from a support person.** The victim survivor may have a support person of their choice throughout their dealings with Victoria Police. It is important that the victim survivor's support person is not a witness in the case and does not interfere with the police investigation.
- **Consistent contact with police, with their main point of contact being the specialist detective who is managing their case.** The detective's contact details can be written in the back of the [Reporting Sexual Offences Booklet](#).
- **Information about the investigation.** Victoria Police will discuss with the victim survivor how they would like to be kept informed throughout the investigation and will keep the victim survivor updated as agreed. Police will be available for any questions they may have.
- **It is never too late to report – there is no time limit for reporting sexual offences.** Specialist detectives are trained to investigate sexual offences, no matter when they occurred.

This response also applies to victim survivors of historical institutional child sexual abuse. Historical institutional child sexual abuse offences can still be reported to and investigated by specialist detectives. Victim survivors can report anonymously if they are not ready to make a formal report. If a victim survivor wishes to report historical sexual abuse involving institutional or religious organisations, they can contact the SANO Taskforce by phone on 1800 110 007 or by email at [sanotaskforce@police.vic.gov.au](mailto:sanotaskforce@police.vic.gov.au).

### Identifying and disrupting child sexual exploitation

Victoria Police developed the Child Sexual Exploitation Disruption Guide (Guide) in June 2020 to inform all Victoria Police operational members on disruption opportunities and offender characteristics. The Guide provides practical methods to better assist Victoria Police staff in the identification and disruption of child sexual exploitation, including online grooming; to improve workforce understanding of child sexual exploitation; and to develop a baseline standard of practice for the detection and management of people who sexually exploit children.

The Guide encourages cross-agency collaboration, for example between Victoria Police and government departments, as a strong mechanism for disrupting child sexual exploitation and improving holistic responses to address the complex needs of children who experience additional vulnerabilities. It ensures that child safety is front of mind and provides a consistent approach to investigations.

### Specialised police referrals for victim survivors

In line with Royal Commission recommendations, Victoria Police continues to make referrals for victim survivors to Centres Against Sexual Assault (CASA) within two hours of initial contact with the police, unless the victim survivor does not consent.

Victoria Police has strong working relationships with each CASA and works collaboratively to support victims. Such collaboration is strengthened by Multi-Disciplinary Centres (MDCs), located in Bendigo, Dandenong, Geelong, Mildura, Seaford and Wyndham Vale, where police and CASA are co-located and provide partnered services to victim survivors.

The collaborative nature of MDCs reduces the need for victim survivors to go to different services to access assistance and can prevent them from having to relay the experiences of their abuse multiple times. MDCs can also provide immediate access to specialist family violence practitioners in discreet locations to help ensure the privacy and safety of victim survivors.

### Investigating reports of child sexual abuse

In response to the Betrayal of Trust Inquiry and the Royal Commission’s inquiry, Victoria Police has implemented a suite of reforms to investigate child sexual abuse more effectively. These include the establishment of the SANO Taskforce, which specifically investigates institutional, historical and new child sexual abuse.

The SANO Taskforce is based in Victoria Police’s Crime Command and is comprised of specialist sexual offence detectives who identify links between offenders and offences through the use of modern, specialist investigation methods.

Since its establishment, the SANO Taskforce has:

- received over 1,640 referrals from the Royal Commission (many institutions contacted police directly either during or after the inquiry)
- actioned over 1,640 information reports, and
- conducted over 250 full investigations to date.

The Royal Commission recommended police agencies provide channels that allow confidential reporting to encourage prisoners and former prisoners to report allegations of child sexual abuse, including institutional child sexual abuse. Victoria Police is developing a poster to encourage reporting among victim survivors currently in prison.

As recommended by the Royal Commission, the SANO Taskforce’s practice complies with the philosophy underpinning the Sexual Offences and Child Abuse Investigation Team’s model, where the police officer who has initial contact with a victim survivor should remain the point of contact for the victim survivor and be the person who takes the investigation from that point through to the end of the process.

### Staff training for prosecution matters

Across 2019 and 2020, the OPP rolled out an extensive and mandatory training program for solicitors and social workers in line with Royal Commission recommendations.

The OPP’s victim-specific training committee has developed a victims training program, which all solicitors must complete as part of their performance plan. The components of the program change each year to address emerging issues, but the overall purpose is to assist solicitors in understanding the needs of victims and to promote continuous improvement in victim engagement.

The 2019 Victims Training Program was aimed at equipping solicitors and social workers with the necessary skills to communicate with victim survivors and witnesses more effectively. The 2020 Victims Training Program expanded on existing capability to engage with victims, witnesses, and others affected by crime. It was designed to help staff better understand how trauma impacts victims of crime, and how this might manifest during the trial process. Training was also provided regarding victim survivors of institutional sexual abuse (see Table 5).

**Table 5. 2020 VICTIMS TRAINING PROGRAM**

2020 VICTIMS TRAINING PROGRAM	% of solicitors and social workers who attended
Communication Skills and Conferencing with Victims and Witnesses	100%
Survivors of Institutional Sexual Abuse	97.41%
Understanding the Impacts of Trauma	100%
Practical and Effective Ways of Working with People with Disabilities	85.52%

As a result of this suite of training, the effects of trauma are now better understood by OPP staff, who have reported having greater levels of confidence in dealing with victims of institutional abuse.

### **Quote from a training participant on the effects of institutional abuse and trauma**

"I found the training useful. I especially appreciated learning about the physiological/developmental impacts of child abuse on the brain. That was something I didn't know about and helped me appreciate how that affects a person's emotional/relational capacities, which helped me re-think the way I will engage with victims of child abuse in future conferences."

### **Improved outcomes in Victorian court matters**

As recommended by the Royal Commission, the Victorian Government continues to work with its courts, prosecution, legal aid and policing agencies to ensure delays are reduced and kept to a minimum in prosecutions for child sexual abuse offences.

For example, sex offence matters in the Magistrates' Court are case managed through specialist sex offence lists. Within those lists, all cases involving child complainants are identified and closely managed in order to minimise delays, identify issues at an early stage, promote early resolution where appropriate and ensure the child is linked to appropriate support services. Where appropriate, the child will be supported by the Child Witness Service and also referred to an intermediary to assess the child's communication capacity.

### **Judicial education**

The Judicial College of Victoria provides education programs and resources to assist judicial officers to understand the impacts of trauma, including child sexual abuse. This material predominantly covers legal and procedural issues in child sexual assault trials, including evidence law, jury directions, sentencing and managing vulnerable witnesses. In 2021, the college continued to maintain its Criminal Charge Book, which contains material on child sexual offences, and delivered training on the essentials of evidence law.

As part of the initiative to support victims of crime in the 2021-22 Victorian State Budget, the college received funding to continue its Intermediary Program education. The program provides education to judicial officers, so they understand how to work effectively with intermediaries who support children and young people, as well as adults with cognitive impairment, to provide evidence in court.



